



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 9 March 2011

Session 3

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## Scottish Parliament

*Wednesday 9 March 2011*

[The Presiding Officer *opened the meeting at 13:15*]

### Time for Reflection

**The Presiding Officer (Alex Fergusson):**

Good afternoon. The first item of business this afternoon is time for reflection, as always. Our time for reflection leader today is Father Willy Slavin from St Peter's and St Simon's parishes in Glasgow.

**Father Willy Slavin (St Peter's and St Simon's Parishes, Glasgow):** On this day last year—Ash Wednesday 2010—the Vice-President of the United States of America, Joe Biden, took his weekly press conference with his forehead clearly daubed with ashes in the shape of a cross. Some were impressed and said that it was good for a politician to be seen wearing even a semblance of sackcloth and ashes. Others were not so impressed and said that they would have liked more convincing evidence of repentance from such a powerful person.

Of course, it is not only politicians whose dreams have turned to ashes. All of us who have taken any part in public life have hoped to achieve more than we have, but politicians have tried harder, or at least more publicly, than most of us, so you may feel your disappointments more acutely. That you cannot even confess that lest unforgiving media take advantage of you is not least among the crosses that you have to bear.

The 40 days of Lent, which traditionally begin today, are a preparation for Easter. The word “Easter” comes from the old English “Eostre”. As the days lent-gthen—I use an old English accent—we enjoy the growth of springtime. For Christians, it is a time for the cultivation of mind, heart and neighbour by prayer, penance and almsgiving—or, as we would prefer to say nowadays, by meditation, dieting and fundraising. The advantage of those contemporary terms is that they allow Christians to work in solidarity with all those who take an interest in meditation, dieting and fundraising. Many in our country want to do something to save the world by committing themselves to such disciplines of mind, body and community.

What is in that for politicians? In response to the current financial insecurity, many of you have spoken publicly of the need to resurrect certain values that are needed for human growth. Things such as worklessness, obesity and never-mind-the-other-person attitudes are not what we think of

as Scottish, but neither are they likely to be cured by a secret genie or an undiscovered gene.

Lent is another way of expressing the simple human truth of no pain, no gain. Christians do not think of the cross as the end. We look forward to Easter, but today—Ash Wednesday—we are invited to self-examination and then to accept the challenge to do what we can to change ourselves that we might become more fit to change the world. I hope that we have your support for the next 40 days as we meditate, diet and fundraise.

## Business Motions

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-8115, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a revision to today's business programme.

calculated from when the Stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 6: 15 minutes.—[Bruce Crawford.]

*Motion agreed to.*

13:20

**The Minister for Parliamentary Business (Bruce Crawford):** I will explain the two reasons for amending the business programme, which are that we have an additional piece of business—the Standards, Procedures and Public Appointments Committee's debate on changes to standing orders—and that we do not require as much time as we thought we would require for the Reservoirs (Scotland) Bill. I am sure that everyone is delighted to know that decision time will therefore be slightly earlier than was originally envisaged.

I move,

That the Parliament agrees the following revision to the programme of business for Wednesday 9 March 2011—

delete

*followed by* Stage 3 Proceedings: Reservoirs (Scotland) Bill

*followed by* Legislative Consent Motion: Health and Social Care Bill – UK Legislation

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

7.00 pm Decision Time

and insert

*followed by* Standards, Procedures and Public Appointments Committee Debate: Changes to Standing Orders

*followed by* Stage 3 Proceedings: Reservoirs (Scotland) Bill

*followed by* Legislative Consent Motion: Health and Social Care Bill – UK Legislation

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

6.15 pm Decision Time

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-8118, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 3 consideration of the Reservoirs (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during Stage 3 of the Reservoirs (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being

## Employment Services (Edinburgh)

**The Presiding Officer (Alex Fergusson):** We come to a members' business debate on motion S3M-7806, in the name of Sarah Boyack, on Edinburgh employment services facing a funding cut. The debate will be concluded without any question being put. We have a little flexibility on time.

### *Motion debated,*

That the Parliament notes with surprise and concern the unexpected decision by the Minister for Housing and Communities to cut support for highly-regarded specialist programmes, valued this year at £2.238 million, to the Capital City Partnership; understands that this support assists 3,500 unemployed people per year; notes that this cut will hit what it sees as the most disadvantaged communities in the city, including unemployed school-leavers and priority groups such as people recovering from addiction and homeless people; notes also that it will impact on the Joined Up For Jobs strategy, which, it considers, has a strong record of partner agencies working together for maximum effectiveness; believes that Edinburgh is the only city in Scotland to have suffered such a cut and that there is no justification for singling out one city for this unfair treatment; would welcome, particularly at a time of recession, responsive local services for the unemployed being sustained, and believes that this funding should continue.

13:21

**Sarah Boyack (Edinburgh Central) (Lab):** I thank colleagues for supporting my motion and for ensuring that the issue is raised properly in Parliament.

We are in the middle of a recession, and the situation for people who are looking for work in Edinburgh is extremely challenging. Fallout from the banking sector continues, which is bad news not just for banking staff but for people across the city. The pipeline for construction projects has seized up, as have opportunities for young people to find work. The voluntary sector is under massive pressure, and P45s are being issued as projects lose their grants. People across the city are taking redundancy, while other people are still looking for work because they cannot retire.

The labour market is tough. More people are competing for fewer jobs. To crown it all, Edinburgh has the highest proportion of young people who go straight on to the dole after leaving school. We must not return to Thatcher's 1980s, when a generation of young people lost hope and opportunities.

That is the backdrop to the cut in employability services and why my motion calls on the Scottish Government to rethink ending its funding of £2.238 million to employability projects through the Capital City Partnership. The issue is political, but

it is not just Opposition politicians who have asked the Scottish Government to rethink its position. I was first alerted to the problem in a briefing from Councillor Tom Buchanan, who is the Scottish National Party convener of the City of Edinburgh Council's economic development committee. When we first raised the question in Parliament in a budget debate, John Swinney, the Cabinet Secretary for Finance and Sustainable Growth, acknowledged in response to a point from Margaret Smith that he had received representations from Councillor Tom Buchanan and from Kenny MacAskill. The issue cuts across the parties in Edinburgh.

The amount of money is small, but its loss could do immense harm to our young people and to our unemployed people's opportunities. We have not yet had a positive announcement. When I raised the issue with Angela Constance, after John Swinney's comment that the Government was looking for a solution had raised my hopes, her reply was disappointing—people in the sector were greatly disappointed when they heard her remarks. I hope that the Scottish Government, in the guise of Alex Neil, will give us a more positive response today.

Training for young people who most urgently need support should be the last service to be cut at the current point in the economic cycle. What hope do people have if they have a learning disability, are recovering from a mental illness or from substance or alcohol misuse, have left a care home or are just unlucky enough to live in one of the bits of the city where many people are unemployed and where their parents have been unemployed?

The tragedy is that we know that the training projects that are under threat have done a fantastic job for young people—they have given young people a proper chance, let them rebuild their lives and given them the opportunity to succeed in life. Surely we can all support that.

Key agencies have come together to support those young people with a co-ordinated approach, joining up the private sector and working with the different parts of the public sector, whether the health service or the council. There has even been a placement in the Parliament for one of the young people involved in the joined up for jobs strategy. The approach is giving young people the skills and confidence to challenge social barriers, to find success and work, and to make their way into further education and training. It has been praised by various sectors in Scotland, but it is threatened by the decision to remove funding. There is a real concern that places will be lost.

Only last week, I attended the Access to Industry passport and transition awards. I called them the Edinburgh Oscars, but in truth they are

more useful than the Oscars, because the young people whom we celebrated on Friday had succeeded against the odds. They had held down placements in companies and hotels, worked hard, committed themselves to moving forward, learned the skills to get into college and university, and prepared themselves for the job interview that could give them a passport to the future.

Over the years, I have met young people whose lives have been transformed by local training providers. Women Onto Work's programmes have given women the confidence to train and to get the child care to help them to move on. The fairer Scotland fund gave people the chance to improve their employability and was aimed at early intervention and health inequality reduction. It delivered through the community planning partnerships, the fairer jobs fund and the Capital City Partnership. The loss of the funding stream will unpick those successes and the support that has been in place. In this financial year, it amounts to nearly 43 per cent of the city's fairer Scotland fund allocation for improving employability and getting people into work.

People in Edinburgh's training organisations cannot understand the minister's decision to end the funding stream. Without those projects, young people will not get the chance to get work or go to college. Training partners in Edinburgh were stunned and surprised when the cut was announced on 23 December. Since then, everyone has worked together. Along with colleagues, I have had the privilege today to hear directly from young people about what the training opportunities have meant to them and what a fantastic difference those opportunities have made to their lives. They have got a petition together—they are working hard.

The projects under threat include youthbuild in Craigmillar, Barnado's NETworks, Fairbridge, Four Square, Impact Arts and real jobs. The comments from young people get to the heart of it:

"Save the jobs that save the jobs!"

and

"Be fair to people ... give people a chance and a foot up to success. Funding here prevents rehabilitation later. Be nice".

Young people, in their own words and actions, want to ensure that we support the next generation of young people.

The employment situation in Edinburgh has worsened dramatically. The proportion of young people in work is now lower than the Scottish average, having been higher before the recession. This recession is therefore doubly hard for us in Edinburgh. The employment rate for the city is lower than the rate in the country as a whole, and the number of people in Edinburgh claiming

jobseekers allowance is about 10,000, or 3 per cent of the workforce. Now is not the time to make this cut. The labour force survey shows that economic inactivity is going up, so this is the wrong way to go.

I return to the point that I made earlier. I was first alerted to the funding problem by the city council. No one I have spoken to can explain how what is happening now is justifiable or sustainable. The real problem is not just the cuts this year. The 43 per cent cut will lead to cuts in European funding and in match funding from other agencies.

I hope that the minister can bring us good news today on an issue that unites the parties in Edinburgh. It also unites communities, from the most disadvantaged to those that have done well in the past. Training providers and private companies are keen to help young people to get the support that they need. These training services are vital. I hope that the minister will do the right thing and restore the funding. If he were to do that, he would have immense support and respect throughout the city. This issue affects people in their day-to-day lives. We cannot let people slip through the net, become homeless, and lose opportunities and hope for the future. Today is important. I know that people will not stop the campaign, but I hope that the minister will be able to give us a good response that will let everyone move forward.

**The Presiding Officer:** The debate must conclude by 5 minutes past 2.

13:29

**Shirley-Anne Somerville (Lothians) (SNP):** I congratulate Sarah Boyack on lodging her motion and allowing MSPs to discuss this important issue for Edinburgh. However, we need to put the debate into some sort of context. The Scottish Government's commitment to training and jobs is in no doubt. That was again confirmed in the recent budget debate. Notwithstanding a cut of somewhere in the region of £1.3 billion, the Cabinet Secretary for Finance and Sustainable Growth was able to announce a budget that made provision for 25,000 modern apprenticeships, 1,200 new college places, 2,000 extra flexible training opportunities and a commitment of £15 million for further education bursary funding, as well as employment support in the private sector. All of Scotland, including Edinburgh, will benefit from that.

However, during the budget debate, the cabinet secretary heard about a particular situation that has arisen in Edinburgh. He recognised the importance of the role of the Capital City Partnership and acknowledged the representations that he had received on the issue



from across the political spectrum, as Sarah Boyack said. I shared those concerns and wrote to the cabinet secretary back in January.

The partnership supports a number of excellent projects, some of which MSPs from all parties will have had the privilege of visiting to see at first hand the help that they provide to disadvantaged groups that require support to find employment. Rightly, the Government has pointed out in response to some parliamentary questions on the issue that it is not about a withdrawal of fairer Scotland funding that has been allocated in accordance with evidence on levels of need, in the usual way—those resources will be retained and maintained in the 2011-12 local government settlement. It has also correctly been pointed out that the City of Edinburgh Council will additionally benefit from further funding, including a successful joint bid with Midlothian Council for European structural funding, which will deliver employability and training services for the unemployed. Those services will range from early engagement through to in-work support and skills development.

Today, we are discussing funding over and above that—the £2.38 million that funded particular projects in Edinburgh. In the face of almost impossible cuts to the Government's budget, it is understandable that such additional funding should come under serious pressure. However, funding for the projects can continue, if we find the required resources elsewhere. I readily acknowledge that, in reality, that is far easier said than done. Just like the Scottish Government, local authorities are facing significant budgetary pressures. In that regard, it is entirely appropriate to commend the City of Edinburgh Council, especially Councillor Tom Buchanan, on its sensible and measured response to the problem. In the first place, Councillor Buchanan has done all that he can to find transitional funding to close much of the gap for next year. Furthermore, I am sure that the minister and others will have no problem in agreeing that Councillor Buchanan has paid particular attention to the issue in recent months and has been a persistent advocate for additional funding, both in private and in public. He is to be commended on the role that he has played.

Ultimately, I believe that Councillor Buchanan and the council have made the case for some measure of additional funding. The council has produced a variety of figures. To my mind, the most significant of those is the number of school leavers in Edinburgh who are unemployed, which is far higher than the figures for the other three major cities and is far above the Scottish average. I urge the Scottish Government to continue to do all that it can to ensure that the services that are aimed at tackling that issue, in particular, are not harmed.

Given the sensible and measured approach that the council has taken and the significant steps that it has already taken to source alternative funding, I hope that the minister will be able to make a positive announcement today.

13:34

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** One of my favourite quotes from the economist Keynes is:

“Take care of employment and the budget will take care of itself.”

That is an oversimplification, but it is a lesson that could be well learned by the United Kingdom Government and the Scottish Government. However, even more important than the effect of unemployment on the budget deficit is its effect on unemployed people. The combination of the effect of unemployment on individuals and its effect on the wider economy should mean that employment and job creation are at the heart of our concerns here in the Scottish Parliament, as they ought to be in the Westminster Parliament.

That is of particular concern to Edinburgh MSPs. Not only is youth unemployment rising in the city, but we have the highest rate of unemployment among school leavers anywhere in Scotland. Against that background, we were all astonished to hear about the enormous cut to employability funding that the Scottish Government provides to the city of Edinburgh, which was announced by the Government just before Christmas, on 23 December. That cut amounted to 43 per cent of the employability funding for the city.

I heard about it soon afterwards. Many people wrote about it, although I think that I was the first to write to the Minister for Housing and Communities, in early January. My reply from Alex Neil was negative. However, there have been many twists and turns since then. Margaret Smith asked John Swinney a question on the matter during the budget debate last month, and the cabinet secretary's response raised our hopes. I hope that that is followed up by an announcement from the minister today. Sarah Boyack asked a different minister about it, and Angela Constance's argument was that it was a matter of short-term funding. In case that argument is repeated by the Minister for Housing and Communities today, I point out that the money can be traced back 20 years in Edinburgh. To say that money is being allocated for the next two or three years is absolutely routine for all Government grants—it does not mean that it is short-term funding.

The effect of the cut is on individual projects, and it is also on the wider joined up for jobs strategy, which has been widely admired by

people from across Scotland. Many projects are affected in my constituency. The City of Edinburgh Council has taken some action to cushion the effect of the 43 per cent cut that has been announced, but the majority of that cushioning amounts to the use of reserves and underspends. Therefore, it will cushion the blow for only one year, unless further central Government action is taken.

The city council produced a report on the matter for its meeting on 10 February, and projects were put into five categories. Only the first category was absolutely secure as regards funding for the future. Even the magnificent North Edinburgh Childcare in my constituency—the best child care centre in Scotland—was placed in priority 2. In priority 4—which means that it has no hope of being funded in the future unless there is extra funding—was Barnardo's NETworks, which works with young people in the Pilton-Grant area of my constituency. In priority 5, which has even less hope of future funding, was the training that is provided in the Out of the Blue cafe in Leith, as well as the magnificent training opportunities in Lothian programme, which is run by the Port of Leith Housing Association to provide construction apprenticeships. All the people who go through that programme get into work.

No funding at all is given to the *North Edinburgh News*, the North Edinburgh Trust or to Women Onto Work, which is based in Leith. According to the council's report, a higher proportion of Women Onto Work's clients move on to positive outcomes than do clients with other projects.

Those are the consequences that face such projects this year, and which will face them even more in subsequent years if no action is taken.

Some of us were given a presentation within the last hour by people who have been lobbying the Parliament on this subject. A short video was produced, part of which showed comments that people have posted online in relation to the announced funding cut. Sarah Boyack has already given one of the quotes, but it is worth repeating:

"Save the jobs that save jobs!"

Two others also struck me:

"Why target the less privileged again?"

and

"another blow to the young people of Edinburgh."

We all recognise that we have difficult budget choices to make, and we must all participate in debates and discussions about where budgets should be cut, but I hope that we can all agree that young unemployed people—and indeed other unemployed people, as it is not just young people who are affected—are not the groups to target.

I say emphatically that the proposed cut is not the choice that we should be making. I hope that the minister will reconsider the matter and will give a better answer in his speech today than he gave in his letter to me in January.

13:39

**Margaret Smith (Edinburgh West) (LD):** I add my thanks to Sarah Boyack for securing this important debate. I also thank the unions, the partnership workforce, the people from the connected service, real jobs, Four Square, Jumpstart, Impact Arts and the various service users and staff who are with us today. I thank them all for their engagement with all local members, as we jointly make efforts to make progress on this issue. They have submitted an online petition, they have lobbied various ministers and they have made a video, as other members have mentioned.

I questioned John Swinney about this issue during the debate on the budget last month and, as Malcolm Chisholm said, we got some hope from his response. It was better than the letter that I had received previously from Mr Neil, although Mr Neil has an opportunity to turn that around today and to give us some hope of a rethink.

Shirley-Anne Somerville was right to highlight the training opportunities that the Government announced in the budget. We worked with the Government on that and I am happy to work with the minister again on training and skills and on how we can give people a chance. I hope that we can make progress.

I share the anger and confusion that members have expressed about the decision. I do not think that anyone thinks that in the current hard times the proposed cuts are the right ones to make, particularly given that the Scottish Government has held up the Capital City Partnership as a great example of joint working.

Members who represent Edinburgh must say that the city faces problems in the wake of the recession and the downturn in the financial sector. The city's problems underlie the debate. Edinburgh is the worst local authority area in Scotland for negative destinations for school leavers. It is not right that a city that faces those difficulties should be the only Scottish city to face such cuts in its jobless services.

The proposals might demonstrate that there remains a view, albeit unsubstantiated, that everything in the Edinburgh garden is rosy and we are still okay and doing nicely, but we know that that is not the case, and I will be disappointed if that message has not got through to the Scottish Government. The employment situation in Edinburgh is worrying. The proportion of people in

the city who are in work is lower than the Scottish level and the city is in a very different situation from the one that it was in before the recession.

The employment sector will lose a crucial income stream. I am talking about the people who are out there trying to support the people who are hardest to reach and give them the help that they need if they are to get jobs. When people are given such help, they are also given all sorts of support with their personal difficulties around joblessness, homelessness and the many other problems that they face.

In previous years, and in this year, the money formed the core funding for significant parts of the employability infrastructure of our city. For the next financial year, the crisis that will result from the withdrawal of the funds to fight unemployment, inequality and poverty has been temporarily averted, because the council has been able to find one-off sources to plug the gap, to some extent. I believe that all members thank the council for those efforts. However, those sources of funding will not be available next year and will save only some of the fantastic projects that are currently funded.

One of the most deprived areas of the city, where a huge amount of work is carried out by partnership projects, is Muirhouse, in my constituency. There are projects on community renewal and on reaching the hardest-to-reach people in the context of securing employment. There is the passport project, which is for people who are homeless, leaving prison or recovering from addiction, and there is a range of projects for young unemployed people.

I have heard autism being talked about twice today. At this morning's meeting of the Education, Lifelong Learning and Culture Committee, Shona Robison told members about the Government's autism strategy, a key element of which is employability for people who are on the spectrum, and the difference that support makes. At lunch time, I heard from someone from the real jobs project who works with people on the spectrum to give them the employability skills that they need if they are to get jobs. When such people get jobs, they do not need other services that some people with autism need. Cuts in employability services do not make sense when we consider people with autism in the round and think about the lives that they deserve to lead.

A cut of £2.3 million or 43 per cent will have an impact on 3,500 people. We can quote all sorts of statistics. Not long ago, I spoke in the Parliament about my son's struggle to find a job. When I got back to my office after the debate, my phone was ringing. It was my son, who was ringing to tell me that after many months of trying he had got a job. I

cannot begin to describe my feelings on hearing the news.

The 600 young school leavers who are looking for work in Edinburgh are not just statistics to me or to other members. The people who will lose out because of the cuts in services that we are talking about cannot and should not be regarded as statistics. They are people who want opportunities and chances in their lives. We must work together to try to find a way of providing them with those opportunities and chances.

The partnership does a fantastic job of trying to work out what skills we need for the future job market by working with employers. Its presence is vital, and it is alarming that funding for something that ticks every box for the projects and working of the kind that we all want and that Scotland needs is being cut.

I urge the minister to reconsider his decision—to think again—and continue the work of Edinburgh's jobless services.

13:45

**Robin Harper (Lothians) (Green):** I thank Sarah Boyack for bringing the topic to the chamber for debate.

I ask the Government to think carefully about what will happen about four years down the line. The young people who are already at college and university will, year on year, begin to benefit—I hope—from the economic upturn. However, the young people whose opportunities will be further reduced by a reduction in access to the groups and aid agencies that can help them to become more employable will increase in number over those four years and many of them will not find jobs over that time as a result of decisions that are taken in these weeks.

It is distinctly unfair that we will increase the divide between, on the one hand, the rich and those with opportunities and, on the other, those who started off with problems in finding jobs for a number of reasons, and who were going to get help but will now not be able to find it and may, therefore, be condemned to many years of unemployment. It is not that they will simply not find a job this year; they will face many years of unemployment. We do not want to go back to the 1970s. This is a new century and we should think more creatively.

Previous speakers have mentioned unemployment figures in Edinburgh. Figures from the labour force survey with which we have been furnished today show that the claimant count massively underrepresents the scale of unemployment in Edinburgh, which is reported to be about 6.7 per cent. Economic inactivity, which

counts those who are not actively looking for work, has swollen to 24.6 per cent, compared with 23 per cent throughout Scotland so, overall, the city is in trouble. That makes the employment rate for the city lower than that for the country as a whole. The number of people in Edinburgh who claim jobseekers allowance is about 10,000 or 3 per cent of the workforce. Edinburgh is in a threatening employment situation.

I commend all the groups that have been mentioned, but it is fair to mention them again. The connected programme, Community Renewal, the Prince's Trust, North Edinburgh Childcare, Fairbridge, Barnardo's NETworks, Edinburgh Cyrenians, Craigmillar youthbuild, Move On, Impact Arts, the Action Group's real jobs service and the support@work project are among groups and projects that may suffer if the cut goes ahead.

My plea to the Government is to think extremely carefully about the cut and take action to find what is, after all, not a huge amount of money in the great scheme of things.

13:48

**Ian McKee (Lothians) (SNP):** I, too, very much welcome the debate and congratulate Sarah Boyack on securing it. She was my political opponent in the first Scottish parliamentary election I fought in 1999. I was impressed then by her talent and her enthusiasm for advancing the cause of our capital city. That transcends party politics, and I happily acknowledge it, as well as the efforts in the past and today of Malcolm Chisholm, Margaret Smith, Robin Harper, Margo MacDonald and Shirley-Anne Somerville. We all work together to do our best for the city of Edinburgh; people sometimes forget that. It is only right that when we discuss jobs, opportunities, skills and training, we do so in a cross-party manner.

The issue that we are discussing is of pivotal importance to the people of Edinburgh, many of whom seek clarification on the level of employment services funding that the Government will make available to the City of Edinburgh Council. At this stage, I think it only fair to mention the £3 million capital city allowance that was given to Edinburgh to meet the costs of being a capital city and which was augmented in the most recent budget by £400,000.

As the minister has said in the past, Scottish Government support for locally based employability partnerships has been central to equipping people with the right skills and channelling them through the public, private and third sectors. Edinburgh's joined up for jobs strategy is indeed a success, as it encourages learning and increases employability.

However, my colleague Shirley-Anne Somerville is right to remind the chamber that the Government has absolutely no intention of withdrawing the fairer Scotland funding. The Edinburgh partnership was awarded more than £22 million from the fairer Scotland fund between 2008 and 2011 to work together to tackle poverty and to help more people to access and sustain employment opportunities.

The funds to which Sarah Boyack refers are additional and separate. The question now is whether those additional funds can be drawn from elsewhere in order to avoid a shortfall that could have an impact on services. However, given the SNP's track record in the provision of employment services, I have every confidence that the minister will address the issue and I look forward to his closing remarks. We should be more cautious about stating that services in Edinburgh will be cut. Let us hear what the minister has to say.

There can be no question about the SNP Government's commitment to training and jobs. The recent budget is evidence of that. Despite £1.3 billion of cuts to our Scottish budget, as Shirley-Anne Somerville said, our Cabinet Secretary for Finance and Sustainable Growth still managed to deliver a record 25,000 modern apprenticeships; provide 7,000 flexible training opportunities for small and medium-sized enterprises; invest £10 million to support unemployed young people into work and training opportunities across the third sector; invest £8 million for an extra 1,200 college places; and provide an additional £15 million in funding for college bursaries. The list goes on.

Edinburgh, among other cities, towns and places in Scotland, will benefit from those policies. Edinburgh has cause for celebration that our Government has looked after the needs of the city in the past four years. I am confident that that record will be maintained.

**The Presiding Officer:** I call Margo MacDonald, after which I will ask the minister to wind up the debate.

13:52

**Margo MacDonald (Lothians) (Ind):** I will take as short a time as possible, Presiding Officer.

**The Presiding Officer:** You can take just about as long as you like.

**Margo MacDonald:** Are you feeling well, Presiding Officer? Gosh, things have changed—and I thought it was all the same.

**The Presiding Officer:** You have up to five minutes, Ms MacDonald.

**Margo MacDonald:** I want to support most of what has been said by my Edinburgh colleagues, in particular Dr McKee and Malcolm Chisholm, and Robin Harper—och, I may as well chuck in Margaret Smith as well. We do not really disagree in our analysis of Edinburgh, which is that as well as being Scotland's capital and rather a special place, it is also a place that mops up many of the people who are in real difficulties during the recession. They drift into cities—that is well known—so the call on the city's services is even more pronounced.

The employment and help to get into work projects to which Malcolm Chisholm referred are the key to this. If even one of the projects in group 5—the group least likely, it is analysed at this stage, to obtain the funding that they have at present—is lost, there will be a considerable loss to the city. As Robin Harper reminded us in relation to the up-to-date figures, we have not yet felt the tsunami in Edinburgh. Because of employment patterns, we have not yet felt the worst of it.

More and more young people in particular are being robbed of a future. I know that the minister shares my sympathy for younger people, particularly those from more traumatised areas who have even less chance of making it through. Even though we have had acknowledgement through the capital city supplement, I still urge the minister to see Edinburgh as a very special case—a particular case that needs just that bit more help because it has more to cope with in the way of creating jobs for young people. The facts are undeniable and I hope that the minister will bear them in mind.

I acknowledge that those of us who urge further spend on the Government are supposed to say where the money will come from. I am not as clever as that—I just hope that the minister has some in reserve.

13:54

**The Minister for Housing and Communities (Alex Neil):** I congratulate Sarah Boyack on securing the debate and on the tone that she adopted in introducing it, and I pay tribute to the work of Tom Buchanan, the chair of economic development at City of Edinburgh Council, for not just the work that he has done on the programmes that we are discussing but the monumental amount of work that he has done over the past three to four years in helping the economy of the city of Edinburgh to move forward.

Before I move on to other things, I will clarify, for the record, the position on fairer Scotland funding. What was fairer Scotland funding has been mainstreamed into the local government

settlement, so there is no separate item in our expenditure called fairer Scotland funding. That money has been consolidated; it has not been lost to Edinburgh, because it has been incorporated into the local government settlement.

Before I deal with the detail of the Capital City Partnership and the specific points that have been made about it, I make it clear that I fully agree with what has been said about the needs of young people in particular—not just in Edinburgh, but throughout Scotland. Over the past two or three years, the pattern has undoubtedly been a rise in the level of unemployment among young people that is disproportionately high in comparison with that among the population as a whole. We all recognise why youth unemployment, in particular, must be dealt with: it is not just about employment; it is about the long-term futures of young people and their ability to grow up and grow families in more prosperous circumstances than they find themselves in today.

There is no doubt that, despite very strong signs of increased growth in some aspects of the Scottish economy recently, in general, the national economic picture is one of a level of growth in Scotland and, indeed, the rest of the UK that is significantly lower than it was before the recession. The possibility of a double dip still exists. We are starting to cope with budgetary cuts—which, last year, amounted to £500 million and, next year, will result in the Scottish Government's budget being reduced by £1.8 billion in real terms—that will have dire consequences not just for the Scottish Government's budget, but for the people on whom they will impact.

It is against that background that John Swinney and other ministers have been grappling with the best way to allocate resources such that we meet all our commitments. Sustainable economic growth is our number 1 priority. In particular, we feel a strong moral commitment to help young people into employment.

John Swinney's budget contained a number of measures that will have a significant positive impact on young people in Edinburgh. As Ian McKee and others have mentioned, an additional 9,000 modern apprenticeships are to be created in Scotland next year. The number of modern apprenticeships will increase from 16,000 to 25,000, which is a record high. The vast bulk of those will be taken up by young people in the age group that we are talking about.

**Margo MacDonald:** I greatly appreciate the effort that has been made on apprenticeships, but many of the schemes that the motion refers to are ones that are needed to prepare people for apprenticeships—they do pre-apprenticeship work.

**Alex Neil:** I am coming to that. The apprenticeships are extremely important because, no matter how much preparation young people do, if the apprenticeships and jobs are not there at the end of it, that is a major issue for them.

Edinburgh should benefit to the tune of between 700 and 800 additional modern apprenticeships as a result of the measures that John Swinney took in his budget. That is in addition to the 7,000 flexible training opportunities—an increase of 2,000—and the £10 million that the Government is to provide to support unemployed young people into work and training opportunities through the community jobs Scotland programme. Nor should we forget Edinburgh's share of the additional 1,200 college places or its share of the additional money for funding college bursaries.

To be fair and accurate, we should look at the total picture and all the policies that are designed to address long-term unemployment among young people and prepare young people for work and employability across the board.

**Robin Harper:** Will the minister take an intervention?

**Alex Neil:** I do not have time.

I recognise the importance of the Edinburgh Capital City Partnership. Edinburgh will benefit substantially from the additional measures that John Swinney has taken in his budget. That should not be ignored because we have given top priority to those programmes. However, I also recognise the importance of local support.

I have two points on the £2.3 million that has been made available to the Capital City Partnership. First, Edinburgh has been the only city to get that additional funding. Secondly, the additional funding was always planned to come to an end at the end of March 2011. In that sense, technically there is no cut because that was always going to be the case.

**Margaret Smith:** Will the minister give way?

**Alex Neil:** I do not have time.

The Government recognises the importance of the Capital City Partnership and I and John Swinney have been working closely with the City of Edinburgh Council, particularly with Tom Buchanan, to identify areas in which additional funding can be obtained from other Government and non-Government sources to allow the partnership to continue with its good work. However, there is an issue around the transition from the current situation to the new situation in which the partnership will concentrate on leveraging in funding from elsewhere and making maximum use of the additional national programme money that I have outlined.

I am sure that Parliament recognises that we have difficult budgetary decisions to make. The fact is that money is very tight. I hear Robin Harper when he says that £2.3 million is not a lot in the great scheme of things, but when that £2.3 million is added to all the other amounts in the budget, it does not take long to come to a very substantial figure. However, we recognise the need to ensure that the partnership gets through the transitional period to the point of being able to identify other sources of funding to allow it to continue its good work.

Therefore, I am delighted to announce this afternoon that we have agreed to the council's request for transitional funding of more than £700,000 for next year to help it to plan the future of employment services in the city in a sustainable way. On that basis, I hope that we will all be able to move forward positively, working together for the young people and the wider population of Edinburgh, to help this great city to grow again in the way that it can and should.

## “Teaching Scotland’s Future”

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a statement by Angela Constance on the Scottish Government’s response to “Teaching Scotland’s Future”. The minister will take questions at the end of her statement so there should be no interruptions.

14:04

**The Minister for Skills and Lifelong Learning (Angela Constance):** There are three pillars to our approach to improving education in Scotland. The first is curriculum for excellence, which has now been successfully implemented in every school in Scotland.

The second is financial stability. The Scottish Government has set up an independent review of teacher employment to be chaired by Professor Gerry McCormac, to provide us with recommendations in the summer. That review and the review of teacher education in Scotland will deal with closely related issues, and we will have to consider them together. The cabinet secretary’s appointment of Graham Donaldson to the review of teacher employment group will, I hope, facilitate that process.

The third pillar is the continued pursuit of excellence in teaching—the subject of today’s statement. “Teaching Scotland’s Future” was published on 13 January. It is a groundbreaking piece of work. We believe that internationally it is the first to consider, as a single system, the full spectrum of teacher education and professional development. I therefore restate the Government’s thanks to Graham Donaldson and his team—I am pleased to note that Mr Donaldson is in the public gallery today. His report sets out a challenging agenda that the Scottish Government has no hesitation in accepting. We must now work to achieve the vision that it sets out.

Graham Donaldson makes it clear that, as we take forward that positive direction, we build on solid foundations. Scotland’s teaching workforce is well prepared and well supported. His 50 recommendations are designed to build on that strong base, ensuring that good practice is spread across the whole system.

As we undertake the work, it is increasingly understood that the public, private and third sectors must work together and with young people, families and communities to ensure that the full range of positive outcomes is delivered. There is agreement that early intervention to address risks, using the principles of getting it right for every child, is key to improving the life chances of those who might otherwise not achieve positive

outcomes. We need to ensure that, through their education and development, teachers are enabled to contribute to that agenda.

I cannot during this statement refer to each of the 50 recommendations that Graham Donaldson made. The full Government response can be found on both the Scottish Government and review websites, and it indicates that we accept—in full, in part or in principle—each of the recommendations. Copies of our response can also be found at the back of the chamber.

I will highlight key aspects of the report that we need to take forward to achieve its vision. The most important partners in achieving that vision are teachers themselves. “Teaching Scotland’s Future” offers the opportunity to reinvigorate the concept of teacher professionalism.

Local authorities and universities have crucial roles in supporting teachers and working more closely together, and the report also highlights the contribution of national bodies. Making those partnerships work at a time of financial constraint will need detailed planning around implications—financial and otherwise.

To take forward many of the main recommendations in the report, the Government will set up a national partnership group for “Teaching Scotland’s Future”. In that spirit of partnership, we have asked the Association of Directors of Education in Scotland and the Scottish Teacher Education Committee—representing the universities—to co-chair the group alongside the Scottish Government. It will include other important national stakeholders, such as the General Teaching Council for Scotland and the new national agency for quality improvement in education. We will also ensure that it includes front-line teachers and school leaders—those who have to make any arrangements work on the ground.

The national partnership group will have a challenging agenda. It will look in detail at how partnerships between schools, local authorities, universities and others can deliver the best quality in teacher education across the range of a teacher’s career. An important part of that will be developing opportunities to work towards masters-level qualifications. Through this development, we are moving towards highly successful models of teaching seen elsewhere in the world, encouraging a thirst for knowledge and intellectual ambition in the profession.

That is a challenging agenda. That is why we will set up the partnership working group immediately and ask it to report back on its proposed work programme by September 2011.

We have also identified two areas in which it would be helpful for the group to devolve some of

its work, and two working groups, reporting to the national partnership group, will be set up. The first will look at areas of priority—such as specific curriculum areas or aspects of learning and teaching—that might be important to address at different stages in teachers' careers. The second specific group will be asked to develop the clear and progressive educational leadership pathway that "Teaching Scotland's Future" suggests.

The important work that the national partnership group will take forward and oversee will set a substantial and demanding agenda into the medium term. However, "Teaching Scotland's Future" sets out other directions that we need to build on now. That includes inviting the GTCS, as it moves towards its new independent status, as agreed by the Education, Lifelong Learning and Culture Committee last week, to consider how it might develop a more coherent approach to teaching standards. The GTCS will also be an important partner in work with the universities to reconceptualise and develop the traditional bachelor of education degree through which many of our teachers, especially primary teachers, come into teaching.

A final area in which we need to take steps now is in ensuring that the right people enter initial teacher education. Therefore, the Government will work with partners to improve selection procedures. Universities are autonomous institutions with the right to select their own students; however, they must also accept that there is a legitimate wider public interest in who trains to become a teacher.

As we discuss those wider ways forward on selection, there are areas in which we need to take decisive steps to ensure quality. We need to ensure that teachers have secured the higher level of literacy and numeracy skills that they need to develop those skills in others. Therefore, we will build on the existing high standards within the teaching workforce overall by undertaking work to ensure that new entrants to the profession have or develop appropriate standards of literacy and numeracy. We will take that forward vigorously and will aim to pilot approaches with the new student intake in 2012.

As we work with our partners, the actions that I have set out today will provide a collective challenge to us all. Professor Lindsay Paterson, writing in last week's *Times Educational Supplement*, captures that well. He points to the role that we, in this chamber, must play alongside the universities, schools and others. I conclude with his words:

"The stability of purpose needed for lasting reform will require political consensus and strong leadership nationally. This revolution depends on us all."

**Des McNulty (Clydebank and Milngavie) (Lab):** I thank the Scottish Government for providing an advance copy of the minister's statement although, in truth, there is so little substance in it that Michael Russell would not have been criticised for providing information in advance of the statement had he responded to the questioner who asked him about Donaldson at the *TES* hustings last week.

The context of the statement is 3,000 fewer teachers in Scotland's schools, barely 10 per cent of newly qualified teachers in permanent employment and the teachers unions balloting with a strong recommendation to reject proposals from the Scottish Government and the Convention of Scottish Local Authorities affecting their conditions of service. In her statement, Angela Constance mentioned the three pillars of the Government's approach to improving education in Scotland. However, few people apart from ministers believe that the curriculum for excellence is being successfully implemented in every school in Scotland; we have the exact opposite of financial stability, with education budgets being cut next year by between 1 and 1.5 per cent in virtually every local authority in Scotland; and the third pillar—"the continued pursuit of excellence in teaching"—has been seriously undermined through Renfrewshire Council's proposal to chop access to teachers by two and a half hours each week.

What can we say about a response to a report that accepts every recommendation—all 50 recommendations—but says nothing whatever about the resources that are needed to act on them? Angela Constance was not at the conference in January at which Graham Donaldson presented his report. He made it clear that significant resources would be required to implement, among other things, its recommendations on continuing professional development; however, there is no number for that in the Government's document or the accompanying material. The Government's commitment is a paper commitment—there is no sense of what the most urgent priorities are. For the record, I ask the minister how much money the Government is committing to the implementation of Donaldson's recommendations—specifically recommendations 42, 44, 46, 48 and 50?

The Government has shown itself incapable of implementing its national economic priorities—

**The Deputy Presiding Officer:** Order. Mr McNulty, we have had enough, I think. Your questions will have to stand.

**Angela Constance:** I regret the fact that there was so little substance in Mr McNulty's question. Given the political consensus that existed in welcoming Mr Donaldson's recommendations, I



had hoped that we would hear a bit more from the main Opposition party than some girning and greeting.

Mr McNulty will indeed know more than I do about education cuts, given that the architects of the reality that we are living with were in the previous Labour Government.

Mr McNulty will be well aware that, although the on-going negotiations between the teachers, the Convention of Scottish Local Authorities and the Government have come to a halt, this Government's door remains open to helping to resolve the situation in any way that we can.

Mr McNulty fails to recognise that excellence in teaching is the single most important factor in improving attainment in a classroom. I would have hoped that that would be the agenda that he would pursue this afternoon. As members know, the curriculum for excellence is alive and well in Scotland's schools.

I reassure Mr McNulty that Mr Donaldson is of the view that his recommendations could be met within the existing resources. However, that will be a matter for the national partnership group to explore and pursue in greater detail.

**Elizabeth Smith (Mid Scotland and Fife) (Con):** The minister said that universities are autonomous institutions with the right to select their own students but that they must also accept that there is a legitimate wider public interest in who trains to be a teacher. Is it the Scottish Government's belief that, in future, other bodies might participate in the final selection process for teacher training? Along similar lines, if a teacher was thought in any way not to match those criteria, would that still be a matter for the GTCS to decide?

**Angela Constance:** I draw the member's attention to my statement's emphasis on partnership working. Universities are indeed autonomous institutions, but it is in the interests of Scotland's children that we get the right people into teacher training. Mr Donaldson's report addressed the issue of how some institutions select teachers, and I confess that I was somewhat surprised that some institutions make that selection primarily on the basis of applicants' academic attainment and not always on the basis of a face-to-face interview.

The academic standards of those who wish to become teachers are crucial, but so are their skills. I would have thought that the means by which we select those people would provide us with the best way of ensuring that we get the right people. I would never underestimate the importance of teachers' academic abilities, but we need people who also have the skills and potential to develop positive relationships with children; who

have good communication skills; who are, at heart, lifelong learners; and who have an understanding of the fact that today's children have many varied needs. In our schools, we have many children who have many barriers to learning to overcome, so we need extremely rounded and skilled people to become teachers. In saying that, I do not for one minute diminish the academic abilities that Scotland's teachers need.

**Margaret Smith (Edinburgh West) (LD):** I thank the minister for her statement and I thank Graham Donaldson and his team for what is a comprehensive piece of work that will help the next Scottish Government to improve Scotland's teaching workforce. We welcome many of the recommendations around selection and on-going professional development and the focus on leadership and literacy and numeracy. We also welcome the announcement of a national partnership group to work on the recommendations and report back to the Parliament in September. The Scottish Liberal Democrats stand ready to play our part in that process.

We recognise that teachers are the primary resource in education and that they need our support. Will the minister give us some further indication of the Government's plans to improve continuous professional development for teachers? CPD in formal and informal settings will be crucial not only in supporting teachers and improving their careers but also in sharing best practice across Scotland. Does the minister agree that it is crucial that the Government set out clear standards for CPD that are tailored to the needs of the individual teacher and clear standards for monitoring the effectiveness of CPD, which is absolutely fundamental in the on-going development of our teachers?

**Angela Constance:** Margaret Smith is right to highlight the fact that teachers are our primary resource, and she is also correct to highlight the importance of continuous professional development. The strength of the Donaldson review is that it sets CPD in the continuum of wider teacher education.

CPD should not be seen as a touchy-feely, nebulous subject. It needs clear parameters, outcomes and aspirations, and particular standards must be met: monitoring is, of course, important to that. There is some great practice on CPD in learning communities and schools, particularly in relation to the use of glow, which I suspect we could use far more effectively.

There are many ways to take the agenda forward, and the national partnership group and the teacher employment review will examine those in great detail.

**Maureen Watt (North East Scotland) (SNP):**

The minister will be aware of Graham Donaldson's recommendations—in particular recommendations 4 and 5—on the initial selection of students who are recruited to become teachers. Does she agree that a teacher must, as well as being academically competent, have a personality that is enthusiastic, inspirational, keen and motivational?

Although setting up a national assessment centre may be costly and perhaps over-burdensome, does the minister agree that some sort of initial test, along the lines of the United Kingdom clinical aptitude test that universities use for medical students, is necessary? Will she get the partnership to look at that?

**Angela Constance:** Maureen Watt is right to raise the question of the initial selection, and she reflects in detail on an earlier answer that I gave. Yes: on the one hand, we want academically competent teachers, but we also need teachers who will inspire and motivate.

The strength of the Donaldson review is that it talks about leadership. Leadership is not just for headteachers; we now expect teachers to show good leadership skills throughout their careers, particularly with the implementation of curriculum for excellence.

Maureen Watt also raised a technical point about clinical aptitude tests with regard to the more personal attributes of potential teachers. I am aware from my former career as a social worker that there are arguments for and against such methodology. I am sure that the national partnership group will look at that closely, as it is an issue that is alive and well.

**Karen Whitefield (Airdrie and Shotts) (Lab):**

What steps will be taken to ensure that new entrants to the profession have high-level literacy and numeracy skills, and that those skills are regularly refreshed? Does the minister intend to introduce some form of diagnostic testing of literacy and numeracy, and if so, at what stage? Will there be an overall threshold for competence in literacy and numeracy?

**Angela Constance:** As Donaldson rightly acknowledged, Scotland's teachers already have very high levels of literacy and numeracy; we have a good, competent workforce. At the heart of curriculum for excellence is a focus on literacy and numeracy, so it is quite right that we now expect Scotland's teachers to demonstrate and exemplify throughout their practice the highest possible standards in those areas. As I said in my statement, we will pilot various ways of ensuring that that is achieved. The detail is very much a matter that is to be worked out by the national partnership group. As a Government, we already have an action plan on literacy, and we will

collaborate with and consult the literacy commission.

**Christina McKelvie (Central Scotland) (SNP):**

One phrase that particularly struck me in Professor Donaldson's description of the qualities and skills of a 21<sup>st</sup> century teacher is that they should have the ability to seek out and

"work in a range of partnerships to support the learning and development of each young person".

That strikes me as being an approach that is vital in particular for children and young people who have additional learning needs. Will the minister expand on how she believes the Donaldson recommendations can join up with and support the Scottish Government's wider additional support for learning strategies?

**Angela Constance:** Ms McKelvie is right to highlight that the thrust of all that we do is indeed to get it right for every child, and getting it right for every child is not just the role and responsibility of Adam Ingram, the Minister for Children and Early Years. It is, of course, everyone's responsibility. Given the variety of needs—whether they are learning needs or health needs—that children present in classrooms the length and breadth of the country, we are now expecting teachers to show a range of skills across a breadth and depth of health and social areas in terms of disability and learning difficulties.

It is right that the needs that Scotland's children present in our classrooms are more adequately reflected in what is taught in initial teacher education, but I am aware that Donaldson was right to say that we cannot teach everything in initial teacher education. That is why the induction of teachers is crucial, as is continuous professional development, which has to be tailored to the day-to-day job and the children with whom a teacher is actually working.

On partnership working, we encourage teachers to work with other disciplines, which will, of course, have to be reflected in teacher training.

**Patricia Ferguson (Glasgow Maryhill) (Lab):** I understand and agree with Donaldson's thoughts on continuing professional development. We all want our teachers to be actively involved in such a process. However, I am also concerned that we should not mix up the idea of selecting the right people with the need to have the particular bent towards academia. I was struck by the comment that universities and the GTCS will work

"to reconceptualise and develop the traditional BEd degree".

Can Ms Constance shed some light on what is planned for the BEd degree?

**Angela Constance:** The issue was highlighted in the statement and is a theme throughout the

Donaldson review. I think there is consensus that we need to replace the traditional bachelor of education degree to reflect what we actually need to teach Scotland's children to ensure that they attain and achieve in ways that equip them for the 21<sup>st</sup> century.

Ms Ferguson is right about the difference between selecting the right people and continuous professional development. Those are quite separate strands, and we need to think about that carefully.

On the detail of what should be taught and the replacement for the bachelor of education degree, we need to take it a step at a time. I am not going to stand here and say that I have done all the work in one day or that I have all the answers. That will be an important task for the national partnership group along with other partners, particularly our education colleagues.

**Hugh O'Donnell (Central Scotland) (LD):** Would the minister be good enough to clarify a couple of things for me? Like my colleague Margaret Smith, I am supportive of the national partnership group. We must recognise that, obviously, teachers teach children. What input will there be from children and parents to the partnership group? There is a synergy in the relationship between teachers and pupils, and parents. It is a bigger partnership, if you like.

I turn to the other issue that concerns me. Unfortunately, my copy of the report does not have page numbers on it, but I note that at the bottom of one page, which I am sure the staff of the official report will be able to track down, a number of concerns are expressed in relation to the gender imbalance in teaching, be that in promoted posts or the ratios—

**The Deputy Presiding Officer:** Come on. This is not a speech, please.

**Hugh O'Donnell:** Is the minister able to clarify the measures that are, or are likely to be, in place to tackle some of those issues?

**Angela Constance:** As I said earlier, the national partnership group will include front-line teachers and leaders. Given the teaching profession's emphasis on working in partnership with parents, Mr O'Donnell's point is very well made. I know that the Government has continued to discuss with its partners the question of who else should be on the national partnership group. I assure Mr O'Donnell that I will raise his specific point with the cabinet secretary.

Mr O'Donnell was also right to refer to gender imbalance, particularly in promoted posts. I suspect that I do not have sufficient time or leeway from the Presiding Officer to address that point fully or adequately, but it has been taken on board.

**Sandra White (Glasgow) (SNP):** I welcome the minister's comments about the many qualities that are needed in teaching and the recognition that it is a vocation that can inspire staff and pupils alike. Does she therefore agree that comments by Michael Gove, the Tory Secretary of State for Education, that graduates with third class degrees should not be allowed to be teachers, are unwarranted and do nothing to encourage partnership working?

**Angela Constance:** The broader message is that we have great teachers, that we are building on success and looking forward to the future, and that teachers need to be well rounded and developed individuals with good academic and interpersonal skills. I do not think that I can say anything else that would not just be repeating what I have already said.

**Ken Macintosh (Eastwood) (Lab):** I, too, welcome the minister's comment about reinvigorating the concept of teacher professionalism. What resources is she allocating to implement the Donaldson recommendations on CPD?

**Angela Constance:** As Mr Macintosh will be aware, CPD largely—though not exclusively—falls within local government's remit. However, there is a national responsibility to ensure that its provision in local authority areas is not patchy and, at national level, we want more coherent CPD. I draw the member's attention to my earlier reference to Mr Donaldson's comment that his recommendations could be met within existing resources although, of course, the national partnership group will test the issue and look at it in more detail.

**The Deputy Presiding Officer:** I ask that the final two questions—and the answers—be brief.

**Christopher Harvie (Mid Scotland and Fife) (SNP):** Since the European Commission found that 11 per cent of European small to medium-sized enterprises lose contracts because of the lack of language skills, at a cost of millions of euros and jobs, can we be assured that modern languages and cultural and regional studies will have a permanent priority in Scotland's education policy?

**Angela Constance:** Mr Harvie raises an interesting point. The work on progressing Donaldson recognises the importance at times of having national action plans—indeed, we have one such plan for science at the moment. The point about modern languages was well made.

**Claire Baker (Mid Scotland and Fife) (Lab):** There is growing evidence of local authorities cutting school support staff; indeed, in my region of Fife, assistants are being taken out of the classroom to carry out other duties. In the light of

those challenges, will the national partnership group consider the crucial role of classroom support staff who work with teachers to deliver for every child?

**Angela Constance:** I am sure that in the discussions within or outwith the national partnership group on crucial education and teaching matters we will not consider solely teachers, but will look also at other staff.

## **“Report on preventative spending”**

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-7994, in the name of Andrew Welsh, on the Finance Committee’s “Report on preventative spending”. I call Andrew Welsh to speak to and move the motion on behalf of the Finance Committee.

14:35

**Andrew Welsh (Angus) (SNP):** This will be one of the last speeches that I will make as an MSP, and it is my final scheduled contribution as convener of the Parliament’s Finance Committee. Therefore, I welcome the fact that I will address a topic—preventative spending—that has the potential to deliver long-lasting social and financial change, and to transform the way in which our public services are delivered.

I believe that our report, which was agreed on a unanimous cross-party basis, leaves a powerful legacy not just for our successor Finance Committee, but for the Parliament as a whole. The inquiry sparked discussions that were often very powerful and passionate. I would not use the word “debates” simply because there was such strong consensus that preventative spending is the correct approach and that it must be adopted more widely.

I want to make it clear that the preventative spending message is extremely simple: public money would be more wisely spent on preventing social problems from occurring than on dealing with problems once they have occurred. That message is by no means novel, of course. Members will be familiar with, for example, the mass vaccination programmes against polio and tuberculosis. Those are well-known and highly successful examples of investments that have delivered considerable long-term benefits.

As the committee’s report makes clear, Scotland faces some appalling social problems. Debates in the chamber have shown that members are acutely aware of those problems—whether they are to do with alcohol, ill health, poverty or violence—but it is important that we constantly remind ourselves of the damage that such problems inflict on our society so that we never cease to search for effective solutions. To be optimistic, the clear message that we received throughout our inquiry was that preventative spending is one of the best means of providing such solutions. However, if we are serious about helping to engineer real, long-term social change, it is no use for the committee simply to publish such a report and then to move on to the next new

thing. Rather, we need to build momentum for change and convince other people to join us.

With that in mind, we have already had a discussion on the report in the chamber of the Scottish Parliament. Last Friday, 90 senior delegates from across the public sector came together to discuss it, the Scottish Government's response to it, and how the barriers to preventative spending can be overcome. I intend to highlight the main points from our report and some of the contributions that were made at that event.

One reason why the Finance Committee is so positive about the benefits of a preventative approach is that our current approach to dealing with social problems is simply unsustainable. For example, it is estimated that violence, smoking and obesity cost the Scottish economy more than £3.5 billion a year. At United Kingdom level, one report has claimed that the economic cost of continuing to address current levels of social problems will amount to almost £4 trillion over a 20-year period. We received evidence that claimed that around 40 to 45 per cent of public spending that is aimed at addressing social problems is negative—that is, it is short-term spending. To its credit, the Scottish Government has acknowledged that the current balance of spending is skewed too much towards reactive spending.

We could have looked at how a preventative approach would work across virtually the entirety of Scottish public spending, but we had to direct our efforts realistically. The report therefore focuses on the early years and health and social care. The early years issue in particular is currently one of the most topical issues around. In addition to our inquiry, former MSP Susan Deacon, Frank Field MP and Graham Allen MP have all recently reported in the area. The fact that they were asked to do so by Governments of different political persuasions demonstrates the consensual and non-partisan nature of the debate.

In the simplest terms, early interventions aim to provide support for children—including support through their families—at as early a stage in their lives as possible. Such interventions include better child care, better support for mothers before, during and after pregnancy and more targeted support for children with particularly complex needs.

**Elaine Smith (Coatbridge and Chryston) (Lab):** I know that the debate is supposed to be consensual, but will Andrew Welsh comment on the abolition of the health in pregnancy grant?

**Andrew Welsh:** Such questions are better posed elsewhere. I am relaying to Parliament a positive report, rather than the usual negativity that

is produced in debates. I say to Elaine Smith that early interventions can significantly help to prevent or reduce the likelihood that children will develop social problems that might necessitate a future intervention by the state. Such an approach could save sizeable sums of money, as the number of interventions that public bodies must provide would be significantly reduced. That approach is of obvious and considerable appeal to the Finance Committee.

It would be a dereliction of duty if I did not echo the many voices who made it clear that early intervention is also the right thing to do from a moral and societal perspective. I mentioned that powerful and passionate views were expressed throughout our inquiry, so I will share some of them with the Parliament. As Dr Suzanne Zeedyk, a senior lecturer at the University of Dundee, put it:

“Children’s brains develop more quickly between birth ... and the age of three than they ever will again. So we need to get the money into services and get support to families because, after that age, those brains are in place. If we delay, all that happens is we continue to spend our money in ways that are, frankly, dumb.”—[*Official Report, Finance Committee*, 2 November 2010; c 2614.]

One charity, the WAVE Trust, pointed out that

“Study after study ... demonstrates that to invest money in prevention is simply the best economics and the best investment for national and local government.”—[*Official Report, Finance Committee*, 9 November 2010; c 2655.]

The committee acknowledged the work of the Scottish Government and the Convention of Scottish Local Authorities in establishing and driving their long-term early years framework. However, some disquiet was expressed during our inquiry and at our chamber event that the framework is built on a relationship between central and local government that may place too much emphasis on local delivery. For example, although the Scottish Government claimed that

“the key to success ... is what happens at local level”,—[*Official Report, Finance Committee*, 30 November 2010; c 2832.]

we heard several voices calling for more concerted central direction if early years provision is to flourish and if outcomes are to improve.

We also asked the Scottish Government to consider whether its framework should be more focused on the zero-to-three age group, given the stark evidence that we heard about the importance of investing in the very earliest years.

The second area on which our report focused was preventative spending from a health and social care perspective. In simple terms, the debate is about the extent to which people can be supported in their own homes rather than in far more expensive institutional settings, such as care homes or hospitals. Much enthusiasm was

expressed for such a switch, but witnesses were very honest about its challenges, including making the shift to investing in cheaper social care services by disinvesting in more expensive health services when there is no sign that demand for such services is abating.

COSLA discussed the need for a new approach that would involve disinvestment and reinvestment in individual public sector organisations, between public sector organisations and at Government level. Such a move might well require far better partnership working than we have sometimes witnessed in the public sector.

Our inquiry heard particularly blunt views about the likelihood of some organisations working together to realise the benefits of preventative spending. For example, Detective Chief Superintendent John Carnochan of the violence reduction unit considered that

“There is still a deal of territorialism between agencies, including the voluntary agencies, that is more corrosive and pernicious than that between the gangs in the east end of Glasgow”.—[*Official Report, Finance Committee*, 26 October 2010; c 2561-2.]

Aside from partnership working, we are well aware of other potential barriers to preventative spending; for example—and inevitably—the impact of budget cuts. If we politicians are honest, we must acknowledge that our focus is too often on the short or even immediate term. As we all know, that is especially the case at election time. Realising the full benefits of preventative spending will require concerted planning over a much longer timeframe. Otherwise, we run the risk of paying only lip service to it.

For the first time since devolution, a parliamentary committee has examined preventative spending in depth and across different spending areas. We heard remarkably strong evidence about the benefits of that approach. We must face up to that, so I call on everyone involved to work together and to acknowledge that preventative spending is not top of the political agenda. We must make the preventative approach irresistible to politicians at local and national levels.

The Finance Committee considers that the Parliament's committees are ideally suited to driving that agenda forward on a continuing cross-party basis. The committee's legacy paper recommends that scrutiny of preventative spending should be integral to the annual budget process and that appropriate guidance should be issued to subject committees to help them to scrutinise the Scottish Government's progress. I hope and trust that the new committees that will be established after the forthcoming election will meet that challenge and ensure that real progress is made.

I thank my colleagues on the Finance Committee and I thank the clerks for their expertise and contributions. I hope that action will follow and that Parliament will let this unanimous report be a positive start to solving some deep-seated problems.

I move,

That the Parliament notes the conclusions and recommendations contained in the Finance Committee's 1st Report, 2011 (Session 3): *Report on preventative spending* (SP Paper 555).

14:46

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** Mr Welsh said that this was his last scheduled appearance in a parliamentary debate as convener of the Finance Committee. As finance secretary, I am always a bit nervous when there is speculation about an unscheduled appearance by the Finance Committee convener in the remaining days of the parliamentary session. However, as a longstanding colleague and neighbouring constituency member of the Scottish Parliament to Mr Welsh, I place on record my appreciation for his contribution to parliamentary life, in the House of Commons, where I had the privilege to serve with him, and here in the Scottish Parliament, where he has made a distinguished contribution to public life—no more so than in his final speech this afternoon on such an important subject.

I welcome the debate on preventative spending. I welcome, too, the Finance Committee's inquiry report, which has brought together a wealth of evidence and understanding. It has demonstrated that there is substantial agreement about the importance of undertaking preventative spending. I hope that we can take the opportunity to build on that in the course of the debate.

I will set out a number of areas of activity that the current Administration has taken forward on preventative spending. I am struck by the fact that many of those interventions were priorities that were taken forward by our predecessor Administrations. There is wide acceptance across the political spectrum that many of the deep-seated problems to which Mr Welsh referred, which were discussed at length in the participative session in Parliament last Friday, at which the Minister for Children and Early Years represented the Government, will not be readily solved in a parliamentary session. However, they require sustained and continuous commitment regardless of the political colour of the Administration. This Administration has willingly accepted the need to build on many of the programmes and initiatives that were established by our predecessors.

The Government has provided a written response to the inquiry report, exploring the issues that were raised by the Finance Committee. I want to set out some of the areas of activity in which preventative action is significantly entrenched in policy making in Scotland. The Government has presided over the introduction of the early years framework, which is aimed at pre-natal to eight years of age, with the overarching intention of ensuring that each child has the best start in life, regardless of his or her circumstances.

We have put in place the equally well framework, which sets out the need to address the underlying causes of future ill health and other negative social outcomes. We have also put in place "Achieving Our Potential: A Framework to tackle poverty and income inequality in Scotland", which is designed to encourage the public, private and third sectors to work together to tackle poverty and income inequality. The three frameworks have been important building blocks of the Government's policy response on many aspects of these areas of activity.

That response translates into a range of other programmes. The Government, in partnership with our local authority partners, the third sector, health boards and other organisations, will allocate resources to tackle some of the major issues with which all members of the Parliament are familiar. I refer to our work on smoking cessation, on shifting emphasis on to anticipatory care, on tackling alcohol abuse, on screening, on crime and offending, on tackling the corrosive impact of domestic violence on households, and on putting in place state support for older people at the stage in life at which they require it. The Government and its social partners are involved in delivering active intervention in many areas. That work will continue.

The process was reinforced yesterday, when the Minister for Children and Early Years launched the £6.8 million early years early action fund, which will enable national voluntary sector organisations to work with Inspiring Scotland and local projects to help local people and local communities to create better lives for themselves and their children. That is just one practical example of how we intend to deploy our resources to support early intervention.

The committee noted that the earlier in the life of a child an intervention is made, the greater the return on the investment. The Government accepts that. The committee went on to question whether the early years framework should be more focused on the birth to three years old age group. Members will see from our written response that we recognise the importance of that period, which is at the core of the early years framework and underpins our approach to maternal services.

Nevertheless, we think that the zero-to-eight age group coverage of the framework is right. It was well supported by the experts who were involved in gathering evidence on the issue and reflects an appropriate time span in a child's development.

The frameworks that the Government has introduced have been developed in a way that is intended to draw together the work of all public agencies: Government, local authorities, other agencies, health boards, the third sector and the private sector. The frameworks have helped to give structure and focus to many aspects of the work that the Government wishes to undertake, which is broadly supported by all parties that are represented in the chamber.

In the past four years, we have shifted fundamentally the focus of policy making away from monitoring processes and inputs to agreeing outcomes with local partners. One clarion call that has been made around many aspects of this area of public spending concerns the necessity of focusing on outcomes, to guarantee that all of us are able to see that the impact of public expenditure and public policy has been to make a difference to the quality of life of individuals in our society and to deliver better outcomes in all circumstances. The performance framework that the Government has put in place enables its activities and those of the public sector in general to be monitored against the achievement of those outcomes.

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** I heartily endorse the cabinet secretary's comments, but does he recognise that the committee found it difficult to establish what baseline information on outcomes was available and to judge whether we were meeting those outcomes? That shapes the budgets that follow.

**John Swinney:** Mr Purvis goes on to fascinating and complex ground in all of these areas. With Scotland performs, we have tried to identify a set of indicators that will provide us with an indication of a baseline against which performance can be judged. I freely accept that there has been a choice—a selection—of criteria, and that other criteria could be selected. However, I hope that members will look at Scotland performs as a genuine attempt to put in place a dispassionate set of measures to determine whether progress is being made. When it comes to assessing the performance of individual planning partnerships, we have an opportunity to review progress and to determine whether outcomes are being achieved, because outcomes are the focus of all the single outcome agreements that are in place at local level.

One of the major areas in which we recognise that there must be further activity in preventative action is adult social care. The £70 million change

fund, which the Deputy First Minister and I announced in the course of the budget process, is designed to encourage partnership working between local authorities and the health service, so as to improve the models for health and social care delivery at local level, building on the work of the integrated resource framework. I hope that that is welcomed across the Parliament.

The Finance Committee convener quite properly indicated that such decisions and discussions take place at a very difficult time for the public finances. The decisions that I took for the budget were designed, in essence, to protect the major areas of preventative spend in the health service and in early intervention. Those are difficult choices, but they are the right choices for ensuring that every one of our citizens has the best start in life and that, when our citizens require intervention, the public sector and public policy are able, at the earliest possible moment, to deliver the interventions that people require.

14:56

**David Whitton (Strathkelvin and Bearsden) (Lab):** I am pleased to speak for Labour in support of the Finance Committee's report. I associate myself with the remarks of the cabinet secretary on our convener, Mr Welsh. I fear that I might have tested his patience somewhat on occasion, but he always dealt with it with good humour, for which I thank him. I also associate myself with Mr Welsh's remarks, thanking our clerks for their hard work not just on the report that is before us, but during the two years for which I have been a member of the committee.

It is not just we on the Labour benches who believe that Scotland should be one of the best places in the world to bring up children. As Mr Welsh commented, the committee's report was unanimous. Anything that puts me, Joe FitzPatrick and Derek Brownlee on the same page in agreement must be an achievement. Throughout the Finance Committee's evidence sessions, that view was echoed by nearly every contributor to our discussions.

All parties believe that Scotland's public services must focus more on preventing social problems from arising, rather than reacting to problems once they have occurred. I believe that the negative aspects of Scotland, including our higher rates of drinking and substance abuse compared with the rest of the UK and other countries, our relatively high prison population as a proportion of the total population, and our lower life expectancy compared with the rest of the UK, particularly in some parts of Glasgow, remain a major concern for us all.

The scale of the challenge that faces Scotland's public sector in dealing with child wellbeing and social problems such as violence and ill health is huge, but it is not insurmountable. A lot of interesting and successful work is being done in that regard.

Is it not common sense to recognise that good habits that are picked up early in life can have an impact on reducing the future cost of ill health to the NHS; that they can help to boost economic output; that they will reduce the risks of vulnerable individuals getting involved in crime and potentially going to prison—with all the costs that are associated with that; and that they can impact on the quality of learning and the skills that are held by individuals, with productivity implications for society as a result? All our expert witnesses suggested that a preventative approach is one of the best means of tackling those problems, and that it can deliver significant financial savings in the process.

Mr Welsh has already quoted Detective Chief Superintendent Carnochan of the Strathclyde Police violence reduction unit, and I would like to do so, too. He said that

"the future of Scotland's children"

was

"at a crossroads".

He commented that, if he was offered the choice between 1,000 new police officers and 1,000 health visitors, he would be minded to opt for the health visitors.

Mr Carnochan said:

"We are presented with the opportunity to make Scotland the best place in the world to bring up our children and to change their destiny and improve their outcomes. That is within our grasp ... their future is our future. Our economy, our culture and our country depend on them."

He went on to say:

"Plans and interventions that tinker around the edges and halfway measures are no longer acceptable ... Doing nothing is not an option ... we need to make investments in the early years so that our kids are not left behind before they even get to school."

The committee's report shows the consensus across the board that more focus must be placed on preventing social problems from arising, rather than on reacting to them once they have occurred. With common sense, we can see that there is no shortage of evidence and experience firmly pointing towards the placing of greater emphasis on prevention and early intervention, rather than on crisis intervention. The overwhelming consensus during the Finance Committee's inquiry shows that greater recognition is required for that crucial early stage.



Children 1<sup>st</sup> put it in black and white in its submission: it wants less talk and more action. The charity is concerned that shifting the balance towards prevention should not remain merely theory and rhetoric but should become the reality on the ground.

For example, we spend more than £1 billion on funding higher education. That is more than three times more than we spend on pre-school education. One of our witnesses, Professor Edward Melhuish, of the University of London, suggested that the emphasis in investment should be the other way round.

Children 1<sup>st</sup> used the example of police funding. Police forces spent £320 million on community safety in 2009-10. Much of the money is spent on diversionary activities for young people to prevent offending, on antisocial behaviour teams and on closed-circuit television operations. There is no doubt that some community safety activity prevents problems from escalating, but it would be far better to prevent the problems from even beginning.

Some preventative work is going on. Dundee has one of the highest teenage pregnancy rates in the UK and NHS Tayside is one of the pilot areas for the family-nurse partnership programme, which supports vulnerable pregnant teenagers. Another scheme is running in NHS Lothian. We heard it argued that such a service should be universal in Scotland, as is the case in the Netherlands. Many respondents argued for universal services for all families, on the grounds that such services are non-stigmatising, ensure that people who need intensive help can be more easily plugged into support and, most important, enable every family to put in place the parenting approaches, attitudes and supports that ensure parent-child attachment and a positive home environment.

As we found, and as Mr Welsh and the cabinet secretary said, in the short-term cycles in which political debates take place it can be difficult to shift spending priorities towards the longer term, given that the benefits of doing so might not appear until years or generations later. Let us try to move those concerns aside. Labour certainly does not think that the issue should be the subject of a political spat.

Much of the literature that I have read on prevention focuses on early years intervention, which can contribute to beneficial outcomes across a range of policy areas—from health to justice to economic development. One of the best examples of such an approach comes from the Netherlands. The most recent United Nations Children's Fund study of child wellbeing in Organisation for Economic Co-operation and Development countries ranks the Netherlands as top, with the UK at the bottom of the table. How

does the Netherlands do it? It has an overall national policy, which is pushed through by the minister for children.

James Heckman, the Nobel prize-winning economist, has argued that returns from investments in early years greatly outweigh the returns from investments in any stage of education—school or tertiary—and that an optimal investment strategy is to invest less in the old and more in the young. The committee's report points in that direction and I commend it to the Parliament.

15:02

**Derek Brownlee (South of Scotland) (Con):** I thank the committee clerks, and the witnesses who gave evidence to the inquiry. I also thank Andrew Welsh for his time as convener of the Finance Committee. The inquiry on preventative spending was perhaps one of his easier tasks and I know that he feels strongly that it is an important legacy not just of his work, but of the work of the Parliament as a whole.

The Finance Committee does not divide on issues as frequently as people think we do, but even for us there was a striking degree of consensus among the parties that are represented on the committee on the need for greater focus on preventative spending. That is important, particularly because of the point that Andrew Welsh and David Whittom made about the difference between the political timeframe and the timeframe in which preventative spending has an impact. It is not surprising that politicians focus on a timeframe that is based on the electoral cycle. It is therefore necessary that there is a degree of consensus among political parties, so that valuable programmes are preserved when there is a change in political leadership. The proof of that will be found in what happens when Governments change.

It is interesting to note how rapidly the debate on the issue is growing. Susan Deacon's report was useful and added to the weight of evidence that the Finance Committee received. The Northern Ireland Assembly has taken on board some of the evidence that we received and its implications for policy, so I hope that work that we did in Scotland can have a positive benefit, not just in Scotland but elsewhere.

The key point about preventative spending is that, for it to be effective, it must be genuinely outcomes based. We talk often about moving to an outcomes-based policy framework, although I am not sure that we get there as often as we hope to.

One of the biggest challenges with preventative spending is simply how we measure it over the

long term. To put it simply, no one would ever expect preventative spending to be 100 per cent successful, and a significant proportion of public spending will always be reactive. People could not foresee some of the social issues to which we have to react and would not foresee them in the timeframe that allows preventative action to take place. However, we need to be able to assess the effectiveness of not only reactive measures but preventative measures.

If we are talking about the success of early intervention in affecting people's life outcomes once they leave school, we are looking at a timeframe of at least 16 or 17 years. The key difficulty is not only whether we have the determination to track people through and assess their outcomes over that period, but how we can be sure over that timeframe that the projects that we hope have a positive impact are working. Some of them may not bear fruit until late in the day and some will show impact earlier on.

The challenge in shifting spending, which other members mentioned, is that there is always a vested interest in defending existing spending. To be frank, disadvantaged three-year-olds and, perhaps, their parents will not understand the interaction between the quality of nursery provision and their life chances later on but, if we were to take away spending in another area to pay for that provision, people who were affected by that spending reduction would certainly lobby against it.

One minor way in which we might get round that is the concept of social impact bonds, which are being tried in England. They attempt to align benefits to Government with benefits to philanthropists. However, that is a relatively small example and how we shift on a broader scale is one of the fundamental problems in the debate.

A wealth of evidence was given about the relative benefit of preventative spending and the benefits that it could provide. One of the commonly quoted statistics relates to drug and alcohol abuse: for every £1 that is spent on preventing people from entering into drug and alcohol abuse, we save something like £9 in the longer term.

Another interesting point is that it is possible to link pupils' attainment levels when they start school—that is, before they have even started their formal education—to later life experience. I think that that information came from a report by the National Endowment for Science, Technology and the Arts. There was also a study that showed that the difference between attainment levels in England—I do not think that it was done for Scotland—and in other nations that started formal education later could be explained almost entirely by the quality of pre-school education. In the UK

as a whole, pre-school education has not had the focus that it has had in other places.

In the health service, some good examples were given of preventative spending around pregnancy, such as the importance of preventing foetal alcohol syndrome by ensuring that women who may get pregnant understood the risks, and the importance of taking folic acid. There is also a good example in relation to hip fractures in NHS Ayrshire, where a pioneering clinic is identifying people who are at risk and treating them before they get to the point at which they need major operations.

There are little pockets of good examples within Scotland already. One of the best is in education. The improvements in literacy rates in West Dunbartonshire will probably have more of an impact on the life chances of the people who have gone through the pioneering literacy programme that was done there than most of the other interventions that have been tried, however well meaning. That is a major impact on people's later life chances.

Parenting skills was one of the key issues that came through in the evidence. I was particularly struck by the evidence that Phil Wilson gave about health visiting and the move from a universal approach to a risk-based one. I think that the statistics were that 8 per cent of the lowest-risk group of parents were identified as having evidence of depression and were being missed by the system. Also, at 30 months, something like 10 per cent of children had evidence of language delay, which can have a correlation to problems later on. However, about half of that 10 per cent was in the lowest-risk group.

That demonstrates that there is evidence about how we can change things. We need to do better, but the changes will inevitably be longer-term interventions that will require a degree of consensus across the parties.

15:10

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** This is an important debate, which is why I am particularly sorry that I will have to leave before the end of it, as I have a meeting regarding my constituency with the Minister for Enterprise, Energy and Tourism. I apologise to you and other members, Presiding Officer.

First and foremost, I agree that any report that brings together Mr Whitton, Mr FitzPatrick and Mr Brownlee must be an impressive piece of work. The fact that I was excluded from that list shows that there is a recognition among all members that I am automatically consensual. It is useful to have that in the *Official Report*. As the Cabinet Secretary for Finance and Sustainable Growth

rightly says from a sedentary position, that is undisputed.

To maintain the consensual tone, I agree with others' comments about our convener, Andrew Welsh. I used to work for David Steel. When he stood down from elected office, in his final remarks he said that politics was the highest calling of all. It has been a pleasure for me to have known Andrew Welsh—although I have not known him for as long as other members have. When in this chamber the words “intelligence”, “integrity”, “courteousness” and “considerateness” are mentioned, perhaps we will automatically think of Andrew Welsh. I wish him good fortune, as I am sure that he will continue to support his local community, which he is passionate about. As Derek Brownlee said, this was an appropriate report for him to leave as a legacy for incoming MSPs from all parties.

I will focus on whether the issues that we discussed are deep seated or intractable; whether we have the right aims going forward; whether we have the right mechanisms to deliver on those aims; and, to touch on the issues that Derek Brownlee raised, the need for new ways of thinking.

By the time that we had completed our work, it had become abundantly clear from the evidence that children from the poorest backgrounds who are brighter than those from the richest backgrounds will start to fall behind in schooling and attainment by the age of seven. That is now demonstrable.

In Scotland today there are 600,000 children under the age of 10. If we make no changes but draw a straight line to the outcomes that we expect over the coming decade, we know what social outcomes there will be. We know that of those 600,000, 120,000 will not be in employment and will not be economically active at the age of 19 or 20. They will not have the skills that they need, or which we need as a country and as a society. We also know the number who will be in the criminal justice system and the number who will be starting to have a family, which itself will not have the social outcomes that we want. The problems are deep seated, but we must never say that they are intractable.

This is not a debate about minimum pricing for alcohol, but one of the answers to a parliamentary question that has stuck with me was one that Joe FitzPatrick asked about the average level of morbidity for alcohol-related problems for every constituency in Scotland. My constituency had the lowest level at 30 per cent of the UK average. In fact, it must be one of the lowest levels in the UK. Glasgow Shettleston's figure was 564 per cent of the UK average. The fact that there is nearly a 600 per cent difference on that one indicator alone

shows that there are considerable, deep-seated problems. Given that at a micro level within Glasgow life expectancy varies by 10 years within a radius of 10 miles, we know that there are considerable challenges for Scotland.

I asked the head of social work and the head of education at Glasgow City Council what their 10-year ambition was for reducing the number of children who are currently in vulnerable families, but they did not have one. They simply said that they were striving to meet the Government's laudable aim of providing children with the best start in life. It struck me that there was a lack of clear, baselined aims for our largest city, which we know faces considerable problems. It is not a case of going back to a target culture; it is a case of looking at what 10-year ambitions it would be right for us to have for Scotland.

That is why our party has indicated that, if we are to radically improve our education and health outcomes and reduce inequalities, it is important that we set a number of 10-year ambitions for where Scotland should be at the end of this decade. If nothing else, that will set the framework for those 600,000 children, while recognising that many of the difficulties that they will face are already starting to be ingrained.

The committee highlighted a number of areas that are challenging not just for the present Government but for all future Governments. In paragraphs 151, 152, 154 and 155 of its report, the committee looked at the way in which the Scottish budget is put together. That is not the fault of the present Government; it is a situation that has evolved since devolution. The committee indicated that we must pause to consider how budgets could be put together differently. In paragraph 151, the committee said:

“there is no indication within the draft budget as to the extent to which spending proposals are preventative.”

In paragraph 152, it said that there was

“a risk that all public spending could potentially be defined as being in some way preventative.”

Social impact bonds are an example of the new ways of thinking. Liberal Democrats are exploring with the voluntary sector what we term outcome-dependent funding, which involves balancing risk and looking at moving away from what we currently do, which is to budget failure, towards identifying how much can be gained for the public purse by meeting those outcomes.

The report is highly significant, and it falls full square in the committee's legacy paper to our successor committee. I hope that it serves as a legacy to every committee in the Parliament, not just the Finance Committee's successor after the election in May.

15:17

**Linda Fabiani (Central Scotland) (SNP):** As a member of the Finance Committee, I, too, was very pleased to take evidence in the inquiry into preventative spend and to help to compile the report.

There were two additional aspects of the inquiry that were extremely important. One was the involvement of Scotland's Futures Forum. The committee's clerks and its convener and deputy convener are to be commended for taking such a forward-thinking approach and for adopting such an innovative way of looking at things. The other important factor was our report on the reform of public services, because I do not believe that it is possible to look truly at a preventative spend model without looking at how we reform public services. That is a big issue in this country.

Much of the report focused on the early years. That is as it should be, because there is nothing more important to any society than its children. However, achieving a significant turnaround of society as far as our children are concerned involves taking a long-term view and I am concerned that, because of that, it is far too easy not to even start. People think, "That's away off in the future. We'll get round to doing that." When it comes to prevention, there is a mindset in our society that has to change. It needs to be realised in the health service that it is better to prevent than it is to treat and in the criminal justice system that it is better to prevent than it is to punish, for example.

Among the six points that emerged from the committee's event on Friday, which was excellent, was that the debate on preventative spending needs to go much wider than just the early years and health and social care, and I think that that is very true. It is often the case that we deal with issues in crisis situations. That came out in some of the evidence that we took during the inquiry. Alan Sinclair, who helped us a great deal with his evidence, said:

"The overwhelming mindset that lurks behind how our public services are delivered is that we should invest at point of impact when things have gone wrong ... instead of going back and putting something in systemically."—*[Official Report, Finance Committee, 21 September 2010; c 2496.]*

NESTA took a similar view when it wrote that

"The prevalent approach to tackling these challenges is to deal with the symptoms rather than striving to prevent their development."

Sometimes simple and effective solutions can be put into place when we look at the short and medium term. Members will have their own examples, but one that comes immediately to my mind is the service gap facing those people in our prisons, hospitals and communities who have

chronic mental health problems. This morning, I heard about the gap facing people who have to move from child to adult psychiatric services. Surely, if we intervene early enough and use prevention, that will be better than what we will end up with in the future. This morning, I also visited the Up-2-Us project, which is an early intervention to help young people to avoid ending up as pawns in the criminal justice system. These are fairly simple and straightforward potential solutions, so what stops us from putting such ideas into practice?

When taking evidence, the committee was frustrated to pick up on bureaucratic barriers, budget defensiveness, issues of ring-fencing and people saying, "That's our budget." A lot of work has to be done to change that mindset, which appears in all sectors. We do it in this Parliament. Local authorities, health boards and the voluntary sector do it. Everyone is looking after their own budget and closing their minds to the idea of being a bit more innovative in looking for solutions that can prevent social problems and save a lot more money down the line.

It does not always have to be about extra money. I was struck by a tiny bit of evidence that we heard. Somewhere in the south of England—I cannot remember where—a local health board paid to have roads gritted in an area in which there are a lot of elderly people. The result was that the health board had to treat fewer casualties and fractures over the winter, which meant a net saving to the public purse. We do not see much evidence of that sort of thing happening in our country because everyone is looking after their own budget. Perhaps Mr Swinney's change fund will help to alleviate some of the pressures that mean that people think that they have to protect their own professions, services and organisations.

Such an idea must start from the top. We must all show a commitment to working together. There must be a recognition that we can do things differently and better. There is a responsibility on us all to stop making some of the populist sound bites that we are all guilty of and to work together.

The committee convener has already commended the report to the Finance Committee's successor committee, with a view to it taking the recommendations on board. The committee's legacy paper will also reflect that view. I can end only with the committee's words about

"the need for a consensual approach in moving towards a more preventative approach to public spending".

That will require leadership across all political parties and locally in communities. As the parliamentary session comes to an end and a new

one approaches, I hope that we can commend that approach and make a difference to Scotland.

15:24

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I start by paying tribute to Andrew Welsh for chairing the Finance Committee in a model, non-partisan way for the past four years, and for the contribution that he has made to his constituents and in public life more generally for four decades.

This is an important report from the Finance Committee, and a significant development of our work. The Parliament knows a great deal about what we spend—in fact, we on the Finance Committee know everything about what we spend—but we know very little about what we save. We need to become very good very quickly at the science of preventative economics and I hope that the Finance Committee report makes a small contribution to that.

Preventative spending goes much wider than the early years and health and social care, but there are good reasons for concentrating on them in the report. Briefly, in relation to health and social care, we have talked about the issues with a growing elderly population for many years, and we have also talked about shifting the balance of care and, in particular, trying to cut escalating emergency admissions to hospital through preventative and continuous care in the community. Indeed, that was the central theme of the David Kerr report. However, the fact is that, despite great progress in health over the past decade, we have not got anywhere with that agenda.

It is important to flag up both that point and the various issues that are connected with it in the report. It is a big challenge for the next parliamentary session. I believe—if I can be slightly partisan for five seconds—that Labour's proposal for a national care service will help on that agenda, but the issue is wider. We will need more than that to shift the balance of care and balance of spending.

The most important evidence and recommendations in the report are on the early years. That theme was repeated in a conference in this chamber on Friday morning. I recommend in particular the words and wisdom of Dr Suzanne Zeedyk and Detective Chief Superintendent John Carnochan. Their evidence was given on 26 October and 2 November 2010, and members can also read their speeches in the transcript of last Friday's conference.

I will start with a brief quotation from John Carnochan to the committee:

"the most important four years of a child's life are those up to age three."—[*Official Report, Finance Committee*, 26 October 2010; c 2555.]

I wish that that was written up on the Canongate wall. We know that it is not just somebody's opinion. Other members have quoted some of Dr Zeedyk's evidence, and she explained the neuroscience behind the truth that we all know that

"Children's brains develop more quickly between birth—really conception—and the age of three than they ever will again."—[*Official Report, Finance Committee*, 2 November 2010; c 2614.]

The brains are in place at age three, which is why we need to refocus on the years nought to three—or, we should rather say, conception to three. We were told that the quality of early interactions is particularly crucial.

People say that if we concentrate on the early years agenda we will get results only in the long term. We will get results in the long term—we know that investing in the early years, particularly nought to three, will have implications in improved mental health, reduced crime and so on—but we should also point out that there would be benefits in the short term, too. Suzanne Zeedyk was particularly strong on that point. I do not have time to read out the quotation that I planned to read from column 2614 of the *Official Report* of the meeting on 2 November, but she made that point. That is important for politicians. It is difficult for us to invest now for benefits in 20 years' time but, as she points out, we will have benefits within a very short timeframe—within one year—if we invest in the agenda.

Another theme was the tension between universal and targeted services. Derek Brownlee mentioned that with reference to health visiting, but—to mention a third witness—I was struck by the evidence from Dr Philip Wilson, who answered the conundrum by saying that we need universal services for screening and identifying the families and children who have problems, whom we then target. That is the key insight into the tension between targeted and universal services.

Let us refocus on nought to three. Let us build consensus around that, starting with the committees of the Parliament. I want also to say—this is a bit more controversial—that we need concerted central direction. As has been said, a lot of the evidence pointed in that direction. Again, I was going to read a quotation from Detective Chief Superintendent Carnochan at column 2574 of the *Official Report* of the Finance Committee meeting on 26 October, but I am in my last minute so I had better not. He said, controversially, that we may have to reconsider ring fencing money for the early years and ensuring that all local authorities prioritise that work. I realise that that suggestion is

controversial and anathema to many people in the chamber.

What is not controversial is the fact that we need to lead on preventative spending. Whichever way we think that leadership should be given, the Parliament has to lead on the agenda. Recognising the strength of the evidence that we receive, we must shift investment as far as we can to nought to three. I say "as far as we can" as I recognise the financial difficulties of the time that we live in, but if we shift investment to the early years we will save in the short term as well as in the long term. If the next Government—whoever it is—will not lead on the agenda, I hope that the Finance Committee and the Parliament as a whole will do so.

15:30

**Joe FitzPatrick (Dundee West) (SNP):** I associate myself with the words of tribute for our convener, Andrew Welsh. As Malcolm Chisholm said, Andrew has always convened the finance committee in an entirely non-partisan manner. As a new MSP, I sometimes found that quite frustrating, but Andrew Welsh's years of experience show that that is the correct way for a convener of a parliamentary committee to conduct his business. It has allowed us to make far more progress than we would have done if we put party before the Parliament at all times. I therefore associate myself with the words of members who have already spoken.

I am pleased to be able to take part in the debate, which follows one of the most important inquiries that the Finance Committee has conducted in my four years as a member. At the start of the inquiry, we were unanimous in thinking that the subject was important, and the inquiry has only made that clearer. It has also made it clear that not only will the current financial pressures make it more challenging for us to achieve a shift of funding into preventative projects, but it is becoming increasingly important that we face up to that challenge and overcome the barriers that Andrew Welsh mentioned in his opening remarks.

Preventative spending is not new. We recognise that a lot of progress has been made by the Scottish Government, building on the progress that was made by previous Administrations. Nevertheless, we must step up a gear in the next session. Although we heard of some proposals that could produce rapid results in as little as a year, most preventative spending will not see readily measurable outcomes for many years, often spanning several parliamentary sessions, as Derek Brownlee said. That is why it is vital that we approach the issue in as consensual a manner as possible, ensuring that all parties and civic Scotland as a whole buy into what we are doing to

make that long-term progress. We achieved consensus on the committee and took the correct approach. We are now entering the heat of an election campaign, but I hope that we can quickly resume that consensual approach in the next session.

I will spend some time in outlining examples of preventative spending projects in Dundee, the first of which is the family-nurse partnership, which Mr Whitton mentioned. Earlier this year, Dundee and its surrounding towns and villages were chosen as the second pilot site for that specialist programme, which gives first-time teenage mums extra support. The project was piloted previously in NHS Lothian, where it supported 145 young families. It is based on a model that we have seen in progress for a number of years in America. The NHS Tayside pilot was launched in January by Nicola Sturgeon, the Deputy First Minister and Cabinet Secretary for Health and Wellbeing, at the St Andrew's family support project in Dundee, where she met young mums with their babies and some of the staff who were leading the local pilot. Evidence from programmes that are already up and running in America and the Lothians show that the initiative is improving prenatal health, increasing employment among young mums, cutting the number of unintended pregnancies and helping to reduce child neglect.

Family nurses visit first-time mothers under the age of 19 every one to two weeks during their pregnancy and throughout the first two years of their baby's life. The nurses offer guidance on child development, preventative health measures, parenting skills, breastfeeding and better diet as well as advice for mothers on education and employment. The project is a fantastic example of how dedicated support in the earliest stages not only supports parents, but helps to improve children's health and long-term opportunities. It will make a real difference to the lives of almost 300 families throughout Tayside.

Another example of preventative spending is the keep well programme, which has been operating for a number of years, including in Dundee, and provides health checks in areas in which there is a high level of deprivation. The success of the keep well programme has been recognised and its funding has been extended by £11 million to enable it to cover all of Scotland's poorest communities by 2012, tackling some of the deprivation issues that Jeremy Purvis mentioned. The keep well programme has already helped thousands of people, and the additional funding will enable it to help a further 30,000 Scots a year to get the assistance and treatment that they need.

The recently announced life begins at 40 package of services, backed by nearly £15 million,

will help people approaching that landmark birthday—which I passed some years ago—to consider their lifestyle and take the opportunity to access health checks. Further, at the start of the year, the Scottish Government announced a four-year pilot project to explore the feasibility of introducing universal face-to-face heart MOTs for those who are aged over 40. That pilot should help 20,000 people, who will receive a check-up.

Those are only some of the most recent interventions. As I said, they build on the work of the present Scottish Government and its partners and on the work of the previous Scottish Executive. However, we must do much more in health, early years, social services and elsewhere. It will not be easy, but the tone of this debate gives us hope that, as a Parliament, we will be successful.

15:36

**Johann Lamont (Glasgow Pollok) (Lab):** I trust that I will not change the tone of the debate too much.

I am grateful to have the opportunity to contribute to the debate. As the first person to speak who is not part of the Finance Committee company—the pointy heads, as I like to call them—I, too, offer my best wishes to Mr Welsh. The respect for his work is shared by those outwith the Finance Committee. In a job that can be a bit like herding cats, he has managed to work with a great deal of authority.

There is a danger that debates about budget processes and so on can be either very technical or very consensual in a merely cosy way. That has not been the case in today's debate. It would be fair to say, however, that anyone who is thinking about preventative spending will have some anxieties about some of the choices that are being made at a UK level, which place disproportionate burdens on women and, for example, make it less likely that they will be able to work and support their families, which is something that, in the long term, will have consequences for their children. That is something that people need to be aware of. We know that budgets reflect people's political priorities and, to some extent, the challenge is to ensure that they do that. Some of the debate about preventative spending involves people who say that they support families, but are not spending money at the right stage in order to do so.

It is absolutely critical that we embrace the rationale behind a shift to preventative spending, make rational decisions about our priorities and have a greater awareness of what makes a difference. For example, a lunch club for elderly people stops bed blocking two or three years

down the road, as it addresses issues of isolation and enables people to identify deterioration at an early stage. Similarly, a little bit of support for carers—enabling them to take a half-day away from their loved ones, for example—means that we can sustain the cared-for in a way that is real to their family. It is important, therefore, that in interrogating spending decisions, we have an understanding of what is effective. The issues that the committee has reflected on with regard to the early years can be applied to a range of important social policy areas.

I do not pretend to be as close to the issues as the committee members are, but I would like to highlight a few points that I hope members will find useful.

Malcolm Chisholm flagged up the connection between strategy and delivery. A key criticism that is being made is that there is insufficient connection between the framework, the strategy at a national level and what is happening on the ground. The Scottish Government has said that it does not want a top-down, prescriptive approach. Nobody would want that—that is a pejorative way of describing an anxiety that people have. However, we want there to be a connection. We want to know that strategies that are developed are delivered on the ground. There will be tough decisions about how that can be ensured and about how we can make strategies focused and consistent across the country as opposed to simply being a good read.

The Scottish Government highlights the importance of an outcomes-based approach and John Swinney reiterated that in his speech, commending the concordat and the community planning partnerships in that regard. However, the key issue is not to outline an outcomes-based approach, but to ensure that it is happening on the ground. The reality is that, in the past four years, we have had one brief overview of how single outcome agreements are progressing and we are still waiting for any detailed analysis of their progress.

We are aware of the frustration of voluntary organisations in particular, which say that they have to pick their way through single outcome agreements to identify the spend. The minister knows of my on-going concern that there is no equality impact assessment of single outcome agreements, which means that they do not reflect the rigour that we require. It is not sufficient to assert that something is working if there is no evidence in that regard, and I hope that the minister will take that on board.

In recognising the importance of preventative spending, I have a concern that the policy is not being applied in the Scottish Government. One example of that, although it is not in the Finance

Committee's reflections, is the decision to cut the housing association grant by at least a third. That will possibly stall developments and prevent future developments, but critically—and most worryingly—it reveals a lack of understanding about the central effectiveness of the community-controlled housing and co-operative movement. Providing sufficient funding to build, maintain and repair good houses is part of a wider action that allows those communities to be sustained. That has worked, and short-termism in the funding of housing will have longer-term consequences for the very families that we want to help.

There is also the key issue of making the transition in approach from reactive to preventative spending. I am concerned that people sell the idea of doing things differently because it is cheaper. They say, "You can spend a little early, and save money later", and then force change by quantifying possible savings and applying that as a cut. We know that that is a worry in some places with regard to social care spending.

I think that we all agree on the importance of evidence-based spending and we must be alive to early spend-to-save. That is reflected in the argument about targeted versus universal spending, and I agree with the Scottish Government's response on that. For example, Home-Start runs an early intervention programme for vulnerable mothers in my constituency that helps them to keep their children and prevents those children from being taken into care. It is not necessary for most mums, for whom health visitor support would be sufficient, so it is a good example of targeted spending working well.

Equally, the provision of nurture classes in our schools by definition recognises that some children are vulnerable and at a disadvantage. We ought to consider the built-in advantage that some families have, which must be addressed by providing support to those children. It would be nonsense to provide such support for all children, but it is critical in closing the gap in advantage that is experienced by some children.

We need to reflect on how those choices are now being made. We know about the key role of the voluntary sector in understanding preventative activity and we know what we can do early to stop crisis later on. However, we also know that in tough times the danger is that those who make the choices see that little bit of spending as a luxury.

I commend the report and I hope that my comments add to it. In terms of preventative spending, the key issue will be how we shift from the reactive to the preventative without leaving a gap in provision.

15:43

**Margaret Smith (Edinburgh West) (LD):** As a non-member of the Finance Committee, I thank Andrew Welsh for his contribution to the Parliament, and the committee for its very useful report.

The committee's strong support for preventative spending is welcome. As the report states, such spending

"has the potential to deliver great social and financial benefits to Scotland."

The early years sphere is one in which the potential benefits of preventative spending are perhaps unrivalled. That is certainly reflected in the number of reports that have come out on the subject recently. The support from those who gave evidence to the committee for an emphasis on early years support was overwhelming.

We know that a child's experience in the very early years has profound consequences for later life and that intervention and support measures can stop negative social outcomes. We know the groups of children who are most at risk; in fact, common sense tells us which groups often face the biggest challenges. They include children with parents who struggle with drug or alcohol addictions; children who are in care, or on the edge of being taken into care; children who grow up in poverty or in families with a history of violence, and so on.

The submission by Aberlour Child Care Trust highlighted the especially poor outcomes for Scottish children who have been in care during their childhood. More than a quarter of those in Scotland's prisons have been in care; more than 20 per cent of our 20,000 16-to-19 year olds who are not in education or employment are recent care leavers; and only 3 per cent of care leavers go on to gain a higher education qualification. We know about the particularly poor chances that those youngsters face, so we must begin to use the resources at our disposal more wisely to give them the very best chance of a happy and successful future as early as possible.

We must also realise that this is not just a matter of the allocation of resources. Barnardo's pointed out that the failure to eradicate Scotland's social problems is much more complicated. It said:

"we have doubled the amount of money that we spend on welfare in the past 10 years—yet we still have the same reoffending rate among young people who come out of prison, little movement on child poverty, the same level of educational attainment for care leavers and increased problems with alcohol and substance misuse. We have doubled the amount of money that we spend, but we have barely put a dent in the problems."—[*Official Report, Finance Committee*, 2 November 2010; c 2625.]



Johann Lamont is absolutely right to focus on the importance of evidence-based decisions that are based on outcomes, and also to flag up the possibility of the problems that are involved in shifts from reactive to preventative services.

Now more than ever we need to reconsider our approach to social problems and see that simply throwing money at problems does not always solve them. We need to get much better at evaluating what does and does not work, and we need to target resources in specific programmes and base those programmes on the needs of the users. That is crucial. Services work best when they are well received by those at whom they are aimed, so we need to listen carefully to the needs of those whom we know are most likely to face negative life outcomes and involve them in the process of service reform and future service provision.

We should not underestimate the challenges that local authorities and health boards face in service redesign. In one example in my constituency, the City of Edinburgh Council quite successfully introduced a re-enablement service that has made a big and positive difference to elderly people in Edinburgh, but the initial response from many people was negative—they were a little bit wary of what the service would actually mean. That is a big part of the problem, so I agree with Linda Fabiani about the importance of getting public service reform right and taking service users with us.

Detective Chief Superintendent John Carnochan of Strathclyde Police has been quoted many times today. I bet he wishes he was getting an amount of money every time his name was mentioned. He has been quoted as saying that investing in 1,000 more health visitors would be more effective in terms of violence reduction than tackling community safety in the longer term through 1,000 more police officers. However, it would be a brave politician who would pull the money out of the latter to pay for the former. That is why political consensus on the approach is so important if we are to tackle some of the things that I have mentioned.

The Joseph Rowntree Foundation argues that interventions that are based on family, parenting and parent-child interactions are the most effective forms of prevention and that they have the longest-lasting impacts. That is why the family-nurse partnership work that has been going on in Lothian and is now being rolled out to Tayside is fundamentally important. We will benefit from early intervention measures if we can build a consensus that introducing such measures is what we ought to be doing and if we take it from the rhetoric into action.

We have supported early intervention measures throughout the current parliamentary session because we recognise that they are often the most effective means of working and they often deliver the best results. We acknowledge the work that has been done in many fields by the current Government and, indeed, by ourselves in previous Administrations. I note the comment in the Finance Committee's report that

"early intervention should not be viewed simply as a means of saving money. It should also be seen as an approach that will deliver wider benefits to children, their families and society as a whole."

If I can make a more general point on the financial situation that we find ourselves in at present, the only positive thing that I can see in it from the many meetings and conversations that I have with people in schools, colleges, universities and across the education sector is that people are actually starting to look at the best use of the public pound and they are probably a little bit more focused in that work than they have ever been before. If we show that same focus in seeing that we need to shift from reactive to preventative spending, we will be doing ourselves a service in not only the short term, but the long term.

15:49

**Jamie Hepburn (Central Scotland) (SNP):** I congratulate the committee on its work on this report. I am not on the committee and have not been intimately involved in the process, but even a rudimentary read will show that it is an important report that deals with important issues and has important lessons for Scotland. That is particularly true given the current circumstances, and it is important that we consider preventative spending in the light of spending constraints from elsewhere.

First of all, though, I echo others' comments about the work of Andrew Welsh. I wish him very well in his well-earned retirement. He has represented his party—my party—and his area with very great distinction for many years since he was first elected in 1974. I have not seen him in action at the Finance Committee at first hand, but his colleagues' comments this afternoon speak volumes about his work and this is the culmination of many years of dedicated public service and his astute chairmanship of the Finance Committee. I wish him well for the future.

As I have said, the report is important. However, a useful starting point might be to ask the question, "What is preventative spending?" After all, we have been using the term without assessing what it means. The committee report says:

"there is not an established definition in use by relevant bodies that would capture all the examples that were provided to the Committee".

Essentially, however, what it means is spending that helps to prevent negative social outcomes, as becomes clearer in the context of the three specific policy areas that the committee examined. Those areas are the early years framework—I should declare an interest as the father of a one-year-old at home—health and social care, and collaborative working. Before I look at each of them, I should mention in passing the benefits of the committee focusing on and looking at such areas in very close detail.

Considerable research has shown the benefits of early and effective intervention in the early years. Indeed, I am talking not just about policy-based evidence; the Scottish Government's response to the report highlights the work of Professor James Heckman of the University of Chicago, whose studies of the neuroscience of brain receptivity from pre-birth to age three show that intervening in the very earliest years is likely to achieve better results than later intervention. As a result, the committee was right to focus on the early years framework. Evidence also shows that the benefits of such intervention apply at any stage of a child or young person's life, indeed even after they have been defined as a young person. The early years are our first chance to get it right for every child.

The report highlights examples from the Netherlands and Scandinavia, including universal child care provision from birth. I am sympathetic to such policies—I should perhaps redeclare my interest—but I think that, in its response to the Finance Committee about implementing such policies in Scotland, the Scottish Government was probably right to caution against cherry picking policies from different contexts and taking them in isolation. I do not want to strike a discordant note, but the committee might like to reflect, as I am sure some members have, on the fact that the context for the Scandinavian countries and the Netherlands is very different from that of a devolved Scotland. For a start, those countries are independent.

The report also examines specific preventative spending issues in health and social care. I was very interested to hear of the life begins at 40 project that Mr FitzPatrick mentioned although, unlike him, it will be many years before I will have to avail myself of it.

**Linda Fabiani:** Not that many.

**Jamie Hepburn:** It seems plenty to me. I also gently point out that Mr Welsh had represented Angus for five years before I was born, although I am not sure whether he will thank me for saying so.

The report asks whether greater investment is needed in health professionals such as health visitors in supporting early years programmes. I note from its response that the Scottish Government agrees that those professionals play an important role in providing care, advice and support but that it is for health boards to determine appropriate provision in their areas. I suppose that that reflects the fact that we need a collaborative approach to this type of preventative spending.

That brings me to the third area that was considered. Collaborative working is crucial to ensuring the effective use of resources, particularly in times of squeezed budgets. The report recognises the role of community planning partnerships in taking forward collaborative working that involves agencies, local government and health boards. I know that the Government encourages partnerships to go beyond traditional policy boundaries and spending territories to make the best use of resources, which is particularly important in the current context.

In conclusion, it is clear from the committee's report and the Scottish Government's response to it that the committee and the Government agree that the report will help to inform the commission on the future delivery of public services, which is chaired by Campbell Christie and is due to report later this year. The report is useful in that regard. It is playing its part, and I hope that it will leave a legacy beyond its mere publication. It seems that committee reports are too often published and then forgotten about, but that should not happen with this one.

I welcome the debate, which has been fairly consensual, and the general thrust of the report. I wish Andrew Welsh the very best for the future.

15:56

**Elaine Smith (Coatbridge and Chryston) (Lab):** I do not often get excited by the work of the Finance Committee, important though it is. However, its report on preventative spending is excellent, and I commend the committee for its vision in undertaking the work that it has done. Like other members, I, too, wish the convener of the committee all the best for the future.

The report highlights the gains from preventative spending not only for individuals and their families but for society as a whole. I, too, commend in particular the evidence on universal benefits, which is extremely interesting.

Jamie Hepburn made a point that I agree with. It seems reasonable to at least start with the committee's recommendation that

"a robust and measurable definition of 'preventative spending' that could be used across the public sector"

should be provided. That would allow for increased spending in areas that might have lacked resources in the past but which are vital to the preventative approach. We have heard a number of examples of those areas, but I want to highlight one in particular: support for and promotion of breastfeeding.

Sadly, breastfeeding services have been treated as something of a Cinderella service, and hard-gained local provision is suffering from the current cuts agenda, which is unfortunate. There has been much mention today of giving children the best start in life, and breastfeeding does that. It has not been mentioned much in the debate, although Joe FitzPatrick did. As the children who were involved in the Dundee longitudinal infant study are now around 20, it would be interesting to look at that study for examples of where preventative spending has achieved results.

During a debate on early intervention last month, Richard Simpson told members about the fantastic work that was undertaken by breastfeeding support nurses in Wishaw general hospital in assisting his daughter-in-law. Unfortunately, the 22 breastfeeding support nurses in Lanarkshire are facing redundancy by the end of March, as the funding from the Scottish Government's CEL 36—chief executive's letter 36 of 2008—programme is coming to an end. Sadly, public bodies and organisations see such services as an easy option to save money, which is unfortunate because their impacts are measurable. The community mothers project in Lanarkshire was also under threat due to the local authority withdrawing its funding, but it has been given a temporary reprieve, as the health board has picked up the costs. Going back to what Malcolm Chisholm said earlier, I think that that might be an argument for a degree of ring fencing. Such funding is exactly the sort of funding that needs to be continued and prioritised as preventative spending.

As we know, spending on breastfeeding projects results in significant cost savings in both the short term and the long term because of the obvious and undisputed health benefits that are associated with it for mothers and children and because it lowers the risk of certain illnesses. UNICEF pointed out an example of that some years ago. It is not a Scottish example, but it nonetheless gives an indication of the cost savings. UNICEF pointed out that the NHS spent £35 million a year in England and Wales on treating gastroenteritis in formula-fed infants, and that, for every 1 per cent increase in breastfeeding at 13 weeks, £500,000 would be saved on the treatment of gastroenteritis. We should be investing heavily in such services because they deliver long-term health benefits, particularly in areas that suffer from a legacy of poverty and ill health.

Sadly, a negative attitude towards breastfeeding remains that continues to hinder its rates, so preventative spending must also cover education and training across a range of public bodies and awareness raising. It is important to give an example of why that is needed. I have dealt with a case involving a new mother—Sacha Moonsammy, who is a paediatrician—who was subjected to verbal abuse. She was told by a senior member of staff in TK Maxx in Sauchiehall Street to stop breastfeeding, was ranted at by a customer and had to leave in a distressed state with a very hungry baby. Strathclyde Police charged two individuals with contravening the Breastfeeding etc (Scotland) Act 2005, but the procurator fiscal issued only a warning letter—a slap on the wrist—to the company, although that was a traumatic situation that no woman or child in Scotland should face. The Procurator Fiscal Service should treat such incidents more seriously, given their propensity to put women off breastfeeding, which will have an impact in future. It is a strange world in which we are—rightly—willing to prosecute football supporters for shouting across stadiums but a woman who is forced to suffer horrific verbal abuse and is told to stop breastfeeding is not afforded justice.

Spending on education is essential to eradicate negative attitudes and to encourage positive approaches, which contribute to prevention. In 2004, pupils from Rosehall high school in Coatbridge undertook a series of awareness sessions. A subsequent report demonstrated that such spending on education produced improvements in young people's attitudes. Following the sessions, positive attitudes to breastfeeding improved from 10 per cent to 48 per cent in secondary 1 and from 13 per cent to 58 per cent in S4. It is a bit worrying that the figures were so low to start with but, given those positive outcomes, such schemes could be integrated into curriculums. The outlays would be well worth it in comparison with the longer-term benefits and savings.

Susan Deacon's report criticised the amount of money that is spent on new strategies and initiatives when front-line services are being cut. She said:

"Bluntly, if the choice is between a policy analyst or a play worker—I know which I would choose."

I would do the same as her—I would choose the community mothers programme and breastfeeding support nurses over another infant feeding strategist.

I will finish with a good quotation from Children 1<sup>st</sup>'s briefing for the debate. It said:

"We also urge Members to commit to creating a child-friendly Scotland in which every child is valued, respected and protected in our society and where they grow up in

families and communities which are confident about nurturing them.”

That ties in well with the preventative spending agenda and with breastfeeding. I hope that the committee's legacy paper will receive the support that it deserves.

16:02

**Ross Finnie (West of Scotland) (LD):** The debate has been interesting and, by and large, consensual. Like several members who have spoken, but not the majority, I do not serve on the Finance Committee, so I read the report with much interest but without having had the close involvement of the members who participated in its formulation.

I associate myself with the many kind and absolutely deserved remarks that have been made to the committee's convener, Andrew Welsh. It has been a pleasure for all of us—and certainly for me in the past 12 years—to be in the Parliament with him.

An interesting feature that emerged from the report was the overwhelming evidence that was presented to the committee. The case for preventative spending on the basis of that information was undoubtedly compelling. I asked myself from time to time why, if the case was so compelling, we had not undertaken preventative spending uniformly before. There are several good reasons for that.

In reading the report, I found myself agreeing that the examples that it gave were compelling—there was no question about that. However, I wondered how groups or witnesses could assemble such information when those of us who have served on committees of the Parliament or who have been ministers, as I was in the previous Government, have often struggled to have such information to hand when we have tried to take the right decisions.

Many members have mentioned that preventative spending is not new, and indeed it is not. In my early days, I attended an economics class in which we discussed at length and in a rather obtuse way the concept of opportunity cost. When it is translated into modern language, the opportunity cost of doing or not doing something involves to an extent considering preventative spending. It is certainly not new, but it has not dominated the way in which we in the public service and in Parliament consider our spending choices.

A number of interesting points have been made in the debate. I accept the overwhelming evidence that my colleague Jeremy Purvis associated with the report but, more than that, the report begs questions about what we do in a policy framework

and in a monitoring, recording and budgetary framework to try to ensure that preventative spending and its benefits are more regularly and systematically brought before Parliament in future.

Derek Brownlee made several interesting observations. We have all now got our heads round the critical issue of switching from an input to an outcome basis although, in the early days of the Parliament, we had not. However, although the majority of those of us in the Parliament now subscribe to that view, it remains a fact that far too many propositions are still posited on an input basis. We have not quite got the cultural break that would make us almost automatically deal with issues on an outcome basis.

There is a burden on all of us to ensure that that happens in our parties. A remarkable consensus has broken out, which has all sorts of people on the same page, although Jeremy Purvis, who has left to meet someone, was rather hurt that he was excluded from David Whitton's opening remarks. I tried to console him, but I failed—he was unmoveable. That consensus has to last if we are serious about moving towards preventative spending.

Johann Lamont was right that there will constantly be choices in which our philosophical differences will emerge. Although such differences are healthy, if we want to make choices on an informed basis, we need consensus in order to consider how to present policies on a basis that is genuinely outcome driven.

That brings us back to the issue of what we do every year when we get the budget. I have never seen an outcome-driven budget. That is not a criticism of the current Government; it is down to the way in which we produce the information, which does not facilitate the kind of choices that all members have welcomed this afternoon. We need to be able to say to those who prepare such information, in a consensual way, that we need their help. Indeed, it may be constructive for Mr Brownlee and I, as members of the accounting profession, to say that if, as a matter of public policy, we can see positive benefits of preventative spending accrue in a range of areas, and if such benefits are going to be measured and be part of the budgetary process, we need assistance. I do not know whether the institute of which Mr Brownlee and I are members might wish to give some assistance, but it seems to me that the more people who are engaged in the process, the better.

Members mentioned various aspects of preventative spending that are working. However, my concern is not about the report or the consensus that has emerged on the need for preventative spending. My concern is that if preventative spending is to become part and

parcel of the process of Scottish government, it needs an equal consensus to address the problems of control and monitoring, and the output measurement that is so critical to the future of such a project.

16:09

**Derek Brownlee:** Ross Finnie raised an important point about the outcome basis. Although there has been a shift in rhetoric in Parliament about moving towards an outcome basis, that has not been matched by a shift in everyone's point of view on how we deal with it. Too often, we still equate spending more with getting more. In fact, as Margaret Smith pointed out, it is not always the case that if we spend more, we get more.

Ross Finnie's observation about the budget process is possibly the key point. If we do not want the report simply to gather dust on a shelf somewhere, we have to ensure that it is implemented. All the budget processes that I have observed, under the current Government and its predecessor, have been largely focused on incremental change. That is not surprising and is not confined to politics—it happens in most areas of budget setting. Often, it is the simplest way of doing things, as there is a certain clarity to it, but sometimes it prevents the more fundamental questions from being asked, such as whether we are using resources most effectively and are focusing on the outcomes that we want to achieve, rather than simply on what was done previously. As we get beyond the election and head into a spending review by whoever forms the Scottish Government, we will have the ideal opportunity to take a more strategic perspective for the rest of the spending review period and to think about whether we need to move away from a more incremental approach to one that is more outcome based.

I do not wish to add more items to the list of requirements for budget documents, which is easy to do. However, when Parliament gets a draft budget, it is given a draft set of spending plans and an indication of what those will deliver. The Government of the day will always put the best spin on that, which is entirely understandable, but the process falls down when it comes to giving members a depth of understanding about how money could be shifted around and the impacts, both positive and negative, that that could have. It is a difficult challenge to deliver that degree of context to the budget process without burdening everyone with screeds of information and giving the civil service a lot of extra work to do. However, if we do not somehow get there, it is difficult to see how we will get beyond more debates in which everyone is consensual and agrees that it is the right place in which to end up, but we do not make

progress towards it. The single biggest question that I have about the report is how we turn its aims, on which there seems to be a significant degree of consensus, into practice.

Some members have raised the issue of how evidence based policy is. It is probably fair to say that, although we would like all policy decisions to be evidence based, that is simply not the case. That is true of all Governments.

Linda Fabiani said that one of the biggest risks was that we simply would not start, because the timeframe is so long. To some extent, I agree with her on that. Ross Finnie's remarks demonstrated the same point.

I am tempted to say that this is one of the rare occasions on which I agree with Elaine Smith—on two issues. Often I, too, do not find the work of the Finance Committee exciting; she can join my club in relation to that. The second, more substantive issue that she raised was breastfeeding, a cause that she has championed for some time. As someone who is in the same position as Jamie Hepburn—although I will not cast aspersions on his colleagues for their age, as he did—and as a relatively new father, I find it confusing that there are many issues that simply do not cross someone's mind until they become a parent. I do not know whether that is a particularly male perspective. The quality of education and the factors that affect the cultural decisions that impact on the uptake of breastfeeding are not well considered, certainly not among males. The issue would never have been discussed during my time in schooling. We need to cross some cultural barriers if we are to change practice. Some of the interventions that Elaine Smith described will be effective, but there is also a cultural barrier. Often, cultural barriers are the most difficult ones to overturn.

The difficulties in service redesign on which Margaret Smith touched are also real. There is a lot of pressure on spending. Every part of the public sector is under pressure, and it is always easier to make savings in the short term than in the longer term. It takes courage to take difficult political decisions that will not yield benefits in the short term—indeed, which will often be criticised in the short term—but which will bear fruit in the long term. Perhaps the real test of political leadership is the ability of politicians to put aside short-term political interest and do that. It may be asking too much to call for that credibly at this stage in the political cycle, so close to an election. However, I hope that whoever is part of the Parliament after May—Ross Finnie gave me some interesting ideas as to what I might do, in relation to the accountancy profession, if I am not—will give serious consideration, as part of the spending review and beyond, to how issues of preventative

spending can be mainstreamed more into debate and scrutiny in all committees, for all policy initiatives, so that we can get away from well-meaning debates and into policies changing and action being delivered. If that comes out of today's debate, it will have been well worth it.

16:15

**Andy Kerr (East Kilbride) (Lab):** I place on record my thanks to Andrew Welsh for his contribution to the Parliament and its workings. I also thank the Finance Committee for its report.

Having listened to this afternoon's debate, I think that we should reflect on some measures that we have taken. We should not beat ourselves up too much about issues to do with preventative interventions. Malcolm Chisholm mentioned the David Kerr report—the national framework for service change in the NHS. The smoking ban was supported by many members of the Parliament. The vaccination programme for the human papilloma virus—HPV—to prevent cervical cancer was advocated by many members, too. I can also mention antenatal care interventions, fruit in schools, school meals projects, the sexual health strategy, the breastfeeding legislation that was championed by Elaine Smith and the Scottish bowel screening programme. We have taken many measures that have gone beyond the political cycle, and we have reached levels of debate and discussion to which we should continue to aspire. However, we should not be complacent.

There are barriers, and I believe that we politicians are one of the significant barriers in the way of progress in this regard—with a lack of ambition, perhaps, or a lack of courage, and with our innate ability to cut to the political chase and try to score points. Those are sadnesses, and I do not exclude any political party or individual from that. We should frequently look at ourselves in the mirror to try and visualise whether we are enacting the principles that have been set out in the Finance Committee's report—and also set out by others in the past.

We should not forget, either, the empires that are built by officials in the public sector across the country and the protectionism that leads to an inability to instigate change or reform in the way that we should be doing.

We should not forget the professional vested interest that exists in relation to some of the substantial changes and challenges that we face on issues such as preventative interventions, as was covered in the committee's report.

I think that it was Andrew Welsh who spoke about the moral perspective. I hope that we can continue throughout the election period and

beyond with the debate and discussion on the morality of our decision making and our ability to reach the higher ground and a higher plane of decision making.

We are always deficient as far as information is concerned, but we have good resources when it comes to knowing where ill health occurs, where there is a lack of educational opportunity and where we need to make interventions. I recall from when I was Minister for Health and Community Care that the chief medical officer could almost tell me, by postcode, how many heart attacks would take place in certain parts of Glasgow. That drove the statins programme, through which we sought to address that challenge in a preventative manner.

The example of North Karelia has been mentioned. A different approach was taken there, but if one charts the reduction in the rate of heart attacks over the years there, one sees that Scotland figures pretty well in comparison. We took a medicine-based approach, using statins and other interventions. Although I would advocate that the approach that was taken in North Karelia was a better one, we have also taken some preventative measures that are of value to our communities here in Scotland.

Going back to the principles around our commonality of interest, I think that it is indeed about spending to save—money is important, and prevention is better than cure. Actually, it is also better for people. It is better for families, for children and for communities if we carry out preventative interventions in the manner that is described in the committee's report. Ross Finnie reminded us of economics lectures about the opportunity costs of taking actions or not taking them.

Various members have raised the bar in the debate. Margaret Smith spoke about the need for consensus. A range of Tory speakers made contributions about calibration and how we use information. Elaine Smith spoke about the breastfeeding legislation. I am glad that she was excited about a Finance Committee report. I, too, have a degree of excitement about the report, which has brought a lot to the Parliament's discussions.

Joe FitzPatrick mentioned the idea that we need to shift the balance of resources even harder. That has been a personal ambition of mine, and an ambition of my party, for a number of years, and we need to put all our shoulders behind that effort. He spoke in noble terms about what we need to do in that regard, and I want all of us not to forget those noble sentiments as we go through the battle of elections and whatever comes out the other end. We have a collective responsibility in

the Parliament to try to address the worthwhile issues that have been raised in the report.

Johann Lamont talked about the challenge of the shift to preventative spending and Linda Fabiani rightly talked about the good work of Scotland's Futures Forum, which we should not forget. Malcolm Chisholm, who made the pretty bold statement that he knew everything about what we spend, reminded us that we might know the price of everything but the value of nothing. We need to bear that in mind as we go about our efforts and consider the causes and effects of our interventions.

Statistics can act in strange ways. A civil servant once told me excitedly that the health inequality gap had closed, because middle-class women were drinking more. The gap between the working class and the middle class had closed, but for all the wrong reasons.

We have a good report on our hands. One of the witnesses in the inquiry—I do not know who—said that a leap of faith is required. I hope that the Parliament will be up to making that leap of faith in future. That is my appeal to the Parliament.

16:21

**John Swinney:** It is not often that I can follow Mr Kerr in a debate and agree heartily with many of the sentiments that he has expressed. I particularly agree with his starting point. Although we all agree, I think, that there will always be a demand for us to undertake more preventative spending, it is important that we recognise what we are currently doing and what has been done in the past.

That is why, in my opening speech, I acknowledged that this Administration has built on what we inherited from the two previous Administrations and, I dare say, from the Scottish Office in the old days—surely some good things must have come out of the Scottish Office. We have done that in recognition of the need to tackle the issues. In a sense, the argument that we are at a point when we must, for the first time, change how we allocate spending misses the point; over different periods of the political cycle there has been a genuine effort to tackle some of the long-term problems in Scottish society. I am confident that the approach will be sustained, whatever the composition of the Parliament after the election.

There have been a number of thoughtful and substantial contributions to the debate. I will concentrate on three areas that relate to how we take the agenda forward. The first is leadership and how that is expressed in this context. During the lifetime of the Parliament there has been a debate about that, in which Johann Lamont has actively participated. Is it about ring fencing, which

was much utilised by previous Administrations, or is it about trying to create willing agreement, which has been very much the hallmark of the current Administration?

I think that members well know my feelings about ring fencing. However, we must be able to answer confidently the question that Johann Lamont put to us about how we establish a meaningful connection between framework and strategy and delivery. We must be able to demonstrate that the approaches that we take in the context of delivery and leadership address that point.

The second area is evaluation. Margaret Smith said that we must be much more assiduous in evaluating what works. The corollary of that must be that if something is not working we must stop funding it and change our priorities. That is not easy to do—we all know how difficult it is. However, if there can be acknowledgement that we should stop funding things that do not deliver the results that we think they should deliver and fund new priorities, we can have a model that will serve the Parliament well in the years to come, particularly given the financial times that we are entering.

The third area is how everything that I have talked about translates into the budget process. I appreciated, as I always do, the way in which Mr Finnie expressed himself in that regard, and I appreciated his beautiful explanation of opportunity costs, which brought back happy memories. He and Mr Brownlee asked, "How does all this appear in the budget process?" Having presided over four budgets that, by the nature of the process, have had to acquire support from other political parties, I can see how Parliament could be presented not only with the draft allocations that I present to it habitually in September but, earlier in the year, with some choices for different ways in which we could tackle particular problems.

Mr Brownlee said that that would add to civil servants' workload. Well, they have the summer months and they must be kept busy during that period—they have certainly kept me busy in the summer months over the past four years. There are ways in which we could formulate propositions about choices and different ways of attaching greater or lesser significance to particular questions, which would come to Parliament for consideration, perhaps in the fashion that we are considering the report now. The point that Margaret Smith raised about being prepared to confront whether measures are working or not could manifest itself in such a process.

The measures that we have introduced, such as the early years fund that Mr Ingram announced yesterday or the change fund that the Deputy First

Minister announced, are the latest efforts to change the focus within the balance of preventative spending to try to deliver better outcomes. Obviously, we will report to Parliament on those outcomes.

I will deal with another couple of specific points from the debate. Elaine Smith intervened on Mr Welsh about the health in pregnancy grant. I point out—I know that she knows this—that its abolition is one of the changes that the United Kingdom Government is making. Obviously, supporting mothers-to-be is a very important part of the support that we can put in place for the benefit and wellbeing of young people.

In her speech, Elaine Smith went on to make powerful points about breastfeeding, as she has done throughout her service in Parliament. I observe that the Government has concentrated on breastfeeding in some of its social marketing activity. Communication costs have been allocated to launching and running a TV and radio campaign to support the greater uptake of breastfeeding.

That is an example of how public information promoted by Government can have a pretty good and desirable impact. We get criticised, of course, for spending money on advertising and all that goes with it, but I hope that Parliament acknowledges that, sometimes, choices are made for the right reasons—namely, to try to structure different outcomes.

I hope that I have signalled the Government's willingness to take a continuous approach to preventative spending. The report will certainly give the incoming Administration food for thought and I hope that I am part of that to take forward a positive response to the Finance Committee's work.

I will make an observation on Johann Lamont's point about some of the simple examples of preventative expenditure. She mentioned a lunch club for elderly people that might just keep them connected and out of hospital. I visited a lunch club in the village of Inchtute the other day. It has nothing to with the public sector and everything to do with about three local people who make it their business to gather together 60 or so senior members of the community once a fortnight for a good meal and a good blether. The social interaction and benefit of that was obvious when I walked in the room. Even the smallest interventions of that type can have the most significant impact in our communities.

16:29

**Tom McCabe (Hamilton South) (Lab):** As others have done, I acknowledge Andrew Welsh's service. I will not repeat all the plaudits. I simply say to him that he should be proud of his public

service over a long number of years and of the way in which he chaired the Finance Committee and steered the report to its final conclusions. I wish him well in whatever he chooses to do when he leaves this place.

Every committee wants its work to count and to make a difference. At the risk of being accused of special pleading, I must say that the report, which is focused on preventative spending in the early years, can make the kind of difference that we all came into politics to make in the first place.

So much of the discourse in this place is bluster and hyperbole, but the truth is that between the parties of any size in this chamber there is always more that unites us than divides us. Here is a policy direction that can and should unite all sections of the chamber. Here is a policy to inspire and revolutionise our society.

Mr Swinney was right when he made the point a few moments ago that it is far harder to stop a policy than it is to start one. If we are serious about finding the means and resources for preventative spending in the early years, we need to be serious about facing up to very hard decisions over policies that were started with the very best of intentions but for which the evidence base of outcomes having been produced simply does not exist. When we can do that, we will make shifting from current expenditure to a new form of expenditure easier, if not easy.

This is not untried or untested territory. If the report did anything, it demonstrated the wealth of evidence from around the world that has emerged over a long period of time. Nordic countries and the United States have seen a real difference with sizeable reductions in contacts with the justice system, sizeable improvements in educational attainment and marked improvements in health outcomes over a long period of time.

Investment in the early years is an investment in the nourishment of our society. It is the reintroduction of human beings with empathy.

One of the things that we learned—I am sure that many members knew this already—was that by the age of three, a child's brain has almost fully developed and what has been lost can never be regained. The best illustration that we saw of that was two images of two different children's brains. One child was three years of age and their brain filled the entire skull. That child came from a background of nourishment, love and encouragement. The other child came from what we would describe as a chaotic background, for want of a better expression. Their brain was markedly smaller. That child's capacity and life chances were set in stone at the age of three, because the support, nourishment and empathy



simply had not been there, because of the circumstances that they were born into.

That, in essence, is what preventative spending is about. It is about taking the huge decision to channel resources towards those who are more challenged and towards providing that nourishment and support in order to ensure that by the age of three every child has the best chance of having developed the mental capacity that will sustain them through the rest of their life.

By the time a child is five, neuroscientists and a range of other specialists can predict their life journey in terms of educational attainment, health outcomes and contact with the justice system—the impact that that child will have in our society. I have heard primary school teachers say that when they receive children at the age of five, they can often tell the children who will flourish and those who will be challenged.

That is not just anecdotal evidence. This report demonstrates that that is proven, not just in this country but in countries around the world. By the age of five, if a child is lost, regaining them and giving them the life opportunities that we would expect them to have is a gargantuan task.

We have a stark choice: embrace the incontrovertible evidence and knowledge, or continue to promote the intergenerational failure that increasingly curses our communities.

As many have said, we need a political consensus. We need brave politicians who can see beyond the electoral cycle. I know that some have said that the returns will be in the long term. We received a piece of evidence from a pilot that showed that, with the appropriate support, parents under 21 who would normally attend only about 30 per cent of their doctor's appointments can reach a level of 90 per cent attendance. That is an immediate win, not only for public expenditure, but for the development of the children of those young parents and for the parents' understanding of what is required to help their children to develop.

If we pay nothing more than lip service to a comprehensive restructuring of our early years intervention, we will diminish individual opportunity and will continue to perpetuate an unsustainable system. In the face of the incontrovertible evidence, we need to learn what others have learned and put that learning into practice so that we can say that, on our watch, we put in place the building blocks of a more cohesive society.

As others have said, we need to face up to the challenges of making that fundamental shift. We need to face up to the protectionism and the professional demarcation that will stand in its way. It is in the interests of our children and those in society who face substantial challenges in preventing intergenerational failure that we do so.

With the committee's report, we have a massive opportunity to demonstrate how politics can revolutionise our society. Given that faith in politics and politicians is hardly at a high, surely now is the time for all those members across the chamber who came into politics for the right reasons to take the right decisions to reinstitute that faith in the systems that we have to guide our society.

## **“Financial Resolutions and scrutiny of revised Financial Memoranda”**

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-8080, in the name of Gil Paterson, on “Financial Resolutions and scrutiny of revised Financial Memoranda”.

I call on Gil Paterson to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

16:37

**Gil Paterson (West of Scotland) (SNP):** I thank and am grateful to my committee for its work over the past few years. I am also grateful for the back-up that the clerking team, the lawyers and the officials have provided. Their help has been exceptionally good.

I will speak first about financial resolutions, before I briefly cover rule changes on financial memoranda. The committee's inquiry stemmed from stage 2 scrutiny of the Education (Additional Support for Learning) (Scotland) Bill. The limited ability of the existing procedures to accommodate scrutiny of cost-bearing amendments became apparent when such amendments were lodged at stage 2 of that bill, and the matter was highlighted to the Standards, Procedures and Public Appointments Committee by the Finance Committee. The rules relating to financial resolutions and the changes that the committee has proposed are technical in nature, which is probably why the chamber virtually emptied when the previous debate ended.

I will begin with the background. At present, the Presiding Officer considers whether a bill requires a financial resolution, in advance of its being formally introduced. That process is based on the criteria that are set out in rule 9.12.3 of standing orders. For example, if a bill would significantly increase expenditure from the Scottish consolidated fund for a new or existing purpose, it requires a financial resolution. When the Presiding Officer deems that a financial resolution is required, it must be passed by Parliament to allow a bill to progress to the amendment stages. If it is disagreed to, the bill falls. Regardless of who introduces a bill, it is for the Government to decide whether to produce a financial resolution.

The committee began its inquiry by considering the basis for the existing rules on financial resolutions. That included questioning whether financial resolutions were necessary at all and, if so, whether the Government should retain its current role in relation to them. The balance of

submissions that we received supported the underlying principle on which the financial resolutions rule is based, which is that it is for the Government to retain responsibility for, and therefore control of, overall levels of expenditure and income. The committee agrees with that and does not propose any change to the Government's role in relation to financial resolutions.

The committee does, however, consider that there is scope for change in relation to the procedures for considering cost-bearing amendments when a bill does not require a financial resolution. Rule 9.12.6 provides that no proceedings may be taken on such amendments, which prevents Parliament from formally debating and agreeing cost-bearing amendments that fall below the threshold for triggering the need for a financial resolution.

The proposed rule changes would allow such amendments to be debated and voted on at stages 2 and 3. The changes would also allow for stage 2 debate on amendments that, on their own, are too expensive to be made to the bill. That should serve a number of purposes. First, it would allow the member who lodged the amendment to put on record the policy that they advocate should appear in the bill. Secondly, it could generate sufficient support that the Government is persuaded to propose a financial resolution. Thirdly, the discussion on the policy could generate an idea for a new stage 3 amendment that might be less expensive and could therefore be made to the bill.

Throughout the inquiry, the committee was aware that proposed changes to procedures should be proportionate. We were also aware that, so far, Parliament has considered only one bill in which the rules on cost-bearing amendments have proved to be limiting. Fundamental changes to established procedures would not be appropriate, so the committee has tried to keep changes to stage 3 procedure to a minimum. However, the committee has also been guided by the principle that there should be an opportunity to consider all cumulative cost-bearing amendments alongside each other, in addition to the usual consideration of amendments that are grouped according to subject. That is because when only a limited number of cumulative cost-bearing amendments can be agreed, decisions must be taken on the merit of each amendment and on whether one amendment is of more merit than another.

The committee recommends that, when cost-bearing amendments are lodged, an additional debate should be held at the end of stage 2. Such amendments and any related amendments should be voted on after that debate. When that procedure requires to be followed, it will disrupt marshalled-list order consideration at stage 2, so

the proposed rules have been carefully worded to keep such disruption to a minimum.

On financial memoranda, the proposed rule change is far more straightforward than those for financial resolutions. It will extend the period of time that will be available for scrutiny of revised financial memoranda that require to be produced to reflect changes that have been made to a bill at stage 2. That will allow the Finance Committee and individual members the same period of time to scrutinise a financial memorandum as the Subordinate Legislation Committee has to scrutinise a delegated powers memorandum.

I thank the Finance Committee for highlighting the need for consideration of the rules on financial resolutions and financial memoranda to the attention of the Standards, Procedures and Public Appointments Committee. I consider that the committee has, through in-depth deliberations, developed sensible rule changes that are proportionate and conducive to ensuring open debate on all policy matters, including those that have financial implications.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report 2011 (Session 3), *Financial Resolutions and scrutiny of revised Financial Memoranda* (SP Paper 565), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 1 April 2011.

16:44

**Nanette Milne (North East Scotland) (Con):** I appreciate that the rule changes are technical in nature and may therefore strike members as being challenging to apply in practice. However, detailed changes will be made to the public bills guidance to supplement the rules. In addition, when cost-bearing amendments are lodged, supporting documents that are used during stages 2 and 3, such as the groupings, will also highlight any elements of proceedings that are a break from the norm.

I also highlight a matter that does not require a rule change, but which will be crucial to successful implementation of the changes: specifically, the timetabling of stages 2 and 3 consideration of bills when cost-bearing amendments are lodged. As we know, costing amendments for the Education (Additional Support for Learning) (Scotland) Bill was time consuming for members, Parliament clerks and Government officials. Expecting such cost assessment, consideration by the Presiding Officer and publication of the groupings to take place to current stage 2 timescales is simply not feasible.

The Standards, Procedures and Public Appointments Committee considered lengthening

the existing deadlines for lodging amendments at stage 2 to allow sufficient time for that to be the standard process. However, the committee anticipates that, although the number of instances of bills being introduced with no financial resolution is likely to increase, cost-bearing amendments will not necessarily be lodged for each bill. The majority of bills that will be passed by Parliament will most likely proceed according to standard procedures, as opposed to having to adhere to the procedures that are set out in the report. Therefore, on balance, the committee considered that lengthening the time between lodging amendments and their consideration at stage 2 for all bills would be a disproportionate response.

Although the committee is not recommending a change to standing orders to extend deadlines for lodging amendments, it strongly encourages the Parliamentary Bureau to allow additional time at stage 2 for bills without financial resolutions, if the bill has a wide scope or is based on a policy that is likely to be conducive to cost-bearing amendments being lodged. At least an additional week should be factored in to stage 2 deadlines in such situations, and the knock-on effects of timetabling chamber time for stage 3 should also be taken into account. In addition, the committee recommends that committees that consider such bills should factor sufficient flexibility into their work programmes to allow for stage 2 considerations to be timetabled for a later date when cost-bearing amendments are lodged.

I support the committee's recommendations and the associated rule changes.

16:47

**Jim Hume (South of Scotland) (LD):** I am pleased to contribute to this afternoon's short debate. I have been a member of the Standards, Procedures and Public Appointments Committee for just a short time, but this is already my second debate on one of its reports.

I know that we are fairly time limited, so I will offer only a few brief thoughts. In short, financial resolutions are important. They are important because it is vital that any bill that is brought before Parliament, that may significantly influence the Scottish consolidated fund, be fully costed to ensure that members are aware of its full implications. The financial implications of a bill are always just as important as its policy implications, particularly now, in times of tight finances.

We are fast approaching the end of the third session of the Parliament, and there is no harm in doing a little spring cleaning with the standing orders. Indeed, the difficulties in costing the financial implications of proposed amendments to

the Education (Additional Support for Learning) (Scotland) Bill, as highlighted by the Finance Committee's letter, demonstrated that it was perhaps time that we looked again at the rules governing financial resolutions. The Finance Committee's desire to develop an approach to considering cost-bearing amendments when no financial resolution existed was clearly worthy of consideration.

As the Standards, Procedures and Public Appointments Committee report highlighted, voting on cumulative cost-bearing amendments in the standard marshalled-list order gives rise to the possibility of members failing to be afforded the opportunity to debate their own cumulative cost-bearing amendments. That could happen if amendments up to the financial threshold have already been agreed to in earlier sections of the bill.

I agree entirely with the committee that that is both "unfair and arbitrary". The failure of any amendment should depend entirely on its merits and not on where it happens to fall in the bill. That is why I support the committee's recommendation that, although cumulative cost-bearing amendments should be debated by subject matter, as they are currently, the putting of the question on those cumulative cost-bearing amendments that fall within the financial threshold should be deferred until the end of stage 2.

Some thought was clearly given as to whether stage 2 or stage 3 would be the appropriate time to consider cumulative cost-bearing amendments. In my eyes, stage 2 appears to be the natural choice, due to the obvious flexibility that it offers in comparison with stage 3 proceedings, which involve a strict timescale and many more members than a committee. I agree with the committee entirely.

I thank the clerks, all the associated staff, the convener and the other members of the committee for their hard work during the consultation and the preparation of the report. I fully endorse the committee's recommendations and will support the convener's motion.

16:50

**Marilyn Livingstone (Kirkcaldy) (Lab):** I, too, thank the clerks and the lawyers who have given us immense support on these very complex and technical changes, to which we have given substantial consideration.

I highlight an issue that is distinct from those that were outlined by the convener—the role of the Presiding Officer in relation to financial resolutions. As a starting point, it was clear to the committee that, to ensure political impartiality, the most appropriate individual to determine the potential

cost of amendments is the Presiding Officer. The rule changes seek to make clear the role of the Presiding Officer in assessing whether a bill requires a financial resolution, whether amendments are cost bearing and, if so, whether an amendment is sufficiently expensive to trigger the need for a financial resolution.

The committee acknowledges the issues that were raised in its consultation in relation to the difficulties that are associated with assessing costs. Those include the likelihood of a number of estimates being put forward, including estimates from the Government, the member who has lodged the amendment and parliamentary officials. It is unavoidable that assessing the cost of policies behind amendments is likely, to some degree, to be speculative and subjective. The committee wishes to put on record that the Presiding Officer is in a difficult position in the circumstances, being required to place a specific cost on each cost-bearing amendment when a number of suggested estimates offer notably different figures. However, it is difficult to conceive of an approach to legislation that allows cost-bearing amendments to be debated and agreed to, but which also ensures that the Parliament legislates with the necessary financial thresholds without placing a value on the overall cost of the bill, the threshold for significant expenditure and each cumulative cost-bearing amendment.

The committee considers that the changes that are proposed to the rules will ensure that the functions that are required of the Presiding Officer are underpinned by the standing orders. I support the motion in the name of the convener and hope that it will receive the support of the Parliament at decision time this evening.

## “Scrutiny of SPCB supported bodies”

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-8081, in the name of Gil Paterson, on “Scrutiny of SPCB supported bodies”. I call Gil Paterson to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

16:53

**Gil Paterson (West of Scotland) (SNP):** The change that is recommended in the committee's second report of 2011 stems from the work that was undertaken by the Review of SPCB Supported Bodies Committee. In its 2009 report, that committee recommended that there should be more regular scrutiny of the various bodies that are supported by the corporate body. The convener of the Review of SPCB Supported Bodies Committee asked the Standards, Procedures and Public Appointments Committee to consider introducing a scrutiny requirement into the standing orders. The bodies concerned are important ones: the Scottish Public Services Ombudsman, the Scottish Information Commissioner, Scotland's Commissioner for Children and Young People, the Scottish Parliamentary Standards Commissioner, the Scottish Human Rights Commission and the new commission for ethical standards in public life in Scotland, which will include the Standards Commission for Scotland and the Office of the Commissioner for Public Appointments in Scotland. Although the SPCB has a role in scrutinising the efficiency of those bodies—for example, in setting budgets—the SPCB is not the right body to examine the way in which those bodies carry out their functions.

The proposal for specific rules does not indicate that there has been no scrutiny of those bodies. We are aware that the Local Government and Communities Committee has regularly taken evidence from the Scottish Public Services Ombudsman and that the Education, Lifelong Learning and Culture Committee has scrutinised Scotland's Commissioner for Children and Young People.

My committee has regular evidence sessions with the Scottish Parliamentary Standards Commissioner and the Office of the Commissioner for Public Appointments in Scotland on their annual reports. The commissioners in question have welcomed the opportunity to develop a closer relationship with the Parliament's committees. However, the committee considered that it would be useful to ensure that scrutiny of

SPCB-supported bodies takes place in a regular and systematic way.

The focus of the scrutiny is on the functions of the supported bodies. The committee therefore concluded that scrutiny should be based on the documents that those bodies are required to lay before the Parliament—specifically, annual reports and strategic plans. The proposed changes to standing orders seek to balance the importance of such scrutiny against the other demands and priorities that committees have.

We concluded that the most appropriate way in which to achieve that balance was to refer the relevant documents to committees for consideration. That will enable systematic scrutiny to take place but will also allow a committee the flexibility to decide on the right level of scrutiny within the broader context of its current work programme. That might range from a short discussion at a meeting to an evidence session with the body concerned, or a brief inquiry or report to Parliament if more significant issues arose.

Referral of documents would be done by the clerk. We felt that that was the simplest solution, similar to the mechanism for referring subordinate legislation. If there were any doubt about where a particular report should be referred, standing orders provide for that to be resolved by the Parliamentary Bureau, which would designate a lead committee. That mechanism would be able to accommodate any future changes to the titles and remits of the Parliament's committees.

The bodies carry out significant functions for the Parliament and the people of Scotland. Their operational independence is important and continues to be protected. However, it is also important that Parliament is satisfied that they are carrying out their functions as effectively as possible. We believe that the proposed changes to standing orders will allow committees to undertake appropriate and regular scrutiny of the SPCB-supported bodies.

Finally, I would like to refer to another motion that is before the Parliament today, motion S3M-8088, which seeks the Parliament's agreement to a minor adjustment to the changes that are being made to chapter 3A. That adjustment is to remove the words “the 2010 Act” from that chapter. Of the recent changes to standing orders, a number arise from two acts that were passed in 2010. Removing those words from chapter 3A and replacing them with the full title of the relevant act will ensure that the standing orders are interpreted clearly with regard to people's ability to know which act applies to which rules.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 2nd Report 2011 (Session 3), *Scrutiny of SPCB supported bodies* (SP Paper 566), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 1 April 2011.

## Standing Orders

**The Deputy Presiding Officer (Trish Godman):** The next item of business concerns motion S3M-8088, in the name of Gil Paterson, on changes to standing orders.

*Motion moved,*

That the Parliament agrees that, in giving effect to the standing order rule changes set out in Annexe A of the Standards, Procedures and Public Appointments Committee's 10th Report 2010 (Session 3), *Minor changes to Standing Orders* (SP Paper 552), and 2nd Report 2011 (Session 3), *Scrutiny of SPCB supported bodies* (SP Paper 566), the words "the 2010 Act" be deleted where they first appear in chapter 3A and any other occurrences of the words "the 2010 Act" in that chapter be replaced with "the Scottish Parliamentary Commissions and Commissioners etc Act 2010".—[*Gil Paterson.*]

**The Deputy Presiding Officer:** The question on the motion will be put at decision time.

## Reservoirs (Scotland) Bill: Stage 3

16:59

**The Deputy Presiding Officer (Trish Godman):** The next item of business is stage 3 proceedings on the Reservoirs (Scotland) Bill. In dealing with amendments, members should have the bill as amended at stage 2, the marshalled list and the groupings, which the Presiding Officer has agreed. As usual, the division bell will sound and proceedings will be suspended for five minutes for the first division. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate, and all other divisions will be 30 seconds.

### Section 22A—Appeal to the Scottish Ministers following SEPA's review

**The Deputy Presiding Officer:** Group 1 is on minor amendments. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2, 4, 13, 15 and 20.

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** We have taken this final opportunity to propose a few minor drafting adjustments to the bill to tidy up some loose ends. Amendments 1 and 2 amend section 22A(3)—I have just noticed that Jamie McGrigor is yawning already. [*Laughter.*] They amend section 22A(3) to remove any doubt that the risk designation that is given by the Scottish Environment Protection Agency continues to apply during any appeal to the Scottish ministers against that risk designation.

Amendment 4 simply corrects the reference in section 26(6) to notices under subsection (4), which is incorrect, to notices under subsection (5). Amendment 13 makes section 67(4) clearer by inserting a specific reference to section 69, which is already referred to, rather than retaining a slightly opaque reference to that section. Amendment 15 simply clarifies that appeals against the issuing of stop notices may be made to the Scottish ministers.

Amendment 20 corrects a reference in section 105 so that it refers to the whole of the act as intended, rather than just part 3.

I trust that members will support those amendments, and I move amendment 1.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Richard Lochhead]—and agreed to.*

**The Deputy Presiding Officer:** Group 2 is on risk designation appeals and stop notices—appointment of engineer to advise. Amendment 3, in the name of the cabinet secretary, is grouped with amendment 14.

**Richard Lochhead:** Section 22A was inserted at stage 2 to enable reservoir managers to make appeals to the Scottish ministers against SEPA risk designations. An appeal may be made after a SEPA review of its initial risk designation for a reservoir.

The Institution of Civil Engineers raised concerns about the consultation requirement in section 22A. Section 22A requires the ICE to be consulted before ministers determine an appeal, but the ICE does not think that it is appropriate that it should be consulted on individual cases. As a result, we agreed to lodge an amendment to address its concerns.

Amendment 3 removes the consultation requirement, and in its place enables ministers, when considering risk designation appeals, to appoint—at their own expense—an engineer to make a recommendation on the risk categorisation. The appointed engineer must be a member of an appropriate panel. That ensures that engineering expertise can still be sought by ministers if circumstances warrant it.

A similar issue arose after stage 2 in relation to the amended section 71. The power in section 71 was altered at stage 2 to allow SEPA to issue stop notices to reservoir managers who are carrying out an activity that is causing a risk of an uncontrolled release of water, even when the activity itself is not an offence. To ensure that stop notices in those circumstances are issued only when it is necessary, the bill was amended to require SEPA to seek expert engineering advice before issuing such a stop notice, by consulting the Institution of Civil Engineers.

The ICE has concerns about that consultation provision that are similar to those that I have just mentioned in relation to section 22A appeals. Amendment 14 therefore replaces the requirement to consult the ICE with a requirement to appoint a suitably qualified engineer to make recommendations about a stop notice. It also requires SEPA to take into account any recommendations that are made by that engineer.

We have consulted the ICE on amendments 3 and 14, and it is content with the proposed changes.

I move amendment 3.

*Amendment 3 agreed to.*

### Section 26—Appointment and removal of panel members

*Amendment 4 moved—[Richard Lochhead]—and agreed to.*

#### **Section 45—Inspections: duties of inspecting engineers etc**

**The Deputy Presiding Officer:** Group 3 is on monitoring of measures for maintenance of reservoir. Amendment 5, in the name of the cabinet secretary, is grouped with amendments 10 to 12.

**Richard Lochhead:** During our continuous dialogue with the Institution of Civil Engineers, a number of final adjustments to sections 45 and 48 were identified as necessary to ensure that the different types of measures in the interests of safety are appropriately supervised, monitored and reported on.

Amendment 5 separates the supervision of maintenance safety measures from other safety measures and places them under the monitoring regime of the supervising engineer rather than the inspecting engineer. As required maintenance measures in the interests of safety are likely to be on-going, we believe that monitoring by the supervising engineer is more appropriate.

The remaining amendments in the group are consequential on that change. Amendment 10 makes it a duty for the supervising engineer to monitor the reservoir manager's compliance with any maintenance safety measures that are specified in an inspection report. Amendments 11 and 12 require the supervising engineer to notify the reservoir manager and SEPA of any failure and to report on it in their annual written statement.

I move amendment 5.

*Amendment 5 agreed to.*

#### **Section 46—Inspection reports: compliance**

**The Deputy Presiding Officer:** Group 4 is on interim inspection compliance certificates and inspection compliance certificates. Amendment 6, in the name of the cabinet secretary, is grouped with amendments 7 to 9.

**Richard Lochhead:** We amended the bill at stage 2 to enable a different suitably qualified engineer to supervise specific measures in the interest of safety that are set out by an inspecting engineer in an inspection report. That will allow flexibility for a reservoir manager to appoint an engineer who is different from the inspecting engineer to perform a particular task. That is intended to promote competition and best value for the benefit of the reservoir manager. If another engineer is appointed by a reservoir manager, that engineer will be known as the "other qualified engineer", as stated in the bill.

Although the stage 2 changes were made in collaboration with the Institution of Civil Engineers, it has suggested a number of final adjustments to section 46 to enable the new provisions to work more effectively in practice, and we believe that the amendments are appropriate.

Amendment 7 enables the other qualified engineer to issue the final compliance certificate as well as the interim compliance certificate. A final certificate is issued when all the measures that are specified in the inspection report have been undertaken by the reservoir manager. Amendment 7 means that either the original inspecting engineer or the other qualified engineer can issue the final certificate.

Amendment 8 allows a single final certificate to be issued that covers interim certificates that were given by different engineers.

Amendment 9 makes it a requirement for the inspecting engineer or the other qualified engineer to send copies of interim and final inspection compliance certificates to SEPA.

Amendment 6 is simply a consequential amendment. It deletes section 46(2A), the content of which is included in amendments 8 and 9.

I stress that the amendments in the group do not alter the basic requirements that are already on reservoir managers to ensure that the safety measures that are identified in an inspection report are taken. The amendments simply adjust the procedures for their supervision and the certification of their compliance.

I move amendment 6.

*Amendment 6 agreed to.*

*Amendments 7 to 9 moved—[Richard Lochhead]—and agreed to.*

#### **Section 48—Supervising engineer and monitoring of reservoir**

*Amendments 10 to 12 moved—[Richard Lochhead]—and agreed to.*

#### **Section 67—Enforcement notice: safety and other measures**

*Amendment 13 moved—[Richard Lochhead]—and agreed to.*

#### **Section 71—Stop notices**

*Amendment 14 moved—[Richard Lochhead]—and agreed to.*

#### **Section 72—Stop notices: procedure**

*Amendment 15 moved—[Richard Lochhead]—and agreed to.*



### **Section 94—Affording of reasonable facilities to engineers**

**The Deputy Presiding Officer:** Group 5 is on the application of certain provisions to other qualified engineers. Amendment 16, in the name of the cabinet secretary, is grouped with amendments 18 and 19.

**Richard Lochhead:** As I explained in relation to the previous group, stage 2 amendments to the bill enabled a different suitably qualified engineer, who is known as the other qualified engineer, to supervise specific safety measures in an inspection report. The amendments in the previous group enhance the role of the other qualified engineer, allowing them to issue the final compliance certificate as well as interim compliance certificates.

To reflect the stage 2 amendments and the stage 3 amendments in the previous group, amendments 16, 18 and 19 have been identified as desirable consequential amendments to recognise the role of the other qualified engineer. They amend sections 94, 97 and 98 to give other qualified engineers facilities to carry out their functions, to allow ministers to make regulations about their role, and to require SEPA to be notified about any revocation of their appointment.

I move amendment 16.

*Amendment 16 agreed to.*

### **Before section 96A**

**The Deputy Presiding Officer:** Group 6 is on general guidance on part 1. Amendment 17, in the name of the minister, is the only amendment in the group.

**Richard Lochhead:** Thank you, Presiding Officer. I am doing my best to keep up here.

Amendment 17 seeks to address concerns that were raised at stage 2 by Peter Peacock and the Rural Affairs and Environment Committee about ensuring that appropriate guidance is in place to assist with the bill's implementation. I agree that guidance will be essential to successful implementation and have therefore lodged amendment 17, which seeks to place a duty on the Scottish ministers to produce guidance on part 1, including guidance on any orders or regulations. The Scottish ministers must also keep the guidance up to date and, after a review, republish the guidance with appropriate revisions. Moreover, before the publication or republication of guidance, ministers must consult SEPA, the ICE and any appropriate persons. I hope that the amendment addresses Peter Peacock's concerns and I ask Parliament to support it.

I move amendment 17.

### **Peter Peacock (Highlands and Islands) (Lab):**

I place on record my thanks to the cabinet secretary for having taken account of the point that I made at stage 2 and I thank him and his officials for lodging this splendid amendment.

**The Deputy Presiding Officer:** I guess that you have nothing to add, cabinet secretary.

**Richard Lochhead:** I just want to thank Peter Peacock for contributing to the debate.

*Amendment 17 agreed to.*

### **Section 97—Assessment of engineers' reports etc**

*Amendment 18 moved—[Richard Lochhead]—and agreed to.*

### **Section 98—Notice to SEPA of revocation of appointment or resignation of engineer**

*Amendment 19 moved—[Richard Lochhead]—and agreed to.*

### **Section 105—Offences by bodies corporate**

*Amendment 20 moved—[Richard Lochhead]—and agreed to.*

**The Deputy Presiding Officer:** That concludes consideration of amendments.

## Reservoirs (Scotland) Bill

**The Deputy Presiding Officer (Trish Godman):** The next item of business is a debate on motion S3M-8110, in the name of Richard Lochhead, on the Reservoirs (Scotland) Bill.

17:11

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** If only the passage of all bills were as smooth, Presiding Officer.

I am, of course, delighted to open the debate. I hope that all members are still feeling bright and breezy after stage 3 and I look forward to their speeches in this closing debate on a bill that has been with us for a number of months now.

We are putting the finishing touches to what will prove to be an essential long-term piece of legislation for Scotland. A particular spirit of collaboration has led to the bill passing through Parliament in a very constructive and positive way. Because of its very technical nature, there have been more than a few opportunities for humour at various stages of the process, but that has not prevented the members of the Rural Affairs and Environment Committee from recognising the real impact that the bill will have on public safety in Scotland. Their diligent scrutiny should be roundly praised. At this point, I record my thanks for the hard work that has been put in from all quarters. The resulting legislation will equip Scotland with a modern, innovative approach to regulating reservoirs without placing unnecessary burdens and additional bureaucracy on reservoir managers.

We must recognise the truly catastrophic impact that the failure of a reservoir could have. In the very same week in October 2010 that the bill was introduced, a breach of a dam in Hungary cost 10 lives and injured a further 120 people. Although the impact of the Hungarian incident was exacerbated by the fact that the dam was holding back a vast quantity of toxic sludge—something that would not be held in reservoirs in this country—the sheer volume of liquid released was, on its own, enough to cause considerable damage.

Moreover, I remind members, if anyone needs reminding, that in 2008 we had our own near failure of a dam at the Maich fishery in Renfrewshire. A disaster that had the very real potential to cost lives and cause extensive damage to infrastructure was only narrowly averted but, even so, people still had to be evacuated. The Maich fishery was not regulated because it was below 25,000m<sup>3</sup> in capacity; that would have been remedied by just one of the

significant and necessary changes to reservoir legislation that are made by this bill.

The incidents in Hungary and Renfrewshire, to name but two, provide stern warnings that we must do everything in our power to stop anything like that ever happening in Scotland. I have no doubt that this legislation will do exactly that. It will promote a safer, stronger and more secure environment for the people of Scotland. It might sound like a cliché, but it is entirely true: this bill will help to protect lives.

At this point, I am required to signify Crown consent for the bill. Before proceeding, and for the purposes of rule 9.11 of the standing orders, I wish to advise the Parliament that Her Majesty, having been informed of the purport of the Reservoirs (Scotland) Bill, has consented to place her prerogative and interests, so far as they are affected by the bill, at the disposal of the Parliament for the purposes of the bill.

I express my gratitude to all those who have been involved in the bill's development. We have had vital input from many individuals, organisations and public bodies. I thank specifically the members of the reservoir safety stakeholder group, who have been a major influence in shaping the bill. I am sure that that influence will continue throughout the implementation stages. Their expert advice has been very valuable.

I thank my colleague Roseanna Cunningham, the Minister for the Environment and Climate Change, for the considerable progress that she made with the bill, and record my appreciation of the work that has been done by the members of the Finance Committee and the Subordinate Legislation Committee, and particularly the members of the Rural Affairs and Environment Committee. Their scrutiny of the bill has been thorough, well thought out and constructive, and I was pleased that we all agreed on most—indeed all—of the issues at stage 2. I also thank the clerks, who have worked diligently to support the bill and all the work of their respective committees.

Finally, I place on record my sincere thanks to my officials in the bill team and the Government and parliamentary legal teams. They have worked extremely hard on a demanding technical bill with a challenging timetable. I am sure that dissolution of the Parliament cannot happen soon enough for our committee and Government officials and that they are looking forward to the six-week break that is just around the corner.

I am confident that everyone who has worked on the bill agrees that the collaborative approach that has been taken with stakeholders and across party lines has been central to its successful development. I will outline some of the bill's key

elements, although I am sure that many members are familiar with them by now.

The bill will introduce a risk-based system of regulation. Reservoirs with no communities living downstream of them will be subject to less enforcement and will benefit from the reduced costs that that will deliver. Reservoirs that are close to communities and businesses will be more meticulously assessed to provide the highest possible level of protection.

We have reduced the minimum volume for regulation to 10,000m<sup>3</sup>. That change has been based on the most up-to-date technical advice available from the Institution of Civil Engineers. All managers of reservoirs of more than 10,000m<sup>3</sup> will be required to register their reservoir with the Scottish Environment Protection Agency. That registration will be free to reservoir managers for the first six months. Once the reservoir manager has registered, SEPA will categorise the reservoir as high, medium or low risk. The categorisation will determine the level of regulation.

The enforcement role will pass from local authorities to SEPA, which will hold the details in a central register of all reservoirs in Scotland and will receive details of maintenance and construction work from the appointed engineers and reservoir managers.

Finally, we have retained the role of the Institution of Civil Engineers, which has been a crucial feature of reservoir safety for more than 30 years. Its knowledge will continue to be invaluable to reservoir managers and, of course, SEPA.

To conclude, I believe that the bill will position Scotland's system at the forefront of risk-based systems of reservoir safety and that it will make a significant and lasting difference to those who are at risk of flooding from reservoirs. It will protect Scotland's people and property for many years to come, and I believe that it deserves the support of every member.

I am pleased to move,

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

17:18

**Elaine Murray (Dumfries) (Lab):** The bill's passage through Parliament has been relatively fast. It was introduced only five months ago, and the stage 1 debate was only six weeks ago. That is rather unfortunate, as it rules out the possibility of my simply repeating the speeches that I made at that stage. People might remember what I said six weeks ago. Several committee members had the foresight to visit Malawi then, of course. Unfortunately for them, they have no such excuse not to be here today.

Despite 102 amendments being lodged at stage 2, that stage was completed in one hour and nine minutes. All but two of the amendments were in the name of the cabinet secretary. Twenty more amendments have been passed this afternoon in probably less than 15 minutes. That does not indicate that the subject of the bill is unimportant; it is far from being so. As the cabinet secretary mentioned and as Jamie McGrigor mentioned in the stage 1 debate, the effects of failure can be catastrophic. They have both referred to the terrible events in Hungary at the time of the bill being introduced.

The bill requires the registration of all reservoirs with a capacity of more than 10,000m<sup>3</sup> and the assessment by SEPA of the risks of the probability of flooding and the consequences of an uncontrolled release of water. In everyday language, we would refer to that as flooding, which can be very serious. Many reservoirs are situated above population centres; in those circumstances, flooding can be extremely serious. Before the bill was introduced, reservoirs of less than 25,000m<sup>3</sup> did not have to be registered and their risk was not required to be assessed or categorised.

The Reservoirs Act 1975 was amended by the Flood Risk Management (Scotland) Act 2009, which, among other provisions, transferred the enforcement duties from local authorities to SEPA and required the production of flood plans. Those provisions have not yet been commenced, but the bill will link in with them. The bill will also enable offences to be created under the Water Environment and Water Services (Scotland) Act 2003, which I am sure we all recall with affection.

In the stage 1 debate, members noted that the bill was specialised and that a number of drafting errors had been made. Expert witnesses from bodies such as the Institution of Civil Engineers, Scottish Water and Scottish and Southern Energy raised other technical concerns. The cabinet secretary undertook to lodge amendments at stage 2, which addressed many points that the committee made. For example, the definition of a reservoir manager could have been interpreted to include organisations such as angling clubs that used or leased a reservoir for recreational purposes. A stage 2 amendment made it clear that such organisations would be responsible for supervision and maintenance only if they also had the power to operate the dam.

The bill's financial impact on individuals, small businesses and charitable organisations that might now be caught by legislation because they have on their land a reservoir with a capacity of between 10,000m<sup>3</sup> and 25,000m<sup>3</sup> was discussed at stage 1. Committee members were concerned that some reservoir owners might be unable to afford to register, to undertake required

maintenance work or to decommission a reservoir if they could not afford maintenance. Committee members therefore welcomed the amendments that enabled the Scottish ministers to provide grants under conditions that they consider appropriate.

A couple of financial issues cannot be resolved now but should be monitored after the bill is enacted. In the stage 1 debate, I and others raised SEPA's ability to undertake its additional responsibilities when its budget is being substantially reduced. SEPA's budget is due to reduce by £4.9 million—11 per cent—in the next financial year, while implementing the bill could involve one-off costs of up to £2.9 million and staffing costs of £2.19 million up to 2016. Those figures were estimated in the financial memorandum before the welcome decision was taken to give ministers grant-making powers. I assume that SEPA will issue grants on ministers' behalf, as SEPA will register reservoirs and could require maintenance work to be undertaken. If I am incorrect, I am sure that the cabinet secretary can correct me.

The new planning regime has changed SEPA's role in relation to planning applications. In addition, SEPA has consulted on introducing a more efficient and risk-based regulatory regime. Budget savings from those sources are probably to be expected. However, the cost of implementing the bill is difficult to estimate, so it should be monitored once the bill is enacted.

I assume that the bill's close fit with other legislation, such as the 2009 act, could enable work under the bill to be undertaken in conjunction with duties under other acts. I would welcome the cabinet secretary's views on how the bill's budget implications will be monitored and published.

Overall, Labour members and I welcome the bill's final stage. We look forward to the bill's progress to being enacted. It will be important legislation, despite the jokes that we all made about it during its passage through Parliament.

17:23

**John Scott (Ayr) (Con):** I thank all those who have been involved in the bill's creation and passage. I, too, thank all the respondents to the consultation, the witnesses who gave evidence to the Government and to the Rural Affairs and Environment Committee, and in particular the Institution of Civil Engineers. I also thank the committee's clerks, Alasdair Reid from the Scottish Parliament information centre and the minister for responding readily to the issues that the committee and other stakeholders raised.

Today, after considering 122 amendments at stages 2 and 3, we will pass into law a bill that

creates a legal and administrative framework for the construction and management of controlled reservoirs to deal with the risk of uncontrolled releases of water and their consequences of flooding. The bill also, perhaps rather incongruously, provides for the creation of offences to support the Water Environment and Water Services (Scotland) Act 2003, as those were omitted from the 2003 act.

**Peter Peacock (Highlands and Islands) (Lab):**

At stage 1, Mr Scott raised a very interesting point about a Mohr's slip circle. Is he satisfied that, in the unfortunate event of the occurrence of a Mohr's slip circle, people will be better protected as a result of the bill?

**John Scott:** Naturally I welcome, as ever, Peter Peacock's well-thought-out intervention. That is a matter that I, coincidentally, expect to come to later, but I nonetheless welcome his intervention.

Scottish Conservatives welcome the bill, which seeks primarily to make Scotland a safer place in terms of reservoir safety. Given the age of our Scottish reservoirs, many of which are more than 100 years old, and the recent incident at the Maich fishery in Renfrewshire, the bill is certainly necessary and timeous. It will place some new burdens on owners who had none before and, in a few cases, it will reduce the burden on other owners.

In particular, the bill will introduce, for the first time, reservoirs of 10,000m<sup>3</sup> capacity and move them into the regulations. However, limited users of the reservoirs, such as fishermen and angling clubs, will be exempt from the burden of regulation unless they are owners or lessees of reservoirs. I know that many fishermen and angling clubs will welcome that exemption.

Registration of reservoirs will now be mandatory to allow SEPA to maintain a register of controlled reservoirs. I urge those who are required to register to do so within the six-month period of grace after the bill is passed, when no charge will be incurred.

Like other members, I welcome the move towards a risk and consequences-based assessment of reservoirs. The six-year periodic review will keep the evaluation fresh and current. I welcome, too, the recent dialogue between ICE and the Government on how best to assess the risk of failure of essentially inert structures that are more than 100 years old and the inclusion of ICE, along with panel engineers, on the reservoir safety stakeholder group. That is perhaps a belt-and-braces approach, but it is better to be safe than sorry.

However, one concern that I have is the possible emerging threat of extreme weather events caused by climate change. Combinations

of high rainfall and high winds, perhaps combined with a landslip, which could perhaps be caused by a Mohr's slip circle, could lead to overtopping, and a combination of some or all of those events could threaten the stability of older reservoirs. A weather eye, so to speak, must be kept open for new combinations of dangerous events, perhaps not previously experienced and not individually threatening but which, if taken together, could be dangerous to some of our older structures.

On the risk category of established reservoirs being raised due to downstream development or the reduction in capacity from 25,000m<sup>3</sup> to 10,000m<sup>3</sup>, I welcome the Government's clarification and recognition of the cost implications for reservoir owners. The Government's entirely correct intention to treat reservoir managers fairly and proportionately in such cases, and the provision of grants to address funding issues in those or other circumstances, are welcome. Furthermore, the issuing of guidance on the subject, which was agreed to today at Peter Peacock's request, is welcome. It is important that the guidance should cover the widest range of reasonable circumstances. It is just as important that such grant aid is adequately funded. I know that that may well be difficult in the financially straitened times in which we find ourselves. Elaine Murray raised a concern, which I share, about SEPA's funding to carry out the work.

This is a vital and necessary piece of legislation, which will reduce risk to human life, heritage and property and which Scottish Conservatives will support at decision time.

17:29

**Liam McArthur (Orkney) (LD):** I declare at the outset that I was one of the renegade members of the Rural Affairs and Environment Committee that met in exile in Malawi, but Elaine Murray should not labour under the misapprehension that we were not paying close attention to what was happening at stage 1. I am sure that I speak for Karen Gillon and Maureen Watt when I say that one of the first things we did on returning from Lilongwe was scrutinise the *Official Report*.

As other members have suggested, the Reservoirs (Scotland) Bill may have suffered a little from living under the shadow of the Wildlife and Natural Environment (Scotland) Bill, which was progressing through its various stages in committee and the chamber almost simultaneously. However, as Elaine Murray said, that is no reflection on the bill's importance. As all speakers have indicated, this afternoon we are deliberating on a sensible, proportionate and important piece of legislation. Its general approach, which is based on risk and, as John Scott suggested, on consequences, is absolutely

right. That is the direction of travel that we would like to see for all aspects of regulation. The cabinet secretary was right not simply to illustrate that fact with reference to the incident that occurred in Hungary around the time that the bill was introduced but to bring the issue rather closer to home by referring to the near miss, as it were, at the Maich fishery in Renfrewshire.

There was no equivalent in the bill to the contentious issues around snaring and wildlife crime with which we had to wrestle during consideration of the WANE bill. That said, a couple of issues that struck me as being potentially quite knotty were dealt with by amendments at stage 2.

The first of those issues related to the respective roles and responsibilities of construction engineers, inspection engineers and supervising engineers. At one stage—certainly after the bill was first presented to us—there was a risk that the Government might inadvertently have closed off the potential to access some of the expertise that is available in that cohort of engineers. Fortunately, due to evidence that was given to us at stage 1 and through the consultation with the Institution of Civil Engineers that was on-going throughout the process, those concerns were adequately addressed at stage 2.

Similarly, concerns were raised about the potential impact of the provision disqualifying an engineer who had previously acted as the construction engineer for a particular reservoir. I welcome the changes that the Government proposed at stage 2.

The other issue that stood out for me was support for small businesses, individuals or angling clubs that are owners of reservoirs. Some of the evidence that we took from one individual at stage 1 demonstrated that the ways in which individuals come into possession of reservoirs are not always straightforward. The potential impact of the liability on individuals and small businesses was almost the dominant concern of the committee at the conclusion of stage 1.

I welcomed the approach that ministers took at stage 2. As I said during stage 2 proceedings, the grant scheme that they have suggested makes sense. The whole committee struggled to find a magic bullet to deal with the problem, but the proposition that the Government has brought forward is a fair and considered stab at addressing it. I recognise that coming up with a ballpark figure for the liability on the Government from such a grant scheme is difficult until risk assessments have been carried out, but I am sure that the measures that have been taken in that regard will be welcome.

I thank fellow members of the Rural Affairs and Environment Committee, the committee clerks and, in particular, those who gave evidence, especially the representatives of ICE, on whose expertise we had cause to rely on a regular and on-going basis. Thanks, too, to the minister and his officials.

There were no huge areas of disagreement, although it was striking that, in those areas where concerns arose, ministers acted swiftly to address them. However, the lack of controversy and profile should fool no one into underestimating the importance of the bill that we will put on to the statute this evening. I very much welcome the Reservoirs (Scotland) Bill, and I confirm that the Liberal Democrats will support it at decision time.

17:35

**Maureen Watt (North East Scotland) (SNP):**

As Liam McArthur has just indicated, the Reservoirs (Scotland) Bill contrasts wildly with the Wildlife and Natural Environment (Scotland) Bill, which also fell within the remit of the Rural Affairs and Environment Committee, and which was debated and passed last week. The passage of the WANE bill was long and tortuous and it had many major controversial amendments right to the end. The Reservoirs (Scotland) Bill, in contrast, has been a bit of a breeze, although, as with many bills that look fairly straightforward at first glance, the devil ends up being in the detail—and the Reservoirs (Scotland) Bill is very detailed.

My committee member colleagues and I have valued the engineering expertise of John Scott, who used his background knowledge to good effect in teasing out many aspects of the bill. While I am in thanking mode, I also thank the clerks, SPICe staff and everyone who gave evidence and who was otherwise involved with the bill.

Like Karen Gillon and Liam McArthur, I apologise for not being present for the stage 1 debate, which took place during the visit to Malawi, but I know that Bill Wilson and Sandra White spoke ably on behalf of Scottish National Party committee members.

There is no doubt that if a reservoir were to fail there could be catastrophic results and it is right and proper for the Government to take preventive measures in that regard. Ten thousand cubic metres is equivalent to four Olympic-size swimming pools—that is the size of reservoir that comes under the bill. We can all imagine that a burst of that amount of water could inflict substantial damage and even loss of life, so it is important that the bill provides for reservoirs to be allocated different levels of risk and supervision at an appropriate level. The costs involved should

also be appropriate and I will come back to that point.

The committee had a worry about the availability of qualified engineers capable of undertaking the necessary work. It is good to note, as the bill is passed, that there must be significant employment opportunities for engineering graduates and technicians in this area. Concerns were also raised about conflicts of interest, with the same engineers working for different people and parties, but I am satisfied with the measures that are in place to deal with that. Chapter 8 of the bill deals specifically with dispute resolution and is an important part of the bill.

Owners of reservoirs, especially those of small reservoirs that will now be regulated, are unsurprisingly nervous about the additional burdens, costs and paperwork involved. As with many regulations from various Government departments, full cost recovery of inspections is now the norm. That becomes more true as budgets decrease. It is important that costs are transparent. It is to be hoped that SEPA and other regulatory agencies become more open about how costs are arrived at and that all efforts are taken to keep costs under control—and not to shift unrelated costs on to the owners of reservoirs. It is also important that grants are available for owners who want to decommission their reservoirs, as Elaine Murray said.

Reservoirs play an important part in our natural environment. They provide drinking water, of course, and smaller reservoirs are often used for angling and other pursuits. I often think that reservoirs are underutilised as a resource for leisure pursuits.

As Elaine Murray and other members said, there was little in the bill that was contentious, and all parties agreed to the amendments. It seems pointless to speak for the sake of doing so, particularly given that we face a late decision time this evening. I look forward to the passing of the bill.

17:40

**Peter Peacock (Highlands and Islands) (Lab):**

It is difficult to know where to start, given the wide array of issues in this extensive, complex and technical bill. While the cabinet secretary was speaking, I was thinking that when he comes to write his book about his experiences in Government the chapter on how he steered through this important bill will show that this was a high point in his political career.

**Richard Lochhead:** Will you be buying the book?

**Peter Peacock:** I do not think so, but I will be delighted to receive a signed copy free of charge, when it has been completed.

In all seriousness, the bill is important.

I was delighted that John Scott put his reference to the Mohr slip circle—I confess that I was blissfully unaware of the phenomenon until it came up in the committee; I had seen one but I did not know what it was until John Scott explained it—in the context of climate change, because it has been important to consider the bill in light of the changing environment in which we live.

A feature of climate change is the much more erratic weather that we have all experienced. Members who have been here for a long time—I mean on the planet, not in the Parliament—can testify to the climate changes over our lifetimes. There is a much greater intensity of rainfall than there was when I was a boy. A consequence is that there is more scouring of the land, which the committee heard can give rise to slips of land into reservoirs. That can lead to overtopping or put pressure on the front of the dam, which in turn could lead to a collapse and endanger human life. John Scott was therefore right to refer to climate change as an important part of the context in which the bill must be considered. It is right that Government should take account of such matters and consider whether legislation is fit for purpose in the current times or needs to be updated. It is very much in such a spirit that the bill was introduced.

As we learned during our evidence taking, many reservoirs were built during the industrial revolution for particular purposes. For example, water was taken from the top of the hill above Greenock and down through the town to power the wealth-creating mills of the time. Some reservoirs are 150 years old or more. As Maureen Watt said, the purposes for which many reservoirs were created and maintained have changed over time, and many reservoirs are now used for leisure. They are largely used for angling, but the diverse habitat that they create is enjoyed by people in their leisure time in a variety of ways.

As the use of reservoirs has changed, so has the ownership. Many people and many small organisations that have a social purpose find themselves in charge of reservoirs. The change in the law, which will improve public safety through a risk-based approach, will lead to new burdens on owners. If everyone who is involved is to understand the implications of the new law, the Government and SEPA must provide a lot of information to owners and the wider public about the changes that are taking place. There must also be guidance for owners on their responsibilities under the new legislation, so that they can take

their responsibilities seriously and try to meet their obligations.

In that context, I welcome the amendments that the Government made at stage 2 and today. As others said—Liam McArthur in particular—the Government has approached the bill constructively, as has the committee. The suggestions that were made for improvement were readily picked up and acted upon. I welcome the fact that the Government listened to the committee and to the evidence that it received and reflected that in changes to the bill.

Like Liam McArthur, I will draw attention to one thing in particular. I was particularly impressed by evidence that we got from a private owner who found himself potentially facing liabilities in relation to the new obligations that he and some colleagues would have, which it would clearly be difficult for him to finance. That situation would have the potential to give rise to a loss of amenity over time if the reservoir could not be maintained or kept. Equally, it could give rise to short-term costs that the owner simply could not pay.

The provision that has been included in the bill to give ministers the power, in the right circumstances, to offer grant support to allow people to fulfil their obligations is an important step forward. I hope that it will not require to be used, but it is important that the Government listened to the arguments about that and made provision for it.

I welcome equally the amendment about guidance. I lodged such an amendment at stage 2, but the minister improved upon it and brought the matter back to the Parliament. It will now be part of the coming act.

As members said, the bill is serious. It is all about improving public safety, better protecting the public and examining the risks that are associated with important reservoirs. I have every intention of supporting it at decision time because it is the right thing to do.

17:46

**Stewart Stevenson (Banff and Buchan) (SNP):** It is a great pleasure to have returned to the Rural Affairs and Environment Committee. I previously served on the Rural Development Committee under your benevolent dictatorship, Presiding Officer. Your performance in that role was so impressive that I was delighted that you expanded your convenership by taking control of the Parliament.

As a late joiner in relation to the bill, I missed the early discussions and the clearly significant engineering contributions that John Scott and others made.

Those members who were in Malawi and missed some of the proceedings should not feel in the slightest bit guilty about it because there the issue of water has a much different character. It is about getting clean, wholesome water in adequate volume to many of the communities in that country. In Scotland, we are fortunate to have sufficient water and simply to have to apply the technical solutions to ensure that we deliver that water to our communities and, through our dams and reservoirs, provide a significant contribution to the amenity of Scotland and the recreation of its inhabitants.

It is worth observing that the extension of the regulation on dams will slightly less than double the number of dams that are covered but, simultaneously, just under one third of those that are currently affected will experience reduced regulation. The bill strikes a proper balance on that.

Deciding that the amount of water that is held in a reservoir that comes under the bill should be 10,000m<sup>3</sup> rather than 25,000m<sup>3</sup> is quite difficult for the layperson to grasp. To do a little thinking about it, a single cubic metre—1m long by 1m wide by 1m high—is approximately 1 ton in weight because 1 gallon of water weighs 10lb. If 1m<sup>3</sup> of water were to be flung over the top of a dam and fall something like 120ft, it would be travelling at 60mph or 70mph by the time it got to the bottom. Members should imagine 1m<sup>3</sup> of water hitting an individual: it would be like stepping on to a motorway and being hit by a car.

**John Scott** *rose*—

**Stewart Stevenson:** I suspect that we will get the exact figures from John Scott.

**John Scott:** Would Stewart Stevenson expect that water to have reached its terminal velocity over that distance, given the gravitational effect on it?

**Stewart Stevenson:** Let us have a really technical discussion. If it were ice, its terminal velocity in that shape would be approximately 120mph. On the other hand, it is travelling as a liquid, so it will of course disperse and to some extent become aerated. It is a complex issue. Does that not touch upon the very complexities of water? I speak, by the way, as someone who has undertaken parachuting, so I know about terminal velocity and all that sort of thing—it is quite exciting, I have to say.

At 10,000m<sup>3</sup>, we are looking at holding back something of the order of 10,000 tonnes of water.

Climate change is an important part of the future of not just Scotland but countries around the world. We will see dams that are overfilled because of increased rainfall; as atmospheric

temperature rises, that will be one of the consequences. Equally, there will be periods of drought, when there is less water behind the dam.

Concrete is a very old material; the Romans used it 2,000 years ago. Many of our dams are constructed of concrete. As Barnes Wallis discovered when he designed the bouncing bomb, concrete is very strong in pressure but very weak in tension. If you take away the water from behind an elderly dam, there is a risk—although not a huge risk—that the dam might collapse backwards towards the water that previously held it in place. There are a range of risks to which some of our older dams can be exposed. The explosive effect of the bouncing bomb—taking the water suddenly away from behind the dam—is of course what caused the concrete to fall backwards and the water to come forward.

Water is essential for human life. It is worth saying that the well-nourished member of this Parliament could probably survive without food for a couple of months but would survive without water for something less than a week. In paying attention to Scotland's natural resource that is water, we do something very important indeed.

This is a bill of considerable technical complexity that is simple in its purpose. It is fit for purpose and we should all support it at decision time.

**The Presiding Officer (Alex Fergusson):** We come to closing speeches. I can offer each speaker exactly one extra minute and would be very grateful if they took it. You have up to five minutes, Mr McArthur.

17:52

**Liam McArthur:** I am on the horns of a dilemma, Presiding Officer. I got that instruction from you with Maureen Watt's plea that, if it has all been said for goodness' sake do not repeat it, still ringing in my ears.

This has been an interesting debate that has set the right tone and reflects the way in which the bill has proceeded through its various stages. A number of speakers have talked about some of the concerns that exist in relation to the availability of qualified engineers. In these straitened times the job opportunities that might exist in that area might be just the sort of thing that we are looking for.

Given the economic circumstances and the state of budgets, it was quite right for a number of speakers to illustrate concerns about the ability of SEPA to carry out its functions.

**John Scott:** I want to help extend the debate and also to introduce an element of controversy. I think that we received assurances from the



Government. I am quite surprised that Liam McArthur and Maureen Watt do not seem happy to accept that sufficient engineers would be available to carry out the work associated with the bill. Is that a continuing concern? Will they pursue with the minister the point that there do not appear to be enough engineers to carry out the work?

**Liam McArthur:** I was going to go on to comment that I thought that it was very brave of Stewart Stevenson to accept an intervention from John Scott. Those of us who have been dealing with the bill from the outset have long since learned the lesson that that is not advisable.

John Scott makes a fair point. Time will tell. We saw that in relation to the Flood Risk Management (Scotland) Bill and the availability of hydrologists. Future workforce planning is a difficult thing to get absolutely right. As John Scott said, we were assured that enough qualified engineers would be available—indeed, I think that Scotland is better blessed in that respect than other parts of the UK—but it is something that we probably need to keep a weather eye on.

Maureen Watt was absolutely right to say that there needs to be transparency when it comes to full cost recovery. It should not be full cost recovery at any cost. Any sense that external costs are being loaded on to reservoir owners needs to be avoided at all stages.

Peter Peacock made his usual thoughtful contribution. He started by referring, quite rightly, to the complex and technical nature of the bill. It is absolutely right that it weaves in issues around climate change. For those of us who are not blessed with the engineering background of Mr Scott, we can conceptualise such matters a little more readily. Like Peter Peacock, the rest of us are looking forward to receiving our signed copy of the minister's book, "Richard—the reservoir months", in due course.

Peter Peacock was also right to talk about the change in the usage and ownership of reservoirs, given that the bill places potential new burdens on individuals and smaller businesses who, at the point at which they found themselves in ownership of a reservoir, never anticipated taking on such responsibilities and burdens. I made that point in my opening speech and I reiterate that the Government's response appears to be fairly pragmatic.

As well as bravely taking an intervention from John Scott and doing an awful lot to ingratiate himself with the Presiding Officer, Stewart Stevenson made some interesting points about the way in which issues around water are ones that we are all wrestling with. Despite the fact that those that we are forced to deal with in a Scottish context are in marked contrast to those that our

counterparts in Malawi are forced to deal with, there is an international dimension to such issues.

It boils down to the fact that the bill that we will pass today is about public safety. I think that Stewart Stevenson caused a degree of alarm in identifying a concern about dams collapsing backwards in the event that water is removed from behind them. That was certainly new to me but, as every speaker has identified, recent events in Hungary and Renfrewshire have brought home to us the potential risks that are inherent in the use of dams.

The approach that the bill takes, which is based on the assessment of risk and possible consequences, is absolutely the right one and I reiterate that, on that basis, we will be happy to support it this evening.

17:58

**Jamie McGrigor (Highlands and Islands (Con):** I am pleased to close the debate on the bill for the Scottish Conservatives. I join many others in paying tribute to the Rural Affairs and Environment Committee for its good stage 1 report and its efforts at subsequent stages, and I thank the many organisations and individuals who took the time to give evidence to the committee or to send briefings to MSPs. In addition, SPICe's Alasdair Reid produced two very good briefings, which were helpful for today's debate and the stage 1 debate.

I very much enjoyed Stewart Stevenson's speech. "The Dam Busters" is one of my favourite films. He was right when he said that an explosion at the front of a dam can cause it to fall in the other way—we saw that happening in the film. I wondered whether he might have heard the strains of "The Dambusters March" as he spoke.

**John Scott:** Are you going to sing it?

**Jamie McGrigor:** No, I am not going to sing it because I am not allowed to in here, but it is one of my favourite tunes.

As I said in the stage 1 debate, the bill is of particular importance to my region of the Highlands and Islands because of the high number of reservoirs and lochs there. In that debate, I focused on concerns that were voiced in the stage 1 report about the cost implications for current and potential managers of medium or high-risk reservoirs. Amendments at stage 2 and today have gone some way towards addressing those concerns. It is right for ministers to put in place regulations before SEPA is able to charge any fees. It is also right that SEPA must consult widely on any charging scheme for the initial registration fee, annual charges and the cost of checking the dams, which might be done every year. I would be

grateful if the minister could set out in more detail how the Government envisages consultation taking place and how it will ensure that it is as comprehensive as possible.

In Scotland, the feed-in tariff scheme is encouraging the construction of many small to medium-sized hydro schemes, especially in the Highlands and Islands. The developers of many of those schemes will want to construct and engineer storage reservoirs or to use existing lochs in the hills as storage reservoirs to maximise the potential of the schemes in dry weather. It is therefore important that developers are aware of any additional costs that SEPA might levy so that those can be factored into the schemes' budgets. That will be important when people are trying to raise money from bankers to pay for the schemes—everyone knows how difficult that can be.

I welcome the fact that the bill will give ministers the power to issue grants to managers of high or medium-risk reservoirs that are not regulated by the 1975 act to help them to comply with the new legislation. Again, any further details on such grants from ministers at this stage would be welcomed by constituents who might be affected for the reasons that I have given. How will ministers make people aware of such grants? Will it be done in the same way as it was for the notorious agri-environmental grants?

The Scottish Conservatives are content to see the bill passed today because we recognise the need to enhance reservoir safety and clarify the legal framework that surrounds the construction and management of controlled reservoirs. However, we do not want people to suddenly have to pay charges for natural lochs in the hills just because they are there. We look to ministers to ensure that any remaining concerns about the cost implications are fully addressed and that all stakeholders are fully involved and consulted as the legislation is being implemented.

18:02

**Elaine Murray:** On behalf of Labour committee members, I thank the clerks and the bill team for their assistance with our consideration of the bill. I also thank the witnesses whose expert evidence illuminated the committee's consideration and who pointed out to us and the cabinet secretary where amendments were required. Without the advice of organisations such as the Institution of Civil Engineers, we would not, during our consideration of the bill, have been aware of some of the problems that have arisen.

John Scott and Peter Peacock made an important point about the effect of climate change in increasing the risks of uncontrolled releases

from older reservoirs. We have to consider climate change in a wide variety of pieces of legislation, not least this bill. As climate change causes erratic weather patterns and stormier weather, we will have to take preventive action as part of the way in which we adapt to climate change. Climate change is an issue not just in this country. It is an issue of international concern, and some of the problems that committee colleagues who went to Malawi observed on their travels relate to the effects of climate change in some of the hotter parts of the globe in addition to the effects that we see here, such as inundation and heavy rainfall.

I was reassured to hear that Liam McArthur, Maureen Watt and Karen Gillon rushed back to our stage 1 deliberations when they returned from Malawi. I am sure that they found the *Official Report* to be very illuminating. I thought that Liam McArthur referred to two naughty issues, and that I had missed something much more exciting than what was in the bill.

**Liam McArthur:** It was knotty with a k.

**Elaine Murray:** Maureen Watt referred to John Scott's professional knowledge as a trained engineer. I have to say that John was probably more enthusiastic about the consideration of the bill than many other committee members, and I am grateful to him for bringing many different aspects to our attention. John normally advises us about agricultural issues from his position as a farmer, so to get his input as a civil engineer was interesting.

At stage 2, my colleague Peter Peacock raised the need to ensure that there is clarity in the interpretation of the bill and the responsibilities of the various individuals and organisations concerned. He pointed out then that the bill will create many new small registered reservoirs, that the managers of the reservoirs will be required to comply with legislation, and that to do that they will have to be able to understand both the nature and the scope of their responsibilities.

Part 1 of the bill is the most substantive. It places duties and responsibilities on the owners of reservoirs between 10,000m<sup>3</sup> and 25,000m<sup>3</sup>, which are currently not required to be registered. I was therefore pleased that amendment 17 was agreed to this afternoon. It requires ministers to publish guidance, after consultation with SEPA, the Institution of Civil Engineers and any other persons who might seem to be appropriate, on how the legislation has to be interpreted. The amendment also requires ministers to review and republish the guidance as they think appropriate. At stage 2, Peter Peacock made the point that the previous legislation ended up with extensive guidance as it was revised over the years.

Mention has been made of the use of reservoirs for leisure, but they also provide an important habitat for many species, such as waterfowl. RSPB Scotland or one of the other non-governmental organisations raised the concern at stage 1 that, if reservoirs were decommissioned as a result of the legislation, important habitat might be lost. The fact that ministers could make grants available means that they could help to protect those habitats and biodiversity in general.

I do not know whether today's speech was Stewart Stevenson's 401<sup>st</sup>—I know that he reached 400 fairly recently.

**Stewart Stevenson:** Four hundred and second.

**Elaine Murray:** It was his 402<sup>nd</sup> speech. He reminded us of the issues around the weight of water and the speed at which it can travel. I was almost inclined to intervene in the debate between him and John Scott about what would actually happen as, of course, the water would not be flying through the air but pouring down the hillside, and the effects of friction and turbulence would have to be considered in judging the speed at which it would reach the bottom. However, I did not intervene because Karen Gillon was sitting beside me and I thought that she might hit me if I did. [*Laughter.*] However, the dialogue between John Scott and Stewart Stevenson was a good prelude to the science hustings, which I am hosting in committee room 1 this evening—I thought that we would have a little advert for that.

The cabinet secretary referred to a six-week break. It may be a six-week break for some. I think that this is probably the last stage 3 speech in this session in which I will take part—I am sure that members are relieved about that—but I hope to return to this place both leaner and fitter after my six-week break.

Finally, Jamie McGrigor and Stewart Stevenson both referred to the film "The Dam Busters". My colleague Karen Gillon, who was with me when they did, observed that perhaps we should be considering "Reservoir Dogs".

18:08

**Richard Lochhead:** I thank members for their beneficial and constructive contributions to the debate. I know that Elaine Murray was concerned that we would be making so many speeches on the subject so close together, and she was worried that we had long memories. My constituents are always telling me that politicians have very short memories, so I assure her that we have forgotten what each of us has been saying.

I pay tribute to Peter Peacock, who is standing down from Parliament shortly. I do not know whether this is his last debate in Parliament, but it

is certainly his last debate on my ministerial responsibilities. Even though we have not agreed on every issue, I pay tribute to the valued and thoughtful contributions that he has made in this chamber and in committee. [*Applause.*] He referred to the fact that I will perhaps mention this debate in my memoirs. I was going to give him a special mention, but he went on to say that he would not buy a copy of my memoirs, so I have dropped that idea. Nevertheless, I wish him all the best for the future.

John Scott was brave to take on Stewart Stevenson. He was clearly not aware that Stewart Stevenson is the Scottish National Party group's chief scientist as well as our chief medical officer and chief engineer—as John Scott will have learned from the response to his intervention. He should have known better than to take on Stewart Stevenson. It was good to have a speech by a real scientist, Elaine Murray, on the Labour benches, during the debate as well.

It has given me great pleasure to bring the bill to the chamber. It has perhaps not been seen as the most attention-grabbing piece of legislation, as members have said, but we can all agree that it is a vital requirement for Scotland's future and the safety of our communities. Indeed, the main reason why we decided to strengthen reservoir safety legislation was to ensure that we, in Scotland, never see the sort of attention-grabbing headlines that are prompted by reservoir breaches elsewhere in the world. As I mentioned at the start of the debate, the consequences of a reservoir failing are too unthinkable for us not to do everything in our power to prevent that from ever happening. We are in agreement that there is a need for new and improved reservoir safety legislation if we are to continue properly to protect the people of Scotland.

However, legislation alone will not make the necessary improvements to reservoir management. The Scottish Government has set in place a framework for taking forward the implementation of the bill. That work will build on the strong partnerships that have been developed during preparations for the bill.

A number of issues were raised during the debate, and I will try to address one or two of them. Maureen Watt and others asked whether there will be enough engineers to carry out the work that the bill will require. We have taken the issue seriously and referred to it at stage 2 when I attended the committee. I advise those members who raised the issue that, in 2010, 60 people were appointed or reappointed to the reservoir panels. The figure for 2010 was slightly higher than the average for a number of years, which was only 40. We can all agree that the trend is going in the right

direction and that we can take some satisfaction from those statistics.

Reference was made to the costs that will be borne by reservoir managers and owners as well as those who will have to carry out improvements to meet the obligations that will be placed on them. I reiterate what I said at stage 2 about SEPA's charging regime. SEPA will publish a detailed consultation paper on any proposed charging schemes and any schemes will have to be signed off by Scottish ministers. Members can rest assured that we will take into account the nature of the charging schemes when they are put in place.

**John Scott:** For the avoidance of doubt, can the minister tell us whether the charging schemes that he envisages SEPA creating will operate purely on a cost recovery basis?

**Richard Lochhead:** We will certainly take that into account to ensure that the charging schemes operate on a cost-recovery basis and are proportionate.

The other financial issue to be raised was to do with the financial provision that the Government proposes to make to assist small businesses with the new costs that may arise as a result of the bill. We amended the bill at stage 2 to allow financial help to be provided to the owners of newly regulated reservoirs in extreme cases. We all accept that the bankruptcy of any business is in nobody's interests. If we did not help, that might result in the cost of the required maintenance falling on the public purse in any case, which is why we lodged the amendment on that. However, any such assistance will not be required before 2015 at the earliest, when we will know the risk categories of all reservoirs of between 10,000m<sup>3</sup> and 25,000m<sup>3</sup>. By then, the risk will have been assessed and the scale of any necessary remedial action will be known.

I should also make it clear that the level of necessary financial assistance will be assessed on a case-by-case basis to ensure that it goes to those who really need it. It will, of course, be a temporary measure to assist with any capital investments. Thereafter, reservoir managers should be able to maintain their reservoirs to ensure that the safe standards that they have reached continue. If not, they should consider whether they wish to own or manage reservoirs in the future.

**Jamie McGrigor:** I am delighted that there will be grants towards the costs of people developing reservoirs or bringing them up to standard, but what about inspection charges in the years thereafter? Does the cabinet secretary know how much those inspection charges will be and how often the reservoirs will have to be inspected?

**Richard Lochhead:** Financial assistance will be given only to those who have to bring their reservoirs up to the standards that are required and those who are in the circumstances that I have just outlined. No other financial assistance is envisaged.

I see that I am just about out of time, so I will say simply that the bill brings new opportunities and, of course, new challenges. I want to thank everyone for their enthusiasm and their commitment to the bill as we meet Scotland's reservoir management needs in the 21<sup>st</sup> century. Many members have mentioned climate change and other threats to Scotland. The bill is about making Scotland a safer place, and I commend it to Parliament.

## Health and Social Care Bill

18:15

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of motion S3M-8063, in the name of Nicola Sturgeon, on the Health and Social Care Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Health and Social Care Bill, introduced in the House of Commons on 19 January 2011, in respect of the establishment of the NHS Commissioning Board and GP commissioning consortia, abolition of the Health Protection Agency, duty of co-operation in relation to health protection functions, amendment of the Mental Health Act 1983, the Health and Social Care Information Centre, regulation of healthcare professions and health and social care workers, the National Institute for Health and Clinical Excellence and National Health Service/Health and Social Services contracts, so far as these matters fall within the legislative competence of the Parliament, or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.—[*Nicola Sturgeon.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Business Motion

18:15

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-8116, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 16 March 2011

9.15 am	Time for Reflection
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Proceedings: Certification of Death (Scotland) Bill
<i>followed by</i>	Stage 3 Proceedings: Public Records (Scotland) Bill
<i>followed by</i>	Members' Business
2.35 pm	Ministerial Statement: Higher Education Funding
<i>followed by</i>	Stage 3 Proceedings: Domestic Abuse (Scotland) Bill
<i>followed by</i>	Stage 3 Proceedings: Local Electoral Administration (Scotland) Bill
<i>followed by</i>	Ministerial Statement: Report on Proposals and Policies on Climate Change Targets
<i>followed by</i>	Scottish Government Debate: Local Government Finance (Scotland) Amendment Order 2011
<i>followed by</i>	Business Motion
<i>followed by</i>	Parliamentary Bureau Motions
6.45 pm	Decision Time

Thursday 17 March 2011

9.15 am	Parliamentary Bureau Motions
<i>followed by</i>	Scottish Labour Party Business
11.40 am	General Question Time
12.00 pm	First Minister's Question Time
12.30 pm	Members' Business
2.15 pm	Themed Question Time Health and Wellbeing
<i>followed by</i>	Parliamentary Bureau Motions
<i>followed by</i>	Stage 3 Proceedings: Private Rented Housing (Scotland) Bill
<i>followed by</i>	Legislative Consent Motion: Public Bodies Bill - UK Legislation
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

Tuesday 22 March 2011

9.15 am Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Stage 3 Proceedings: Forced Marriage  
 etc (Protection and Jurisdiction)  
 (Scotland) Bill  
*followed by* Stage 3 Proceedings: Double Jeopardy  
 (Scotland) Bill  
 12.20 pm General Question Time  
 12.40 pm First Minister's Question Time  
 1.10 pm Motion of Thanks to the Presiding  
 Officer  
 1.25 pm Decision Time

(b) that, for the purposes of First Minister's Question Time on Tuesday 22 March 2011, the period for members to lodge questions for selection begins at the completion of First Minister's Question Time on Thursday 17 March 2011 and ends at 4.00 pm on that day; and

(c) that, for the purposes of General Question Time on Tuesday 22 March 2011, members should (i) submit their names for selection by no later than 12.00 pm on Thursday 10 March 2011 and (ii) lodge their questions by no later than 12.00 pm on Tuesday 15 March 2011.—[Bruce Crawford.]

*Motion agreed to.*

## Parliamentary Bureau Motions

18:16

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of 19 Parliamentary Bureau motions.

I ask Bruce Crawford to move motion S3M-8117, on the referral of the Local Government Finance (Scotland) (Amendment) Order 2011, and motions S3M-8091 to S3M-8108, on the approval of various statutory instruments, en bloc.

*Motions moved,*

That the Parliament agrees that the Local Government Finance (Scotland) Amendment Order 2011 be considered by the Parliament.

That the Parliament agrees that the Antisocial Behaviour Notices (Houses Used for Holiday Purposes) (Scotland) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Budget (Scotland) Act 2010 Amendment Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Energy Act 2008 (Storage of Carbon Dioxide) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Housing Support Grant (Scotland) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Interpretation and Legislative Reform (Scotland) Act 2010 (Consequential Provisions) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Marine (Scotland) Act 2010 (Transitional and Consequential Provisions) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Marine Licensing Appeals (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Public Services Reform (General Teaching Council for Scotland) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Radioactive Substances Act 1993 Amendment (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Renewables Obligation (Scotland) Amendment Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Scottish Statutory Instruments Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Waste (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Waste Management Licensing (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.—[Bruce Crawford.]

**The Presiding Officer:** The questions on those motions will be put at decision time.

## Decision Time

18:16

**The Presiding Officer (Alex Fergusson):** We have eight questions as a result of today's business. The first is, that motion S3M-7994, in the name of Andrew Welsh, on the Finance Committee's report on preventative spending, be agreed to.

*Motion agreed to,*

That the Parliament notes the conclusions and recommendations contained in the Finance Committee's 1st Report, 2011 (Session 3): *Report on preventative spending* (SP Paper 555).

**The Presiding Officer:** The next question is, that motion S3M-8080, in the name of Gil Paterson, on the Standards, Procedures and Public Appointments Committee's report on financial resolutions and scrutiny of revised financial memoranda, be agreed to.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 1st Report 2011 (Session 3), *Financial Resolutions and scrutiny of revised Financial Memoranda* (SP Paper 565), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 1 April 2011.

**The Presiding Officer:** The next question is, that motion S3M-8081, in the name of Gil Paterson, on the Standards, Procedures and Public Appointments Committee's scrutiny of Scottish Parliamentary Corporate Body supported bodies, be agreed to.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 2nd Report 2011 (Session 3), *Scrutiny of SPCB supported bodies* (SP Paper 566), and agrees that the changes to Standing Orders set out in Annexe A to the report be made with effect from 1 April 2011.

**The Presiding Officer:** The next question is, that motion S3M-8088, in the name of Gil Paterson, on the Standards, Procedures and Public Appointments Committee's report on changes to the standing orders, be agreed to.

*Motion agreed to,*

That the Parliament agrees that, in giving effect to the standing order rule changes set out in Annexe A of the Standards, Procedures and Public Appointments Committee's 10th Report 2010 (Session 3), *Minor changes to Standing Orders* (SP Paper 552), and 2nd Report 2011 (Session 3), *Scrutiny of SPCB supported bodies* (SP Paper 566), the words "the 2010 Act" be deleted where they first appear in chapter 3A and any other occurrences of the words "the 2010 Act" in that chapter be replaced with "the Scottish Parliamentary Commissions and Commissioners etc. Act 2010".

**The Presiding Officer:** The next question is, that motion S3M-8110, in the name of Richard Lochhead, on the Reservoirs (Scotland) Bill, be agreed to.

*Motion agreed to,*

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

**The Presiding Officer:** The next question is, that motion S3M-8063, in the name of Nicola Sturgeon, on the Health and Social Care Bill, United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Health and Social Care Bill, introduced in the House of Commons on 19 January 2011, in respect of the establishment of the NHS Commissioning Board and GP commissioning consortia, abolition of the Health Protection Agency, duty of co-operation in relation to health protection functions, amendment of the Mental Health Act 1983, the Health and Social Care Information Centre, regulation of healthcare professions and health and social care workers, the National Institute for Health and Clinical Excellence and National Health Service/Health and Social Services contracts, so far as these matters fall within the legislative competence of the Parliament, or alter the executive competence of the Scottish Ministers, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S3M-8117, in the name of Bruce Crawford, on the referral of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Local Government Finance (Scotland) Amendment Order 2011 be considered by the Parliament.

**The Presiding Officer:** I propose to ask a single question on motions S3M-8091 to S3M-8108, on the approval of SSIs.

The question is, that motions S3M-8091 to S3M-8108, in the name of Bruce Crawford, on the approval of SSIs, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Antisocial Behaviour Notices (Houses Used for Holiday Purposes) (Scotland) Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Budget (Scotland) Act 2010 Amendment Order 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2011 (SSI 2011/draft) be approved.

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That the Parliament agrees that the Waste (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Waste Management Licensing (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

That the Parliament agrees that the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (SSI 2011/draft) be approved.

*Meeting closed at 18:18.*



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