



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 2 November 2011

Session 4

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## Scottish Parliament

*Wednesday 2 November 2011*

[The Presiding Officer *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Monsignor John McIntyre of St Bridget's parish, Baillieston.

**Monsignor John McIntyre (St Bridget's Parish, Baillieston):** Ladies and gentlemen, a few weeks ago, I had a very pleasant interruption to my normal work as a parish priest in Baillieston. I spent a few days at the Royal Scots College in Salamanca in Spain, giving talks about Scottish church history to five young men who were shortly to begin studies for the Roman Catholic priesthood at another Scots college, the Pontifical Scots College in Rome. I should say that both of those institutions for priestly training date away back to the 17th century. Because we have fewer candidates nowadays, I am afraid, the Salamanca college is used mostly for conferences and courses, but the work of priestly preparation goes on at the Roman college as it has done—apart from in a couple of gaps caused by Napoleon and Mussolini—for the past 400 years.

Five students from the whole of Scotland were going to Rome, which is a rather modest figure. What is more interesting is that only two of the five are Scots: one of the students is a young man from Ireland who came to study at a Scottish university, and the other two are from Poland and are recent immigrants to the north-east of Scotland.

The differences in the ethnic background and early experience of that group symbolise a changing Catholic Church in a changing Scottish nation. The two Polish names that will now be inscribed in the ancient Scots college register in Rome are part of a process of change that is to be seen in the older pages. In the first pages, there are Gordons, Macdonalds and Geddeses. Later on, in the 19th century, there are other names—McGettigans, O'Donnells and O'Briens. A generation or so later, there are Galettis, Buttis, Tedeschis, Contis and Tartaglias.

We Catholic Scots, therefore, ought to fit well into the increasingly multicultural society for which the Parliament makes laws. We have Indians, Filipinos and others in our congregations and numbers of young Muslims in our schools, and our folk memories should give us sympathy for those who seek a home here, even for economic

reasons. I cannot forget that, in the 1870s, my grandfather saw nothing for a younger son on a very small Donegal farm and so took a pair of his father's boots and slipped off one night to catch the boat for Glasgow, where he spent the rest of his working life.

Let us pray that our Parliament and people be distinguished—despite the burden of some ugly traditions, which we know about—by their respect for cultural elements old and new. That goes particularly for those Catholics among us who, like the Israelites in the Book of Exodus, are called to be kind to the stranger, because we were strangers once ourselves.

**The Presiding Officer:** Before we come to the first debate, I inform the Parliament that I have agreed with the business managers that all votes from last Thursday's business will be taken at decision time today. I remind members that cards have been put in every console—please do not remove them.

## Looked-after Children

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-01197, in the name of Angela Constance, on reducing the time needed to find a permanent home for looked-after children. Ms Constance, you have 14 minutes, but if you take interventions, I will be generous.

14:36

**The Minister for Children and Young People (Angela Constance):** Thank you for your generosity, Presiding Officer.

As I am sure we are all aware, this week is national adoption week, which aims to raise awareness of the benefits that come with adoption, not only for the life chances of children, but for the adoptive parents. Like many members, I am a parent—a parent first, and a politician second—and, like all parents, my first priority is to provide a secure, stable and nurturing home for my child. I understand the importance of that for his development and future attainment—in short, for his life chances. We might not always realise it but, in each of our interactions with our children, we lay the building blocks for their future and help them to attain their potential.

From the moment they are born, as well as the cornerstones of being safe, nurtured and healthy, children need real-life play to develop their physical co-ordination and control; a mum and dad to talk to them about everyday events to develop their language and social skills; and stories, rhymes and songs to lay the foundation for success at school. That is the focus of our work in the early years. However, not all children are as fortunate as ours. Last year, nearly 16,000 children and young people were looked after by our local authorities. Through no fault of their own, those children found themselves in a position in which their birth family could not care for them. They are Scotland's most vulnerable children and they are the responsibility of us all.

We should take our role as corporate parents as seriously as we take our responsibilities as birth parents. As I said in the Parliament last week,

"if something is not good enough for our own sons and daughters, it is not good enough for any child or young person growing up in Scotland."—[*Official Report*, 27 October 2011; c 2777.]

It is not acceptable for children to have extended periods in the care system as a result of the bureaucracy of process. Getting it right for looked-after children should not involve multiple placements. Getting it right for looked-after children means placing their needs, welfare and

rights at the heart of every decision that is made, as we do for our own children.

Improving life chances for looked-after children is a priority of the Government. As the Cabinet Secretary for Education and Lifelong Learning recently acknowledged, it has been a priority for every Administration. We have come a long way since devolution, which is evidence of the consensus in the Parliament on this important area of work, but there is still so much more to do. We have considered the processes and made improvements to secure permanence for children, but we must now address the time that those processes take so that we can secure placements more quickly.

In 2006, we considered the Adoption and Children (Scotland) Bill, which was brought to us by Peter Peacock, the then Minister for Education and Young People. Through that bill, we introduced a new flexible court order—the permanence order—that can be tailored to meet the individual needs of a child and to provide them with security, stability and greater predictability in their lives. The Scottish Government brought the legislation into effect in 2009. Along with it, we introduced legislation that for the first time provided recognition for kinship carers, who can also provide stability, security and predictability in the lives and experiences of looked-after children. Parliament has come together to debate the role of kinship carers and the support that they receive. We have discussed the work in which the Scottish Government is involved to secure access to benefits and support for such carers.

### **Rhoda Grant (Highlands and Islands) (Lab):**

The Parliament welcomed the steps taken by the Government to ensure that kinship carers receive the same benefits as foster carers, but that has not been implemented throughout Scotland. What steps will the minister take to ensure that there is not a postcode lottery in support, including financial support, for kinship carers?

**Angela Constance:** As Ms Grant is well aware, local authorities are best placed to make decisions about financial support for kinship carers and children at local level. That is an important part of local democracy that we should support and cherish. However, we must also acknowledge that kinship care is distinct from foster care; fundamentally, it is a type of family care that families have provided for generations. I am sure that we can all look at our family's history and see examples of kinship care.

This Government has done more than anyone else to support kinship carers and we will continue to engage constructively with the Westminster Government, particularly on the issue of welfare reform.

No matter where we stand on these issues politically, we all agree that kinship care is another important option in providing permanent care for our children, which is made possible by the looked-after children regulations and permanence orders, both of which are unique to Scotland.

I very much cherish the consensus that we have on our looked-after children. I, for one, will not be using our most vulnerable children as a political football. However, if I need to ruffle a few feathers to make progress for our looked-after children, I will do so, because this Government believes that, in partnership, we have to support and challenge one another in this Parliament, in local and national Government and within the voluntary sector.

The children looked after statistics show that although fewer children are being received into care, they are coming into care younger and they are being looked after for much longer. Although aspects of that show that we are getting it right for more of our young people—in the sense that more of those at risk are being identified younger and earlier—we now need to focus on the overall care journey and the length of time that it takes.

I am sure that we all recognise that formal attainment—and securing improvements in a child's life chances—are possible only with the secure attachments that a safe, stable and nurturing home environment can provide. Appropriate, timely and child-centred care planning will ensure that such placements are achieved.

However, we will all have examples of where intervention could have happened earlier. That issue was highlighted in the “Care and Permanence Planning for Looked After Children in Scotland” report, which was published on 20 June 2011 by the Scottish Children's Reporter Administration. The report found that children are still waiting for a significant period of time in a system that should be working with their needs and rights at the centre.

Two years might not seem long for adults, but it is an eternity for children. Some might say that the timescale is justifiable, but it can never be acceptable for a child to wait more than 10 years for a permanent home, nor can it be acceptable for the majority of children to have waited more than four years, as the report shows they do.

**Gil Paterson (Clydebank and Milngavie) (SNP):** I know that the minister is aware that I adopted a daughter, so I have some knowledge of this issue. Does she agree that time still requires to be taken in particular to carry out home assessments to check the suitability of those who want to adopt a child? That time should not be cut in any way. We must be very careful about how

we deal with those who will benefit from having a child who is not their birth child. We should take a scythe to the bureaucracy that is involved thereafter, but we should not cut the time for the former part.

**Angela Constance:** I am sure that Mr Paterson agrees that we can achieve thorough and timely assessments.

I can imagine how adoptions, which birth parents often contest in the courts, can take two years, but other options to achieve permanence for children—such as foster care or permanence orders—do not need to take two years. Across the system, we must remember that time is of the essence: our children grow and develop from the day that they are born and have only one childhood.

The SCRA report is important. I published the Scottish Government's response to it on 21 June, outlining our plans to address the issues that it raised. Our aim is nothing less than a radical shift in care planning towards fewer placements for children, early permanence decisions for every child and a system that puts the child at the centre. That offers our children in care the best possible chance of securing an adoptive or permanent placement.

Our response lays the building blocks for the care system to provide every child with a safe, stable and nurturing home. A child's journey through care starts with an assessment of parents' capacity to provide the consistent care that a child needs to attain their potential. Therefore, we recognise the need for more robust assessment tools to determine parental capacity and to identify the support that parents need to provide that care for their child.

Through the work that the early years framework supports, we are committed to identifying children who are at risk and to taking steps to prevent that risk from materialising. We are committed to taking effective action to help parents, families and communities to develop their own solutions, using accessible, high-quality public services—parenting classes; therapeutic support for parents who experience drug and alcohol problems; and support with health and disability issues, to name a few.

We want to support every child in their whole journey through care, the transitions that they experience and beyond. We need to ensure that appropriate decisions are made quickly and that support is in place to provide permanent care for children who cannot live with their birth parents.

Our response to the SCRA report highlights and shares current good practice. We plan to make extensive use of our new centre for excellence for looked-after children, which launched in September, to do that. We are asking the centre to

work with our partners to improve the experiences and lives of all looked-after children, their families and care leavers. It will work to ensure that all those who are involved in the care of looked-after children have the appropriate skills, knowledge and support and that any decisions about looked-after children are well evidenced and always have the child's welfare and rights as their paramount consideration.

The Government places great importance on working in partnership to deliver its ambitions for Scotland's children. We are in a period of engagement with key stakeholders on how to translate the key areas of work into specific activities. I have written to local authorities seeking their involvement in that process.

The Scottish Government has started the work to create a more responsive system. I mentioned the centre for excellence, which will be instrumental in future work. We have also created Scotland's first national adoption register, which is already providing greater opportunities for placing children in stable and permanent families. I urge all local authorities to make a commitment to use it by the end of this year.

I ask each one of us, as corporate parents, to challenge local authorities, health services and third sector organisations in our constituencies to engage with the work that is being undertaken. Every organisation that is involved in the lives of looked-after children will have examples of practice that works to promote the wellbeing of the children it serves. Each of us has a duty to help to identify and promote that good practice as widely as possible.

I also intend to increase the pace of change. I will ask all local authorities to provide me with their adoption service plans by April 2012. I will expect an ambitious approach and evidence that every local authority has clear plans to increase the number of young people afforded permanence or adoption.

**Hanzala Malik (Glasgow) (Lab):** One of the issues facing minority communities, particularly visible minority communities, is that adoptions are not taking place within those communities—children are being denied that opportunity. They lose not only skills and language but their cultural and religious background. Will the minister instruct local authorities to make the adoption system a little easier and, more important, better understood by minority communities so that they can play a fuller role in the community?

**Angela Constance:** That is an example of the type of work that we hope is evident in the adoption and permanence plans that local authorities will have to provide to me by April 2012. I will be vigilant on that point.

As corporate parents, we are all responsible for ensuring that the care system is child centred, provides appropriate and timely decisions, and secures permanent placements as soon as possible. We owe it to looked-after children to ensure that they have access to the opportunities that that can provide.

I move,

That the Parliament supports the Scottish Government placing the importance of permanence and stability at the heart of its approach to improving the life chances of looked-after children; acknowledges that there is still some delay in the processes as indicated in the Scottish Children's Reporter's Administration report, *Care and Permanence Planning for Looked After Children in Scotland*; welcomes the Scottish Government's response to the report, which builds on the work of the Looked After Children Strategic Implementation Group, and agrees that a collaborative multi-agency approach to improving the quality of decisions affecting looked-after children finding permanent placements is required.

14:51

**Claire Baker (Mid Scotland and Fife) (Lab):** I welcome the debate and the chance to discuss improving Scotland's adoption service and the opportunities and life chances of some of Scotland's most vulnerable children. It is appropriate, during national adoption week, for us to discuss the Government's response to the SCRA's report on care and permanence planning for looked-after children, as well as wider issues relating to looked-after children.

While the report focuses on the important issue of reducing the time needed to find a permanent home for looked-after children, Parliament is today giving a clear commitment to the importance of permanence and stability for young children, while recognising that that may mean different things for different families. Long-term stability for a child should and can include permanent foster and kinship care as well as residential care as a positive option.

Adoptions, the role of corporate parents and the care of looked-after children have all changed dramatically in recent generations. We have recently seen a dramatic rise—of almost 16,000—in the number of looked-after children, with 9,000 of those children not cared for by their birth parents, yet only a tiny number of those are adopted. Last year it was 218.

While we are doing all we can to support birth parents, there is potential to offer increased stability and a family life to some of Scotland's most vulnerable children by increasing the number of adopted children. As the Government has stated, a number of steps have already been taken to support agencies, families and children who are seeking adoption. The national adoption register is in its infancy but it has the potential to



contribute to a more effective system. I share the minister's hope that all local authorities will sign up to the register by the end of the year. I was encouraged by her comments about showing leadership to local authorities and expecting them to deliver in this area.

The implementation of the Adoption and Children (Scotland) Act 2007 simplified the legal framework. The centre for excellence for looked-after children, which gave excellent evidence to the Education and Culture Committee yesterday, has an important role to play in improving local practice and children's welfare.

The SCRA report raises a number of issues about the length of time the adoption process takes. Those delays can have serious consequences and can work against the best interests of the child. As the minister said, bureaucracy should not stand in the way of a child's future. The two key factors to achieving successful adoption are the age at entry to the care system and the length of time that is then spent in care. Recent research by the University of Bristol shows that every year of delay in the system reduces the chances of the child being adopted by 20 per cent. It is recognised that adoption has the best chance of success the younger the child is placed. There might be truth in that, but it is not always easily realised in the desire to explore all avenues to enable children to stay at home. Getting the balance between those competing outcomes can be difficult.

Shortening the length of time in the system will improve outcomes. The Government's response to the SCRA report comes forward with practical measures, such as setting strict timescales and more effective sharing of good practice. Those measures are all welcome.

Labour's amendment highlights some of the issues being raised by Barnardo's Scotland. Although the identified actions are welcome, it would be helpful for the Government to clarify the timescales for change, how it will measure improvements for children who are furthest from the possibility of adoption and have the most complex needs and challenging problems, and what resources will be available to deliver on the recommendations.

At committee yesterday we heard of the pressure on budgets that deliver for looked-after children and their families. What will be the priorities for the early years and early intervention change fund? The National Society for the Prevention of Cruelty to Children Scotland's briefing for the debate highlights the pressures faced by Dundee City Council, where the trend towards taking more and younger children into care is having a financial impact on children's services, although nobody doubts that the right

decisions are being made. The pressures are projected only to grow.

As our amendment highlights, Citizens Advice Scotland analyses local authority kinship care practice and there is still a gap between the Scottish Government's ambition for kinship carers and delivery on the ground. There has been a rapid growth in the number of children in kinship care, with an estimate that more than 20,000 children will be living in non-looked-after kinship care arrangements by 2014. My colleague Claudia Beamish will talk more about that group of children. I am sure that the minister will agree that more needs to be done to support those families and provide consistency throughout Scotland.

Since its early years, the Scottish Parliament has been concerned with the care of looked-after children. From "These Are Our Bairns" to Scotland's adoption register, successive Governments have stated their commitment to raising standards and there is a commitment to all partners taking seriously their responsibility as corporate parents and to the child being at the centre of decision making. All Governments have taken action to try to deliver on those priorities but there is much to do before we are all satisfied that the needs of all looked-after children are being fully met.

Barnardo's said this week that Scotland, as a corporate parent, is currently failing too many looked-after and accommodated children and young people, which is an evaluation that no minister will hear without a desire to take action. Barnardo's is an organisation that works on the front line and often deals with very difficult and challenging children and their families. We need to listen when it states:

"The quicker we can make these decisions, painful as they are, the better it will be for the outcome of the child."

Barnardo's is challenging the current arrangements and assumptions. It is perhaps a sign of the times that this week it is launching its adoption and placement service. However, it is talking not only about the adoption process but about how we approach the welfare of looked-after children and where the balance lies between birth parents and alternative arrangements.

Barnardo's promotes the importance of concurrent planning, whereby plans to move a child into a permanent care setting, such as adoption and long-term foster care, are progressed alongside plans to keep a child with their birth parents. That helps to speed up the process once a decision to move a child from their birth parents is made. Of course, all that requires resources: not only money but time.

The minister is certainly right when she says that adoption must be easier to do and quicker. I

fully acknowledge the concerns that Gil Paterson raised about the issue and the need for a measured approach. Nevertheless, we need to encourage more people to consider adoption. Professor Ken Norrie sounded a note of caution at the weekend: speeding up the process must be done in the context of the knowledge that many birth parents will fight a decision for their child to be permanently removed. The complexities of the system are, in some cases, unavoidable, but everything must be done to limit the impact on the child.

NSPCC Scotland's briefing also highlights the New Orleans intervention model, which it is piloting with Glasgow City Council and NHS Greater Glasgow and Clyde to inform and improve decision making about permanence. The increased recognition of the importance of early years development and strong attachment relationships for later life and of the need for greater early intervention is driving the pilot, which may provide a model to meet some of the challenges being faced by Scotland in caring for our most vulnerable and at-risk children.

There is evidence of improved early decision making and in some cases there is increased confidence about what action needs to be taken. In 2009-10, fewer children came into care than in previous years; however, more children under the age of 1 are starting to be looked after. That suggests improvement in the effectiveness of early interventions. As witnesses at the Education and Culture Committee's inquiry on the educational attainment of looked-after children made clear yesterday, stable and consistent care placements deliver more positive outcomes for looked-after children and young people.

This is a difficult and emotive subject but decision making can be easier when the child's needs are put first. We must be challenged to consider the options that will work best in the child's short and long-term interests. Multiple short-term placements, too long a wait for a permanent home and insecurity all serve to develop or entrench complex needs and can result in a child being taken further away from the solution that might have avoided some of those difficulties in the first place.

As we study the evidence, it is difficult not to become frustrated and overwhelmed by the depth of the challenge. I cannot imagine what it is like for a child in very difficult circumstances, for the professionals working on the front line and for the families, parents and prospective parents trying to find resolution. However, this is a positive debate. If—and when—we get this right, the benefits will be huge. A child will get a proper start in life, will be nurtured and supported, will be encouraged and cared for by a loving family and will learn

lessons that they can carry through their lives and into their own families.

I move amendment S4M-01197.2, to insert at end:

“; calls on the Scottish Government to set out the timescales to achieve the actions set out in its response to the report and state how it will measure improvements for those children with the most complex needs and challenging problems; asks whether additional resources will be available to ensure that the report's recommendations are achieved, and draws attention to a new study by Citizens Advice Scotland that shows that two thirds of the 19 local authorities that it surveyed are still not paying kinship carers the same as foster carers.”

15:01

**Liz Smith (Mid Scotland and Fife) (Con):**

There is no greater responsibility than bringing up children—and no greater responsibility for the state than ensuring that children who, for one reason or another, have been taken into care are properly looked after. Although we must acknowledge that hundreds of council workers across Scotland work tirelessly to do their very best for children in such circumstances, nothing can replace the love and security of a permanent and stable family environment, and it goes without saying that that must be the overall policy objective.

The Scottish Government and the Opposition parties have acknowledged that, notwithstanding the numerous and genuine efforts that have been made to address the problem, more has to be done. We cannot get away from statistics that show that since 2001 the number of looked-after children in Scotland has risen by 69 per cent and increasing evidence that, in some parts of this country, the problem is reaching crisis point. For example, between 2005 and 2008, the number of looked-after children in one council increased by 85 per cent. Moreover, just last week, there were worrying reports that children's services in Dundee had reached “saturation point”, largely as the result of certain very difficult social problems in the city. As a result, the city has been overspending on its children's services by £1.6 million annually.

Although it is important to stress that such worrying situations are not the norm across Scotland, it is nevertheless evident that the country's councils have had varying degrees of success in addressing the situation. Indeed, as the Education and Culture Committee heard only yesterday, quite a bit of progress has been made. The standard of reporting is better; better systems are in place for ensuring that there are coherent plans to look after the best interests of each child; school attendance has improved in some areas; and there are some signs that educational attainment levels are increasing. We should be encouraged by all that. However, it is only a small

start when it comes to dealing with the stark reality.

Last year, 56 per cent of school leavers gained five or more qualifications at Scottish credit and qualifications framework level 5 or better. The figure for looked-after children was only 0.5 per cent, and only 2.5 per cent of the 15,000 or 16,000 looked-after children in Scotland go on to further or higher education. We also know that, as with exclusion and attendance rates at school, drop-out rates can be high. Furthermore, evidence shows that around half of the looked-after children in Scotland encounter mental health problems and, even worse, problems in accessing the relevant mental health services. Indeed, my colleague Mary Scanlon exposed that very issue just last week.

In the whole debate about looked-after children, I have been struck by two comments. First, at yesterday's Education and Culture Committee meeting, Claire Burns, the strategic policy manager for CELCIS, the centre of excellence for looked-after children in Scotland, said that she thought that we were very good identifying the problems but much less good at measuring outcomes and providing solutions. Secondly, the Educational Institute of Scotland has stated that there has been little improvement in attainment for looked-after children

"despite the considerable volume of policy, guidance and legislation in this area".

In other words, there have been lots of attempts to do things, but not enough of them are having much impact. What lessons do we need to learn from the experts on the ground? What can we as politicians do to ensure that significant qualitative improvements are made in the life chances of our looked-after children?

First, there are some issues with the decision-making process. From the wealth of written and oral evidence that was presented to the committee, some key themes emerged. Local authorities are not yet skilled enough at bringing greater coherency to decision making, particularly when it might involve council officers across several departments. The spirit of getting it right for every child is definitely there, but the practicalities still present too many problems. It has been pointed out that there is not enough of a multidisciplinary approach to training among professionals. That issue was also raised by Graham Donaldson when he examined how teachers could best be assisted to provide crucial educational support for looked-after children. In addition, there appears to be widespread concern that the range of professionals who are involved in looking after any one child are not always best informed about the care plan, and we need to take that very seriously indeed.

It was also pointed out that there can be issues with decision making that relate to procurement, and that too much time can be spent on tendering and contractual processes, which are often expensive, without due regard being paid to the qualitative outcomes. We were told that the procurement process can often get bogged down in ideological prejudices to do with whether preference should be given to public contracts or to private contracts when, in fact, a combination of both should often be used, and when much more recognition should be given to the role that the voluntary sector can play.

The single most damaging barrier to helping our vulnerable children is bureaucracy and red tape getting in the way of finding them permanent and stable homes within an appropriate period of time. The Westminster Government is determined to tackle frustration with that, as the Prime Minister made clear in his announcement earlier this week. We should not tolerate any situation in local authorities in which there are fundamental weaknesses in the decision-making process.

Secondly, it has been pointed out that local communities and local voluntary sector organisations can often provide some of the greatest support, particularly when it comes to assisting parents, providing financial and educational advice, and helping families to address issues of addiction and dysfunctional home life.

We should not ignore the views of the Aberlour Child Care Trust—Scotland's largest children's charity—whose research shows that many care homes that are run by the voluntary sector deliver not only a better standard of care but better educational attainment than some of their local authority counterparts.

Thirdly—and lastly—there is obviously the issue of educational attainment itself and the need to do far more in our schools and colleges in particular to be better prepared to identify and support the best interests of looked-after children. The curriculum for excellence will go some way towards doing that, but we still need to do more to adopt a multidisciplinary approach.

There is a wealth of evidence that suggests that a lack of permanence and stability in childhood can have a significant impact on young people that can last long into their later years. Everyone knows that we cannot sit back and wait and hope that things will change without a different approach being taken to early intervention.

We are happy to support the Scottish Government's motion and the Labour amendment.

**The Presiding Officer:** I mention to members who will take part in the open debate that we have a little bit of time in hand, so if they wish to take

interventions, I will ensure that they are not penalised for doing so.

15:08

**Stewart Maxwell (West Scotland) (SNP):** I begin by putting on record my admiration for the work that is done by all those people who are involved in caring for looked-after children in Scotland. Although the debate will bring out many of the shocking statistics on the plight of many looked-after children, without the work and dedication of many professionals, the future for many children would be a whole lot bleaker than it is. I also pay tribute to those who foster children because, in many cases, they provide the first stable and loving home that children have experienced.

Unfortunately, for many children, the dream of a stable and loving home is just that, as they have to cope with very difficult circumstances. Even the provision of a placement may not provide stability, as many children face multiple placements. Some children have had to experience as many as four, five or even six different placements before they find a permanent home. The knock-on effects of that are self-evident. The ability to form and maintain attachments is critical for a child's development and repeated moves interfere with the possibility of a successful outcome for the child. I therefore very much welcome the Government's commitment to updating the training for professionals on that important point.

As the minister will be aware, the Education and Culture Committee has launched an inquiry into the educational attainment of looked-after children in Scotland. Only yesterday, we took our first oral evidence. Even at this early stage, it is clear from that evidence and from the written evidence that we have received that we should not lump together all categories of looked-after children. There are substantial differences in the outcomes achieved by children looked after in residential care, those looked after in foster homes and those looked after at home.

Although educational attainment is not the only measure or necessarily even the best measure of outcomes, it is a very important measure, and it is therefore alarming that the difference in educational attainment between all school leavers and looked-after children is not just a few percentage points. I point out to members a Scottish Parliament information centre briefing prepared for the Education and Culture Committee for its inquiry. The briefing contains many interesting statistics, but one particular table, which was referred to by Liz Smith and can be found on page 5, shows the percentage of pupils obtaining five or more qualifications at SCQF level 5 for 2009-10. For all leavers, the percentage is

55.9 per cent; for the most deprived children, it is 28.9 per cent; for children with additional support needs, it is 15.5 per cent; for children who are looked after away from home, it is 4.7 per cent; and for children who are looked after at home, it is 0.5 per cent. That is not just a small difference between children who are looked after by their parents and children who are looked after at home in different and difficult circumstances—it is a vast difference. I know that all parties are signed up to dealing with the problem, but the statistics give a stark reminder of the difficulty and challenge that we face.

The statistics on their own show how critical stability and permanence are for the life chances of looked-after children. The children who have that stability do much better than those who do not. The statistics also show that we cannot ignore the fact that children who are looked after at home have the worst outcomes of all looked-after children. They have the lowest qualification rates, the lowest rates of attendance at schools and so on—and so on.

Although it is understandable to want to keep families together—and desirable to keep families together—we must recognise that far too often there is a price to pay for that goal, a price that is paid by children through damaged life chances. It is therefore imperative that decisions are made as quickly as possible and that unnecessary delays are driven out of the system. I take the point made by Gil Paterson about the need to ensure that the work that needs to be done is done and that it is given the time that it needs.

The SCRA's report findings show that we have still have a way to go in driving out unnecessary delays, however. Parenting assessments often take too long. It is particularly disappointing that when a child has been identified as at risk before birth, parenting assessments can still be the cause of extended delays in the process. I was particularly struck by the fact that in 45 per cent of the cases in the report's sample, parents had already had a child removed, yet parental assessments were still causing delays. That is particularly difficult to understand when parents have previously had more than one child removed. What possible reason can there be for extended delays in such cases?

I agree with the view taken by the report that previous history is strongly indicative of a parent's capacity to care safely for subsequent children. Of course we must review the evidence in such cases and ensure that we do not judge parents on past failings, but we must keep at the front of our minds the idea that the process should put the safety, stability and future life chances of the child at the centre of all we do. Being sensitive to the rights and needs of the parents is a priority, but the

needs and rights of the parents do not trump the needs and rights of the child.

This week, we have seen a lot of comment in the press about the length of time it takes for a child to be adopted or to find some other form of permanence. The SCRA's report sets out much of the argument about time delays and makes it clear that the majority of children face waiting times from first involvement to permanence of more than two years. Although the shortest time was only 10 and a half months, the longest was nearly 11 years. For most children, it took more than a year just for a decision to be taken about moving them towards permanence.

If we really believe in early intervention, we must accept the overwhelming evidence about the impact of the first two years of a child's life on their future life chances—they make all the difference in the world. We must face up to the fact that to have such lengthy delays in the process can only damage the chances of a successful outcome for these children.

I do not underestimate the difficulties that are faced by those who work in the field and my remarks are not meant as a criticism of the work that they do as they grapple with incredibly difficult and complex problems, but we must realise that the evidence in many cases shows that almost any outcome is better than leaving a child to be looked after at home in difficult and demanding circumstances. Are we confident that the rules that we have in place regarding the rights of parents strike the right balance? Are we sure that the rules surrounding adoption are not too restrictive and off-putting?

**The Presiding Officer:** The member should wind up.

**Stewart Maxwell:** Thank you, Presiding Officer.

Are we searching for the perfect outcome for children when the reality is that no child is brought up, even by their birth parents, in perfect surroundings? There are no perfect solutions for a child in such a situation—prospective adoptive parents are not perfect either. Surely an imperfect adoption or other form of permanence is preferable to a life blighted by our failure to act in time to make a difference.

15:16

**Claudia Beamish (South Scotland) (Lab):** I welcome the opportunity to speak in a debate on an issue that is close to my heart, and I am encouraged by the cross-party agreement in the area.

I want to draw members' attention to the challenges that kinship carers face and the plight of looked-after teenagers in residential care.

Our amendment draws attention to a new study by Citizens Advice Scotland that states that two thirds of the local authorities that it surveyed are still not paying kinship carers the same as foster carers. As of July 2010, 61 per cent of looked-after children were looked after away from home, and of that group 20 per cent were in kinship care. That is a significant group of affected families and children. I welcome the minister's remarks on the area, on which I would like to expand somewhat.

Although all local authorities have set up a scheme to pay kinship carers, the amounts vary and there is no consistency or guarantee. It appears that some local authorities are even means testing payments, based on other benefits. That cannot be right, given the commitment that kinship carers make. Concerns have been expressed to me about those inconsistencies by constituents in Midlothian and Dumfries and Galloway.

At a recent meeting of the cross-party group on carers, I met Jim Crombie, who is a parent and a grandparent—so he is a parent again—and a member of kinship carers action Midlothian. Although he has concerns about the anomalies in financial support, he told me, "It's not always about the money." The group has set up advocacy help for kinship carers to give support at review panels. He also points out that support would be valued on issues such as anger management.

Children in kinship care are not there without a stark reason. They might have suffered bereavement, been subjected to abuse or lived in a chaotic and frightening household where drugs and alcohol distort family life, but in the words of Jim Crombie, "Often, kinship carers are just left to their own devices."

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** I hear what the member says, but I understand that the Scottish Government funds the national advice and support service for kinship carers and that considerable funding has been allotted to the service. I hope that it is providing some benefit to kinship carers, including the ones to whom she refers.

**Claudia Beamish:** I thank the member for that helpful intervention. I completely accept that point, but when we consider the range of services that the Midlothian group and perhaps others are trying to bring forward to support the families and children involved, there still seems to be a long way to go. Although the group has some funding, it still has to raise money to put in place support—often lifeline support.

A breakdown in kinship care will be at least the second breakdown in a child's life. Kinship carers deserve all the help that they can get to prevent that from happening. I ask the Scottish

Government to consider guaranteeing that, out of the change fund commitment to carers, there will be adequate funding support for services from local authorities and specialist voluntary organisations for kinship carers. That is preventative spend where it really counts: at the sharp end.

I turn to the plight of looked-after teenagers in residential care. In 2009, there were more than 1,500 looked-after children in residential care of some kind. With a few little ups and downs, the figure has changed little since 1997. A sizeable proportion of those children are teenagers, and I want to focus our attention on them. Although some will have to be in residential care and some will want to remain in residential care because of the familiar setting, there are others who are desperate to move into young adulthood from within a family. I have experience of working with teenagers in a unit for those excluded from school and I know that there are looked-after children who are waiting for a family that will never come.

At the teenager stage, the answer might not be adoption, but there is a range of possibilities, which the minister has already highlighted. My understanding is that the intractable problem of finding a family has not changed over the years. I have seen in reality, as a teacher in a unit, what NSPCC Scotland highlights as growing evidence that poor attachment

“increases the likelihood that a child or young person will have low self-esteem ... be hostile and aggressive ... and may deal with the anger by self harm, offending behaviour or risk taking behaviour.”

I remember to this day that even if a family can be found, a teenager may well constantly test and tempt rejection before they are rejected. I still remember the words of one boy, who asked me, “How could they ever love me?” It is not an easy challenge for teenagers and families, or for those in the agencies who do their best to support and work with them.

I welcome the Government's motion. These teenagers deserve our support. I ask the Scottish Government to facilitate speedier decisions at that stage, bearing in mind the complexity of the decisions, and to look at preventative spending to support families who are in a difficult situation because they have taken on a teenager who faces challenges.

The minister is right to say that we are corporate parents. We must not undertake preventative spending—I know that none of us will—in the hope of saving the taxpayer money from the future services and interventions that these children and teenagers might need later in life; we must do it simply because we have an obligation to do it.

15:22

**Annabelle Ewing (Mid Scotland and Fife)**

**(SNP):** I, too, am pleased to speak in this important debate on reducing the time needed to find a permanent home for looked-after children. As has been said, the starting point is for us to set out what should be our shared ambition for looked-after children. Having heard contributions from all sides of the chamber, I believe that our shared ambition is that looked-after children should have the same opportunities as every other child in the country. That must be the key driver for our approach to looked-after children, because there can be no second-class citizens in Scotland.

In delivering that objective, the key factor that must always lie at the heart of any decision-making process is of course the need to consider what is best for the child. That must be paramount and it is therefore necessary for each case to turn on its own facts and circumstances—that is to say, these matters must be dealt with on an individual, case-by-case basis. It is self-evident that each child is different and has a unique set of circumstances. Determining what is right and best for the child can be a difficult balancing act. I pay tribute to all those workers who deal with these issues day in and day out, because they provide a magnificent service to children. It is our job to facilitate ways to ensure that they can do even more for the looked-after children in their care.

The whole system must be focused on deciding what is best for the child. That in itself means that we cannot set any arbitrary time limits, as may happen elsewhere, because it precludes the possibility of treating each case on an individual basis. However, that is not to say that improvements to the system cannot be made. I welcome the Scottish Government's approach in embarking on an ambitious set of plans to secure better outcomes for looked-after children in Scotland.

In that respect, I will focus on three areas of interest. The first, which other members have alluded to today, deals with circumstances in which parental rights are being pursued. In such circumstances, it is inevitable that time—often, quite considerable time—will pass as the legal processes are gone through and a conclusion is reached one way or the other. Therefore, it would be worth considering whether, in certain circumstances, it could be appropriate to proceed with concurrent planning, which has been suggested by Barnardo's Scotland. As far as I understand its proposal, plans to move a child into a permanent care setting would be progressed alongside plans to keep the child with the birth parents. With such a proposal, one would have to safeguard the rights of the birth parents.

I heard what my colleague, Stephen Maxwell—I am sorry, I mean Stewart Maxwell; I will never hear the end of that—said about balancing the rights of birth parents with what is best for the child. In our legal system, everyone has rights, and we must ensure that our processes respect the rights of the birth parents. The key question is to see what else we can do to facilitate the speeding up of the system. That is an area that is worth exploring, and I hope that the minister will indicate whether the Scottish Government is prepared to do so, together with the relevant agencies.

It is to be hoped and expected, given the positive developments south of the border, that the launching of the adoption register in Scotland will increase adoptions here and speed up the process. That positive move should be considered alongside two pivotal developments. One is that there is to be promotion by the Government of foster carers becoming permanent or long-term carers. I welcome that development, although I suspect that some foster carers will be wondering why it has taken quite so long to get to this stage. The second development, which is also to be welcomed, is that, after a gap of some 15 years, Barnardo's Scotland is to resume adoption and placement services. That will be a significant development in securing better outcomes in the future.

We have heard this afternoon about permanence and stability. It is clear from the evidence—we have all read the various briefing papers—that ensuring permanence and stability will have a significant beneficial impact on the life chances of looked-after children, so it is vital that such goals are embodied at all stages of the system around looked-after children. I welcome the establishment of CELCIS, which I understand will be focused on ensuring that the twin threads of permanence and stability run throughout the delivery of services across the piece.

There is nothing more important than the future wellbeing of children. Therefore, it is incumbent on all of us—as individuals and as parliamentarians—to do all that we can to ensure that children's opportunities in life are nurtured and promoted and that no door is closed as a result of any action of, or inaction by, the state. I am therefore encouraged to note the Scottish Government's ambitious approach to looked-after children.

I hope that, in her summing up, the minister will indicate whether, in her on-going monitoring of the various programmes that are being rolled out, she will come back to the chamber to update us on the progress that is being made.

15:29

**Richard Lyle (Central Scotland) (SNP):** I could talk about this subject for hours but, in case the Presiding Officer is concerned, I assure her that I will stick to my six minutes.

National adoption week means a lot to me as, 29 years ago, my wife and I adopted our first child: our daughter Marina. I always laugh at soaps or films that show couples adopting a child in a few weeks, as that is simply not true. After an application and seven years of waiting, my wife and I finally had a baby girl in 1982. I remember the number of visits that social workers made to our home and what we had to go through, and the time that was spent discussing with our social worker our intention to adopt a baby.

After 30 years, it has not got any better, especially as we know that more than 15,892 children are now looked after by local authorities. The number of looked-after children has increased every year and is now at its highest since 1982, which was the year we adopted our daughter.

More than 9,000 children are cared for away from their home. More than half of those children have experienced two or more placements; 30 per cent have experienced three or more placements; and 6 per cent have had six placements. There were just 466 adoptions in 2007, and 218 children who were ceasing to be looked after were adopted. Nearly 70 per cent of those were no-relation adoptions.

Statistics show that children are becoming looked after for longer periods, which is totally unacceptable, as it creates uncertainty and potential long-term social and emotional problems. We must do better, but we cannot—as some people try to do—start the blame game. Social workers are complimented when they get it right and slated when they get it wrong. I know that they have a hard job, but there are so many children in care that we must examine the reasons why they are there. Can we do better for them?

I will make an observation from several cases that I have personally dealt with over the years. In one case, I backed a couple to the hilt. Officials said that they had masses of evidence, but I told them that I did not believe what they were saying, as there was other evidence to support the family. In the end, I and many of the friends who stuck with the couple were proved right one year later. Social work got it wrong on that occasion, and the children in question are now back with their parents, where they should have been all the time.

Another case that I am dealing with involves a father who wants to provide a decent home for his child but who, due to circumstances that I will not go into, will not be allowed to do so. His daughter will go into the system and become a statistic like

all the others. His young child is in care, and the visits when he gets to see her are irregular because social work cannot agree to his request for more regular visits. He is constantly on the phone to the social work department, and its time is used up in answering his phone calls and e-mails. I share his frustration, as any agreement that we try to make is a problem for the department due to legal requirements.

When children are taken into care, there should be a clear intention to return them to their family or to any family member as soon as possible, depending on the circumstances. Children should be cared for, not put into care. They should be adopted as soon as possible, depending on individual circumstances and legal requirements, and the agreement of the birth parents. In response to Gil Paterson's point, I have been there, done that and got the T-shirt. Putting kids into care should be a last resort. Our children deserve better, and we cannot let them down.

I support the Government's intention to reduce the time that is needed to find a permanent home for looked-after children. I would encourage the many hundreds of couples out there who I know want to give a child a good home to apply to adopt or foster a child. It changed my life and my wife's life. We applied, and we were very happy to get our daughter. We applied to adopt another child but, like many other couples in similar circumstances, we were blessed after three years with the birth of our son. We were lucky, but many people have not been lucky. We now have a lovely daughter and son, who are both a credit to my wife and me.

15:35

**Anne McTaggart (Glasgow) (Lab):** I add my support for Monday's launch of national adoption week, which I am sure every member will support. I also acknowledge the foster carers, kinship carers, adopting parents and all those who strive to provide a caring and supportive life for Scotland's looked-after children.

All members will agree that, whether or not this debate is taking place during national adoption week, it is extremely important that we secure a safe and loving home for all children as soon as possible. Members often hear the phrase "Scotland's future" used in debates, sometimes on education and sometimes on modern apprenticeships. Today's debate is equally about supporting Scotland's future. We must ensure that the most vulnerable children in our society have the same opportunities as any other child has to be part of that future. As we have heard today, there is a lot of evidence that delays and hold-ups in finding suitable homes for children can impact seriously on long-term outcomes.

Given that around 16,000 children and young people are in local authority care but only 218 were adopted last year, calls for greater outcomes for adoption services have been made by a number of organisations as well as by different levels of government. For example, Barnardo's is concerned that there are not enough foster carers with specialist training and skills to support children with complex and demanding needs. We need the Government and local authorities to consider ways of recruiting and supporting many more such foster carers throughout Scotland. There is concern about the demand that is being placed on residential units throughout Scotland, as more and more looked-after children with complex needs come into units and more wait for places. Without more specialised foster carers, long-term placements for those children may be only an aspiration, not a reality. There is a danger that the children may spend their childhood in numerous placements and residential units. The Government and local authorities must therefore focus on ensuring that all looked-after children, especially those with the most challenges and needs, are given the opportunity to have a safe, loving and nurturing home.

Despite the low number of adoptions last year, we can at least see some positives. In Glasgow, we have seen progress, with the figures doubling last year after a concerted effort to encourage more people to come forward. Glasgow City Council is already taking further proactive approaches in tackling some of the factual inaccuracies that are associated with adoption, particularly in relation to eligibility criteria.

However, we cannot look solely at adoption as a way to improve the lives of our looked-after children. A number of children may not be being cared for although they still live at home, and those children may enter the care system. The damage to life chances that can come from living in an abusive household are well documented. In an attempt to support those children, Glasgow City Council and the local health board are working in partnership with the NSPCC to test the New Orleans intervention model. That early intervention method has had a positive effect on similarly vulnerable children in the United States. I am glad that the Scottish Government's chief scientist office has provided funding for research into the pilot. Although it is aimed at building relationships between children and foster carers, it has potential benefits for other children in their interpersonal development, providing a steady platform on which to build the rest of their lives. The model also has potential benefits for children who are regarded as looked after but who remain at home.

No one would argue against all of Scotland's young people being given the best support possible from all public services. Under the



Scottish Government's proposed bill on young people's rights, ministers would have to have regard to children's and young people's rights and views in making policy. That is a step in the right direction. However, although I support the intention behind the proposals, children and young people may still lose out if the proposals are not extended to cover local authority and health board decision making. We must take a comprehensive approach to recognising children's rights in the policy process. By doing so, we can begin to tackle many of the barriers that looked-after children face and help them and all other children to become part of Scotland's future.

15:40

**Kevin Stewart (Aberdeen Central) (SNP):** I refer members to my entry in the register of interests. The fact that I am a member of Aberdeen City Council will come up in my speech.

When I joined Aberdeen City Council, a social worker asked me how many children I had. When I said that I had four nieces but no children, that person said to me, "No, you have several hundred children of whom you are now the corporate parent." I was a little shellshocked. I should say that I now have a nephew, too—he would never forgive me if I did not mention him.

We must all recognise our role as corporate parents. Recognising that completely changes our attitude to policy formulation and to what is best for the children of whom we are corporate parents.

I will touch on a couple of points that have been made about the financial aspects of being a corporate parent. Claire Baker and Liz Smith mentioned Dundee City Council's overspend on children's services. At the Local Government and Regeneration Committee today, we had the pleasure of hearing evidence on the budget from David Dorward, who is Dundee City Council's chief executive. We talked about needs-led and demand-led social work. Mr Dorward said that he was not too troubled by the council's overspend on children's services—I am sure that he does not say that often—because it is needs led. The reality is that the members of his social work team, who are the professionals, have decided that the interventions that have been made are right at this time, and Mr Dorward and his finance officers have recognised that that team is right. I would not say that he was relaxed about the overspend, but he realises that it is because of needs-led requirements. That is how to deal with such matters.

Claudia Beamish said that the approach should be about putting children's needs first and not about saving money. I say to everyone in the chamber that it can be both. Local authorities have

often spent lots of money on putting children away from their areas. Aberdeen City Council did that in yesteryear, and some children were sent as far away as possible, which broke any ties they had left in their city of birth. That did neither children nor the public purse any good. I am glad that I played a part in trying to change that. It seemed far too easy for some to send children away. The approach was, "Let's forget that problem and send them away." We would not do that as parents, so why would we do it as corporate parents? Such attitudes still exist in some places and we must change them completely.

Another issue that used to perturb me is that we as corporate parents were happy for kids to be in residential homes that, if they were our houses, we would deem inadequate. Residential facilities need to be the best that they can be for the children of whom we are corporate parents. New-build residential homes have recently been constructed in Aberdeen. Across the country, we need to look again at what the stock provides.

During the recess, I had the great pleasure of visiting Barnardo's in Aberdeen. I visited a number of its services. I talked to foster carers, who are some of the most dedicated people whom a person could come across, and visited its Linksfield residential home. I am mightily impressed by the work that is going on in that organisation in my home city, and ask the minister to say in her summing up what we will do to help to recruit and support more foster carers and adoptive parents. The best way of attracting folk to become foster carers is to get them to talk to other foster carers, because they are normally the most enthusiastic and passionate people, and they will tell others exactly what they can get out of fostering.

Another thing that has perturbed me over the years is the lack of joined-up thinking that there sometimes is between local authorities, courts, children's panels and children's reporters. In her summing up, will the minister say how she sees things gelling together a little bit better? There are opportunities in the planned children's services bill. Will she say how she sees the bill helping us with what we are discussing?

I will never forget that I am a corporate parent. All of us must recognise what our duties are to the kids for whom we are responsible.

15:46

**Liam McArthur (Orkney Islands) (LD):** Last week, members discussed how we can best raise the ambition and attainment of our children and young people. It is not surprising that much of that debate focused on the challenges of achieving that for looked-after children, and I welcome the

further opportunity for more detailed consideration of the serious and complex issues in that area of public policy. As other members have suggested, the debate helpfully coincides with the start of the Education and Culture Committee's inquiry into improving the educational attainment of looked-after children. It is therefore safe to assume that we will not fail through a lack of focus those whose interests we all wish to see better served. I have been struck by the number of insightful contributions that have been made so far.

The warning from Barnardo's is stark: as a corporate parent, Scotland is failing looked-after and accommodated children. That is not to say, as others have suggested, that important improvements have not been made for some looked-after children, but the overall picture is not encouraging, particularly the outcomes for those who are looked after at home. Liz Smith and Stewart Maxwell highlighted some galling statistics in that respect. That said, Stewart Maxwell, Anne McTaggart and other members have put on record Parliament's gratitude and respect for the work that is done by many people in the area. I associate myself with those remarks.

There is no grim inevitability to all this. Things can be done. There are interventions that have been shown to improve significantly the outcomes for and attainment—in its widest possible sense—of those who are looked after. However, as Claire Burns of the centre for excellence for looked-after children in Scotland testified yesterday, that is too often not happening. All the evidence shows that permanence is critical to a child's sense of wellbeing, self-confidence and, in turn, life chances. Sadly, the SCRA's report vividly highlights the fact that there are still far too many delays in the process from identification of risk to the point of adoption or other form of permanence. It is clear that the decision to remove a child from the parental home should never be taken lightly and that proper safeguards need to be in place to protect the interests of parents as well as children, but delays in decision making and in obtaining a permanent home can undermine a child's long-term life chances. The minister echoed a point that was made by Bryan Evans of Children 1st in the Education and Culture Committee yesterday: the timeframes appear considerably longer to the children themselves. Research shows that every year of delay in the system reduces the chances of a child being adopted by 20 per cent.

I listened with interest to Gil Paterson's insights, but I know from experience in my constituency that frustration with the speed with which and the way in which the system works—social workers, the courts and hearings system—are involved—has dissuaded potential adopters from putting themselves forward. That is extremely worrying. Barnardo's and others are right to call for a more

effective and joined-up approach and ownership among those who are involved in the process, but they are also right in pressing the Government to take urgent action to help to recruit and support more foster and adoptive parents, particularly people who are capable of taking on such roles with children who display more complex needs.

One point that ministers might wish to reflect on further is an issue that Sara Lurie from the Fostering Network Scotland raised. She said that the lack of foster limits in Scotland means that foster parents can have up to six unrelated children in their care, which seems far from ideal and must surely run the risk of turning people away from fostering altogether. That concern was expressed by my former colleague Robert Brown, who did a great deal of excellent work on the issue in the Parliament and the Government.

Robert Brown was also concerned about the apparent lack of feel in the Government for the overall numbers of foster carers; for where the greatest pressures exist; and for how numbers could be increased. I hope that we can look forward to progress on that during the current parliamentary session, perhaps alongside the work on the new national adoption register. It is disappointing that there appears to have been a lack of urgency in that regard, although I very much welcome the tone and content of Angela Constance's opening remarks.

One specific question that Barnardo's has raised and which is mentioned in Claire Baker's amendment is about the timescales that ministers have set to achieve the actions that are laid out in the response to the SCRA report. Delivery on that is key. As the Education and Culture Committee heard again this week, there is a general consensus that the regulatory framework is in place but delivery is patchy and inconsistent. The policy priorities seem to shift around—whether it be education, mental health or leaving care—with the result that a whole-system approach is too rarely adopted.

Notwithstanding the widespread support that GIRFEC enjoys, it is at this stage failing to deliver a system that consistently puts the child and their needs at the very centre; secures joint ownership and understanding of whatever plan is put in place for each child; and helps to speed up the process of taking decisions and actioning them. I agree entirely with those such as Barnardo's who argue that ministers should use the proposed children's services bill as an opportunity to review the system of looked-after and accommodated children and to ensure that delays in achieving permanence are minimised across Scotland and that the complex needs of more challenging children are adequately met.

For that to happen, early intervention is essential. Again, that issue was touched on in last week's debate and in the committee yesterday. Witnesses reiterated the importance of the earliest possible intervention—even pre-birth—to securing better outcomes. They also confirmed the potential savings to the public purse. Bryan Evans even suggested that, often, the more difficult and complex the case, the quicker the payback. In times of more restricted budgets, resources are tight, but that makes it all the more imperative that the funding that is provided works as hard and effectively as possible.

Collaboration is key to achieving that. It was interesting to hear the views expressed by CELCIS, Children 1st and others this week that more can be achieved through better pooling of budgets. I hope that Angela Constance will reflect on what she can do along with her ministerial colleagues to ensure that existing budgets incentivise collaboration and certainly do not impede it.

The debate has been a useful one on an issue that has proved stubbornly resistant to the best efforts of successive Administrations to make the changes that we all want. I had great sympathy with my committee convener, Stewart Maxwell, when he asked at yesterday's meeting, with just a hint of desperation, why we are still talking about improved collaboration and early intervention when we have known for years, and the evidence has shown, what impact that can have in improving outcomes for looked-after children. The minister can certainly count on my support in her efforts on the issue, but let us please ensure that Stewart Maxwell's successor as committee convener in the next session of Parliament is not left asking the same question five years hence.

15:53

**George Adam (Paisley) (SNP):** As Kevin Stewart did, I declare an interest as a councillor, but with Renfrewshire Council. As with other issues that we have discussed, I never really thought about looked-after children before I became a councillor and had to deal with cases. One thing that has become clear is the tremendous work of people in social work departments across the country. They deal with difficult situations and have a difficult job and they work with families to get the best for them.

Anne McTaggart was right to say that we should support those who look after the children. It is hard enough to be a parent at the best of times without having to be the parent of a child with a challenging background. One point that has come out for me in the past few years is how important it is to take on the responsible role as a corporate parent. All the children of Scotland are our

children. If we do not get things right here and now, we will create another debate for us to have in future about social problems further down the line. I am extremely pleased that we have had such an open debate, in which everyone has agreed that we have to deal with the situation.

A lot of work has been done, but we can still achieve so much more. The minister is right that every single child wants stability and predictability at home. When it comes to dealing with looked-after children, that is what we must aim for.

Given my local authority background, I know that it can be extremely difficult for kinship carers to get access to funds, go through the process and get support. Nine times out of 10 in a difficult circumstance, family members will just take the children in—because that is something that families do—and they will not be aware that there is any form of support available for them.

The minister was right to say that she is quite happy to ruffle a few feathers to get this situation sorted. Her passion for the subject is clear and I believe that that same passion for change can be seen today in the chamber.

Some of the young people we are talking about have very challenging backgrounds. In Renfrewshire, the council tends not to try to put children into alternative care unless it has everything that is needed for the care and protection of that child. The number of looked-after children in the area is high due to the rates of social deprivation and drug and alcohol abuse there. Those are issues that we will have to address in order to deal with the situation.

At 31 October this year, Renfrewshire had 765 looked-after children, 321 of whom were in accommodation. It looks like it will face an on-going situation of looking for permanent families for 50 children at any given time. The problem is that it is difficult to get foster parents. No matter what local authorities do, it is difficult for them to get people involved in fostering. I agree with Kevin Stewart that the best people to sell the idea of being a foster parent are foster parents, because they can tell others what they have gained from the experience.

Members of staff in Renfrewshire Council, who are ably led by the director of service, Peter MacLeod, are motivated to succeed in this area. In the first half of this year, the council managed to get 13 children adopted into a home—a significantly higher figure than the previous year. That was because a resource was made available; the council made a decision that getting children adopted was an individual social worker's job for that period. It is important that local authorities look to that model for the future.

The minister is quite right to work with and ask more of local authorities on this issue. Quicker intervention might be better in some cases, but the correct decisions, rather than rushed ones, have to be made.

I mentioned resource. It is not a case of just throwing money at the situation; in a lot of cases there can be better working within various local authority departments.

It is important that we get this right and that we all take our role as corporate parents seriously. Much work has been completed, but we need to achieve much, much more. We all know the social benefits to our country of getting this right. If we do not, we will create future problems—and future debates—for ourselves. All strands of government can work together to ensure that we provide every child with a secure upbringing and a chance to prosper.

15:58

**Jean Urquhart (Highlands and Islands) (SNP):** As other member have done, I welcome the debate and the minister's clear commitment to changing for the better the lives of some of our children. I also acknowledge the considered and concerned speeches that have been made, which evidence Parliament's desire to improve the system in order to allow that to happen. I do not believe that we will concern ourselves with a more important issue; there simply cannot be anything that is more important.

We are committed to a healthier, fairer and smarter Scotland, but those principles and ambitions cannot be realised if they are not applied to the most vulnerable people in our society. There is no one more vulnerable than a child in his or her early years who is without a stable, secure and safe environment and a loving family. A child being taken from its parents is one of the most distressing images that we can see.

Comments are often made about the resilience of our children—their extraordinary ability to survive against all the odds and to accept the unacceptable as the norm. However, descriptions of ugly, dangerous and chaotic lifestyles—family lives that are characterised by neglect, extremely cruel conditions, parental drug and/or alcohol abuse, violence, parental mental illness, physical abuse and parents being unable to put the child's needs before their own and to keep the child safe—challenge that thinking.

I pay tribute to those whose work it is to judge whether it is in a child's best interests to take them from their parents, because it cannot be done quickly or easily. However, when the most vulnerable are in a different and safer place, speed is of the essence, whatever decisions are to

be taken and whatever process is to be gone through. All the services that are involved must show efficient, effective and collaborative joint concern, and they must come to the right decision without delay.

There is too much evidence and too many reports that show why Angela Constance is raising the matter now: looked-after children are hugely disadvantaged. There are case histories of children being temporarily looked after for years and often by more than one—sometimes six—different families before finally finding a permanent home.

If it is to be thorough, the process will take time. It should not be rushed, if that might result in the wrong decision being made. There are many well-constructed reports that give evidence of legitimate reasons for delay in coming to a decision about a child's future.

I am a member of the Education and Culture Committee. Angela Constance might like to have the *Official Report* of yesterday's meeting, because it is relevant to the debate.

**Sandra White (Glasgow Kelvin) (SNP):** I have taken part in similar debates in previous sessions of the Parliament, and the issue does not seem to move on. Jean Urquhart mentioned that we have to be careful to take time when putting kids into adoptive families. Surely it is unacceptable that a child can be put out to foster care at three weeks old, still be with the same foster carers at four years old, but not be able to call them mum and dad. That, too, is surely harmful to the child.

**Jean Urquhart:** I agree with that. That is the point that I had hoped to convey, so I am sorry if it did not come across.

Yesterday, the Education and Culture Committee heard from Claire Burns, who is the strategic policy implementation manager at the centre for excellence for looked-after children in Scotland—a snappy title. The comprehensive involvement of all the professionals and agencies in finding a way forward became clear from her presentation. A myriad of reading matter has offered a myriad of ways forward. There seems to be no shortage of academic debate about assessing the problems, although there is an inability to find practical solutions to them. The nub of the issue that we have to address is that it seems that although there is agreement on a clear way forward, we are not implementing it. The motion is exacting in recognising the need to move forward, the need to accept that the solution has already been identified and the need to put it into practice. Therefore, challenging the current process is key to making a difference in the lives of hundreds of children.

Article 8 of the European convention on human rights says that everybody has a right to a family life. If we are to realise that for Scotland's most vulnerable children, we must take the action that is required, offer help when it is needed and challenge the thinking that inhibits progress.

The motion rightly highlights the importance of permanence and stability in the care of our looked-after children, but it is also right to acknowledge the services—professional and voluntary—that exist to help the parents of those children. No one can imagine their mental state, helplessness and vulnerability. If we are taking responsibility, we must not falter or fail their children, either.

In her last words at yesterday's Education and Culture Committee meeting, Claire Burns said that if the looked-after children were our children, we would pay attention, we would be up at the school and we would want to take up opportunities for them. That is true.

We have heard from people who are both councillors and MSPs, and we have had a great deal of education on our responsibilities as corporate parents. How can we be corporate parents to 500 children whom we do not know? If we understand better the position of those children and can feel emotion for them—as if they are our own children—we will look on the problem very differently.

Everyone has the right to a family life. I will finish with a positive example. A young couple in my council ward who knew that they could not have children had established that they were keen to adopt. They were asked whether they would adopt a family and they said that they did not mind—that they would adopt one or two children. Between one night and the next they became parents to four children—an entire family—who had lost their parents. They were overjoyed. The message for Scotland is that we have to show adoption in a positive light. These are Scotland's children and we care desperately that we get this right.

16:06

**Mary Fee (West Scotland) (Lab):** I, too, declare an interest. I am a councillor and for four years—until May this year—I was on Renfrewshire Council's adoption panel.

During my time on the panel I came across many cases that could have been processed more quickly. The social work department in Renfrewshire has worked hard to improve that. There has been considerable investment in ensuring that all paperwork is ready on time and that it contains all the relevant and necessary reports. The panel has, therefore, been far better prepared and has had a better understanding of

the cases that come before it. One thing that has contributed to the improvement in efficiency is that adoption panel members in Renfrewshire are invited to training days at which they are given the chance to talk to social workers and carers. That allows panel members to express their worries about the processes. I would like more development of that in other local authorities in Scotland.

One of the most frustrating aspects of being on the adoption panel was the length of the process, which was due to legal challenges and promises that are made by birth parents. The struggle that is faced by local authorities is in the need to get the balance right. Under article 8 of the European convention on human rights, parents and children have a right to family life, but it is up to the state to ensure that children are not subjected to abuse or neglect; that is where the balance is needed. We have seen cases in which the state has failed children, including Baby P and similar cases. I would love it if every child was returned to their parent because doing so was in the child's best interests and it was safe to do so, but we know that that is not the case for many children.

I highlight an excellent campaign that was run by Renfrewshire Council in 2010 that found many new carers and continues to do so this year. I highlight, too, the council's work to collaborate with neighbouring local authorities to take forward joint recruitment of adoptive carers. In Renfrewshire, 13 children were placed for adoption in the first six months of this year, which is a significantly higher number than in previous years. That may be due to the number of children there requiring adoption and fostering being higher than national average. The cause of that higher level can clearly be seen by looking at the higher rates of social deprivation, substance abuse and domestic violence that stain some communities in Renfrewshire.

Recent reports in the media show that some children have to wait two years to be given a permanent home with adoptive parents. As important as it is for children to find that stability in their lives, there are other means for children to be given stability, such as kinship care and long-term fostering. If it is in the best interests of the child, there must be greater emphasis on placing the young child with his or her birth family. There must also be greater emphasis on improving the process to complete the assessments and checks for birth families, including grandparents, aunts and uncles.

Research by Citizens Advice Scotland shows that many local authorities are not paying kinship carers the same as they pay foster carers. If we are to improve the stability of a child's life, there must be equity in the payment to kinship carers to encourage them to become full-time carers.

Many members know that I have recently started, along with Richard Lyle and Mary Scanlon, a cross-party group on families that are affected by imprisonment, which led me to attend the Families Outside conference yesterday. At the conference, I was approached by many delegates who are concerned about the number of children who end up in the care system when their mother or father enters prison. One of the main issues that comes across when speaking to people is that little concern is shown for the child's welfare when the parent is arrested. While we talk about how to improve the process of finding permanent care for children, it is important that we remember that many looked-after children enter the system after a parent's imprisonment. I invite the minister to come along to the cross-party group to speak to the organisations involved and to family members of prisoners, and to listen to their thoughts on how early intervention will benefit vulnerable children who are affected by parents' imprisonment, and by drugs, alcohol and poverty.

I believe that prospective adoptive parents face many barriers, for example, legal barriers, the rights of the birth parents and the background of birth parents and of adoptive parents, which includes factors such as religion, race, sexuality and relationship status. There must be greater focus on how to reduce those barriers, because in doing so we can reduce the time that it takes for adoption and long-term fostering to commence.

In the forthcoming year, the Scottish Government will introduce a bill on the rights of children and young people and will also bring a greater focus on early intervention. I feel strongly that this debate should play a vital role in the bill before it comes to Parliament and when it does so.

Over the last week, Barnardo's Scotland has been very vocal on the issues that we are discussing. I fully support the restart of its national adoption service and I also back its calls for the Scottish Government to

"give assurances that it will not just focus efforts on those children best placed to move into permanency, but will look to support those that are most vulnerable and at risk to ensure that every looked after child has a stable, loving home".

I also back four other recommendations that I hope the Government takes on board.

I welcome the SCRA report and hope that members can work together to improve the life chances and stability of our looked-after children.

16:12

**Clare Adamson (Central Scotland) (SNP):** I declare my interest as a corporate parent, as an elected member of North Lanarkshire Council.

The SNP Government has demonstrated its commitment to all of Scotland's young people in a programme for government that will transform outcomes for children and young people throughout Scotland. It has delivered on the commitment to establish the centre for excellence for looked-after children. My understanding is that the centre has already established a permanence team to examine the very issues that have been raised in the debate.

The Government's early years strategy provides an opportunity to tackle some of the most challenging circumstances for children and sets an expectation that healthcare, social care and education departments will collaborate on delivering care plans and on ensuring the best possible start for children—especially those who are looked after or who are on the fringes of becoming looked-after.

The debate and the consensus across the chamber have demonstrated not only that we understand the debt that we all owe to foster carers, adoptive parents and kinship carers but—I believe—that we all understand the issues and the problems. We have a wealth of research and submissions on the matter, not least of which is Susan Deacon's report, entitled "Joining the dots: A better start for Scotland's children".

The Government's commitment to providing £6.8 million for an early years action fund, alongside its support for the third sector in helping to improve the life chances of our children and for projects such as the go play initiative, demonstrate its understanding of some of the issues.

The Government has also demanded that we improve child protection practice through inspections of each of Scotland's 30 child protection committees, and it has published new national guidelines on the implementation of the Protection of Vulnerable Groups (Scotland) Act 2007.

I know that the ministers are committed to protecting children and to delivering legislation through the Parliament to strengthen and modernise the children's hearings system, to strengthening choices and decision making for looked-after children, and to investing in early intervention to reduce the number of children who enter the criminal justice system. To support delivery of those priority areas, the Government is continuing to roll out business systems and trying to achieve the cultural change in the getting it right for every child approach.

However, the legislation that could have the most impact on how we improve outcomes for young people is the proposed rights of children and young people bill, which will enshrine in law a duty for Scottish ministers to have due regard to

the UNCRC when exercising their responsibilities. We need to achieve cultural change. Adoption of the UNCRC will put children at the heart of decision-making processes that affect their lives and is the lever that is needed to achieve the cultural change that all members recognise is necessary.

I will mention a few of the UNCRC articles, which I have taken from the National Assembly for Wales's documentation. Article 1 states that everyone who is under the age of 18 has all the rights of the convention. Enshrining that right in law will ensure that no one can be abandoned by the system at the age of 16. So much of our research highlights the plight of young people who have no security and certainty about their future and whose support mechanisms are pulled like a rug from under them, so that they are left to fend for themselves.

Article 3 says that organisations that are concerned with children should work towards what is best for each child. We know that lack of collaboration, delayed decision making and temporary short-term placements all damage the life chances of looked-after children. What is best for a child is not in the current culture. The UNCRC could compel people to work towards decision-making cultures and working practices that will improve outcomes.

Article 9 says that children should not be separated from their parents unless it is for their own good: if, for example, a parent is mistreating or neglecting their child. Children whose parents have separated have the right to stay in contact with both parents unless that might hurt the child. Decisions about removing children from their parents must be the right decisions. When we take the decision to leave a child as a looked-after child in their own home, we have a duty to support the parents and to work with them to improve their parenting skills, particularly in helping them to support their child's educational development. Every care plan must give due recognition to improving the educational outcome for children and it must ensure that learning support is given whenever it is required.

I am sure that there is not an elected member who has not been contacted by a parent who is looking to establish extra learning support for a child in need. However, if a young child's parent is not able to do that for them, who is there to speak up for them? Who is their advocate or champion?

Article 25 says that children who are looked after by the local authority have a right to have their situation reviewed regularly. Surely the cultural change that the UNCRC could bring will tackle some of the delays in establishing permanent solutions for children.

I do not want to pre-empt the investigation that is being carried out by the Education and Culture Committee into the attainment levels of looked-after children. However, there is overwhelming evidence about their chances, especially those who are looked after at home.

Mr Malik talked about cultural issues for children from ethnic minorities. Article 29 of the UNCRC states that education should develop each child's personality and talents to the full, and that it should encourage children to respect their parents and their own and other cultures. I am sure that that will be of interest to Mr Malik.

Children should be protected from any activities that could harm their development. We know that some of the current practice is harming the development of children, but the proposed rights of the child and young people bill will legislate for our moral obligation to take every action that we can take to ensure that every Scottish child is safe, secure, happy, healthy and able to fulfil their potential.

16:19

**Graeme Pearson (South Scotland) (Lab):** It is with trepidation and some humility that I speak in this debate. Trepidation because the subject matter is very important to us all—it is heartening to hear that we all agree on many of the main ingredients that we have discussed thus far—and humility because I bow to the greater knowledge and experience of many who are here in the chamber, particularly Richard Lyle and Gil Paterson.

My first insight into these matters came in a previous life, when I was a board member of a residential home, which gave me a privileged opportunity to see some of the difficulties that were faced by the young people concerned and the carers who looked after them so diligently. On entering that environment as a member of the public, my first shock was to discover that many of the young people in that residential setting were there not because of any failing or criminality on their part, but because of failings in their family environment and social circumstances that they were unfortunate enough to bear.

It is against that backdrop that I lean on a quotation from someone who was once a looked-after child and who went on to become an extremely successful dress designer and a vice-president of Barnardo's—Bruce Oldfield. He said:

"If we want ... children to find happiness and security, we must be as flexible and free-thinking as possible. We must remove any obstacle from placing a child safely and within the shortest space of time."

The reference to safety takes on board Gil Paterson's apt comment. Bruce Oldfield went on to say:

"It is surely a matter of common sense and pragmatism; where there is a long-term haven for a child, let's grab it with both hands."

For those reasons, I welcome Angela Constance's motion, which seeks to improve the life chances of looked-after children, and I hope that the Government will pay due respect to Claire Baker's amendment, which seeks to attach timescales to the achievement of actions. If the minister ruffles a few feathers, she can be sure that she will have my support in that regard.

As we have heard, approximately 1,600 children and young people are in residential care. Audit Scotland reported recently that although £250 million is spent annually on services and support for them, not all of them are receiving the best quality of care, and that local authorities cannot demonstrate that they are achieving value for money. In itself, that is not a criticism of the hard work of the people who are involved in a difficult environment, but it tells us that we need to find a degree of flexibility and imagination in solving the problems that we face.

Of the 9,000 children in Scotland who are looked after away from home, 50 per cent are placed with foster parents and 28 per cent are looked after by friends or relatives. Around 200 of them are adopted each year. My experience in residential homes indicated that many of the children—the majority of them—had been badly damaged by their experiences and were extremely vulnerable. What they sought, quite openly, was safety, security, and love and attention.

As has been mentioned, the average length of time that children spend in our care system is increasing. That has a serious effect on educational attainment, which Stewart Maxwell eloquently described. In comparison with the general population, prisoners are 13 times more likely to have been in care as children; 27 per cent of the prison population and half of all prisoners under 25 were in care at one time.

Bureaucracy can be a considerable barrier to finding a child a home or getting them into a permanent home more quickly, so the Government's commitment to promoting the use of foster carers as adopters or permanent long-term carers is to be welcomed.

**Derek Mackay (Renfrewshire North and West) (SNP):** The member makes some interesting points. In a spirit of consensus, Mary Fee, George Adam and others have complimented Renfrewshire Council on its leadership, which resulted in its achieving the best child protection report in Scotland. It is to be welcomed that the

council's director of social work, Peter MacLeod, will soon become a senior figure in the Association of Directors of Social Work.

Does the member agree that it would be helpful in addressing the points that he makes about bureaucracy and having organisations that are willing and able to assist if all social work's functions were kept together? Should we not listen to the social work body on the importance of not fracturing those functions?

**Graeme Pearson:** It seems to me, as someone who does not have a depth of experience in such matters, that what the member says is common sense. Delivering services for children and young people in such cases should be tailored to the needs of the young person. Services should be designed to ensure that the young person is given the support, the environment and the love that are required for them to develop, and they should be delivered in a supportive manner.

For the majority of children in our care, it took more than two years after their first involvement with services before they achieved a degree of permanence through an adoption of parental responsibility order. The shortest period of time was 12 and a half months and the longest was 10 years and 10 months. For a young person, 12 and a half months is a lifetime. We need to find a way of circumventing the difficulties we face, which we are trying to address.

I ask Parliament to support the motion and the amendment from Claire Baker.

16:26

**Mark McDonald (North East Scotland) (SNP):** I, too, note my interest as a councillor on Aberdeen City Council.

I join others by adding my words of support and admiration for the people who act as foster carers, kinship carers, adoptive parents, charitable organisations and social care professionals at a local authority level, who have been mentioned by a number of members. It is unfortunate that we tend to hear only about social care failings in cases such as those of Brandon Muir and Baby P. We should reflect on the fact that for every such high-profile case that is mentioned, dozens of examples of good practice take place in social care departments across the country. The fact that we do not hear enough of the good examples is perhaps an understandable reflection of the notion that good news does not sell papers, but it ought to give us pause for thought and we should do more to celebrate the good that is going on while ensuring that high-profile cases such as those that I have mentioned do not happen.



We have discussed preventative spending and I want to highlight some examples of work that has been done in Aberdeen City Council with looked-after children. The first thing that we ought to try to do is offer rehabilitation and attempt to keep people from going into the care system in the first place. That is why the council took the decision to set up an intensive community support and learning service, based on Westburn Road in Aberdeen. It provides a direct alternative to care, offers individual, family and group work and education and learning programmes on site, and tries its best to help children at an early stage to avoid their having to be placed in care. The whole-system youth justice approach that has also been piloted recently in Aberdeen has received a positive evaluation as well as national recognition.

The council is also making efforts to help looked-after children access the workplace, as well as taking more steps to assist them as they move on from the care setting. We should not forget that looked-after children become adults and we must do all that we can to ensure that their transition to places such as work and their own home is made as easy as possible for them as they leave care.

I mentioned some of the high-profile cases that are highlighted by the media. Following such cases, we tend to see an increase in the number of concerns raised with social care departments. That can often, but not always, lead to increases in the numbers of looked-after children and children being put forward for potential care placements, which puts pressure on the work of the social care departments.

My colleague Kevin Stewart mentioned out-of-authority placements. In June 2009, there were 38 out-of-authority placements at Aberdeen City Council and today there are 23. A lot of work has been done to try to bring children who were placed out of the authority area back to a more appropriate and local setting. We should be aware that although it is sometimes necessary for children to be placed outwith the local authority area, that should always be the very last resort. All too often, in the past, that was not the case. It was often the place of first, rather than last, resort.

I was mildly amused to hear my colleague Kevin Stewart talking about overspends at Dundee City Council and how they were all right—those of us who had experience of Kevin as chair of the finance committee at Aberdeen City Council are not used to hearing him say such things. It is refreshing to see how liberating he has found the experience of moving this far.

**Kevin Stewart:** They were needs led.

**Mark McDonald:** Indeed. We should not lose sight of that.

When we talk about the preventative spend agenda, we should remember that, according to the Aberdeen City Council figures that I have, a fostering placement costs on average £35,000 to £36,000 per annum, an in-house residential placement costs about £120,000, and a residential school placement costs £150,000 to £225,000. It is clear that money should not be the driving objective, but if we can achieve that difference of spend by placing children in appropriate foster care, it is surely a win-win situation.

I agree that more can and should be done on kinship care. We at Aberdeen City Council have an ambition and an aspiration to reach full equivalence and the 85 per cent funding that is being put forward will undoubtedly help in that regard, but it would be unfair not to mention that the situation for kinship carers has improved dramatically in the past four years compared with the baseline of the situation in 2007.

The debate has not focused as much on the difficulty in achieving adoption places for older children. Many would-be parents who come forward looking for children to adopt are looking for babies or very small children. There is an unwillingness to consider older children, who are often seen as carrying baggage and who often display challenging behaviours. It takes a special person to be able to deal with those behaviours and it is often difficult to get people to come forward. A deal of education and other work is needed to change the mindsets of the people who come forward to adopt children. We must ensure that older children who require an adoption place are not left lingering and waiting.

I remember as a councillor watching a video that was made by and featured looked-after children in Aberdeen who spoke about their experiences, what they felt was good and bad and what they believed should be changed. We focus on getting children into care places, but we need to do all that we can to let young folk tell their stories, because they have much to teach us and we have much to learn from them.

16:32

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

As the minister reminded us in her opening speech, it is national adoption week. The key message that has come out of the debate—it was addressed by the minister in her speech—is the need to address the time that is taken to secure long-term placements for looked-after children.

The problem is not unique to Scotland. On Monday, the Prime Minister promised tough action to deal with local authorities that are failing in their basic responsibilities to deal with adoption cases swiftly and efficiently or are weak at finding

suitable and stable foster placements for children. He said that it is unacceptable that some local authorities have been allowed to let down the children in their care for so long. Of course, he was talking about the situation south of the border, but as we heard in the debate, the situation in Scotland is not so different. The Prime Minister went on to say:

"We need a real culture change in this country to be more pro-adoption. For many children it is the right answer. But there are far too many stories today about pointless questions, very intrusive questions, and also a sort of tick-box mentality that means that people are looking at things like how long ago you gave up smoking or the age of your youngest natural child. There's too much ticking of boxes and not enough discretion, judgment and responsibility."

It was good to hear from Gil Paterson and Richard Lyle, who were able to share their experiences as adoptive parents. I have friends who were adopted and they recognise what a wonderful chance in life they were given as a result. I also know—I am sure that other members will have had this experience—couples who have been interested in adopting but have been put off by the bureaucracy, the delays that we have heard about, and the prospect of intrusive questioning about their lifestyle, which they have not welcomed.

There is always a need for balance. On the one hand, we must protect individual children, particularly vulnerable children. We must ensure that adoptive parents are properly scrutinised and that they have the skills and the resources, in the broadest sense of that word, to look after vulnerable children. On the other hand, we should not put barriers in the way so as to deter able and appropriate parents from coming forward. The irony is that virtually anyone can have children themselves, with no state interference—rightly so—but that rigorous checks are made on those who seek to foster or adopt other people's children.

Claire Baker talked about children requiring placement, many of whom can be from disturbed backgrounds and homes in which there is substance abuse or neglect. They are victims of abuse and have challenging problems. As Mark McDonald said fairly a moment ago, adoption often conjures up images of a healthy bouncing baby, but in reality most adoptions or long-term fostering arrangements today are for older children who are desperately in need of stability. Every month that goes by without their being placed has potentially serious consequences. Claudia Beamish reminded us that we are dealing in many cases with teenagers.

For the children whom we are talking about, there needs to be careful selection of adoptive parents. We need to ensure that parents have the right skills, but it takes too long. Liz Smith and

Stewart Maxwell acknowledged that the educational attainment of looked-after children is dramatically poorer than the average, so early placement is vital. However, too many children are being failed in that regard at the moment.

The key question for the minister, which I hope that she will address in her winding-up speech, is how improvement will be measured. When will the minister report to Parliament on the progress that is being made? As Liam McArthur acknowledged in his speech, we have been here before over the past 12 years.

That takes me on to the Labour amendment from Claire Baker, which makes a very important point about timescales for implementation and raises the important question of resources. It also touches on kinship carer payments, which one or two members addressed. Those payments were, quite rightly, heralded when they were introduced, but there is concern that in too many local authorities they are not being paid. As I have acknowledged in many previous debates, there is always a conflict between national policy on the one hand and local decision making on the other. However, politicians should stand by what they promise and if they make people believe that they will get kinship carer payments, they should ensure that the payments are being delivered.

Stewart Maxwell mentioned, in an excellent speech, early intervention and the centrality of the first two years of a child's life. There is a nervousness on the part of the authorities about removing children from a family setting at that young age, but such is the importance of early intervention that we have to be prepared to take that leap, perhaps more often than is currently the case. If we do not get to children early enough, we are blighting their later life chances.

In closing, I pay tribute to all those who adopt, who put up with the bureaucracy and delays for the joy of looking after a child, for all the sacrifices that they make. Theirs is a vital, caring role and we owe it to them to do better. However, we owe as much if not more to the children we have heard about during the debate, many of whom are from troubled backgrounds and who are desperate for a permanent, loving home. They have suffered enough already; the state should not make them suffer more. They deserve better from us, so if anything comes out from this debate I hope that it will be renewed enthusiasm on the part of the Government to reduce the time needed to find a permanent home for those looked-after children.

I am pleased to support the motion and the Labour amendment.

**The Deputy Presiding Officer (John Scott):** I call on Ken Macintosh. You have a generous eight minutes.

16:38

**Ken Macintosh (Eastwood) (Lab):** Thank you, Presiding Officer. I am conscious that members might detect a certain irony in the name that has appeared on their console screens as I rise to speak. All I would suggest is that it shows that the Labour Party can speak with one voice on these issues. [*Laughter.*]

On that consensual note, let me say that it has been a consensual debate and that it is a real pleasure to conclude on behalf of the Labour Party. Helping to address the needs of Scotland's looked-after children is clearly an issue that has touched the hearts of members across the chamber. In fact, from the minister's opening remarks onwards, I have been struck by not only the consensual nature of the discussion but the informed contribution of many members, whether they have been from corporate parents such as Kevin Stewart and George Adam, members of adoption panels such as Mary Fee, or adoptive parents such as Richard Lyle and Gil Paterson. I thank them all for their contribution.

Members have variously described not only the educational underachievement of looked-after children but how the years of abuse and neglect can leave scarring that results in a loss of opportunity, in damaged lives, in difficulties in making relationships in adult life and in so many setbacks and obstacles to living the full and complete life that other children and families take for granted.

I had the pleasure of hosting a 40th anniversary reception for Adoption UK Scotland in the Parliament earlier in the year. It is worth remembering that placing a child permanently with a loving adoptive family is not, in itself, the end of the line. Adoption has changed in recent years. Many of those children have experienced severe trauma in their earliest years and have on-going and complex needs. Those children and families need on-going support and not just the right to assessment, as is currently the case.

Unfortunately, too many supposedly permanent adoption placements break down. In fact, the best way in which to approach the needs of adopted children might be to continue to give them the same status as looked-after children, so that they are treated the same way in relation to their educational needs and have the same priority of access to child and adolescent mental health services as looked-after children.

The parents and professionals to whom I spoke at Adoption UK Scotland's reception made a powerful, compelling and emotional case for addressing the needs of families. More than that, they enlightened me about some of the theory and best practice around caring for vulnerable children.

I thank Eileen Bebbington and Rena Philips from Post Adoption Central Support for the information that they forwarded to me about the importance of attachment in the earliest years of an infant's life. The particularly enlightening work that has been done on attachment helps us to understand the behaviour of children as they grow and develop. Claudia Beamish made that point when she highlighted the needs of teenagers in care. The point was also made, in a different way, by Graeme Pearson when he talked of the likelihood of prisoners to have been in care in childhood.

PACS has produced a pamphlet that is full of practical help and advice. It talks about the behaviour of children who have experienced emotional abandonment in early years. There are those who perhaps become overanxious to please and are desperate to do anything in order to escape another abandonment, others who act out their chaotic feelings in chaotic behaviour, and others still who turn in on their pain and withdraw, unable to relate to others.

I am not sure that anyone who participates in today's debate needs to be reminded of the importance of secure and permanent long-term relationships in the lives of our youngest children, but the work of PACS certainly helps to reinforce the point.

It would be simplistic and wrong to suggest that social workers are somehow to blame for the problems in the current system. Liz Smith, Stewart Maxwell, Richard Lyle and others highlighted that point. Council officers work strenuously, diligently and with compassion to make the best possible decisions in extremely difficult circumstances. Clearly, our sympathies are with them, as well as with the children and families who are at the centre of our thinking.

I thank Richard Lyle in particular for sharing his personal experience and insight into adoption and for allowing us to appreciate the positive outcomes and happy endings that result when parents and children are put together in the way in which they have been in his life.

Today's debate has been illustrated by examples of good and bad practice, and I would like to speak about the experience of a family in my constituency. It is rather more disturbing than Richard Lyle's experience, but I think that it is all too common.

My constituents adopted a child when they lived in South Lanarkshire. When they moved to East Renfrewshire and tried to adopt another child, they ran into difficulties because they were over 40. When they made contact with social services, the first thing that happened was that they were advised that they were too old to be given a baby

and would qualify only for adopting a two or three-year-old. However, as there needed to be a two-year gap between any child whom they were given to adopt and the daughter they already had—who was three years old at that stage—they had to wait for a couple of years. When they reapplied to the local authority and were finally given permission to adopt, they were told that they could indeed adopt a child aged nought to two. There had been no reason for the delay whatsoever.

What most frustrated them was that each decision that had to be taken in the process seemed to take for ever—in each case, it took as long as six to seven months. They have given me a list of different decisions that had to be made that is so long that I do not have time to read it out. They had to endure linking meetings, which are for cases in which a decision must be made about which one of three or four families it would be best for a child to go to. However, in their case, only they and one child were involved. It was only when they attended the linking meeting that they found out that there had been no need for the meeting in the first place.

I am sure that all members can appreciate the number of disclosures, checks and references that my constituents have had to undergo. They did all that in South Lanarkshire, and then they went through the whole process again in East Renfrewshire, all at a cost to the taxpayer. Surely if one local authority approves a family for adoption, and their child is clearly healthy and well brought up, there must be a way to shorten the process for further adoptions.

The young girl whom my constituents are still hoping to adopt was taken into care at birth. From the point at which my constituents were alerted that they might be considered as adoptive parents for her until now, there has been a year and a half of constant battling. That does not include the time that it took previously for them to be approved as adoptive parents.

For all that time, the young girl has been with a foster family. She has been well looked after, but it is little wonder that foster families end up adopting, because after a year and a half with a tiny baby it is almost impossible not to have formed an attachment.

The issues are difficult. Claire Baker, Gil Paterson, Mary Fee and others have highlighted that it is never easy to take children away from their birth families. It is a legal process, and we must get it right. However, following the legislation that was passed in the mid-1990s, it sometimes feels as if we have placed too much emphasis on birth being best—which is the point that Stewart Maxwell made. Children have been damaged as a result, but the decision to remove a child from their

birth family will always require a balance to be struck.

I think that we can agree, as we have done this afternoon, that we need to work on improving best practice; on speeding up the process once a decision on permanency has been taken; and—as the minister outlined in her opening speech—on putting the child's best interests at the centre of our thinking.

16:46

**Angela Constance:** The tone of this afternoon's debate has been uncharacteristically consensual, considered and thoughtful, but it has not been without its challenges or the frustrating sense that we can and must do more. I have sensed from members' contributions that there are some different perspectives on this very complex and emotive issue.

I enjoyed the contribution from Claudia Beamish, who brings to the chamber her experience of working with children on the front line. I say to Mary Fee that, as a former prison social worker, I am well versed in the issues that she raised on behalf of children who are affected by imprisonment. Nonetheless, I would be delighted to meet the cross-party group at a time of mutual convenience.

No member in the chamber today can fail to have been touched by the personal testimonies from Gil Paterson and Dick Lyle, who made poignant remarks that are very apt given that it is national adoption week.

I am glad that Kevin Stewart, among others, is taking seriously his corporate parenting responsibilities to several hundred Aberdeen children. However, I have news for him and for my other colleagues who continue to be local councillors: now that they are in Scotland's Parliament, they are the corporate parents to 15,892 children. If that does not keep them awake at night, I do not know what will.

Annabel Ewing spoke about the need to strike an intricate balance between the rights of children and the rights of parents. In the complex world of legislation, we have competing obligations, but I come down unequivocally on the side of the rights of the child. In doing the right thing by the child, we will make the right decision at the right time for every child.

Anne McTaggart raised some important issues in relation to our proposed bill on young people's rights. However, I say to her that we are starting that process by deliberately placing the responsibility on ministers to have due regard to the UNCRC so that we can lead by example. That is our preamble before we introduce our more

expansive all-encompassing children's services bill.

Although there is, as yet, no definitive list of what will be in—or out of—the bill, it gives us a timely opportunity to consider a wide range of measures that will have an impact on the lives of all looked-after children as well as on the lives of children who are not looked after.

I am aware of the issue that Liam McArthur raised about the number of children in foster care placements. We are actively looking at that just now.

The children's services bill—if we call it that; we might just call it the children's bill—will give us opportunities for sharing information, which is very important, particularly in the context of looked-after children and children with additional support needs or disabilities. We will also seek to place a duty on local authorities and health boards to work collaboratively.

Kevin Stewart talked about the need to take a whole-system approach. We can learn a lot from the work on a whole-system approach that has been undertaken in the youth justice system. The Scottish Children's Reporter Administration report identifies the big issues as being in the making of decisions on permanence, but there are issues in the courts system relating to the timely production of reports, curators ad litem, reporters and all the rest of it. Although there is no substantive evidence of delays in the children's hearings system, we can all provide anecdotal evidence—probably from our constituency case loads—of hearings being repeatedly delayed, often because parents do not turn up to them. We must focus on the whole system and we must be careful that, in repairing one part of it, we do not cause a problem in another.

Nevertheless, I make it clear that our immediate focus is on the making of decisions that lead to permanence. In England, there are lots of delays in the courts system, but the work that has been undertaken by the Scottish Children's Reporter Administration has debunked the myth that there are delays in the courts system in Scotland. There are comparatively few delays; the issue is how we make decisions and how we work with children.

I place on record my thanks to the Scottish Children's Reporter Administration for its report—it was remiss of me not to do so sooner. The report is a timely and credible piece of work. Although all 100 cases that it considered were completed under old legislation—the Adoption (Scotland) Act 1978 and the Children (Scotland) Act 1995—rather than our new legislation, it has given us some firm ideas of the time that it takes to make imperative decisions about the lives of some of our most vulnerable children.

For me, it is not acceptable that the majority of children wait more than four years for a permanency decision to be made, especially considering that 44 per cent of the children in the study were identified as being at risk from birth. Moreover, for every year of delay in the care system, the prospects of adoption and permanency reduce by 20 per cent. That significant piece of work was undertaken by Julie Selwyn at the University of Bristol. We know that the age of someone's entry to care and the length of time that they spend in care are the greatest predictors of their future success.

I am glad that, across the chamber, there is recognition of the fact that the building blocks are now in place and that they were in place even prior to the publication of the Scottish Children's Reporter Administration report. The credit for that goes to Peter Peacock and Adam Ingram. The Adoption and Children (Scotland) Act 2007 modernised the adoption system, introducing permanence orders, and was implemented in 2009. Adam Ingram led the way on the looked-after children regulations, which crystallised the work on the children's plan. In addition, 23 local authorities have signed up to the national adoption register. If members want to know whether their local authority has signed up, they can write to me and I will be happy to share that information.

A crucial part of our work to drive forward changes for looked-after children is the centre for excellence for looked-after children in Scotland—CELCIS. I will pick out a few aspects of its work that we detailed in our response to the SCRA. CELCIS will take forward best practice issues, which relate very much to thorough and timely parental capacity assessments, and the important work to develop a national risk assessment toolkit for child protection. As Stewart Maxwell said, the history of parents who have already had children taken into care is an important indicator of whether rehabilitation will succeed.

CELCIS will support, encourage and evaluate the twin-track assessment and parallel planning that Annabelle Ewing spoke about. Rehabilitation with birth families and permanency planning are not mutually exclusive. As best practice in the Glasgow infant and family team project has shown, we can do both activities in tandem, which is in children's best interests.

We must ensure that at the heart of our policy and practice are attainment, child development and brain development. That is about children, their needs, their growth and their development; it is not about organisations, professionals or bureaucracies.

The Labour Party's amendment focuses on timescales, which I will talk about. After careful consideration, I cannot accept the amendment. If I

could have accepted it, I would have; I am sorry that I cannot. The amendment just is not on the money. However, I will try hard to address the issues that Labour members have raised, because I know that they have worked hard in collaboration with organisations such as Barnardo's.

Part of the work that the centre for excellence is driving forward concerns the impact of introducing strict timescales for the decision-making process and the overall time that is taken to achieve permanency. That work will commence this December, and CELCIS and others will report to me by the end of next year. That will be timely in advance of the Government's introduction of the children's services bill in 2013-14.

On timescales, I am anxious to stress to the Parliament that I am a woman in a hurry. All the work in our response to the SCRA report has a sense of urgency and is to be done sooner rather than later, but it will take however long it takes. I am not interested in papering over the cracks in improving the lives of Scotland's children.

The Conservatives said that measuring improvements is important. My one word of caution is that we are talking about children, not numbers. Adoption is not the appropriate answer for all children. Nonetheless, the national adoption register will give us important information about the demographics of the children for whom we seek to find a permanent home.

We will know that we have made considerable progress when our looked-after children have fewer placements, when we make better and earlier decisions on permanence and when our children are at the heart of our system. I want Scotland to be the best place in the world to grow up and I want us as corporate parents to have the same hopes, dreams and sleepless nights for our looked-after children as we have for our own children.

I assure the Parliament that I am interested in nothing less than a radical shift in care planning so that we make quicker and better decisions for our children. We will pick up the pace, because children have only one childhood. Our legislative programme gives us an ideal opportunity to make the right decisions at the right times for all Scotland's looked-after children.

**The Presiding Officer (Tricia Marwick):** I remind members that they must not remove the cards in the consoles and that they should return to their designated seats for decision time. I give everybody a minute or so to do that.

## Business Motions

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-01211, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 9 November 2011

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Scottish Government Debate: Rehabilitation and Enablement in Scotland

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 10 November 2011

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Labour Party Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time  
Finance, Employment and Sustainable Growth

2.55 pm Scottish Government Debate: The Importance of Architecture and Placemaking to the Economy of Scotland

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 16 November 2011

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Scottish Government Business

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 17 November 2011

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Government Business

11.40 am General Question Time

12.00 pm	First Minister's Question Time
2.15 pm	Themed Question Time Justice and the Law Officers; Rural Affairs and the Environment
2.55 pm	Scottish Government Business
<i>followed by</i>	Parliamentary Bureau Motions
5.00 pm	Decision Time
<i>followed by</i>	Members' Business

(b) that the deadline for lodging questions for First Minister's Question Time on Thursday 12 January 2012 shall be 2.00 pm on Monday 9 January 2012;

(c) that the period for members to submit their names for selection for Question Times on Thursday 12 January 2012 ends at 12 noon on Wednesday 14 December 2011;

(d) that the deadline for lodging questions for Question Times on Thursday 12 January 2012 shall be 12 noon on Wednesday 21 December 2011;

(e) that the period for members to submit their names for selection for Question Times on Thursday 19 January 2012 ends at 12 noon on Wednesday 21 December 2011.—  
[Bruce Crawford.]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-01212, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a timetable for stage 2 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that the deadline for consideration of the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at Stage 2 be extended to 2 December 2011.—[Bruce Crawford.]

*Motion agreed to.*

## Decision Time

17:01

**The Presiding Officer (Tricia Marwick):** As I said earlier, we will first take all the votes from Thursday, 27 October; we will then take the votes from today's business. As a result, there are nine questions to be put.

With regard to business on Thursday, 27 October, I remind members that, in relation to the debate on ensuring the integrity of Scots criminal law, if the amendment in the name of Johann Lamont is agreed to, the amendments in the names of John Lamont and Alison McInnes will fall.

The first question is, that amendment S4M-01134.3, in the name of Ken Macintosh, which seeks to amend motion S4M-01134, in the name of Angela Constance, on raising attainment and ambition for all Scotland's young people, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
Baker, Claire (Mid Scotland and Fife) (Lab)  
Baker, Richard (North East Scotland) (Lab)  
Beamish, Claudia (South Scotland) (Lab)  
Bibby, Neil (West Scotland) (Lab)  
Boyack, Sarah (Lothian) (Lab)  
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
Dugdale, Kezia (Lothian) (Lab)  
Eadie, Helen (Cowdenbeath) (Lab)  
Fee, Mary (West Scotland) (Lab)  
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
Findlay, Neil (Lothian) (Lab)  
Grant, Rhoda (Highlands and Islands) (Lab)  
Gray, Iain (East Lothian) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Harvie, Patrick (Glasgow) (Green)  
Henry, Hugh (Renfrewshire South) (Lab)  
Hume, Jim (South Scotland) (LD)  
Johnstone, Alison (Lothian) (Green)  
Kelly, James (Rutherglen) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Macdonald, Lewis (North East Scotland) (Lab)  
Macintosh, Ken (Eastwood) (Lab)  
Malik, Hanzala (Glasgow) (Lab)  
Marra, Jenny (North East Scotland) (Lab)  
Martin, Paul (Glasgow Provan) (Lab)  
McArthur, Liam (Orkney Islands) (LD)  
McCulloch, Margaret (Central Scotland) (Lab)  
McDougall, Margaret (West Scotland) (Lab)  
McInnes, Alison (North East Scotland) (LD)  
McMahon, Michael (Uddingston and Bellshill) (Lab)  
McMahon, Siobhan (Central Scotland) (Lab)  
McTaggart, Anne (Glasgow) (Lab)  
Murray, Elaine (Dumfriesshire) (Lab)  
Pearson, Graeme (South Scotland) (Lab)  
Pentland, John (Motherwell and Wishaw) (Lab)  
Rennie, Willie (Mid Scotland and Fife) (LD)  
Scott, Tavish (Shetland Islands) (LD)  
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Abstentions

Brown, Gavin (Lothian) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 42, Against 63, Abstentions 14.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-01134.1, in the name of Liz Smith, which seeks to amend motion S4M-01134, in the name of Angela Constance, on raising attainment and ambition for all Scotland's young people, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Brown, Gavin (Lothian) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)



Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (North East Scotland) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 19, Against 100, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01134, in the name of Angela Constance, on raising attainment and ambition for all Scotland's young people, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (North East Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McLetchie, David (Lothian) (Con)  
 McMillan, Stuart (West Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)

McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

### Abstentions

Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 84, Against 33, Abstentions 2.

### *Motion agreed to,*

That the Parliament supports the Scottish Government placing rich attainment at the heart of its approach to enable all Scotland's young people to improve their life chances and fulfil their ambitions; agrees that for a young child this means giving them the best start so that their cognitive, social and emotional skills enable them to successfully enter and progress in school, and agrees that for a young person this means recognising and affirming successful learning and giving them a passport to future opportunities and that for Scotland it will deliver improved competitiveness and increased opportunity for all.

**The Presiding Officer:** The next question is, that amendment S4M-01133.3, in the name of Johann Lamont, which seeks to amend motion S4M-01133, in the name of Kenny MacAskill, on ensuring the integrity of Scots criminal law, be agreed to. Are we agreed?

### Members: No.

**The Presiding Officer:** There will be a division.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)

Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)

McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Abstentions

Hume, Jim (South Scotland) (LD)  
 McArthur, Liam (Orkney Islands) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 51, Against 63, Abstentions 5.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-01133.1, in the name of John Lamont, which seeks to amend motion S4M-01133, in the name of Kenny MacAskill, on ensuring the integrity of Scots criminal law, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Brown, Gavin (Lothian) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)

Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (North East Scotland) (SNP)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)

Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 14, Against 70, Abstentions 35.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-01133.2, in the name of Alison McInnes, which seeks to amend motion S4M-01133, in the name of Kenny MacAskill, on ensuring the integrity of Scots criminal law, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Harvie, Patrick (Glasgow) (Green)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 McArthur, Liam (Orkney Islands) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)

Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)

Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 7, Against 63, Abstentions 49.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01133, in the name of Kenny MacAskill, on ensuring the integrity of Scots criminal law, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)

Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

### Abstentions

Brown, Gavin (Lothian) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 62, Against 40, Abstentions 16.

### *Motion agreed to,*

That the Parliament welcomes the conclusions of the review group chaired by Lord McCluskey on the examination of the relationship between the High Court of the Judiciary and the Supreme Court in criminal cases; welcomes the review group's comments about the historical independence of the Scottish legal system and its conclusion that this position should be maintained by restoring the High Court to its rightful place at the apex of that system; further welcomes the review group's suggestion of a certification procedure granted by the High Court of Judiciary for criminal cases; notes the review group's view that the UK Supreme Court should have a limited jurisdiction, ruling solely on the point of law relating to convention rights arising in criminal cases, and calls on the UK Government to work with the Scottish Government to deliver a solution through the Scotland Bill that reflects the recommendations of the review and preserves the integrity of Scots criminal law.

**The Presiding Officer:** The next question is, that amendment S4M-01197.2, in the name of Claire Baker, which seeks to amend motion S4M-01197, in the name of Angela Constance, on reducing the time needed to find a permanent home for looked-after children, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)

Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)

Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 56, Against 63, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01197, in the name of Angela Constance, on reducing the time needed to find a permanent home for looked-after children, be agreed to.

*Motion agreed to.*

That the Parliament supports the Scottish Government placing the importance of permanence and stability at the heart of its approach to improving the life chances of looked-after children; acknowledges that there is still some delay in the processes as indicated in the Scottish Children's Reporter's Administration report, *Care and Permanence Planning for Looked After Children in Scotland*; welcomes the Scottish Government's response to the report, which builds on the work of the Looked After Children Strategic Implementation Group, and agrees that a collaborative multi-agency approach to improving the quality of decisions affecting looked-after children finding permanent placements is required.

**The Presiding Officer:** That concludes decision time. I thank all members for their co-operation. I am extremely grateful and extremely relieved.

## Mordechai Vanunu

**The Deputy Presiding Officer (Elaine Smith):** The final item of business is a members' business debate on motion S4M-00789, in the name of Sandra White, on Mordechai Vanunu, Israel's nuclear whistleblower. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the 25th anniversary of the revelations by Mordechai Vanunu regarding Israel's secret nuclear weapons programme, which is estimated to number over a hundred warheads with the potential to annihilate the entire Middle East; praises what it considers to be Vanunu's courage and dedication to the cause of the elimination of nuclear weapons; considers that this saw him returned to Israel under suspicious circumstances; further notes that he had been tried for treason and sentenced to 18 years in prison, 11 of which were spent in solitary confinement; understands that, since his release, despite being nominated for the Nobel Peace Prize 17 times and holding prestigious positions such as rector of the University of Glasgow, he has experienced continued persecution by the Israeli authorities; notes that this has been described by Amnesty International as cruel, inhuman and degrading and has also been condemned by the European Parliament; believes that, rather than be vilified, Vanunu should be allowed to live peacefully in one of the numerous countries to have offered him residence, and is of the view that Israel's arsenal of nuclear weapons is an obvious barrier in the way of nuclear non-proliferation in the Middle East.

17:14

**Sandra White (Glasgow Kelvin) (SNP):** It is important that everyone understands the severity and humanity of the case that is behind the motion. My colleague Bill Kidd will concentrate on the nuclear aspect and I will concentrate on the humanitarian and human rights side.

It is a great honour and sadness to bring the motion before the Scottish Parliament. It is an honour to highlight the enormous courage and conviction of a man who put aside thoughts of his own personal safety to expose to the world the true extent of Israel's secret nuclear arsenal. It is a sadness to note that 25 years have passed since Vanunu's conviction for treason, in which time he was held in solitary confinement for 11 years, and that he still suffers persecution in Israel today, not being allowed to speak to anyone outwith Israel. Obviously, the present restrictions on him were put in place simply because he happened to speak to someone who was not an Israeli citizen.

Since his release, Vanunu has been subjected to harassment, intimidation and restrictions on his freedom that Amnesty International has described as cruel, inhuman and degrading and that have been condemned by not only the European Union but the United Kingdom Government. His treatment breaches his fundamental human right



to freedom of expression and movement. It also breaches the International Covenant on Civil and Political Rights, which includes the right to leave one's country, alongside the right to freedom of expression. Let us not forget that the state of Israel is a party and signatory to that treaty.

It is our duty, not only as members of the Scottish Parliament but as honest, decent people, to support those who have suffered a breach of those fundamental rights and those who have been persecuted, and who continue to experience persecution, regardless of where they are or the state that is persecuting them.

Scotland and its people have a proud history of standing up against injustice and speaking out without fear in defence of those who need to be defended. The people of Scotland want those traditions and values to be reflected in this, their national Parliament.

Although what we say may not immediately lead to an end to the persecution of Vanunu and others, it will reinforce Scotland's empathy with those who suffer and our long-held traditions of equality and justice very far into the Parliament's future. If some of us—perhaps those who are not in the chamber—were not to recognise that fact and to believe erroneously that, as a devolved Parliament, we cannot speak out on such matters, it would be a great shame and a disservice to those whom we represent, who firmly believe in equality, human rights and freedom of speech.

We cannot reserve or devolve the right to speak out against injustice, and no one body has the moral authority on what is right or wrong. It is for us all to be guided by what we know to be right and to speak out when we know that something is not right. It is right for Vanunu to be allowed to leave Israel and live peacefully in one of the numerous countries that have offered him residence. It is also right for us to speak out against his treatment.

As the motion says, Mordechai Vanunu has been nominated for the Nobel peace prize 17 times. His only desire is to be allowed to leave a country where he is being persecuted and to live a peaceful life free from persecution. We in Scotland and people throughout the world share and support that desire.

17:20

**Bill Kidd (Glasgow Anniesland) (SNP):** The debate about the international legality of nuclear weapons has been rehearsed in the chamber on a number of occasions, but it bears repeating that the United Nations nuclear non-proliferation treaty prohibits the signatory nations from selling or transferring nuclear warheads to other nuclear weapons states or non-nuclear weapons states.

The state of Israel would have it that it is neither a nuclear weapons state nor a non-nuclear weapons state and that as it is not a signatory to the NPT, it is nobody's business whether it has such weapons of mass murder in its arsenal—or, indeed, how it may have acquired them.

However, let us suppose that Israel does have those weapons. Picture the scene: an Israeli citizen whistleblows on the programme and is later lured to Rome where he is swooped on by Mossad agents, spirited back to Israel to face treason charges and sentenced to 18 years in jail in deplorable conditions. His crime? He revealed that Israel has hundreds of nuclear warheads when the Israeli Government denies—or does not deny—that that is the case. The reaction of the international community is complicity through silence.

Now let us imagine that Mordechai Vanunu had been an Iranian whistleblower who had revealed that that particular rogue state had a nuclear weapons programme. I am not alone in thinking that, in those circumstances, the man would have been hailed an international hero, with possible sanctions being taken against the state that jailed him on such invidious charges. If some people in this world did not have double standards they would have no standards at all.

Why does the jailing of one man matter on an international scale? It matters because next year there is to be a major UN conference on peace in the middle east, focusing on creating a middle east nuclear weapons-free zone. In that area of seemingly perpetual conflict there is hope for an area free from the Damoclesean threat of the nuclear warhead suspended over the populations of the world.

Yet Israel stands out as the mote in the eye of that vision of peace. Israel holds nuclear weapons. There—I said it. However, none of us could say it in Haifa or Tel Aviv. No Israeli citizen would go on a platform in their own country—or in another country where their words would be reported on back home—and state outright that their homeland holds hundreds of nuclear warheads that are pointed in the direction of neighbouring states.

In the face of that intransigence, how will the UN conference succeed? How will the achievement of a middle east nuclear weapons-free zone be negotiated when the only nuclear weapons state in the region is a state of denial?

Mordechai Vanunu, in talking openly of his country's opaque policy of nuclear weapons doublespeak, performed an act of humanity, bravery and, sadly, self-sacrifice. He is a hero in the mould of Gandhi and Mandela, who has put the safety of others and the future of mankind ahead of his own comfort and freedom.

The name of Mordechai Vanunu must continue to echo around the world, until the nuclear menace has been faced down and peace and freedom exist in the middle east.

17:24

**The Minister for Parliamentary Business and Chief Whip (Brian Adam):** I thank Sandra White for raising this issue in Parliament today. I welcome the opportunity to express our support for Mr Vanunu and to share his vision of a world that is free from the threat of nuclear weapons.

We recognise Mr Vanunu's courage when, in 1986, at great personal risk he revealed details of Israel's nuclear weapons programme to *The Sunday Times*. The details of Mr Vanunu's subsequent capture, arrest and imprisonment are well documented, and we have heard how he continues to live under restrictions to his liberty. Perhaps his own words express his commitment and his sacrifice most clearly:

"I have sacrificed my freedom and risked my life in order to expose the danger of nuclear weapons which threatens this whole region."

We note the views of Amnesty International, which considers Mordechai Vanunu to be "a prisoner of conscience" and calls for his immediate and unconditional release. Those views have been echoed by many renowned commentators and campaigners for international peace, and we sympathise with his situation.

Scotland prides itself on being an open and egalitarian nation that abhors oppression and injustice in any form. The principles of social justice sit at the heart of our society and our beliefs. As these are matters that affect us all, we have a fundamental right to speak up in the name of international peace and justice.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Is the minister not disappointed that no one from the Opposition parties has spoken in the debate? I make it plain that I was to be somewhere else tonight and, had I known that I would be attending the debate, I would have spoken in it. I am embarrassed and ashamed that no one from the Opposition parties has contributed to the debate. Does the minister share my views?

**Brian Adam:** I acknowledge that no members of the Opposition are currently in the chamber. I noted that both the Conservatives and the Labour Party had representatives in the chamber during the earlier speeches. I certainly hope that it was not because I was called that they chose to leave. It is disappointing that no one from the Opposition parties has chosen to contribute to the debate.

We applaud Mr Vanunu's dedication to the elimination of nuclear weapons and we believe that the restrictions that forbid him from leaving Israel and from living his life as a free man should be lifted.

Closer to home, we, too, live in the bleak and unwarranted shadow of nuclear weapons. Many members who are in the chamber—or perhaps not many but at least some—will, like me, remember growing up with the ever-present fear of the four-minute warning. I, for one, find it hard to comprehend that, more than 65 years after Hiroshima and Nagasaki, almost 50 years after the Cuban missile crisis and 20 years since the end of the cold war, the fear of nuclear war remains a reality for us, for our children and for our grandchildren.

Scotland is, of course, in a unique position. We are home to the UK's nuclear arsenal, yet, as a country, we are strongly opposed to nuclear weapons. Recent opinion polls support that assertion, as they indicate that 67 per cent of Scottish people, when they consider cuts in defence, do not want Trident to be replaced.

The economic arguments are also clear. It already costs £2 billion a year to keep the current Trident fleet operational and the total potential costs of procuring and maintaining a replacement for Trident has been estimated at approximately £100 billion.

There are also the very real concerns of those who live near to defence nuclear sites at Faslane, Coulport and Vulcan.

The chamber therefore has an obligation to debate these issues, not only because of civic Scotland's clear opposition to Trident but because of the widely shared belief that the possession and threat of nuclear weapons are, in fact, barriers to peace.

Mr Vanunu's example reminds us that we have a choice: a choice to do what we can to remove the oppressive fear of nuclear weapons from our future. We may not currently have the powers in this Parliament to take direct action on nuclear disarmament, but the chamber can express the will of the Scottish people by speaking against the possession, threat and use of weapons of mass destruction. Indeed, the chamber has already been clear about its opposition to the replacement of Trident, and only a few weeks ago many members joined me in marking the international day of peace in a members' business debate raised by my colleague Bill Kidd.

I firmly believe that these debates strike very clearly at the heart of how we view ourselves as a society and help to define our ambition for Scotland. I therefore call on all parties—or would have done so, had they been present—to support

Mr Vanunu's call for a world without nuclear weapons.

Scotland can learn from the ambition of other nations. We look to Norway's position as an international facilitator for peace. We also look to those countries that are covered by the nuclear weapons-free zone agreements in, for example, Latin America, the South Pacific, south-east Asia, Africa and central Asia. Indeed, as Mr Kidd rightly pointed out, there is a similar ambition in the middle east, where there are far too many weapons of mass destruction. That shows what can be achieved when nations, large and small, campaign for peaceful conflict resolution and persevere in their opposition to nuclear weapons.

I look forward to the day when Scotland can join those and other nations of the world as a nuclear-free country, and I encourage Parliament to support that vision.

I applaud Sandra White for securing the debate, I make clear that the Scottish Government supports the lifting of all the restrictions that are imposed on Mordechai Vanunu, and I call on all to note the 25th anniversary of Mr Vanunu's revelations by endorsing his vision for a world that is free from the threat of nuclear weapons.

*Meeting closed at 17:30.*



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