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Official Report

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Thursday 8 December 2011

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Scottish Parliament

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

Regulatory Framework

The Presiding Officer (Tricia Marwick): Good morning. The first item of business is a debate on motion S4M-01526, in the name of Fergus Ewing, on the regulatory framework. Any members who wish to speak in the debate should press their request-to-speak buttons now.

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): Ronald Reagan famously said:

“The nine most terrifying words in the English language are, ‘I’m from the Government and I’m here to help.’”

As someone who for 15 years of my working life owned and managed a small business, I must say that that view struck a chord: governments—local or national—took our taxes and ignored our wishes. Of course, the world has changed since Mr Reagan was in the White House, and Governments everywhere are working harder to change that perception, because businesses are the engines for delivery of both economic recovery and growth. Successful businesses create wealth and jobs and improve communities and lives. They increase Government tax take through higher income and corporation taxes, through VAT, through national insurance contributions, and through landfill tax, excise duty and many other rates and levies.

The Scottish Government is already supporting business, jobs and growth where we can. We do so through investments in capital infrastructure—along the lines of the major announcement that Mr Neil made recently—through provision of business advice and through the small business bonus scheme. I welcome the opportunity today to consider better regulation and what more the Government can do in that context to take care of business.

We must recognise, of course, that most of the regulations that impact on businesses in Scotland, including in respect of employment law, tax, company law, competition and health and safety, are reserved to the United Kingdom Government or are transposed from European Union law. The UK Government has been focused since 2010 on hardline deregulation. Its one in, one out policy means that over the lifetime of the Parliament, new UK legislation should be offset by identifying existing regulations that can be removed. Its red tape challenge website drives a rolling review of

21,000 UK regulations, with the presumption that regulations will go unless they are deemed to be essential and it is, as we know, progressing reviews of pensions regulation, company law, health and safety regulation, environment legislation and employment law.

I welcome and share the desire to get rid of regulation that is no longer relevant or necessary, but I am not convinced that deregulation is the answer to every question, nor that the arbitrary one in, one out approach is either logical or correct. The role of Government is to support business and to address obstacles to growth, but not through a desperate drive to deregulate. After all, without regulation, children would still be working up chimneys and workers would still be handling asbestos. We can see by those two simple examples that regulation is required.

Tavish Scott (Shetland Islands) (LD): I take Fergus Ewing’s point about the cases he has highlighted, but when did he change his mind to not being in favour of the one in, one out approach, given that he stood in 2007 on exactly that commitment?

Fergus Ewing: No. We have never supported an arbitrary process that involves the mathematical approach of one in, one out. The Government has not espoused that approach.

Gavin Brown (Lothian) (Con): Will the minister give way?

Fergus Ewing: No, I will not. I will carry on for the reason that I have just described.

Without regulation, property rights would not exist and international trade would not be possible, so regulation is required in those contexts, too.

The question is not whether we regulate but how we regulate. In Scotland, our focus has been, and will continue to be, on better regulation. I see little merit in one in, one out protocols or other complicated targets that are disproportionate and ineffective and also create their own bureaucracy.

Gavin Brown: Will the minister give way?

Fergus Ewing: No. I will move on and perhaps take an intervention from Gavin Brown later, if I feel like it.

As I said, such targets create their own new bureaucracy that allows Governments to deliver on cosmetic targets while making no real difference to the problems that are faced by business. Our approach is predicated on careful and collaborative consideration of whether regulation is necessary, effective or proportionate. A good example of how that works in practice is the process that I led when I was Minister for Community Safety to review fire safety regulations in the bed-and-breakfast sector of our tourism

industry. The sector was unhappy with what it saw as being over the top fire safety measures that were based on complex guidance. I chaired a working party and together we simplified the requirements and reduced the average cost of compliance to business by over 90 per cent, from an average of around £20,000 to an amount in the region of £1,000, while maintaining the necessary high safety standards.

I remain committed to that type of collaborative work to tackle the stop-flow culture of regulation. Since 2007, we have enhanced the role of the independent business-led regulatory review group and, with its encouragement, we have made it easier to change any regulation that is inconsistent with the five principles of better regulation; we have introduced business and regulatory impact assessments, with the core objective of ensuring that new legislation is developed with direct input from businesses that are likely to be affected; and we have aligned all Scottish regulators with our overarching purpose of increased and sustainable growth, so that they are beginning to change the way in which they interact with business at large.

We remain committed to five key principles in requiring that regulation be transparent, accountable, proportionate, consistent and targeted only where action is needed and not with an exclusive focus on economic factors. Protection of our built heritage and protection of our natural environment are good for all of us, and regulation of potentially harmful acts sets appropriate standards and supports enforcement, but it must be done in the right way.

Progress has been made in the context of planning, where the adversarial system that we inherited was letting Scotland down. Since 2009, our reforms have delivered a system that debates major issues about future development of areas, and which involves people and communities at the earliest possible stage. We have a national planning framework, a front-loaded development management system and less reliance on planning by appeal: processes do not become unnecessarily protracted.

The Scottish Environment Protection Agency now responds to more than 95 per cent of all planning consultations within agreed deadlines. Decisions are made at appropriate levels of authority and locality. In addition, our investment in e-planning has made it easier for communities, small businesses and major developers to engage effectively with the planning system wherever they are. All that helps appropriate business developments to happen faster.

In looking forward, we are exploring options for better joint working between public sector bodies that have roles in planning. To that end, I have had positive meetings with Scottish Natural

Heritage and SEPA, which has published proposals for a new, simpler and stronger model for environmental regulation. Much of our environmental legislation is European-Union driven, but we do have some scope to decide how it is enacted. SEPA wants a system that reduces bureaucracy and duplication, which protects and improves environments and communities, which drives economic and environmental improvements and which rewards good performance while ensuring that tougher action is taken against those who fail to meet acceptable standards. I share that ambition.

I am pleased, too, that Historic Scotland has demonstrated a firm commitment to simplification and to de-layering of process and decision making. Its work with local authorities to clarify roles and responsibilities and to reduce double handling is already bearing fruit. A culture of early engagement and proportionality in all that it does is now firmly embedded in that agency. I know that Historic Scotland is committed to working with all its partners to find more opportunities for better and simpler regulation, while respecting the core need to nurture and protect all that is most significant about Scotland's heritage.

On procurement, there are now almost 60,000 suppliers registered on the public contracts portal, and small businesses secure three quarters of the contracts that are advertised. We recently published the online supplier journey, which provides simple one-stop help and guidance for business. In the coming year, we will introduce a standard pre-qualification questionnaire to further simplify the process, which I know will be welcomed by many contractors.

We are determined to connect quality public services and positive impacts on the Scottish economy. Improvements have been achieved and, increasingly, officials in local authorities, SEPA, SNH, Historic Scotland and other bodies are minded to act as economic enablers whenever they can.

Gavin Brown: Will the minister give way?

Fergus Ewing: I am in a good mood this morning, so I will.

Gavin Brown: I am extremely grateful.

Does the minister believe that if a regulation is likely to, or could, have an impact on the economy, there ought to be a business and regulatory impact assessment?

Fergus Ewing: Generally speaking, a BRIA should be carried out, but we must have regard to whether it would be disproportionate for that to be done. For example, if only 0.1 per cent of premises might be affected—as was the case with the public health levy—it would not be

proportionate to carry out such an assessment. However, in the vast majority of cases, we already carry out BRIAs.

The message that I hear from businesses across Scotland, hundreds of which I have visited in the six months since I was appointed Minister for Energy, Enterprise and Tourism, is very clear: we need to go further and faster.

First, I want to acknowledge the work of the regulatory review group, whose annual report was published yesterday. It confirms that we are making progress. The RRG's review of Scotland's environmental and rural services initiative, which is a step towards streamlining those services, confirms that 8,012 fewer inspections of farms were carried out in the past three years, there was an 11 per cent reduction in land managers' paperwork and the sheep-farming industry paid around £400,000 less in fees. Those are solid and significant achievements for a great many small businesses in the rural economy.

In addition, the RRG's chair, Professor Russel Griggs, is working with the Government on a project to ensure that industry planners and regulators are fully prepared to process carbon capture and storage projects in Scotland; indeed, just yesterday I pushed through regulations on that issue at the Economy, Energy and Tourism Committee. We have published and tested the necessary regulatory framework, and we continue to monitor progress on the matter.

Mary Scanlon (Highlands and Islands) (Con):

I note the progress that the minister has outlined.

Professor Russel Griggs says that he is disappointed that there has still been no reply to the recommendations and findings that were sent to the Convention of Scottish Local Authorities earlier this year. Is the minister also disappointed at that situation?

Fergus Ewing: I am sure that we wish to engage fully with COSLA on all such matters. Professor Griggs has drawn that to our attention and it will be pursued. I thank Mary Scanlon for raising the point.

We wish to have even better regulation, because it is one of the main ways in which we can help business. The RRG listens to business, and I have been doing the same—my door has been open and there has been heavy traffic through it over the past six months. It is right that that is the case, because I am the servant of business and the public.

I want every business organisation to listen to business, too. All the enterprise agencies, regulators and Government officials are playing significant roles in that regard, and they are doing so willingly—they are happy to and enthusiastic

about performing in a team Scotland capacity to secure the objective of better regulation.

I wish to focus on outcomes. I want all of us, whenever possible, to work together across the chamber to make a real difference on better regulation. I invite all MSPs to be part of the team Scotland approach that I have outlined. If any member hears of business problems with specific regulations, I ask them to communicate their concerns to me. Together, we can change regulation for the better.

I move,

That the Parliament agrees that better regulation is an important driver of sustainable economic growth and endorses the Scottish Government's commitment to better regulation rather than deregulation; welcomes the Scottish Government's commitment to delivering regulation that is proportionate, consistent, transparent, accountable and targeted only where needed, and supports a regulatory framework in which government, regulators and business work together to identify regulatory barriers to growth and deliver an outcomes-based approach, thereby providing a favourable environment for business to grow and flourish, creating jobs and improving lives.

09:30

Rhoda Grant (Highlands and Islands) (Lab):

I welcome this debate, albeit that it is a little dry. Discussion of the subject is timely and extremely important. Our economy is struggling and we need to ensure that regulation is in keeping with building the Scottish economy and ensuring that that growth is shared. Growth must benefit the wider community, and good regulation can achieve that. Regulation is necessary in many areas. However, we increasingly get complaints about red tape when regulation appears to have become overly bureaucratic and is not in keeping with the Government's policy aims and objectives.

Although a sustainable procurement bill would create greater transparency in regulation, we need constantly to review existing regulation. When new regulations are drafted, there must be a review of the existing regulations to ensure that the result is as simple and transparent as possible.

I welcome the annual report of the regulatory review group. It mentions the group's work on the regulation of carbon capture and storage, which is welcome. However, I urge it to examine other areas in which we need simplification or, at the very least, a one-stop shop approach to regulation. We are all keen to develop wave and tidal energy, but the field is strewn with different regulators that have different remits. We have the planning system, Marine Scotland and the Crown Estate to mention but a few, and there are statutory consultees such as SEPA and SNH. The list goes on. They all have important roles to play, but the area can be daunting for developers. Regulation is required, but we need to make the

process as accessible and cost effective as possible.

The same is true in relation to onshore renewables. Developers tell me that Scotland is one of the most risky areas in which to develop, because of the regulatory framework. As a counterbalance, we have the renewables resource. However, if expert developers are struggling, what hope do small community groups have of working their way through the regulatory framework? The Parliament is united in the view that communities should benefit from the development of renewables, so it is important that we make that possible and remove the barriers.

One of the biggest concerns that I hear from communities and constituents is about their interaction with the planning process. I note what the minister said in his opening remarks about trying to simplify the process, but the measures do not seem to have made it more accessible. It is a legal process that is made up of national planning policy guidelines, local plans and the like, but decisions are made by politicians either at local government or Scottish Government level, which leads constituents to believe that there is political input to the decisions. There is not; their elected representatives are unable to make meaningful representations on their behalf. What they need is expert planning advice on how to pick apart an application, against the national planning policy guidelines. That would help communities; they do not have the resources to do that, and so become extremely frustrated. Our planning must be fair and above question, but that does not mean that it should not be accessible to all.

The amendment in my name states that we in the Labour Party are calling on the Government to introduce a sustainable procurement bill. It could be argued that that would involve further regulation, but it would be good regulation. It would encourage economic growth by protecting jobs and retaining in our communities the economic benefit that they bring. Such a bill would set the scene for minimum standards and best practice in procurement. Too often, we see contracts going to companies that are not local and which bring in their own workforces under conditions that we would not find acceptable here.

Mark McDonald (North East Scotland) (SNP): Rhoda Grant will be aware that many procurement contracts are bound by European procurement regulations, which mean that such companies are entitled to bid for contracts.

Rhoda Grant: I think that Mark McDonald misunderstands where I am coming from. I am not suggesting that such companies should not be able to bid, as they can under European law. I am saying that a sustainable procurement bill would

set the standards under which they could bid. I think that our colleagues in Wales have done that.

The non-local companies get the contracts but do not have the standards or local procurement values that we expect. The situation will get worse as the global crisis deepens and companies from further and further afield compete for work. A sustainable procurement bill would ensure that there was a level playing field and that companies that exercise good practice are not disadvantaged.

Procurement should be carried out on a scale that allows small and medium-sized enterprises to bid when that is possible. They are more likely to bid in their areas and to employ local people. Companies should demonstrate commitment to apprenticeships, to training, to paying a living wage and to access to employee stakeholder pensions.

There has been much debate in recent days about public sector pensions, which commentators often compare with private sector pensions. The truth is that private sector pensions have fallen back—companies no longer offer pension provision. However, we should not become involved in a race to the bottom because of the economic climate. Pensions lift retired people out of poverty. If people do not make provision for their retirement, taxpayers will have to support them. Our demographic profile will place a greater burden on future generations, so we must ensure that workers are encouraged and enabled to make pension provision. Otherwise, we will create a generation of older people who face poverty at the most vulnerable stage of their lives.

A sustainable procurement bill could also promote environmental sustainability by ensuring that contractors do their bit to meet our environmental goals. It is pointless to set goals if public money is spent on undermining the policy. Currently, contracts do not take account of a supplier's or contractor's distance from the organisation with which it is contracting. In catering contracts, reducing food miles should be a crucial part of the contracting process. Large suppliers have been given contracts on the basis that the local supply chain is too small or in places too fragile.

Mark McDonald: I agree with Rhoda Grant. Does she agree that one way around that situation would be for more companies to enter into consortia arrangements to bid for contracts, rather than bid against each other and lose tenders as a consequence?

Rhoda Grant: I agree that that is worth exploring, but a lot of small companies do not have the resources to join consortia. I have spoken to large companies that have spent many thousands of pounds on bid preparation. To ask

smaller companies to do the same would be unviable, because they do not have the financial back-up for that.

A crucial point is that contracts with catering suppliers take no account of the environmental impact of transporting food and other goods over long distances. Local contractors can often supply the same goods at a much lower price. If that consideration were built into tenders, the successful contractor would be bound to buy locally, even if a contract were too large for a local company, which would ensure that the economic benefit remained in the area.

Procurement processes could be used to increase the number of disabled people in our workforce. A minimum percentage that depended on the size of the business would provide people with much-needed employment. I have in a social enterprise in my constituency met people who work with disabled people. The time that is necessary to get individuals job-ready varies depending on the support that they require. However, when they are job-ready, very few jobs are available. Sadly, that is the case even in the public sector. The situation condemns those people to poverty and exclusion when they have a lot to offer.

A sustainable procurement bill would ensure that contractors ring fence jobs for disabled people. Someone with learning difficulties will always have difficulty in competing in an interview process, even when they are perfectly able to carry out the job to a high standard. Ring-fenced jobs would allow such people the opportunity to work.

We must look at best value for the whole public purse and not just for the organisation that carries out the procurement. We need to get out of the silo mentality and to consider knock-on costs to other agencies.

A sustainable procurement bill would have an impact on all the issues that I have mentioned, which are crucial to our economic recovery.

The Conservatives' amendment talks about business and regulatory impact assessments. The review group has stated that they are the most important tool for ensuring that measures are properly assessed and that their impact is measured before their introduction. It goes on to state:

"We therefore need to ensure that they are being completed thoroughly for all appropriate legislation and regulation."

I agree with the Conservatives that BRIAs should be carried out for the proposed retail levy and for the reform of empty property rates relief. We live in difficult times, and it is important that new legislation does not create unintended

consequences. Impact assessments are therefore even more important now. I welcome the regulatory review group's annual report; it makes an important contribution to our governance. I also urge the Government to introduce a sustainable procurement bill to improve regulation and to maximise environmental, economic and social benefit.

I move amendment S4M-01526.2, to insert at end:

" , supports regulation that encourages equal opportunities, and calls on the Scottish Government to bring forward its proposed sustainable procurement bill."

09:40

Gavin Brown (Lothian) (Con): My colleague, Mary Scanlon, learned yesterday of the dangers of pre-judging a debate or a speech. She had intended to begin her speech by saying how disappointed she had been by the cabinet secretary, John Swinney, but after listening to him, she had to do a 180° turn and say how enthusiastic she was about his speech. This morning, I had intended to begin by paraphrasing the former Prime Minister, Gordon Brown, by saying, "I agree with Fergus". Having listened to what the minister had to say, however, I will now have to change about three quarters of my speech. I shall outline briefly what I was going to say. First, it is right to praise the regulatory review group, which has done an outstanding job since it started. It has been ably led by Professor Russel Griggs, and he has an excellent team around him that has been drawn from trade unions, business organisations and farmers. It has done a very good job indeed.

Let me also praise the previous Government—the Labour-Liberal Executive—that set up the group in 2004, as well as the current Administration, which reinvigorated the group and took it a step further in 2007. It was ably led at that point by Jim Mather, and it has now been taken forward by Fergus Ewing. He arrives in post with a strong personal track record on regulation—he mentioned fire regulations earlier—and I hope that he will carry on in that vein.

That was what I had intended to spend most of my time on this morning, but I have changed that plan slightly and will now comment on the minister's speech. He said that the one in, one out approach is illogical. Indeed, in response to a question from Tavish Scott, he said that it is something that his party has never supported. Let me quote from page 21 of the Scottish National Party's 2007 manifesto; I know that Mr Ewing had a pretty big hand in writing that manifesto, particularly the parts of it that relate to business. It states:

"Finally, we would adopt the Better Regulation Commission's policy of 'One in, one out' meaning each new regulation must replace another."

Tavish Scott asked Fergus Ewing when he had changed his mind on that, but the answer was not forthcoming.

When the SNP came into government, the regulatory review group took the view that, given the flow of regulation that was coming from the Scottish Parliament and the Scottish Government, it was not hugely enthusiastic about the one in, one out approach for Scotland. So, if the Scottish Government were to follow the RRG's recommendation, I would say, "Fair enough". To criticise the UK Government for going ahead with one in, one out and for adopting a degree of deregulation is pretty unfair, however. I would commend to Fergus Ewing the work that is being done by the UK Government and urge him to read the first-year report on one in, one out that it has recently produced. The report outlines the UK Government's sensible approach, and shows that one in, one out has worked in that context. It might not have worked for the Scottish Government, but that does not mean that it is not a good thing for other Governments to do. Since the UK Government started, there have been savings to business of approximately £3 billion annually, which has been welcomed by businesses throughout the UK.

One such 'out' is a measure that permits credit unions to communicate with their members electronically. That is estimated to have reduced the net cost to business by approximately £10.4 million. That calculation has been validated by the Regulatory Policy Committee. Some deregulation works and it does not all have to be about children going up chimneys. Certain examples, including the one that I have just given, can be particularly effective.

I turn to business and regulatory impact assessments. Rhoda Grant quite rightly read out from the regulatory review group's 2011 annual report its view on how critical BRIAs were. On the page following the quotation that she read out—page 11—the group stated:

"In the light of the formal approach that RRG has received in recent times regarding the issue of Ministerial exemptions to doing BRIAs we will be looking particularly at how these have been used since BRIA started and if appropriate making further recommendations if we identify opportunities to enhance current arrangements and outcomes."

A number of regulations have been introduced for which impact assessments have not been carried out. If the cost is genuinely disproportionate—if the BRIA will cost more than the regulation will save—an assessment ought not to be done. However, where it is clear that there will be some economic impact, there ought to be a

regulatory impact assessment. That is the clear spirit that is coming from the regulatory review group.

The retail levy, to which the minister referred, is predicted to cost business £110 million over the course of the spending review. That is slightly more than the cost of carrying out the impact assessment, so according to the Government's own guidelines an assessment should have been carried out.

Chic Brodie (South Scotland) (SNP): Will the member take an intervention?

Gavin Brown: I am so pleased that Chic Brodie wants to intervene; I will definitely take his intervention.

Chic Brodie: I am glad that we agree on something this morning. The Conservatives go on about the special relationship with the United States. Now, apparently, they have a special relationship with large retailers. The cost of the retail levy is £30 million in one year and £110 million over three years. Is Gavin Brown suggesting that we increase the work of the regulatory body on an item of expenditure that represents 0.1 per cent of the budget? Where would that lie in terms of prioritising items of much greater budget expenditure?

The Presiding Officer: I will compensate Mr Brown for that long intervention.

Gavin Brown: Mr Brodie should quit while he is behind, Presiding Officer. I have a quote from Chic Brodie, in the Economy, Energy and Tourism Committee, when he discussed the retail levy in front of the Confederation of British Industry and the Scottish Retail Consortium. He said:

"I am sure that the Government will lay out the impact assessment. In fact, I do not believe that it would have reached its decision without already having done so."—*[Official Report, Economy, Energy and Tourism Committee, 5 October 2011; c 358.]*

Chic Brodie really ought not to have even turned up for the debate today. He probably had to because he was on chamber duty, or water duty or something like that. My goodness, that was a rich intervention.

The cost is £110 million, but there is not just the retail levy: there are the empty property rates relief and a number of other pieces of legislation.

If an impact assessment is appropriate for the Seed Potatoes (Fees) (Scotland) Amendment Regulations 2011, which has an impact of £91,000 on business, it is surely appropriate for other legislation.

I move amendment S4M-01526.1, to insert at end

“; further notes that the Regulatory Review Group's Annual Report 2011 found that Business and Regulatory Impact Assessments (BRIA) have been used in respect of 80% of primary legislation and 57% of secondary legislation since April 2010, and calls on the Scottish Government to increase the use of BRIAs for legislation and regulation and to explain why it has not carried out a BRIA on either the proposed retail levy or the reform of empty property relief on business rates.”

09:49

Nigel Don (Angus North and Mearns) (SNP): I will look at the quite brief history of the regulatory review group and at where it has got to in the past few years. I will go back to July 2008, when Fergus Ewing's predecessor, Jim Mather—who has already been mentioned and who, I think, is much missed—wrote:

“Increasing sustainable economic growth is the overriding purpose of the Scottish Government. Within this, making Scotland one of the best places in Europe to do business is one of the key national outcomes. So establishing a Europe-leading approach to the improvement of business regulation is in itself a fundamental government objective. Better regulation covers a ... broad swathe of government activity. It concerns Planning ... SEPA”

and so on, and

“it is relevant to government interaction with business, at Ministerial level, at official level, and through agencies such as Scottish Enterprise and Highland and Island Enterprise.”

In 2008, Professor Russel Griggs, the leader of the group, wrote:

“For many years now business has ‘complained’ that there is ‘too much regulation’. However the challenge has always been that when asked to be specific on the burdens that regulations impose both on individual businesses and the organisations representing them, they have found it difficult to highlight many specifics which they and Government can jointly engage in a conversation to discuss and resolve.

This has led to:

- a) Business having a belief that Government is there to ‘fix’ regulation to make it better for them;
- b) A belief by Government that regulation is just one of the things that businesses ‘complain’ about like taxation.

This has been exaggerated by many of the initiatives that Government in the UK has put into place”.

He continued:

“What this has led to is that the two sides of this debate have positions and views without any real understanding of the way the other side operates or needs to operate to satisfy their individual aims. In simple terms Business does not understand why or how Government operates and Government does not understand why business complains as it does not realise the full impact that regulation has on them.”

Those words were written in 2008. Members will know that the business and regulatory impact assessments were introduced in April 2010, which is why it is appropriate that we should now review,

as the regulatory review group has done, what has happened in the year since then.

Page 2 of the report that the group published this week states that the group's initial view

“remains unchanged, that the BRIA process overtime will show both business and government that engaging in open and constructive dialogue in the initial processes around policy and legislation development leads to a better understanding of each other's issue. Over time a natural dialogue should expand out beyond the BRIA process to confirm and seal the partnership approach that is at the heart of the creation of better regulation. We believe that in the first year the BRIA process has already demonstrated that it adds value to both business and government encouraging more detailed discussions between both. Lack of understanding however continues to be one of the key challenges for both business and government in this area and while it has improved greatly still has some way to go before it becomes a natural part of our culture.”

The minister mentioned the work that has been done on Scotland's environmental and rural services. I draw members' attention to the four conclusions that the review group has come to, which are set out in that report, beginning on page 4, and which are fundamental to most of the good work that will be done on the issue. The first is:

“Without a Minister driving and directing the process at the outset it is unlikely the project would have happened or developed as positively as it did.”

It is incumbent on ministers to lead the process, precisely because there is evidence that it works.

The second conclusion is:

“The involvement and buy in of the most senior people in each organisation is needed for maximum impact.”

That is not telling us anything that we did not know.

The third, which is also rather obvious, states:

“good communication is critical, making it clear to customers and the wider stakeholder community exactly what the initiative is and the benefits to be delivered.”

The fourth states:

“Changing the culture is important and improving shared and joint working between bodies can be as good an outcome as particular effects on customers.”

I will refer to a couple of impact assessments that I have had a look at. The first relates to permitted development rights. Anybody who has ever tried to modify their home will understand something about that. As I worked my way through it, I found that the principal result of looking at the regulations and changing them has been to make it easier for some people to get planning permission and to free up planning staff's time for the more important and more difficult cases.

I also had a look at the impact assessment of the Agricultural Holdings (Amendment) Scotland Bill, which is before the Parliament and which is intended to improve tenant farming. Time does not

permit me to discuss all the things that I found in there—that is for another day.

Both those assessments indicate the importance of discussion. I suggest that members look at some impact assessments, because they will find that the Government talks to a vast array of organisations when regulation is drafted. That is precisely what the Government needs to do, precisely what the review group is pushing it to do and exactly the way forward.

09:55

John Park (Mid Scotland and Fife) (Lab): I welcome the opportunity to speak in the debate.

I am pleased that the debate seems to have moved on from where it was four or five years ago. Gavin Brown spoke about the one in, one out policy, which seemed to be a priority for most of the parties around the 2007 election. However, things have happened since then that have resulted in a more sensible approach being taken.

It has been deeply frustrating to see people arguing for a reduction in red tape as though it were a burden on business that somehow inhibits growth, when the reality is that effective regulation can play an important part in ensuring that employers and businesses take a longer-term view about what they do in their communities. I echo Gavin Brown's comments about the report from the regulatory review group. That tripartite approach, with the trade union side, consumers and employers and businesses sitting around the table discussing strategic policy development in the area, is important. We should consider developing it and rolling it out across other Government areas to ensure economic development, especially in the current climate.

I will put some things on the record about where Scotland stands on regulation, including as part of the United Kingdom. We are one of the least regulated economies in the developed world; in fact, the Organisation for Economic Co-operation and Development tells us that the UK is the second or third least-regulated economy in the developed world. However, when we look at some of the other countries that we compete against, particularly in the euro zone, we see that the competitive advantages that countries such as Germany, Denmark, the Netherlands and Finland seem to have over Scotland and the United Kingdom are not down to the fact that those countries are less regulated. The reality is that they have made longer-term decisions about investment in skills and infrastructure, ensuring that taxation matches their long-term investments. That is where we, as a country, want to go, regardless of our constitutional future, which we are debating at present. There are things that the

Scottish Parliament can do just now—important levers that we currently have—around the regulation of procurement, which has been spoken about and which can make a big difference to Scotland.

We support the targets for solidarity, cohesion and sustainability in the Scottish Government's economic strategy. I strongly believe that procurement is an important tool in ensuring that we meet those targets. The support that article 19 can give sheltered workshops is just one example of that. We must ensure that community benefit clauses are not just sitting in a room somewhere gathering dust, but are being taken forward by local government and public bodies more generally so that we are driving up standards and using public funds effectively to support local employment. That needs political will not just at the local government level, but at the Scottish Government level, and all parties and MSPs must ensure that that is happening in their communities.

For example, we could use community benefit clauses to drive up pay standards, especially in relation to the living wage, and to ensure that all public bodies take on apprentices and local people are given opportunities to be employed on big public sector contracts. We should all aim to ensure that, in that way, public sector funding makes a big difference to economic development.

I am happy to take part in the big debate about where we are going in this country. However, there are issues that we need to deal with. For example, as I raised with Jim Mather back in February, I do not agree with some proposals at the UK level on changes to employment legislation. It would be helpful if the minister would respond to that in his closing remarks. I asked Jim Mather whether the Scottish Government had made representations to the UK Government on its proposals, and he was keen to meet me. However, the election came and went and we did not have the opportunity to meet.

I also raised the issue at First Minister's question time a couple of weeks ago and was not given a clear answer. The only answer I received was that from the First Minister's perspective it would be helpful if Scotland had all the powers to make decisions about employment legislation. That is all well and good, but it would be useful to know the Scottish Government's view of changes to employment legislation that will negatively affect Scottish workers. If we want to take a longer-term approach in this country, we must ensure that our workers have the right skills. If we want to be competitive in a global economy we need to ensure that our employment legislation protects workers and skills and plays a key part in driving our economy forward.

10:01

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I am pleased to take part in the debate. As a former director of protective services I have some experience in regulatory matters. I declare an interest, in that I am still a vice-president of the UK Trading Standards Institute.

There is good regulation and there is bad regulation. Business often calls for regulation to protect good business against bad business. There are also good regulators and poor regulators. What regulators often lack is common sense. One of the things that I always applied, and which I encouraged my staff to apply, when enforcing various regulations was that it is possible to turn a blind eye. That is how good regulators do their job. Good regulation and good regulators protect consumers and honest businesses. Anti-counterfeiting laws are a good example of protection for honest businesses.

There are problems with the trading standards service in Scotland. Consumer Focus Scotland has responded to the consultation by the Department for Business, Innovation and Skills on the consumer landscape by saying:

"Because many Scottish councils are much smaller than their English counterparts, trading standards services are often tiny, isolated and marginalized, leaving them struggling to deliver a full range of services to the public. As recognised in the UK Government's consultation paper this creates the potential for a gap in enforcement. However, the Scottish Government has no legislative locus to require councils to collaborate ... We would therefore suggest that an adjustment to legislative powers to give an administrative role here for the Scottish Government would add value for Scotland's consumers."

The problems with trading standards are also borne out by the chief executive of the Trading Standards Institute, who commented on the report published last month by the House of Commons Public Accounts Committee, saying:

"The cross-party group of MPs on the Committee had just delivered a devastating analysis and verdict on the state of our UK system for enforcing consumer law. Its references to trading standards 'enforcement deserts' where councils do not provide the funds required to maintain an adequate trading standards service provided a clear indictment of such councils.

When linked with the MPs' criticism of government in failing to establish clear arrangements for who does what and how to protect consumers; the inadequate infrastructure for dealing with cross-border consumer malpractice; crime and enforcement; the lack of sufficient power; expertise and money to enable trading standards and others to tackle major and emerging cases of consumer fraud and detriment; it all reads as a sorry state of affairs."

I wrote to the minister in October commenting on the BIS proposals to change the consumer landscape by disbanding the Office of Fair Trading

and Consumer Focus Scotland and transferring some of those powers to citizens advice bureaux and some to local authorities. That is all very well, but those bodies need the resources to be able to do the work. At the moment, local authorities are not doing what they should be doing already, even before they have more responsibilities put on them.

I support the retention of Consumer Focus Scotland, which does a good job in a number of different areas and receives the majority of its funding from the private sector. I ask the minister to consider killing two birds with one stone, with a unique Scottish solution to the issues raised in the BIS consultation. Rather than abolish Consumer Focus Scotland, I would strengthen it by giving it responsibility for the management of the trading standards service in Scotland and by designating it as the local weights and measures authority for Scotland, rather than leaving that to individual local authorities. That would fit well with some of its current responsibilities in relation to regulation.

Effectively, the proposal would create a Scottish trading standards service, which I envision would have a number of strong regional offices while being able to use economies of scale to deal with specialist areas across Scotland. The problem at the moment is that there are 32 councils enforcing trading standards legislation—there used to be 12, prior to local government reorganisation. The people are spread far too thinly and the range of responsibilities and duties is far too great.

In his reply to me, the minister said that such a change might need devolution of powers. However, Consumer Focus has identified another way, which it has recommended in a briefing. It says that, rather than amending the Scotland Bill or the Scotland Act 1998, the most straightforward way to achieve the proposal would be

"to make an Order in Council under section 63 of the Scotland Act 1998 to provide for the functions that are listed in Schedule 5 Part II Section C7 (consumer protection) to be exercisable by Scottish Ministers concurrently with UK ministers."

That solution would allow for the delineation of responsibility to be clarified not through the legislation itself but through discussion and agreement between Scottish and UK ministers. It is Consumer Focus's understanding that any agreement and arrangement so arrived at may be reviewed administratively at agreed times. I ask the minister to seriously consider that course of action, so that we have a fit-for-purpose trading standards service in Scotland.

10:07

Angus MacDonald (Falkirk East) (SNP): I am pleased to be able to contribute to this debate, not least because I have seen at first hand the

difficulties that are experienced by local small and medium-sized businesses due to certain regulatory hurdles.

In recent years, there has been a vast improvement in the way that small to medium-sized businesses have dealt with regulatory matters, but there is still a way to go to ensure that regulatory reform makes life easier for everyone, while ensuring compliance through better regulation rather than deregulation.

It is important that we do not hinder businesses as they attempt to grow, and there has never been a more important time to ensure that fewer hurdles are put in the way of firms wishing to grow, expand and flourish.

I recall that, in 2007, during the reform of business gateway provision, the then Minister for Enterprise, Energy and Tourism, Jim Mather, said that, to ease the way for businesses, the system would be de-cluttered, with councils providing a one-stop-shop service to any small firm or company seeking advice—we know that small businesses prefer to receive information from a single, local source, and the plan was to make advice available as and when required.

Although many councils have embraced that idea, some have not quite got there yet. For example, Falkirk Council, which covers my constituency, has not quite managed to provide the one-stop shop that it is required to provide, although it has made some valiant attempts. Although there seemed to be a willingness among officers to provide a one-stop-shop service, we have seen that, as tends to be the case in local government, departments still need to learn to speak to one another. In Falkirk, we tended to get the flags out to celebrate if there seemed to be any cross-departmental co-operation, as it was such a rare occurrence.

I give the example of a case in my constituency that I have just managed to resolve. In Whitecross, in the east of Falkirk, a constituent of mine has a firm that employs 10 people. The firm has to move from its existing premises as the building is being demolished to make way for a major housing and industrial development. My constituent identified suitable premises at the other end of the constituency. However, red tape in the building control and planning departments, coupled with a lack of urgency on the council's part and, initially, a lack of advice from various council departments—including those responsible for economic development—nearly led to the new premises being lost and the business having to close. Thankfully, the matter has now been resolved, but that is a prime example of how thriving businesses—the business in question is thriving: it has more orders than it can cope with—

can be put at risk simply because of red tape that officials seem unable to assist in cutting through.

Overall, however, a great deal of progress has been made on improving the planning process, and I was pleased to hear the minister's commitment to further simplification of planning. That said, inconsistencies are an issue, even among planning officers in the same local authority. That must be addressed.

The success of a better regulatory framework very much depends on the Government, regulators and businesses working together to ensure that businesses grow and flourish. The regulatory review group's 2011 annual report concurs with that view. It states:

"Getting everyone together is an approach we fully endorse and encourage."

Creating a robust relationship between small firms and regulatory services locally must be a high priority if we are to cut red tape for SMEs. It is clear from anecdotal evidence that there are local inconsistencies. There are issues around local authorities' interpretation and enforcement of regulation. Local flexibility in relation to regulation is to be welcomed, but it can lead to numerous different regulatory standards and procedures being applied in different areas of the country, which can be inefficient and confusing. For example, local flexibility in the interpretation of the new licensing laws resulted in some local authorities being overzealous in their implementation, whereas others were a bit more lax.

With enforcement and cost details left to local authorities to determine, there is a strong argument for creating a body to take responsibility for co-ordinating and monitoring local regulation. That would help councils to improve their trading standards, environmental health and licensing services. I urge the minister to consider that suggestion in the coming months. Small firms could turn to such a body when inspections failed to meet the required standard, for example, and it would allow them to seek advice to improve. The majority of SMEs often welcome and value interaction with regulators such as environmental health officers and trading standards officers, who often take a helpful advisory approach in dealing with local businesses. In the small business community there is no doubt that there is a role for a body whose purpose is to support and represent the views of small firms on red tape in local authorities. Such a body would fit in well. It would work with the Government, regulators and businesses to ensure that businesses grow and expand.

Cognisance must also be given to the fact that regulatory compliance represents higher financial

and time costs to small businesses relative to their turnover than to larger businesses, as small businesses do not have specialists on their payroll. However, it has been noted that, with regard to the costs of compliance to small firms in comparison with businesses across the UK, fewer businesses in Scotland have felt an increase in time spent on compliance.

As the Federation of Small Businesses has highlighted, there is a definite need for action with regard to our local authorities. Many Scottish regulations spring from enabling provisions in primary legislation; regulatory schemes are outlined in secondary legislation; and the enforcement and cost details are left to local authorities to determine, which can lead to inconsistencies throughout the country. Local authorities can also create their own regulations, as we have seen in the Falkirk district. Better regulation will help to ensure a reduction in or removal of difficulties that arise from inconsistent and disproportionate approaches to the same regulation by different local enforcement bodies and other failings in regulatory practice, particularly at the local level.

Let us ensure that we make it easier for businesses to grow and thrive, particularly in the current climate, and that we remove regulatory barriers while ensuring that compliance requirements are adhered to. We can thereby create jobs and improve lives.

10:14

Margaret McCulloch (Central Scotland) (Lab): I welcome the opportunity to speak about regulation. I have a business background and so have some experience of red tape and compliance, and several weeks ago, I joined the Scottish Parliament business exchange. I am therefore mindful of the business community's concerns about the regulatory framework in which it must operate.

From dealing with recruitment and selection to health and safety and equal opportunities, businesses must take full account of the rules and regulations that are placed before them. Excessive or uneven regulation can be a headache for small businesses, which is why it is so important that the regulatory review group has a clear and consistent approach to the issue.

Most businesses understand the need for proper regulation in the economy, but they also hope and expect that regulators will be sympathetic to their needs and the demands that they have to contend with on a day-to-day basis. Regulators have to remember that small businesses and independent firms do not have dedicated compliance functions, and the Scottish

Government has to ensure that the training on compliance through business gateways is advertised and fully promoted.

Of course, we all represent a much broader constituency than the business community. Each of us, in our own way, has an understanding of the public interest and an understanding that economic growth is not the sole objective of any Government. We have duties to protect the environment, to preserve our heritage, to achieve equality and to defend the rights of workers, consumers and families across Scotland. There is some recognition in the Government's motion of those tensions—tensions between growth and other gains—but I would argue that good, proper, effective regulation can help rather than hinder economic growth.

There is some recognition of that out there in the Scottish economy and in Scottish society. Overall, the tone of the debate about regulation is much more sedate, dignified and constructive in Scotland than elsewhere in the United Kingdom. When the previous Administration set up the regulatory review group, it tasked the group with the job not of deregulation or reregulation but of better regulation. I am glad that the review group continues to approach the issue in that way.

The Scottish Government's economic strategy prioritises seven key sectors: the creative industries; energy and renewables; financial services; food and drink; life sciences; tourism; and Scotland's universities. I know that the regulatory review group is independent of Government, but I suggest to the minister that it might be worth while to ask the group to look into those sectors. A timely and measured assessment of the regulation landscape in the creative industries or life sciences would allow us to address barriers to growth. It would also allow us to consider how those sectors can grow and develop in a fair, balanced and sustainable way.

We can see from its annual report that a large part of the group's work has involved monitoring the introduction and implementation of business and regulatory impact assessments. Annex 6 of the report shows that the Scottish Government regards those assessments as mandatory unless a ministerial exemption is granted. Will the minister say how many exemptions have been granted and, in each of those cases, why? How does he differentiate between cases in which the exemption is justified and those cases in which it is not?

I turn finally to the issue of procurement. I have spoken at length in other debates about youth unemployment, skills and training, and I believe that, through community benefit clauses, we can use public procurement to regenerate communities and to help young people into work.

EU rules on state aid allow the Government to intervene in certain circumstances to help disadvantaged groups, and I regard all the young people in Scotland aged between 16 and 24 who are struggling to find work as being at a disadvantage. Those who have a disability or are part of a minority are often pushed even further from the labour market.

I believe that regulation and procurement can and should drive real change in the Scottish economy. For that reason, I encourage members to support the Labour amendment.

10:18

Mark McDonald (North East Scotland) (SNP):

I begin by declaring a small interest: my father is a director of a small business and my brother is employed as a health and safety adviser.

I reassure Rhoda Grant that I do not necessarily disagree with the thrust of what she was saying on procurement. I was merely pointing out that, with the current EU procurement legislation, we have to be very careful when we draft clauses into procurement tenders. I am not saying that we should not seek to have local employment clauses where possible, because such things do have a benefit. I am aware of the protections afforded for certain organisations by, I think, article 12 of the EU directive, and I believe that local authorities need to do more to look at whether article 12 can be used in the tendering process. However, I emphasise again that there are some barriers.

Helen Eadie (Cowdenbeath) (Lab): Will the member give way?

Mark McDonald: I want to make some progress. I have a lot to get through.

Some barriers could be overcome by consortia arrangements. I have spoken to many people from various industries who have bemoaned the letting of contracts to companies from beyond these shores. When they are asked whether they considered the possibility of consortia arrangements, to ensure the success of local companies, they often say that they were not aware of such an option. Very often their competitive nature precludes their considering such an option. Consortia arrangements are not a panacea, but they are an option that businesses should consider as a means of approaching tendering slightly differently.

We should always be careful about how we characterise certain aspects of regulation, such as health and safety regulation. Nigel Don said that there is often a disparity between what is said about regulation and what happens in reality when we sit people down and ask them to identify regulations that meet the supposed acid test. All

too often, the rhetoric about health and safety legislation—and regulation in general—does not match the reality. Too often, decisions that are totally unrelated to health and safety are held up as sticks with which to beat the industry and we hear people talk about “health and safety gone mad.” An infamous example was the supposed regulations that required children playing conkers in England to wear goggles, which no less a person than David Cameron mentioned. That turned out to be nothing to do with health and safety; it was entirely down to an individual headteacher, who had taken a slightly overzealous decision.

The point is that the trivialising of health and safety regulation should be a concern not just for the Health and Safety Executive but for politicians. Members of the Scottish Parliament are all too acutely aware of the importance of strong health and safety regulation, for example in the oil and gas sector, where strong regulation that was brought in following disasters such as the Piper Alpha disaster has strengthened protection for offshore workers. Whenever we hear people decry the work of the HSE, we must repeat the mantra that health and safety saves lives.

John Wilson (Central Scotland) (SNP): Does Mr McDonald agree that the health and safety regulations that operate in the North Sea were introduced after a major disaster and that health and safety features prior to that were not adequate to protect workers who were operating on North Sea platforms?

Mark McDonald: I agree. It is unfortunate that sometimes it takes a major incident to sharpen minds and focus attention. We ought to do everything that we can do to ensure that regulation is fit for purpose to prevent such incidents from occurring, so that we do not need to learn those lessons.

Mr Brown is keen on the BRIA approach and his researcher has been clocking up the Google miles in recent weeks to find him all kinds of quotations and examples—I see that Mr Brown is indicating that he has been doing the work himself; I apologise to him and to his researcher. The Government has said that it thinks that a BRIA in relation to the public health levy would be disproportionate. Even if Mr Brown does not believe that—and I suspect that he does not—it is difficult to reconcile complaints about the economic impact on supermarkets with what I read in the newspapers about supermarkets slashing prices at the petrol pump. One wonders what economic impact that approach has.

Gavin Brown: Will the member give way?

Mark McDonald: No, no—there is more. It is a bit rich of Mr Brown to talk about the impact on

businesses, given the “Tory VAT bombshell”—copyright Nick Clegg—which impacts not just on major retailers but on all businesses. Given the significant economic impact, one wonders where the impact assessment of that approach was.

Although the amendment from the Conservative Party mentions empty property relief, Mr Brown made no mention of the issue. Perhaps that is because he realises that the economic impact of empty properties in and of themselves is significant in communities up and down the country, which is why action is needed to try to reinvigorate and regenerate the economies of local communities.

No one is saying that deregulation in and of itself is wrong. However, we should base it on logic, not on arithmetic.

The Deputy Presiding Officer (John Scott):

There is a little time in hand if members wish to take interventions.

10:25

Tavish Scott (Shetland Islands) (LD): I thought that Mark McDonald was very unfair to Gavin Brown when he suggested that Mr Brown does not do his own homework, especially given that I thought that Mark McDonald read his civil service brief very well in his own speech.

I congratulate Professor Russel Griggs and those who sit on his panel on their work. I do not know whether Professor Griggs is here today—he probably has more sense, given where he lives and the weather forecast. Like Mr Ewing, both as a minister and as an MSP, I have enjoyed many useful and varied discussions with Professor Griggs over the years. The work of his panel is extremely useful and important for Government and I hope that, as the minister said, its recommendations will continue to be taken forward.

The minister started by quoting Ronald Reagan, which I thought was only fair, given that they are ideological soul mates. He went on to call regulation a “perception”. I am sure that he did not mean to say it in that context. The reality is, after all, contained in the excellent briefing that the Federation of Small Businesses in Scotland sent, which other members have mentioned, which states:

“62% of FSB members have seen the cost of regulation increase in the last four years.”

I am sure that, given the spirit in which Mr Ewing introduced the debate and given that he said that he was looking for areas that he wishes to address, he will want to address that statistic.

Mr Ewing has had a number of representations from his back benchers calling for new bodies,

such as a compliance body, and for a firm hand on local government. It all sounded like a lot more centralised, top-down government to me, so I will be intrigued to see how he responds to all those requests.

I am puzzled by the change of tune from the Government on regulation, particularly because just this morning I found John Swinney’s job description from 2007. Members might remember that he had many responsibilities; indeed, there was not really anything in the Government that he was not responsible for. In 2007, the First Minister gave him responsibility for the economy, the Scottish budget, public service reform, local government, public service delivery, deregulation, cities and communities. Let me repeat that he had responsibility for deregulation. I am not quite sure what happened to that or why Mr Ewing was so disparaging about those who made observations on that earlier, given that his own boss has, or had, that responsibility. Presumably Mr Ewing can clarify in his wind-up speech whether that responsibility is still part of his, or his boss’s, job description. We are all agog waiting to find out.

Dave Thompson: Will the member take an intervention?

Tavish Scott: No. I will make some progress.

I want to comment on the entirely predictable attacks on the UK Government from Mr Ewing and his back benchers. No doubt Mr Thompson was going to make exactly such an attack—he does little else in this place. Given what they said, I presume that the Scottish Government is against a strategy to

“remove or simplify existing regulations that unnecessarily impede growth; reduce the overall volume of new regulation by introducing regulation only as a last resort; improve the quality of any remaining new regulation; and move to less onerous and less bureaucratic enforcement regimes where inspections are targeted and risk-based.”

Mr Ewing is shaking his head. Why then did he spend 10 minutes of his speech this morning attacking the UK Government? I thought that one of his back benchers made an eminently sensible series of suggestions about cutting regulation. Mr Ewing might want to sort out exactly what his position is.

The other thing that the minister did not do today was take the opportunity to mention a significant report that was published this morning on public procurement in Scotland by the Royal Incorporation of Architects in Scotland entitled “Building a Better Future?”. I hope that he has read and considered that report, because it makes some quite profound remarks about the manner in which the Scottish Government is now procuring everything from the smallest primary school or small fire station to the very large civil engineering

projects that were announced to the press earlier in the week.

I totally accept that those very large projects will be tendered and will therefore ultimately be built by larger international consortia or individual businesses—we have seen that over many years of public procurement in Scotland—but I think that the minister needs to respond properly to the RIAS's concerns about the disproportionate nature of Government procurement policy. Possibly the most important point here, which he must not be allowed to dodge, is that this is not London or Brussels; it is absolutely the Scottish Government's own procurement policy and is nothing to do with anyone else at all. The Government's policy of having five hubcos—five massive corporations that will be in charge of all procurement right across Scotland—means that small businesses, such as electricians, plumbers, architects and small building companies, do not have a prayer of getting much of the work, if any. That is profoundly wrong.

Mr Ewing is shaking his head. I will happily give way if he can tell me how what I say is wrong. He does not seem to want to explain the policy, but he needs to explain how the policy will work. Let me give him two examples. First, the RIAS report says that—this is important as to what he can do as a minister—the Public Contracts (Scotland) Regulations 2006, which were brought in by this Parliament, specifically state, on the issue of proportionality, that

“smaller projects should not be unduly burdened by considerations more appropriate for use in relation to major construction projects.”

Mr Ewing and his Government have in their hand, under existing measures, ways of assisting small business, but they are choosing not to use them. Instead, they are setting up a huge structure that will choke small businesses out of the supply chain.

Secondly, I would have more sympathy with Mr Ewing on the point that he rightly made about bureaucracy if he would deal with this point from the RIAS report. Why is it that, in the hubco concept that the Government is driving forward in Scotland, the standard pre-qualification questionnaire—he can read all this himself in the RIAS report, so he does not need to believe me, which I am sure he will not—runs to 66 pages, with 118 questions for bidders, including 12 on environmental management? I do not know too many three-man architect practices or small building companies that have time to deal with that kind of bureaucracy imposed on them by the Scottish Government.

There is time for a lot more action from the minister on this. If he did that, and sorted out some of the issues that I have raised today, he would

have my full support and I look forward to his winding up on that basis.

10:32

Rob Gibson (Caithness, Sutherland and Ross) (SNP): In its earlier work, the regulatory reform group concentrated on many of the areas of my concern in the fields of rural affairs, climate change and the environment. I have a natural interest from a constituency point of view in how this works. For example, SEARS—Scotland's environment and rural services—is a partnership of nine organisations that are beginning to work together to deliver in our area so that there are far fewer visits to farms, crofts and the like. That way of working began across Scotland before the last election and represents a major change in the way in which the necessary regulation of farms and crofts should take place. I am delighted that it has been possible to do that, with the help of the regulatory review group; SEARS, which was set up by the Government, ensures that those nine organisations collaborate and do not send nine people at any time across the calendar to visit a farm.

I am glad that the carbon capture and storage project board has been joined by Professor Griggs, because that is one place where local authorities work together. It was all very well for Mary Scanlon to suggest in her intervention earlier that COSLA has not responded to the regulatory review group but, on the question of piping away CO₂, the local authorities that might be affected by such moves have agreed to co-operate on simplifying the planning processes to allow that to happen. That is another win-win situation should we ever get to a stage of being able to take carbon capture and storage forward.

I was very interested to read in the regulatory review group's report about the end-of-life vehicles exercise that SEPA has effected. That will become very important in my work, because the Rural Affairs, Climate Change and Environment Committee will be looking at the Zero Waste (Scotland) Regulations 2011. Dealing with vehicles at the end of their life in a fashion that will help properly set-up vehicle breakers to carry through their important work has huge environmental implications, as do cowboy operations, which are something that we must try to stop. The beginnings of that work have been shown to be successful. SEPA has become much more customer friendly and its processes have become much more streamlined, which I think many people celebrate.

The question of small businesses and small communities has been raised in a number of ways. I put it to members that local authorities can break down contracts into bite-sized bits that many

smaller organisations and businesses, such as architects, could tender for. I believe that it is fundamental that our local authorities take those chances, because I have seen examples in Highland where that sort of thing has not happened, to the detriment of many local farmers.

John Park: I think that we are all in agreement on that point. One of the challenges that we have just now is that, to try to achieve greater efficiencies, there is a push to group contracts together, which perhaps excludes employers who have bid for them in the past.

Rob Gibson: There is no doubt about that. For example, in school transport, local drivers with 40 years' knowledge are outbid by other people who win big contracts and then subcontract them and drive down the costs by giving the drivers much less money. There are many other examples like that.

The bringing forward of the bill in 2013 at the behest of the Federation of Small Businesses and local authorities will give us the chance to see what the best structure should be.

I want to move on to two things that Professor Griggs said that I think are very interesting, because the EU has been mentioned already. Professor Griggs has pointed out that the EU audit trail issues that affect so many of our people who apply for grants under the Scotland rural development programme are additional regulatory burdens. Moreover, the EU auditors have never been in at the initial stages of creating the legislation. The lesson for us from that is that the audit approach must be built in at the earliest stages. The debate about the bill in 2013 will have a major bearing on that. Secondly, we must use our influence in Europe to ensure that the regulations that are put in place have those audit matters built in.

I move on to something that is also international and also a climate change issue: the way in which legislation regarding shipping and the marine environment is affected. I had a very useful meeting with the British Chamber of Shipping recently and, in a follow-up, it talked about the development of marine management. Adrian Lester said to me in a communication:

"While developed from a common legislative and philosophical base we have noticed distinct differences in the approach of Marine Scotland versus that of Defra and the MMO in the implementation of marine planning, including offshore renewable energy and marine conservation. The holistic view and evidence based approach of Marine Scotland is refreshing and extremely positive."

The point is that there are ways of reducing regulation by ensuring that the 85 acts that apply in the marine area are dealt with by one body. We have too many side issues, such as the Crown

Estate. Marine Scotland sets up a process that is holistic and should be able to take this forward. That is one of the reasons why constitutional change has got to be borne in mind in this debate.

10:39

Elaine Murray (Dumfriesshire) (Lab): I, too, welcome the opportunity to take part in the debate and I congratulate the regulatory review group on its work in producing its annual report for 2011. As others have said, the group is chaired by Professor Russel Griggs, who is an eminent constituent of mine. Hearing the wind roaring above, I am not surprised that he may not be in the chamber to hear the debate. As an aside, I note that Professor Griggs was also instrumental in the early days of getting the University of Glasgow to move on to the Crichton site, so we are all very grateful to him down in Dumfries and Galloway for his work on that as well.

Like Fergus Ewing and Rob Gibson, I am aware of the work that SEPA is doing to move to a more risk-based regulatory regime, which has the twin benefits of increasing the efficiency of the organisation—achieving efficiency savings is extremely important at the moment—and minimising unnecessary intervention. In the past, some businesses and land managers have viewed SEPA as an inhibitor of their enterprises and have mentioned the organisation's name in a slightly derogatory or unhappy manner. If the new approach is successful—I very much hope that it is—the agency should be seen, increasingly, as an enabler rather than an inhibitor of enterprise. As the RRG's annual report notes, that approach involves enabling compliance through

"early engagement and the provision of front-loaded advice".

It is a highly refreshing approach.

Too often in the past, regulatory bodies felt constrained in offering advice to clients because they had the job of enforcing regulation. I recall a specific example of that. After the passage of the Regulation of Care (Scotland) Act 2001, I received complaints that the Scottish Commission for the Regulation of Care was less prepared to offer advice and help to care providers than local authorities and health boards had been. I think that it felt constrained in that regard because it was the regulatory authority in that sector. I hope that the work that SEPA has been doing in applying legislation in a proportionate manner and reducing regulatory burdens through dialogue and advice can be transferred to other regulatory bodies, and I will be interested to see how that feeds into the proposed better regulation bill that is to be introduced in the next year or so.

Although I would like the impact of unnecessary regulation and bureaucracy on the providers of goods and services to be reduced, I will resist being drawn into the trap of implying that all regulation is a bad thing. The Labour amendment makes reference to how regulation supports equal opportunities. It also mentions public procurement regulation, which can be used, as Rhoda Grant said, to encourage the use of locally sourced foods or, as John Park said, to promote employment practices such as the payment of a living wage.

Regulation also protects consumers and employees, as has been said. Without it, there would be no minimum wage and no statutory rights to days off or to maternity or paternity leave. I agree with Mark McDonald, who is no longer in the chamber, that a load of baloney is talked about health and safety, the fear of which sometimes results in certain activities—such as going on school trips—not being undertaken. The Health and Safety at Work etc Act 1974 was passed 37 years ago and the fear of prosecution under it is greatly exaggerated. In fact, it is the increasing use of civil litigation in the event that things go wrong that is causing problems for many public sector authorities. That tendency, which seems to have been imported from across the Atlantic, has had extremely unfortunate consequences for many activities that children and young people used to greatly enjoy, which now cannot be accessed.

An early recommendation of the RRG was the introduction of business and regulatory impact assessments, which were implemented in 2010. The RRG has examined progress on the issue. According to its annual report, which was published yesterday, 80 per cent of the primary legislation that has been introduced since April 2010 has undergone a BRIA, but only 57 per cent of the secondary legislation has done so. That is a matter of concern. It needs to be asked why, at times, the Scottish Government seems to refuse to apply a BRIA to policies that directly affect business.

I listened to what Fergus Ewing said in response to Gavin Brown's intervention. He said that only 0.1 per cent of premises would be affected by the proposed public health levy, but we are talking about retailers that are big employers. If they are affected, that may affect the employment prospects of many people. A negative BRIA should not mean that actions should not be taken if the legislative proposal would have significant advantages in other respects but, at times of economic difficulty, the effects of regulation on economic growth and employment opportunities should at least be assessed and placed in the balance.

Given that the Government has introduced the Alcohol (Minimum Pricing) (Scotland) Bill, I hope that it will undertake a BRIA on the consequences of the introduction of minimum pricing in Scotland alone and, in particular, on the impact on retail businesses that are situated near the English border, such those in my constituency. Irrespective of the merits or otherwise of minimum unit pricing, there is a strong likelihood of a negative impact on retailers in the south of Scotland in particular. Many of my constituents have told me that, if it comes in, they will shop in Carlisle. The town already has cheaper petrol, and if it has cheaper alcohol as well, there will be a considerable incentive for people to go south to shop. That will affect not just supermarkets or alcohol sellers but all small businesses in Dumfries and Galloway. Once people get to Carlisle, they will be inclined to use the other shops there as well, which will have a negative impact on small, independent businesses in Dumfries and Galloway, particularly in the east.

I ask the Government not to run away from business and regulatory impact assessments just because they might provide evidence that is contrary to its policy objectives. It is important to make decisions on the basis of all the information and to understand how it might be possible to mitigate the consequences if the legislation is passed.

I support better and more proportionate regulation, but I also support regulation as long as it fulfils the appropriate conditions and is in the greater public interest. I will therefore support—not surprisingly—the amendment in the name of Rhoda Grant.

10:46

Chic Brodie (South Scotland) (SNP): May I first dispense with the rather cheap and puerile jibes in Mr Brown's response to my intervention? I assure him that the only thing that I carry in the chamber is the burden of listening to poor and weak economic and business arguments from the Tory benches week after week. I turn up to see how bad those arguments are, so Mr Brown's contribution today justified my attendance. As for his rather weak and selective quotation from the Economy, Energy and Tourism Committee, he should do the chamber justice by repeating the much wider contribution in which my comment was made. My point was made, and it still stands.

I welcome the debate. I used to go round trying to fix companies that were in trouble and the first thing that I always looked at was the people who ran the company and the people who were in it. I looked, secondly, at the processes and, thirdly, at the paperwork. The focus was always on growth and revenue, marketing and reducing costs,

particularly paperwork costs. It was with some surprise—although maybe it is not surprising—that I noted that the Tories' amendment sets about doing the opposite, aping their big brothers at Westminster, who claim that they seek to radically change employment law but, yet again, are adding to the bureaucratic burdens, particularly on small businesses.

Gavin Brown: Will the member give way?

Chic Brodie: No, let me carry on for a few minutes. I look forward to Mr Brown's intervention—I cannot wait. I am full of anticipation, but he should let me proceed for a few minutes.

Some examples of measures in the proposed legislation are a law that introduces fees for individuals who want to bring cases to employment tribunals and a law that will allow consultation on the level of fees. That is a lawyer's dream and a businessperson's nightmare.

Regulation should work for business and not against it. Regulation should be designed to support economic growth and business growth and should not stifle or choke them. We need better regulation, be it of pensions, employment, health and safety, the environment, energy, procurement, quality or delivery. As the minister said, it is regulation collaboratively developed that is required.

Gavin Brown: The member said that our amendment simply apes our big brothers at Westminster. I draw his attention to our amendment in the *Business Bulletin*. We accept Fergus Ewing's motion in its entirety, including the point about deregulation in Scotland. All that we are doing is pointing out something from the regulatory review group's annual report and calling on the Government to have BRIAs for the retail levy and the empty property relief levy. How have we aped Westminster with our amendment?

Chic Brodie: You probably have not with the amendment, although the aping is quite clear, not just on this issue but on many other things.

Better regulation is needed, for example of pensions, as I mentioned. We need new and properly qualified regulations, led by the reform body and enshrined in the proposed new bill, placing significant powers for the enforcement and interpretation of regulation on local authorities. Before Mr Brown starts jumping up and down again, that is not an additional cost; it is, believe it or not, preventative spend.

The proposed bill must ensure no more gold plating of European business regulations. Can members imagine how much we would save by eliminating and making redundant the whole exercise that goes on in London whereby

European laws are amended to suit UK regulatory laws? Of course, an independent Scotland would not incur that cost.

Richard Baker (North East Scotland) (Lab):

Does Chic Brodie agree with the First Minister's previous statement that, in the years before the crisis in the banking sector, the banking industry had gold-plated regulation and not the light-touch regulation that we would have in an independent Scotland?

Chic Brodie: I hear the point that the member makes, although I do not understand it.

If new regulation is introduced, it should be properly specified. A timescale for monitoring and auditing it appropriately should be set, so that inefficiencies—and the regulation, if need be—can be eliminated.

We cannot have a free-for-all on regulation, which would result in inefficiencies, poor quality and reliability standards, tax avoidance and poor customer care. That would not promote employment opportunities or sustainable growth. That is why we need less and better regulation, joined-up regulation, easier regulation and a digitally based communication mechanism that allows people to comprehend rules and regulations.

We need a focal point to provide with ease instructions, whether on human resources issues or form filling, and other support to businesses that need support from appropriate authorities, for example trading standards and the business gateway. A clear statement needs to be made on the likely penalties for malpractice, whether failure to meet regulatory or quality standards or to conform to legislative practices.

Regulation must be reasonable, regular, responsible, relevant and realistic. We must be reasonable by minimising legislation, which must work with and fit all the tangential rules. Rules must be regular by being understood through consistent application. New laws must be responsible: they must be designed so that everyone involved—the Government, businesses and regulators—understands that they are properly qualified and risk assessed, and they must be adapted and made obsolete if they are ineffective. Rules must be relevant: each guideline, law and rule must be revealed to have a clear motivation and to be easily implemented and manageable. Legislation and regulation must be realistic by being focused and measurable.

The better regulation bill should provide a one-off opportunity for critical risk assessment of rules that affect Scottish businesses, in particular small businesses, which do not have experts in HR or employment law. All the bodies that are concerned with public procurement, public contracts

Scotland, the construction sector and the retail sector should be consulted on and heavily involved in the new bill.

I support the motion.

10:53

John Wilson (Central Scotland) (SNP): I welcome the debate, which centres on the regulatory framework. It is worth acknowledging that the Scottish Government's emphasis differs from the UK Government's approach to business regulations and especially from the UK Government's somewhat prescriptive highlighting of the importance of deregulation.

The importance of regulation should not be diminished. After all, a somewhat poor and lax UK regulatory framework gave us the financial banking crisis that has caused the systematic problem that has impacted on the global economy, the consequences of which we must all live with. Even now, confidence in the financial system is not especially helped by recent events, such as the demise of the MF Global financial group, whose client moneys are unaccounted for.

The Scottish Government has a better-regulation policy, which of course focuses on sustainable growth. Many business organisations complain to me about business bureaucracy that puts roadblocks in their way. As in most things in life, it is the little things that matter for enterprises such as south Dalziel church studio, in Motherwell—a good, local social enterprise—which cannot publicise itself effectively because of restrictions that the local authority planning department has placed on it.

The regulatory review group's report this year takes up that issue—I am disappointed that the minister is not in the chamber to hear this point. The report states:

"We will also continue our work with Local Authorities and COSLA although the future of the Regulatory Forum, including the work of the 5 work streams, remains unclear. Local Authorities play a key role in delivering better regulation across a wide area for businesses so have to be engaged and fully committed to the five key principles of better regulation. Consistency is one aspect which is central to that."

My colleagues David Thompson and Angus MacDonald, also made that point.

Work must be done with other agencies and local authorities to ensure that the regulations introduced by this Parliament are carried out as they were intended to be and not as defined by 32 different local authorities or—as we heard in an earlier example—by head teachers in various schools deciding on what local policy on health and safety should be. Work should be carried out consistently throughout Scotland. When examining

the future of the regulatory framework, we must be careful about what we wish for. A consistent approach to regulation is needed, and I know that that is a key principle for the Scottish Government.

In contrast, the UK Government seems to want to get rid of red tape. No one likes red tape, but that emphasis on deregulation can be extremely dangerous. Significantly, the employment regulations announced in the autumn statement involved reviews of tribunal hearings and a shortening of the collective redundancy process. Loosening employment protection legislation is not a guaranteed way of creating jobs. In fact, the evidence suggests that there is little correlation between job protection laws and actual employment levels. With regard to laying firm foundations, it is worth observing that the World Bank put the UK on a high rating for ease of doing business. Some people might say that the perception of an overregulated economy does not quite match the reality.

The Scottish Government still has lessons to learn, and the support offered by the regulatory review group will be invaluable in supporting better regulation. The group's 2011 annual report states that it has worked with organisations that enabled it to progress matters. It notes in particular the work that it has undertaken with SEPA. We need to address the problems identified by businesses, but that should involve a measured, fact-based approach, rather than opinion dressed as fact.

Regulation clearly has a role in any market economy, and a regulatory framework is also required to ensure that matters are conducted in a transparent manner. As I have said, we need to strike a balance between the interests of business and those of the wider society. The Scottish Government has a good track record of ensuring that the practical priorities of business are given an increased focus. The development of an online, one-stop financial information service will signpost a better investment basis for Scotland's business sector.

I look forward to the proposed bill on better regulation, and I embrace today's timely debate. I hope that many of the issues that have arisen will be taken forward to create a regulatory framework that strikes the necessary balance between the vested interests of business and those of the consumer and wider society. I hope that it will not provide an excuse, under the guise of cutting red tape, to dismantle many of the advances that have been made in employment regulations and rights to protect workers in Scotland and the UK. I support the motion in the name of the minister.

10:59

Helen Eadie (Cowdenbeath) (Lab): I was going to start my speech by saying that this debate has proved that we can be relatively consensual when we set our minds to it, but in the light of some of the contributions this morning, that might not be the case. However, we know that the prize involves the Government and public services working collectively towards creating a more successful country, with opportunities for all to flourish, while seeking to ensure sound protection for our communities. People who have disagreed with the front-bench spokespersons today need to reflect on that.

In contrast with some of the back-bench contributions, the contributions from members of the front bench were quite consensual, and I congratulate them on that. Anyone who has watched any of the BBC's "Rip Off Britain" programmes will know how far we need to travel to protect our people. That point was well made by John Park when he referred to the OECD. I did not appreciate just how low down we were in the league table, and we should all take special cognisance of that.

I groaned when the whip's office phoned me yesterday, pulled my arm up my back and said, "You're speaking in the debate tomorrow." I thought, "Regulatory review? Oh no!" However, I am here, having burned the midnight oil last night after a very long day. I congratulate the review group, which has worked so hard. I was really quite fascinated—eventually—as I started to work my way through the report.

The group has been working to apply regulations in a way that addresses social and environmental needs, supports business growth and protects consumers. A considerable proportion of the regulations that apply in Scotland come from the European Union and the UK. I believe that the citizens of Europe have much to be grateful to the European Union for. Environmental regulation is one of the best examples of regulation that has made a huge difference to people in Scotland. Whether in relation to the quality of our bathing beaches, air quality or waste directives, there is much to appreciate in our membership of the EU, and much would not have happened if we had not had that driver.

I agree with John Wilson, who made the important point that the Scottish Government needs to take the regulatory review group very seriously. One of the approaches in the report that attracted my attention was the four nations forum. The forum was established by the regulatory review group two years ago, and the Parliament, and we as parliamentarians, could copy many aspects of its work.

Being part of the UK with our own particular ways of doing things means that it is sound to share best practice between the nations. We should consider how to engage as a Parliament in precisely the collective manner that the regulatory review group has done. That would bring obvious benefits, as it would ensure that we each know what is being done separately, while collaboration would benefit all who are involved in the implementation of regulation.

The regulatory review group recognises that as a particular issue, given that the Conservative-Liberal coalition Government is implementing regulation that is not applicable in Scotland, which the group says is the cause of some confusion in industry. We should hold on to that particular thought and, as parliamentarians, replicate the four nations' working relationships and initiate communities of interest across the UK.

Dave Thompson raised an important point about Consumer Focus Scotland and I urge the minister to reflect on that. I too have worked with that organisation and we should not just throw it out.

I note that the Government proposes to

"bring forward a Better Regulation Bill in 2012-13, following detailed dialogue with national and local regulators, COSLA and local authorities and the business community".

I agree with the Government's aim that

"There is scope to improve further the way regulations are applied in practice across Scotland, by better defining national expectations and standards and the context for local variations."

I understand that the regulatory review group has been part of the driving force behind that, and I note that the group is keen to see the outcome of the consultation. It is hopeful that that will

"enable key aspects of national legislation to be implemented uniformly across Scotland unlike just now where a wide range of implementers develop their own processes and procedures."

The group hopes, not unreasonably—as Nigel Don rightly pointed out—that if it is to be responsible for implementation, it should be involved closely in the creation of the legislation. We have heard—as the Tories and Rhoda Grant have said—that one of the most important on-going tools is the business regulatory impact assessment, which ensures that legislation is being correctly assessed and that the impact is measured prior to introduction. Therefore, we need to ensure that the assessments for all appropriate legislation and regulation are completed thoroughly.

The regulatory review group is working with Scottish Government officials on the first formal review of business regulatory impact assessment. I understand that that review is under way, and I

note that the project plan and methodology have been discussed with the review group.

I rather think that Mark McDonald mixed up article 12 of the EU directive with article 19, which is specifically tailored to make it legally possible to provide clauses in procurement contracts. As John Park said, we have a tool in our hands to make it possible to enshrine in regulations in Scotland provision in every public procurement contract for disabled people. That would give disabled people the care and attention that they should be given to protect and safeguard their jobs. I know that the Government has done some work on that, because I met the minister on the issue. However, to be truthful with the minister, I feel that his Government is moving slowly on the matter. It could move much more quickly by taking up that particular point.

The Deputy Presiding Officer (Elaine Smith): Will you come to a conclusion, please?

Helen Eadie: Our amendment addresses that issue, which is why I am happy to support it and will vote for it at decision time. I hope that the minister will take on board those points about sheltered employment and public procurement contracts.

11:06

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I welcome today's debate. Unlike Helen Eadie, I am a willing and keen contributor—there is absolutely no need for strong-arm whips in the SNP. However, I thank her for the image that she provided of the conversation that she obviously had with Mr Park. She mentioned that the debate has been more or less consensual, which is to be welcomed, as that is obviously a good way to proceed. There is disagreement, but there is a lot of agreement as well.

Rhoda Grant mentioned that the debate might be a little dry. I must confess that, when I first saw the title, I probably came to that conclusion, too. However, the nature of the subject matter does not make it any less important. It is important that we have the right regulatory framework for business and that we protect the interests of the people. That is the approach that the Scottish Government has taken. It is about trying to strike the correct balance between creating the climate for economic growth and protecting the interests of the people.

Much nonsense is said on a regular basis about regulation. A great mythology has built up around the issue. I will not go into detail on that, but I thought that Mark McDonald and Nigel Don did a good job of demonstrating the nature of that mythology. It is important that we reflect that in our speeches. While I am talking about my colleague

Mark McDonald, I say with respect to Helen Eadie that she picked up Mr McDonald's point incorrectly. I think that he correctly referred to article 12. If she reads the *Official Report*, she will find that there is a lot of consensus between her and Mr McDonald on that point. I do not mean that in a critical sense; I just point it out for the record. Never let it be said that Mr McDonald's knowledge of the various articles of EU legislation is anything other than exemplary.

I referred to the balance between creating the climate for economic growth and protecting people's interests. There is a tendency to think of those as competing principles, but John Park made a very good point when he set out that many countries arguably have greater regulation than the United Kingdom while definitely having greater economic growth. Therefore, the two principles should not necessarily be viewed as competing. Dave Thompson made the good point that regulations are often in the interests of business, so it would be wrong to say that regulations are automatically contrary to the interests of the business community.

The aim of striking a balance typifies the Scottish Government's approach to regulation. Indeed, as Margaret McCulloch said, it probably typifies the Scottish approach. That approach has influenced the Scottish Government's proposed better regulation bill, which will be introduced in due course. I understand that the bill has come about through dialogue with national and local regulators, COSLA, local authorities and the business community. That again emphasises the consensual approach to the issue not just in this chamber, but in the wider community.

Mary Scanlon: On the consensual approach of COSLA and the regulatory review group, COSLA has still not responded to the findings and recommendations that were issued by the regulatory review group earlier this year, as stated in this week's report.

Jamie Hepburn: Mary Scanlon has put that on the record. If she is asking me to speak for COSLA, she is asking the wrong individual, because I am not here to speak for it. Although there has been consensus today, we have heard that there is not quite the same level of consensus among the Conservatives.

The bill is a response to calls from business, demonstrating the consensual approach that is being taken. The FSB has stated the need for a stronger duty to comply with the principles of better regulation and an end to legislation that charges local authorities with designing and implementing 32 separate regulatory regimes to achieve the same policy objective. Dave Thompson made that point very neatly. It is not about doing away with regulation; it is about

creating better regulation. That is the purpose of the regulatory review group, which has stated its overall aims as being about

“creating a culture and environment in Scotland where both business and Government (in all its forms) work together to create better regulation for all; and in doing that, make Scotland recognised as the leading country in Europe in terms of better regulation.”

That agenda is shared across the board.

As the minister set out clearly, SNP members do not agree with getting rid of regulation for the sake of it, although that typifies the antipathetic approach to regulation that we have seen from the UK Government. It has justified that approach on the premise that it will promote growth in employment and in the economy as a whole. However, recent announcements from the Office for Budget Responsibility—and, for example, the autumn budget statement, which we debated yesterday—identifying continued slow growth suggest that that approach is not working.

How much longer do I have, Presiding Officer?

The Deputy Presiding Officer: About 30 seconds.

Jamie Hepburn: Okay. Having mentioned the Tory approach south of the border, I turn quickly to the amendment in the name of Tavish Scott’s ideological soulmate, Gavin Brown. I agree that there is merit in the business and regulatory impact assessment approach, which is a useful one. However, the amendment requests that the Scottish Government explain why that approach has not been taken, citing the specific circumstances. We do not need the amendment now, as that has been achieved: the minister has said clearly that such an approach would be disproportionate and unnecessary. Frankly, the amendment has more to do with Tory antipathy to the measure than the issue of regulation and, on that basis, I will not support it.

I will support the Scottish Government’s motion this evening.

The Deputy Presiding Officer: Before we turn to closing speeches, I remind members that, if they participate in debates, they should be present for closing speeches.

11:14

Mary Scanlon (Highlands and Islands) (Con): The debate has been mainly constructive, with some excellent speeches. Angus MacDonald made a first-class speech, as did Elaine Murray, Margaret McCulloch, with her background of business experience, and Tavish Scott. We all welcomed a first-class speech from Helen Eadie, who is a convert to regulatory review. I say to Chic Brodie that, when the hole gets 6ft deep, he

should stop digging. We welcomed Rob Gibson’s point regarding the reduction in the number of inspections of farms and crofts.

In preparation for the debate, I looked at pages 3 and 4 of last year’s annual report. They highlight the fact that legislation forced the care commission to undertake a specific number of inspections each year. The number of inspections was then reduced. However, after recent experiences at the Elsie Inglis and other care homes, and after the excellent report by the Health and Sport Committee into care inspections, the reduction in the number of inspections each year was reversed after only six months. Reducing inspections is not always appropriate.

I see a significant difference between regulation and inspection. Overregulation—which others have mentioned—and unnecessary regulation can impede business, jobs and economic growth. We would welcome and support a reduction in regulation. However, the inspection of care homes is a different matter; it helps to ensure quality standards and a quality of life for many vulnerable people in Scotland. I would no more wish to see a reduction in the number of inspections of care homes than a reduction in the number of school inspections by Her Majesty’s Inspectorate of Education.

Rhoda Grant spoke about the regulatory review group, and I hope that it will consider more specific cases as well as considering overarching organisations and organisations such as SEPA. I agree with Rob Gibson: SEPA has undoubtedly moved towards having a much more positive partnership approach across Scotland in recent years.

As others have said, all 32 local authorities can have different interpretations of planning issues. Some developers seem to face myriad obstacles over many years before achieving planning permission, while others sail through the process with no glitches. An example that the minister will be familiar with is that of Asda. Asda was unable to set up in Thurso, was unable to set up in Tain, and has taken almost seven years to get permission to build in Inverness, where it is opening next autumn. In addition to its overarching approach, it might be of benefit to the regulatory review group to pursue the experience of one organisation and the bureaucracy and regulation that it has faced.

On page 3 of this week’s report, on the subject of working with local authorities, concerns were raised about local authorities’ interpretation, implementation and enforcement of regulations. The regulatory review group decided to consider a nationally agreed approach. That decision was unanimous. I therefore put on record again, as Professor Griggs said, that it is disappointing that

COSLA has not yet responded to the paper, despite its being submitted to COSLA earlier this year.

That reminded me of the historic concordat, which is so historic that I cannot remember the last time that it was mentioned. However, I am sure that the minister will resurrect the historical concordat today.

I note that a bill on better regulation is to be introduced in 2012-13. Alongside the bill, I hope that we will see a new culture in the public sector for better working together. The old silos of the NHS and social work, for example, have not been helpful in the pursuit of an integrated approach in which the patient, client or customer is at the forefront or the centre of the service. It is worrying that the chair of the regulatory review group also said that local authorities play a key role in delivering better regulation across a wide area for business, and so have to be engaged and fully committed to the five key principles of better regulation.

I mentioned the lack of response from COSLA, and it seems clear that a culture of understanding, respect and collaboration will be needed before any legislation on regulations is passed. Without such a culture of commitment, understanding and working together, there will be no improvement.

Another point that I picked up from Professor Griggs is that, unfortunately, bilateralism and not multilateralism is the norm, and that is not the best way to resolve challenges.

How many times since 1999 have we asked the Scottish Executive and now the Scottish Government—and I do not totally blame either—to take the lead in introducing, for example, single information technology systems in the national health service and elsewhere? That is also raised in the report; I hope that it will be listened to. In difficult financial times, such action is not only more efficient, it is more effective and it saves money.

11:20

Richard Baker (North East Scotland) (Lab):

The debate has largely been constructive. Given that the work of the regulatory review group is focused on technical issues of implementing legislation and monitoring compliance, the debate has, as Mary Scanlon suggested, been quite lively. There has been debate on the clarity of Scottish Government policy, good ideas from across the chamber on improving regulatory practices, and criticism of some areas of the Government's approach. As always, I will be a voice of conciliation and consensus.

There can be no doubt that real progress has been made as a result of the regulatory review group's activity since it was established in 2004 by the previous Executive and then continued by the current Government. The group has focused on its requirement to ensure that we are not overburdened with unnecessary regulation, but that we have in place the safeguard of a healthy regulatory framework.

The need for that balance was referred to by a number of members, and well summed up in the FSB's submission, which stated that we need a regulatory regime that correctly balances protection of the public, employees, and the environment with the necessary conditions for economic growth. Those are key principles and the review group's work has focused on enhancing their operation in Scottish society.

We have all heard in the past about great ambitions in this area. All parties at various stages have had ambitions for a one-in, one-out approach to regulation. Gavin Brown was right to say that the Scottish National Party had a one-in, one-out policy; we had that policy, too, so in a rare moment of solidarity with the minister, I recognise that it is right that thinking can evolve. I find myself rather more in agreement with the minister's comments today. A one-in, one-out policy on regulation is easier said than done but we will see how the UK Government proceeds.

Legislation can introduce valuable regulation, such as that which protects the public and provides safety at work for employees. Mr Ewing rightly referred to ensuring that workers are not placed in dangerous situations such as handling asbestos, for example. Families in Scotland are still dealing with the fall-out from that today. Mark McDonald referred to health and safety in the oil and gas industry, which we are both aware of. There are concerns about the HSE's budget being cut in that area. Regulation is important in a range of areas.

John Park was right to say that deregulation will not be a panacea for our economic ills. At the same time, no one wants unnecessary regulation that hampers businesses and the operation of necessary regulation. It is therefore right that the RRG has worked to create better regulation for all.

This morning's debate largely reflects the fact that the RRG has sought to achieve consensus on its work among the various agencies with which it has worked successfully, as well as politically. That is evident in the group's diverse membership, which includes Stephen Boyd of the Scottish Trades Union Congress. Russel Griggs has worked hard and effectively to ensure cross-party backing for the broad approach that the group has taken.

I cannot touch on every theme that has come up in the debate or everything that the report has raised in the time that is available to me, but I will touch on a few things. As parliamentarians, we must be conscious of the impact of the legislation that we pass on Scotland's regulatory landscape. I am therefore pleased that the group is asking whether the right people are involved when legislation is being initiated, including those who will be responsible for its implementation.

The group asks whether we are framing legislation in a way that will aid regulatory efficiency and whether there is too great a prevalence of enabling legislation. In my opinion, that has been an increasing trend not only under the Scottish National Party Government, but throughout the Parliament's history. Finally, and most fundamentally, the group asks whether the legislative process is fit for purpose. Therefore, there are important questions for ministers, the whole Parliament and individual agencies.

Agencies are already making progress through working with the group. I am a member for North East Scotland and am very much aware of the importance of the regulatory framework in the farming industry, to which Rob Gibson rightly referred, and land management. It is pleasing to see progress on the issues from SEPA and others that are referred to in the report. It is not only the clients of those agencies who benefit from better regulation; it is clear that the agencies themselves are seeing a material and positive difference in the results of their work through collaboration and changing strategic approaches to the implementation of regulation.

The report highlights the need for national consistency in the implementation of regulation. A number of members have referred to that. That is why such a focus is correctly placed on the work stream on consistency, and why the joint working group's engagement with COSLA is clearly so important. Variation in the application of regulation not only frustrates individuals and businesses; the confusion that can result impacts on those who are implementing the regulation. The report is therefore right to call for national co-ordination, with a ministerial lead often being important. Of course, that must also be informed by the experience of the local authorities and others who are responsible for implementation. A number of examples are given, but licensing stands out. That is one reason why we have long called for a national licensing forum. I hope that that development and similar developments in other areas will arise, given the importance that the report places on consistency of implementation.

I would like to touch briefly on business and regulatory impact assessments, which members have mentioned and which the report highlights as

being of great importance. The report welcomes the increased use of business and regulatory impact assessments, and the group will look at how ministerial exemptions have been used and how the system may be improved. I am sure that we can all agree that those assessments are important. As such, although we have not come to a final view as a group on the proposed new retail levy, we believe that Gavin Brown's amendment makes reasonable and sensible points that we hope that the Scottish Government will accept.

Mark McDonald: Will the member give way?

Richard Baker: I am sorry, but I cannot do so. I have only a minute left, and Mr McDonald would not take an intervention from us, so there are some false tears from SNP members.

As Rhoda Grant outlined in her speech, our amendment refers to our desire for a procurement bill, which we hope would streamline processes for businesses and bring benefits in other areas, including the promotion of contracts for local businesses, the use of article 19—Mr McDonald should take note that Helen Eadie was right about that, too—and, of course, the promotion of the living wage. Tavish Scott made key and important points on that issue. At the moment, our procurement processes are too often a hurdle and obstruction for local businesses when they should be an opportunity. That is why we agree entirely with Tavish Scott that the Scottish Government needs to take a different approach. We look forward to the procurement bill, which we hope will improve matters, and to the better regulation bill.

In conclusion, it is clear that there is a great deal of work to be done in this important area to get the balance right and not to overburden people with regulation, although we should recognise the great importance that regulation can have not only for a successful Scottish economy, but for the quality of life in our society. On that basis, we join members across the chamber in their variety of ways of expressing congratulations to the regulatory review group on its work.

11:28

Fergus Ewing: For just over two hours, we have heard the wind rattle and roar—outside the chamber, things have been quite lively, too.

The tone in the debate has been largely positive and moderate. I echo the comments that were made in the two speeches that we have just heard. The majority of the speeches that have been made have been useful, positive and informative, and a number of arguments have been made that we should certainly pursue together.

That approach was begun by Rhoda Grant. I have had the opportunity to listen for protracted periods to Rhoda Grant's contributions in various forms over the years. She is always worth listening to, and today was no exception. She was right to point out that we need to address the challenges, procedures and processes of marine energy—Rob Gibson talked about that as well.

I am pleased to inform Rhoda Grant and the chamber that, at my instigation some weeks ago, a short-life working group was set up to look at precisely those matters. I hope that it will reach its conclusions fairly early in the new year, thanks in part to the good offices of Russel Griggs who, with me, chairs the group. It will work on an issue that could hardly be of more importance to Scotland, given that potentially tens of thousands of jobs will be created in Scotland, not least in the Highlands, as Mary Scanlon well knows, and in Caithness, as Rob Gibson remarked yesterday. Such things are important. As far as the opportunities off our shores are concerned, we want Scotland to be the best place in Europe to do business. I think that we all share that objective.

Rhoda Grant went on to raise a theme of the debate: procurement. She did so in a positive way, and I intend to address the remarks of the members who made largely positive contributions. Her remarks about procurement raise serious issues. As Mark McDonald indicated, we instinctively support many of the aims that she wishes to take forward. It seems to me that the approach that we should take is to work together to pursue the issue in detail—of course, the detail is where the devil exists. Rather than simply demand that a bill be brought forward, it is more important that we work out what the bill should do. I think that that is the correct procedure.

I look forward to working with Rhoda Grant. I undertake that I will pass the *Official Report* of this debate to Mr Neil—as I speak, officials will rapidly be taking a note to do so—because many members made useful comments that should be followed up and not overlooked.

Gavin Brown pointed out some of the good work that the Westminster Government has done. He gave the example of removing the bar on credit unions using e-mail and electronic communications. That is a good example of the sort of measure that we would all support across the party barriers. It is not really for me to praise the Westminster Government—even though, as members all know, I am a very fair-minded person. To be serious, I am more concerned about doing right in Scotland than spending time on criticising what others may be doing wrong elsewhere. That is the approach that I take.

I wanted to stress that point in coming to a pledge that I make to members. This is an

important pledge to indicate how together we can address all the topics in this debate. When I receive from any member of this Parliament, no matter in which party, a detailed critique of a particular regulation or piece of guidance with which the member perceives there is a problem, and when I receive a detailed analysis of the problem, regardless of whether it is the member's point of view or a matter that has been taken up on behalf of the constituent—which form perhaps the greater number of such representations—I will take it very seriously indeed.

That is the sort of thing that members would expect me to do, and it is the sort of thing that I should do. I am sure that my predecessors in different parties have taken the same approach. The point is that looking at specifics is far more useful than railing against thunder in a general sense. Having a rant about red tape in general does not take us further; in fact, I think that it takes us backwards because, instead of having a focused debate, we have an inchoate debate that is of little, if any, use.

I will respond to some of the specific points. Angus MacDonald made a solid contribution about small business. We are acutely aware of the importance of serving the needs of small businesses. The small business bonus helps 85,000 businesses. It is an excellent policy, and we will maintain it for five years.

One of the first meetings that I had was with Colin Borland of the Federation of Small Businesses, and since then I have met him many times. I will meet the small business consultative group next week or the week after and we will discuss many of the matters that have been raised. I will ask officials to study the *Official Report* of the debate, because many members mentioned small businesses. Constituency members, in particular, hear stories from small businesses—perhaps hearing one side of the case. One does not have to be a lawyer to know that there are always two sides to a case; every MSP knows that. However, I want to pursue all the general points with the consultative group.

Dave Thompson made informed comments, as we would expect, on consumer protection and the proposed changes. The UK Government has published plans to restructure the consumer landscape, and we are keen to negotiate a transfer of powers and funding—the two are inextricably linked. I think that time is pressing for a concrete exchange of information about the funding; I say that not as a criticism of the London Government but to relay views that I have heard from local authorities, which need to know where they stand if they are to take over responsibilities, so that they can make practical arrangements in that regard. The UK Government has indicated

that it is willing to discuss the issues and we will work with all stakeholders to examine all the options and devise a system that delivers the best for Scotland as a whole.

I do not think that Gavin Brown mentioned empty property relief—I apologise if he did—although the issue is mentioned in his amendment. No ministerial decision has been taken on whether a BRIA will be conducted for reform of empty property relief. Of course, in relation to that issue and the public health levy, consultation is going on, as part of the draft budget statement. I do not propose to go into all the arguments about the public health levy, which is not the focus of this debate. I note the points that were made and I could respond and bring in extraneous matters. We are consulting and we are listening carefully, but we think that the proposals that we have put forward are right for Scotland.

I welcome much of what John Park said. In particular, he made the point that workforce representatives must be involved in what is not and never should be a business-only activity. It behoves us to consult workforce representatives. I took that approach when I was Minister for Community Safety, when I had the privilege of addressing the UK Fire Brigades Union conference—my speech seemed to be quite well received. I enjoyed working with the FBU and I miss the relationship that I think I built up with its representatives. It is important that, for example, Stephen Boyd continues to do his good work as part of Russel Griggs's group, which will inform the process that I am in charge of. Where there is a relevant interest for a workforce representative to be heard and to be involved in looking at a matter, a workforce representative will be so engaged. That is the correct approach and I was pleased that John Park raised the important issue.

Helen Eadie talked about supported employment. She and I have met to discuss the matter, which is extremely important. We are doing more work on what is a difficult area, as we all know, and Westminster is looking at the issue in the context of a review. Much consideration must be given to the matter, which I am sure that the Scottish Parliament will debate at some point—it is correct that we do. I was pleased that Helen Eadie raised the matter.

In general, there was a consensus in the Parliament that the culture of regulatory bodies and the staff who work in them is what is important. I am talking about not just the chief executives, chairmen and top management but the people who are involved in day-to-day engagement with businesses, whether they work in SEPA, SNH, the Food Standards Agency, Historic Scotland or planning departments. Of course, culture is difficult to influence, but perhaps

one of the most positive things to emerge from the debate is that there seems to be a consensus on its importance.

I think that Dr Elaine Murray mentioned the issue. Of course, she had ministerial responsibility in respect of SEPA for a considerable time—I hope that that is correct. She made the point, as did Dave Thompson, that we want regulatory bodies to be enablers, not just enforcers. We want a collaborative approach; if a serious problem is identified that might impair or impede economic development, we would like to know about it. We as a Government would like to be involved in the discussion at an early stage, which is logical, rather than hear six months down the road after a decision has been made that a development is not going ahead because a solution has not been brokered, options have not been considered and opportunities for compromises have not been taken.

The Presiding Officer (Tricia Marwick): The minister needs to wind up now please.

Fergus Ewing: I am very pleased with this debate, which has been largely positive. I am very grateful to members of all parties for the largely constructive and positive tone of speeches this morning.

Scottish Executive Question Time

General Questions

11:40

The Presiding Officer (Tricia Marwick): Question 1, in the name of Paul Wheelhouse, has not been lodged and question 2, in the name of Nanette Milne, has not been lodged.

Prisons (Sex Offender Treatment Programme)

3. Graeme Pearson (South Scotland) (Lab): To ask the Scottish Executive what criteria it uses to determine the allocation of funds for the sex offender treatment programme in prisons. (S4O-00451)

The Cabinet Secretary for Justice (Kenny MacAskill): As with all questions regarding the operation of the Scottish Prison Service, I have asked John Ewing, the chief executive, to consider this question and he has advised the following.

The Scottish Prison Service is committed to delivering effective sex offender treatment programmes to those prisoners who can benefit and are willing to engage at the appropriate time in their sentences. Funding for such programmes is included in annual prison budgets to meet the anticipated demand and can be increased if demand exceeds expectations.

In 2011, 96 prisoners have completed sex offender programmes at a cost of approximately £5,250 per prisoner.

Graeme Pearson: Does the minister agree that now would be a timely opportunity to conduct a review of the programme—and other training courses that are administered by the Scottish Prison Service—in terms of cost and benefit, with particular attention being paid to reoffending rates before and after participation in such courses?

Kenny MacAskill: Yes. That is a valid question. It should be pointed out that the pilot project, good lives, which was delivered in Peterhead prison, has now been evaluated and is scheduled to roll out in HMP Edinburgh in January 2012. Following that, it is anticipated that it will roll out in all other SPS establishments that currently deliver sex offender programmes. The groundbreaking—if I can put it that way—sexual offender treatment programme, or STOP, that existed in Peterhead has been built on and improved by the good lives project.

However, Graeme Pearson makes the valid point that we have to ensure that there is efficacy in what we deliver. We are dealing with deeply

challenging people and it is important to bear in mind that the good lives project will come to naught if we do not ensure that the work is continued after people are released from prison, as many sex offenders will be. I assure the member that I will discuss with the chief executive of the SPS the point that we are trying to ensure that the new programme is as good as it can be and that we continue to monitor, evaluate and try to treat people in the community once they are released.

Flooding (Protection)

4. Nigel Don (Angus North and Mearns) (SNP): To ask the Scottish Government what plans it has to protect communities from flooding. (S4O-00452)

The Minister for Parliamentary Business and Chief Whip (Brian Adam): We are helping to protect communities across the whole of Scotland from flooding by working with our partners to implement the Flood Risk Management (Scotland) Act 2009 and by providing funding through the local government settlement for local authorities to continue to invest in flood-protection measures.

Nigel Don: Flood defence schemes are necessarily long term. Funding for schemes that do not yet have statutory consents, such as on the South Esk at Brechin in my constituency, will necessarily go beyond the current spending review period. Will the minister clarify the Government's intention on funding for such schemes and will the Government consider further assistance to local authorities and others with the considerable up-front costs of developing such schemes?

Brian Adam: I understand that there are issues around the proposed Brechin scheme relating to an objection that has been raised by an individual. Unless it is withdrawn, there may well be a need for a public inquiry.

We have agreed with the Convention of Scottish Local Authorities that for the three years of the spending review period, the flood defence component of the general capital grant will be targeted at major flood protection projects. The councils will be asked to apply for funding against agreed criteria, which were circulated to all authorities on 5 December. Initial focus will be on schemes that have already been granted approval and necessary planning permission under the Flood Prevention (Scotland) Act 1961. Priority will then be given to new flood schemes that have been granted appropriate statutory consent as outlined in the Flood Risk Management (Scotland) Act 2009. That reflects the priority that has been placed on projects by COSLA and Scottish ministers.

Elaine Murray (Dumfriesshire) (Lab): I should perhaps declare an interest as somebody who threw out her constituency office carpet the other day for the second time in two years. Funding is important, but I wonder whether the Scottish Government can enable the sharing of good practice, because—to be quite frank—many local authorities struggle to find solutions to flooding problems.

Brian Adam: I share Elaine Murray's view that good practice ought to be shared among authorities. If she has specific examples, I will be more than happy to pass them on to Mr Stevenson, who is responsible for such matters. Her suggestion is eminently sensible.

Internal Ferry Fleet (Orkney)

5. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Executive what discussions it has had with Orkney Islands Council since May 2011 in relation to the replacement of Orkney's internal ferry fleet. (S4O-00453)

The Minister for Housing and Transport (Keith Brown): There have been ongoing discussions between Transport Scotland and Orkney Islands Council on the matter. They have focused on the £1.5 million grant that has been provided by the Scottish Government for the lengthening of the MV Shapinsay, which I am pleased to inform the member has now been paid for in full. Concerning the council's on-going ferry-replacement programme, I wrote to the convener, Councillor Stephen Hagan, on 24 August agreeing to his request for a meeting and I look forward to his response.

Liam McArthur: I thank the minister for that helpful reply. As he will be aware, vessels serving the outer northern isles within my constituency operate in open waters, requiring them to be of a higher specification, similar to the specification of the NorthLink Ferries fleet and the Caledonian MacBrayne vessels that serve the Western Isles. Given the significantly higher costs in procuring ferries of such classification and the pressing need to replace the vessels that serve the outer northern isles routes, what assurances will the minister give me that the costs will not fall solely on Orkney Islands Council? Does he accept that it is not unreasonable for my constituents to expect ministers to adopt a similar approach to that which was taken in the Western Isles, where the Scottish Government covers the cost of vessel replacement? Will he commit to looking at how, with the additional £433 million of capital funding that is now available to Scottish ministers, a reasonable and equitable solution can be reached to this increasingly urgent issue?

Keith Brown: Liam McArthur should recognise that Orkney Islands Council wants to run the

services at its own hand. I acknowledge the point about the additional costs, but it is also worth pointing out two major differences between the Government and the council: Orkney Islands Council has substantial reserves, unlike the Scottish Government, and Orkney Islands Council can borrow, unlike the Scottish Government. He should take those differences into account, although I take the member's point, despite that.

Transport Scotland has been working with the council over a number of years on a prioritised and properly costed programme and earlier this year, as I have mentioned, John Swinney provided an extra £1.5 million for lengthening one of Orkney Islands Council's ferries. It will be difficult for Transport Scotland and the Scottish Government to provide further funding in the next few years, particularly as investment is required for ferries on the whole range of routes. However, we will continue to have discussions with the council on the matter.

Jamie McGrigor (Highlands and Islands) (Con): Does the minister agree that Orkney's internal ferries are vital to the small island communities that they serve? Will he set out in more detail how Orkney Islands Council can access the infrastructure funding that was announced this week, in order to upgrade and replace vessels?

Keith Brown: I think I covered that in the response that I have just given. It is worth reiterating that the services are provided by the council and that they are services that the council wants to continue to provide in the future. Given that, given the settlement that we make to local government and given the situation of the Orkney Islands Council in terms of having reserves and borrowing powers—neither of which is available to the Scottish Government—the matter has primarily to be the responsibility of Orkney Islands Council. However, I have made it clear that we will continue to work with the council and to discuss the issues that it faces in renewing the fleet.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): Does the minister agree that building new internal Orkney Islands ferries would benefit from being linked to the needs of similar ferries in Shetland and the west coast, which could lead to the development of an expanded shipbuilding industry in Scotland for this niche market?

Keith Brown: Rob Gibson makes a very good point. I am sure that he will have noticed that the most recent order for two hybrid ferries went to the Ferguson shipyard and is the first shipbuilding there for over four years. Obviously, it gives a lot of satisfaction to Scottish ministers when that kind of result occurs, in so far as we are able to influence it within the law.

Rhoda Grant (Highlands and Islands) (Lab): I wrote to the minister on this subject some time ago and suggested that it might be helpful if councils that run their own ferry services were able to lease ferries from the Scottish Government's ferry-owning company, which would allow them to spread the cost of developing new ferries and not to take the whole burden of replacing a ferry route. Has he given that any consideration and will he look at it again?

Keith Brown: Yes, we have considered that. Rhoda Grant will know that many of our arrangements for ferries are leasing arrangements rather than outright purchase arrangements: that forms part of the tenders. Again, I have to say that the initiative for that really has to come from Orkney Islands Council. I am sure that it will be one of the things that it is considering, so it may well take that forward. We are happy to help the council with any expertise that we have in the area.

Welfare Reform Bill

6. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government when it last met the United Kingdom Government to discuss the Welfare Reform Bill and what issues were discussed. (S4O-00454)

The Minister for Public Health (Michael Matheson): The Cabinet Secretary for Health, Wellbeing and Cities Strategy met with Iain Duncan Smith on 15 September 2011 to discuss the Welfare Reform Bill and related welfare reform matters, including the Scottish Government's interests in relation to the proposed devolution of housing benefit, to kinship carers, to the impact of the reforms on devolved social care policy and to a requirement that the consent of Scottish ministers be sought before regulations are made, where they are material to Scottish interests. The Scottish Government is continuing to progress discussions with the UK Government around the need to ensure that the Scottish Parliament is properly advised of all the likely impacts of welfare reform changes.

Gordon MacDonald: In a submission to Holyrood's Health and Sport Committee, Dr Pauline Nolan of Inclusion Scotland said that disabled people could not shoulder the burden of the cuts, which would lead to destitution and homelessness. She also said that Scotland would be disproportionately affected compared with other areas of the UK because it has a higher rate of impairment because of the number of traditional working-class areas and that benefits changes would cost disabled people in Scotland more than £500 million. Does the minister agree that the cuts would lead to the loss of a disabled person's ability

to live independently and participate in community life?

Michael Matheson: I acknowledge the concerns that the member has referred to about the impact on disabled people. I am conscious that the Health and Sport Committee has today published its report on the proposed changes to welfare legislation. It is extremely important that we take time to consider the issues that are highlighted in the report and to recognise the serious concerns about the potential impact that the changes could have on some of the most disadvantaged people in our community. I am sure that everyone would recognise that there is always benefit in simplifying the welfare benefits system. However, it is not acceptable to do so in a way that would disadvantage some of the most vulnerable members of our society. In the discussions that we have been having with UK ministers and at official level we have been highlighting those concerns.

Drew Smith (Glasgow) (Lab): The minister will be aware that many disabled people receiving lower-rate disability benefit are concerned that the Government will use the opportunity of the Welfare Reform Bill to remove their access to concessionary travel. Will he guarantee that all disabled people who currently have free bus passes will keep them, regardless of other choices that the Scottish Government makes in relation to passported benefits?

Michael Matheson: Clearly, we will have to consider the way in which the Welfare Reform Bill is implemented and the impact that that will have on passported-benefits provision through Scottish Government policies. That is an area that we will have to review once we have the detail. Part of the problem in addressing issues is the lack of detail around the Welfare Reform Bill. On the concessionary travel scheme that we operate as a Government, there are no plans for that to change.

National Health Service Boards (X-ray Services)

7. Margaret McCulloch (Central Scotland) (Lab): To ask the Scottish Executive what guidance it issues to national health service boards on the provision of X-ray services. (S4O-00455)

The Minister for Public Health (Michael Matheson): We issue no such guidance. NHS boards are responsible for planning the provision of healthcare services to meet the assessed needs of their resident populations.

Margaret McCulloch: The NHS Lanarkshire board reports that X-ray technology in Stonehouse hospital is ageing and is becoming increasingly out of date. However, instead of replacing the

technology, it is withdrawing the service from the community entirely and asking patients to travel to Hairmyres hospital in East Kilbride. Many of those who attend Stonehouse hospital live in rural South Lanarkshire, where travel can be difficult in winter and where there are no direct bus or rail services to Hairmyres. Will the Scottish Government therefore intervene to stop the X-ray services from being phased out at Stonehouse hospital?

Michael Matheson: Earlier this year, NHS Lanarkshire announced its proposals to make changes in how it delivers radiology services. Although the proposals do not constitute a major service change, we have made it clear to NHS Lanarkshire that we expect it to liaise closely with the Scottish Health Council to ensure that it has continued and appropriate engagement with local stakeholders to address concerns that they may have around transportation issues, in particular, and to ensure that their concerns are addressed effectively as the board develops its services.

ScotRail Franchise (Public Consultation)

8. Helen Eadie (Cowdenbeath) (Lab): To ask the Scottish Executive what provision there is in the ScotRail franchise agreement that ensures consultation of the public on proposed timetabling changes. (S4O-00456)

The Minister for Housing and Transport (Keith Brown): ScotRail regularly consults regional transport partnerships and Passenger Focus on proposed timetable changes, in line with its franchise obligations. In addition, ScotRail has a customer-contact centre and regular “meet the manager” sessions. Public feedback is taken into account for future timetable changes.

Helen Eadie: Much to my anger and surprise, I learned just over a week ago that a key morning service from Dalgety Bay to Edinburgh is being withdrawn. That will mean that folk who want to get to work in Edinburgh will not be able to catch a train between 7.46 and 8.26, so they will have to drop their children at school at 7.20 or be late for work and risk being sacked. There is already serious overcrowding on the route. It is simply not good enough that ScotRail has held no consultation on the change. Given that we anticipate road traffic problems as a result of construction of the new Forth road bridge, what will the minister do to address a situation that is completely unacceptable when we are trying to persuade people to stop using the roads and to travel by rail?

Keith Brown: I understand the member's anger, but I cannot understand her surprise because withdrawal of the service in question—an Arriva train—is a result of a change that the Department for Transport made under the previous Labour Government. Since then,

ScotRail has tried to accommodate that change in service by providing additional services, which is not easy for it to do under its franchise obligations. *[Interruption.]* That is the case. My predecessor wrote to Lord Adonis to say that such changes were “unacceptable”—the very word that Helen Eadie used—and I, too, have written to say that they are unacceptable.

In an effort to be as reasonable as I can be, I should say that ScotRail is to review the situation, but it is not easy to change. I will be happy to meet Helen Eadie to discuss the matter further. Such discussions should take account of the origins of the situation.

John Scott (Ayr) (Con): The minister may be aware of my long-standing campaign to introduce a rail service with a frequency of 15 or 20 minutes between Ayr and Glasgow. The completion of the improvements between Paisley Gilmour Street and Glasgow Central will make possible the provision of such a service on the line, which has been identified as being potentially the fastest-growing rail route in Scotland. Has any work been carried out on that? Will the minister support such an increase in the frequency of services, particularly with a view to providing a better service for Barassie, in my constituency?

Keith Brown: We are, of course, always looking to improve rail services. We have recently issued the “Rail 2014” franchise consultation. The improvements that John Scott mentioned are under consideration, but he will want to take advantage of the consultation process to reinforce his points, which I will be happy to discuss further with him, if he wants to do so.

ScotRail (Meetings)

9. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Executive when the Minister for Housing and Transport last met senior officials from ScotRail. (S4O-00457)

The Minister for Housing and Transport (Keith Brown): I last met ScotRail's managing director last week at the rail winter preparedness summit that was held at the Parliament, which was attended by the Office of Rail Regulation, Network Rail, ScotRail and cross-border passenger-rail operators. In addition, there has been regular engagement with ScotRail as part of the work of the Scottish Government's resilience and multi-agency response team, which is in operation as part of the Government's response to the winter weather.

Claire Baker: I think that Helen Eadie's point was about the lack of information for passengers. I found out about the change that she mentioned from a passenger who was handing out leaflets on the train last week. The minister has talked about

changes to the timetable, but is not it the case that the new timetable will be in place not for the standard six months, but for a year? Will it be possible to make any changes to it before next Christmas?

Keith Brown: In addition to the consultations that I mentioned in my response to Helen Eadie, the matter has been discussed in Parliament on a number of occasions, so I am not sure why Claire Baker appears not to have been aware of it, given her responsibility to her constituents.

As I mentioned, the change in question has been imposed on us by the DFT. We have tried to accommodate it and to make representations to the DFT to say that what it has done is unacceptable. *[Interruption.]* That is simply the case. If Claire Baker had realised that the response from Lord Adonis—which was published—was the start of the process, she might have been in a more enlightened position. However, I am happy to discuss the matter with her. It is not necessarily the case that the new timetable must remain in place for a full year. The possibility exists of making a change in May next year. I will be happy to discuss that with her if she wants to do so.

The Presiding Officer: Question 10 in the name of Christina McKelvie has not been lodged, although the member has furnished me with an explanation.

First Minister's Question Time

11:59

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the Deputy First Minister what engagements she has planned for the rest of the day. (S4F-00329)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): Later today, I will take part in the second of today's meetings of the ministerial resilience committee.

As members are aware, all parts of Scotland are experiencing heavy winds, with the central belt and southern Scotland facing particularly severe weather conditions. Schools in the local authority areas that are subject to the Scottish Government advice that was issued last night either have been closed to pupils all day or are closing now. Schools will, of course, have contingency arrangements in place for any children who are not able to be picked up. There are already significant travel restrictions in place across Scotland and the Tay, Forth and Erskine bridges are now closed. Just over an hour ago, the Association of Chief Police Officers in Scotland issued the following advice:

"Travel on the roads should be avoided across the central belt from 12 noon in the west of the country and from 2 pm in the east through to 7 pm tonight."

Four police forces—Central, Strathclyde, Lothian and Borders and Dumfries and Galloway—have now issued level 4 warnings in line with that advice.

I urge all members of the public to take extreme care today and to heed the advice that is given by the police and travel authorities.

Iain Gray: I am pleased to acknowledge that the Scottish Government seems to be on top of today's weather crisis, which frees me up to ask about the on-going crisis in our public sector.

This week, the Scottish Government's own figures showed that police numbers have fallen in seven out of the eight police forces in Scotland. That is on top of 700 job cuts in police civilian staff. Everyone knows that those jobs will be filled by uniformed officers who are taken off the streets. Will the Deputy First Minister back an independent audit to find out how many uniformed police officers are filling the gaps left by the cuts?

Nicola Sturgeon: I thought that Iain Gray might have found it within himself to mention the fact that the Scottish Government's pledge to maintain 1,000 additional police officers in Scotland's communities is being delivered. The reason why I

thought that Iain Gray might mention that is that it has comprehensively proved him and his colleagues wrong. I remind the Parliament that it was those on the Labour side of the chamber who predicted that it would take 13 years to deliver that pledge. It just goes to show that we should not listen to much that Labour has to say.

In terms of ensuring that those additional resources can be directed to the front line, the Government, led by the justice secretary, is taking forward an ambitious programme of police reform. The Government is delivering for the communities of Scotland, and that is reflected in the fact that crime levels across Scotland are at a 35-year low.

Iain Gray: The pledge was 1,000 additional police officers on our streets. Those police officers are being withdrawn to the back offices. As for those crime figures, they will not stay long if those police officers are spending their time in the back offices.

What about our schools, where the situation is even worse? The SNP Government has now cut almost 4,000 teachers out of Scottish schools—700 in the last year alone. Only one new teacher in five can get a full-time, permanent job. Class sizes are up, truancy is up, and applications to universities are down. Two years ago, Fiona Hyslop was sacked for less. Is Michael Russell just going to be allowed to let our schools decline?

Nicola Sturgeon: We always know that Iain Gray is in trouble when his first subject does not last beyond the first question. He has changed the subject, so he clearly accepts what I said in response to his question about police numbers and I am glad of that.

I will turn, therefore, to teacher numbers and education. The agreement between the Scottish Government, the Convention of Scottish Local Authorities and teaching unions was that teacher numbers should not fall below 51,131 in September's census. In fact, the number of teachers in that census was 51,286, which is higher than the level that was set in the agreement. Of course, teacher numbers reflect the size of our school rolls.

Iain Gray might have wanted to reflect the fact that primary 1 class sizes are at a record low and are down from an average of 23.1 in 2006. The number of primary 1 pupils who are in classes of more than 25 has reduced by 90 per cent in the space of a year. Primary 1 to 3 class sizes are down from the position that we inherited from the previous Administration and average class sizes in primary schools are down from the level that we inherited from the previous Administration.

Teacher employment, which is an extremely serious matter, is improving. Sixty-six per cent of

post-probationers are in employment, which is up from 58 per cent last year.

There is more work to do but, thanks to the Cabinet Secretary for Education and Lifelong Learning's efforts, things are moving in the right direction.

Iain Gray: We always know that the First Minister and the Deputy First Minister are in trouble when they start complaining that they have not been asked the question that they wanted to be asked. My subject is public sector workers who deliver to the people of Scotland services on which they and their families depend. Those workers include police officers and teachers. I saw that the Scottish Government issued a press release yesterday that was devoted entirely to primary 1 and which ignored the fact that our schools involve 13 stages, because primary 1 was the only year in which the Government could find a number to spin to make it look as if things were improving.

It is not just the police and teachers whom Scottish people depend on, is it? It is not the Cabinet Secretary for Justice or even the Cabinet Secretary for Education and Lifelong Learning who is the worst offender on job cuts—the Cabinet Secretary for Health, Wellbeing and Cities Strategy is still out in front on her own. Since 2009, 4,500 national health service staff have been cut. In the past year alone, she has cut 1,569 nurses and midwives from our NHS. Does she really expect us to believe that that has no impact on patient care?

Nicola Sturgeon: For clarity, I remind Iain Gray that—contrary to what he suggested—I talked in my previous answer about primaries 1 to 3. The figures that were issued yesterday showed an average primary class size of 22.5, which is down from 23.6 when that lot were in power, so average primary class sizes are down as well.

I turn—[*Interruption.*]

The Presiding Officer (Tricia Marwick): We will hear from the Deputy First Minister, if members do not mind.

Nicola Sturgeon: I turn to the national health service, which is extremely close to my heart and, I am sure, to the hearts of everybody in the Parliament. I am extremely proud of the work that our national health service does. Waiting times and hospital infection rates are at a record low, which is down to our NHS staff's efforts. I thank our NHS staff, who will be working hard to ensure that the NHS copes on a difficult day.

I will quote back to Iain Gray a few statistics on nurse numbers. There are more qualified nurses in Scotland today than there were in 2006. More nurses and midwives are in the NHS today than in nine out of the 10 years for which Labour was in

government. Scotland has 5,000 more nurses and midwives today than when Iain Gray was the deputy health minister.

Iain Gray: If Nicola Sturgeon is so proud—
[*Interruption.*]

The Presiding Officer: We will hear from the member, if members do not mind.

Iain Gray: If Nicola Sturgeon is so proud of NHS staff, why have 40 per cent of them been told not to complain and told to keep their mouths shut about the cuts that are happening in the NHS?

As for our record, in every year that we were in power, the number of nurses and other staff in the NHS increased. Under the SNP, those numbers are going down.

No amount of spin can hide the reality of the SNP's record. Teachers are on the scrap heap, police are in the back office and nurses are on the plane to jobs abroad. This Government has cut more public sector jobs than George Osborne has done. Twenty-five years ago, I was a teacher under Margaret Thatcher, but we never saw cuts such as those that have been imposed by Mr Russell as education secretary. This is a very simple question. If SNP members are the social democrats that they claim to be, why are they cutting the public sector faster and deeper than the Tories are doing?

Nicola Sturgeon: What a load of utter nonsense! Let me tell Iain Gray about my commitment, and this Government's commitment, to the health service. We are protecting the health budget—a commitment that he refused to give during the election. Of course, he will want to deny that now. There is one part of the UK where Labour is in government: Wales. The health service budget there has been cut by 8.1 per cent in real terms. That is what Labour does when it is responsible for the national health service. I will take no lessons from Labour. This Government will stand up for our public sector workers and for the public sector. That is why we won such an overwhelming victory in May.

It is not just those of us on this side of the chamber who are saying that. It is people such as Tom Harris, who said:

"Labour barely said anything relevant or interesting to the Scottish electorate in the previous four years. We didn't look like an alternative Government."

Today, the people of Scotland will conclude that nothing has changed.

Prime Minister (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the Deputy First Minister when the First Minister will next meet the Prime Minister. (S4F-00321)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): There are no imminent plans to meet the Prime Minister.

Ruth Davidson: We learned this morning from an Audit Scotland report that the price to Scotland of meeting the 2020 carbon targets will be £11 billion, which is £5,000 for every household in Scotland. However, we have also heard, in expert evidence given this week to the Economy, Energy and Tourism Committee, that the SNP's obsessive, dogmatic, one-track rush to a renewables-only energy policy will add another £4 billion to the nation's bills. Can the Deputy First Minister tell me how that will be funded? Will it be through higher taxes, higher bills or more SNP cuts?

Nicola Sturgeon: I know that Ruth Davidson is still relatively new to her job. This is the first public opportunity that I have had to welcome her to her post, which I do warmly, and to cross swords with her in the chamber.

Renewables are one of the big success stories in Scotland right now. Everyone in Scotland should be getting behind that drive. It is good for our environment and it has huge benefits and potential for the economy of our country. Today's Audit Scotland report is extremely promising and positive, because it acknowledges that we are two thirds of the way towards our 2020 targets. So let us celebrate good news when we get it and get behind the drive to do even better.

Ruth Davidson: I thank the Deputy Presiding Officer for her warm welcome to the chamber—

Members: Deputy First Minister!

Ruth Davidson: I am sorry—I meant the Deputy First Minister. People across Scotland are asking themselves whether the extra £4 billion is a price worth paying. Scotland currently benefits from renewables incentives being spread among the 60 million people of the United Kingdom, but the SNP wants to place that £4 billion burden squarely on the shoulders of 2 million Scottish households. Every Scottish household can now understand the true cost of the SNP's independent energy policy. It has been shot to pieces, and Scotland is getting a glimpse of the inconvenient truth: the cost of independence. Does that not prove—[*Interruption.*] I am glad to hear such braying from the SNP back benchers. I thought that non-essential staff had been sent home. Does that not prove that, when it comes to energy—as with so many other things—Scotland is better off in Britain?

Nicola Sturgeon: To be charitable, I congratulate Ruth Davidson on the first joke that she has cracked so far at First Minister's question time. It has only taken four weeks.

In all seriousness, people throughout Scotland are excited by the potential of the renewables revolution. They are excited by the jobs that are already being created, and the many, many more jobs that will be created. They know that electricity is one of our great export advantages and benefits.

As I said the last time that I stood in for the First Minister—who is in China right now—the rest of the UK could not meet its renewables obligations without the contribution from what we are doing here in Scotland. I appeal to Ruth Davidson to resist the temptation to be negative for the sake of it and to get behind the Scottish Government in what is a growth area for this country.

Elaine Smith (Coatbridge and Chryston) (Lab): Can the Deputy First Minister give an update on the worrying norovirus outbreak at Monklands hospital? It is affecting numerous patients and staff and has resulted in the closure of a number of medical wards. Will she instigate an inquiry into the cause of the outbreak, the way in which it is being dealt with and the issue of cleanliness at the hospital?

Nicola Sturgeon: I thank Elaine Smith for asking that question. Monklands hospital, which was badly affected by norovirus in recent days, is now getting back to normal after the outbreak. I want to put on record my thanks to all the staff and patients who have co-operated in that effort.

I saw the comments that Elaine Smith made at the weekend expressing concerns about the cleanliness of Monklands hospital. I say in all sincerity that if any member is visiting any hospital in this country and has any concerns about cleanliness, they should pick up the phone to me immediately and let me know of those concerns.

I hope that all members—even those on the Opposition side of the chamber—know that I take cleanliness in our hospitals extremely seriously. That is why I set up the healthcare environment inspectorate, which goes in to hospitals on an announced and unannounced basis to ensure that their cleanliness standards are up to scratch. Of course, we can see that rates of infection in our hospitals are at record lows.

Members will be aware that norovirus spreads very rapidly. It is usually acquired in the community and is very difficult to control and contain in hospitals, but all hospital staff—infection control staff and others—have an absolute duty to ensure that they do everything possible to control those winter outbreaks. They have my absolute support in doing so.

Annabelle Ewing (Mid Scotland and Fife) (SNP): The Deputy First Minister will be aware of the on-going saga of the Ministry of Defence refusing to take responsibility for the clean-up of

radiation at Dalgety bay. What steps can the Scottish Government take to secure action on the part of the MOD in accordance with the polluter pays principle?

Nicola Sturgeon: It is entirely unacceptable that that situation has arisen as a result of inaction from the Ministry of Defence. SEPA has made it clear that the MOD is responsible for the radioactive material that is present at Dalgety bay. The Cabinet Secretary for Rural Affairs and the Environment, Richard Lochhead, has twice written to the Secretary of State for Defence, urging the MOD to take immediate action. No reply has yet been received, and it is vital that the MOD responds without any further delay with a credible plan for how it will act to address the situation.

Offshore Wind Turbines (Manufacturing Base)

3. Joe FitzPatrick (Dundee City West) (SNP): To ask the First Minister what the impact would be of Gamesa locating its manufacturing base for offshore wind turbines outside Scotland. (S4F-00325)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): First, it is important to recognise that, largely due to the efforts of the First Minister, Gamesa has already made a substantial commitment to Scotland. In September the company officially opened its £12.5 million research and development centre in Glasgow, creating 180 new jobs.

Secondly, the Scottish Government, along with Scottish Enterprise and Scottish Development International, is still working closely with Gamesa to bring its proposed wind turbine manufacturing facility to Leith, which would result in a substantial investment and the creation of jobs by yet another major inward investor in Scotland.

Joe FitzPatrick: My colleague Shona Robison and I would like as many renewables jobs in Dundee as possible, although we must acknowledge that Dundee port will never be able to accommodate all the companies that have shown an interest in locating there. Can the Deputy First Minister offer an assurance that the Government is still committed to ensuring that Dundee is a key location for the development of renewables and that the Government is taking action to attract renewables companies and jobs to our city?

Nicola Sturgeon: I absolutely understand the concern that the member raises. He has campaigned vigorously for jobs to be brought to his constituency. The national renewables infrastructure plan identified Dundee as one of the top ports for renewables manufacture, and that absolutely remains the case. We are confident that

Dundee has a leading role to play in advanced manufacturing of the major high-value components of offshore wind farms, and we expect a positive announcement in that regard to be made in early course.

Jenny Marra (North East Scotland) (Lab): I am grateful for the Deputy First Minister's assurance that the issue is a Government priority. Can she assure me that the Government is putting in place appropriate support to secure renewables investment for Dundee, given that I wrote to the First Minister on 3 November to ask what support the Scottish Government would give to Gamesa and have not received a response?

Nicola Sturgeon: I say clearly to Jenny Marra that I hope that, on an issue that is so important to the city of Dundee, we can have cross-party unity and get behind the potential of that great city. The Scottish Government will ensure all appropriate support for Dundee to fulfil that potential. We have invested and are investing in Dundee in a range of ways, in recognition of the importance of the great city of Dundee. Of course, the people of Dundee spoke up about that in May, when they re-elected Joe FitzPatrick and Shona Robison with overwhelming majorities.

China (Trade Links)

4. Colin Keir (Edinburgh Western) (SNP): To ask the Deputy First Minister how Scotland's trade links with China will be improved as a result of the First Minister's visit. (S4F-00328) [*Interruption.*]

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): I am not sure what Opposition members find amusing about the First Minister's visit to China, as it is important to Scotland's economic interests.

The First Minister is undertaking his third official visit to China, which is aimed at building much closer economic and cultural links with that country. The First Minister's meeting with His Excellency Vice Premier Li earlier this week followed on from the vice premier's successful visit to Edinburgh in January and was extremely constructive, with a focus on trade and investment opportunities in Scotland.

The Scottish Government, working with the Chinese authorities and the UK Government, has achieved the opening up of key Scottish products to China. Direct exports of Scottish salmon to China increased from zero in January this year to 2,600 tonnes in August, which is worth more than £15 million to the Scottish economy. We have also witnessed a rise in whisky exports to China of 30 per cent in the first half of 2011 compared to the first half of 2010. Those are just two areas in which Scotland is benefiting from engaging with

the emerging Chinese market. The Government will continue to develop and maximise further opportunities.

Colin Keir: What impact will the arrival of the giant pandas have on Edinburgh zoo's visitor numbers and what effect will they have on tourism in and the economy of western Edinburgh?

Nicola Sturgeon: Edinburgh zoo is the second-most popular paid visitor attraction in Scotland. [*Interruption.*]

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

Nicola Sturgeon: Labour members are showing the kind of behaviour that led to their being comprehensively defeated in the election in May. These are important issues for Scotland.

The Royal Zoological Society of Scotland estimates that the giant pandas will generate an extra 150,000 visitors to the zoo in the 12 months following their arrival, which will generate about £2 million a year in additional income for Edinburgh zoo. It is anticipated that the increased revenue and sponsorship will help to fund the project.

I was delighted to be a member of the welcoming party on Sunday for Tian Tian and Yang Guang, which were gifted to Scotland by China and described by China's Premier Wen as a symbol of friendship. I am sure that all members will welcome the fact that both pandas are settling in very well to their new home at Edinburgh zoo.

Murdo Fraser (Mid Scotland and Fife) (Con): Scotland got Sunshine and Sweetie, while China got the First Minister. Who does the Deputy First Minister think got the better deal?

Nicola Sturgeon: I will leave it to other people to decide whether it was a good trade, but I am very much looking forward to the First Minister's return to hear about his success in China. I am sure that all members are looking forward to seeing him back here next Thursday.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): In inquiries that have been undertaken by committees of the Parliament into trade missions to China, the importance of raising the issue of human rights with the Chinese Government and its officials has always been paramount. In light of the fact that the First Minister, on this occasion, raised the issue of human rights in China with the Chinese Government, will the Deputy First Minister comment on the response that the First Minister received?

Nicola Sturgeon: The First Minister will report back on his visit to China in full on his return. That is the appropriate way in which to do these things.

Patricia Ferguson is right to say that the Scottish Government is committed to engaging with the Chinese Government on the issue of human rights as part of our overall strategic engagement. Respect for human rights is critical to China's long-term prosperity and social stability; therefore, engaging on human rights is in both countries' interests. The First Minister met Alan Miller before he went to China and discussed the approach that he would take, which included great reference to Adam Smith in the speeches that he made. He also gave a well-received speech on climate justice, which was welcomed by many, including Mary Robinson, who was very positive about it on Twitter. I hope that the entire chamber not only welcomes, but supports the First Minister's efforts in China in all respects.

Royal College of Nursing (Survey)

5. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Deputy First Minister what the Scottish Government's position is on the Royal College of Nursing survey that shows that 37 per cent of nurses have been discouraged from reporting, or told not to report, their concerns about issues such as patient safety and staffing levels at their workplace. (S4F-00334)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): I make it absolutely clear that I will not tolerate a situation in which national health service staff are told not to report patient safety concerns. A new partnership information network policy that deals specifically with whistleblowing has been developed and was published on Tuesday. I am confident that the world-leading patient safety programme is changing the culture of patient safety and creating an environment in which staff share information without fear of reprisal and integrate patient safety into their daily work. That is as it should be, and my responsibility—one that I take very seriously—is to ensure that that is how it is.

Dr Simpson: I welcome the new PIN guidelines. Will the Deputy First Minister give us a date for their implementation? Will she require all concerns that are raised to be registered and reported to the health board and the area partnership along with subsequent action? The nurses report, in their latest survey, that 48 per cent of respondents indicated that no action was taken when issues were raised. With the more frequent discouragement and 80 per cent of nurses now saying that they fear victimisation or an effect on their career if they whistleblow, does the Deputy First Minister agree that the time has come to set up a confidential national whistleblowing helpline for all NHS staff?

Nicola Sturgeon: I have said to Richard Simpson previously in the chamber—I am happy to repeat it today—that I will listen to all suggestions about how we can reassure staff that they are able to raise issues of concern. As Richard Simpson is aware, all members of staff have statutory protection when they want to raise issues of concern, under the terms of the Public Interest Disclosure Act 1998, and the “Implementing & Reviewing Whistleblowing Arrangements in NHSScotland Pin Policy” incorporates those rights.

I do not for a second want to play down the RCN survey—I take its findings very seriously. However, I point out that it used a fairly small sample of 345 RCN members in Scotland. The 2010 NHS Scotland staff survey asked staff whether they believed that it was safe to speak up and challenge the way in which things were done if they had concerns. That used a much bigger sample of nurses, and the number of nurses saying that they did not feel confident was much lower. Nevertheless, I take such matters very seriously.

Publicly today, I send out a strong message to all those who work in the NHS that patient safety is paramount. It is their responsibility and my responsibility, and anyone who has concerns should feel free to raise them.

Sandra White (Glasgow Kelvin) (SNP): That was an interesting exchange between the questioner and the Deputy First Minister. Will the proposed charter be extended to local government, particularly Glasgow City Council, where people are certainly not encouraged to report—and are terrified to report—any incidents?

The Presiding Officer: That is wide of the question.

Infrastructure Projects (Roads)

6. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the First Minister what percentage of the £60 billion that the Scottish Government has allocated for infrastructure projects over the next 15 years will be spent on roads. (S4F-00331)

The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon): This Administration has a proven track record in prioritising road investment and improvement. Looking ahead, a significant proportion of future infrastructure investment will go into further improving our roads network. We will complete the M8, M73 and M74 improvements; we will build the Aberdeen western peripheral route; we will dual the A9 to Inverness; and we will ensure that the connections of all our cities are dualled roads by 2030 at the latest.

As the infrastructure plan makes clear, spending details will be finalised in successive spending review periods, in light of further information about project costs and timings.

Alex Fergusson: When he opened the new Stena Line port in Cairnryan recently, the First Minister made bold statements about recommencing the Dunragit bypass on the A75—which his Government cancelled last year—and he announced that Maybole on the A77 would also be bypassed.

This week's announcement—which, I am afraid, contains little joy on roads infrastructure for the south-west of Scotland—suggests that nothing will happen on the Maybole bypass project until 2017 at the earliest. In light of that, can the Deputy First Minister now confirm a start date for the recommencement of the Dunragit bypass? In the structure plan, will she also commit to bypassing the villages of Springholm and Crocketford on the A75, which, along with Dunragit, currently have the dubious distinction of being the only communities without a bypass along the entire length of the trans-European network system between the south of Spain and the ferry ports at Cairnryan?

Nicola Sturgeon: The member is correct to recall that the First Minister visited Cairnryan for the opening of the new £200 million Stena Line port on 25 November. When he did so, he announced the imminent progress on vital sections of the A75 at Dunragit and the A77 at Maybole. I am pleased to report that momentum is building on those projects. The next phases announced by the First Minister have been scheduled to begin in spring 2012. This is real investment in the south-west and it builds on other significant investments by this Government—such as the completion of the dual carriageway from Cairntop to Barlae, and the A77 between Park End and Bennane.

I remind the member—and I am sure that he would be the first to graciously concede the point—that our ambitious programme of infrastructure investment is taking place against the backdrop of substantial capital cuts being imposed on the Scottish Government by the UK Government that includes the party to which the member belongs.

12:32

Meeting suspended.

14:15

On resuming—

Scottish Executive Question Time

Education and Lifelong Learning

The Deputy Presiding Officer (Elaine Smith):

Good afternoon. The first item of business this afternoon is themed questions on education and lifelong learning. In order to get as many people in as possible I would prefer short, succinct questions and answers to match.

Higher Education (Funding)

1. Margaret McDougall (West Scotland) (Lab): To ask the Scottish Executive what additional funding it will provide to colleges that deliver higher education courses. (S4O-00459)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The system that is used to fund colleges is under review. I expect the review to look at all aspects of college funding, including the way in which higher education courses are supported.

Margaret McDougall: The minister has not answered the question about whether funding will be provided to colleges for higher education. That is quite concerning, because a number of colleges in my region have indicated to me that they provide up to 20 per cent of higher education courses. Given the numerous cuts to college budgets that have already been made, does the minister envisage colleges cutting back on higher education courses that they currently provide and focusing solely on the provision of further education courses? If so, will that not limit the choice of students, whereas the Government claims that its reforms will increase choice and add progression?

Michael Russell: No, I do not anticipate higher education courses ceasing in colleges. That would be ridiculous. As the member says, further education colleges provide up to 20 per cent of higher education courses—actually, it is a bit more than 20 per cent—and that is a valuable contribution. It follows from that that the Government will continue to fund higher education in colleges, so the question is entirely spurious.

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree that James Watt College, which serves my constituency, would be in a much better financial position if it had not entered into a private finance initiative deal under the previous Labour Government whereby, to fund an £8.6 million

contract, it will have to repay a whopping £49.2 million, £33.6 million of which is still outstanding?

Michael Russell: That is undoubtedly true. The way in which the previous Administration encouraged a whole range of public bodies to undertake that type of funding was extremely reckless and very foolish, and now there is a legacy to be paid for. How we can factor that in is a matter of considerable discussion when we look at the future of certain parts of the college sector. I hope that when people look at the college sector in future, they will recognise that the type of capital funding that we are providing is much better and reflects a real increase in our support for the college sector.

Scottish Further and Higher Education Funding Council (Indicative Funding Levels)

2. Paul Martin (Glasgow Provan) (Lab): To ask the Scottish Executive when the Scottish Further and Higher Education Funding Council will provide indicative funding levels for colleges. (S4O-00460)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): My strategic letter of guidance asks the Scottish funding council to provide indicative allocations for the academic year 2012-13 around the end of 2011. This matter regularly forms the subject of the discussion that I have with college principals and others.

Paul Martin: I am sure that the minister will understand the concerns that there are about the Government's proposed savage cuts in colleges throughout Scotland. Will he write to principals and advise them that they should ensure that, where at all possible, there are no compulsory redundancies?

Michael Russell: I am happy to agree with the member that compulsory redundancies should be avoided. As he will know, I have no power of direction. The decision to remove the ministerial power of direction was made by Allan Wilson when he was minister for this sector in 2005. Nonetheless, I have strongly encouraged colleges on every possible occasion—as, indeed, Angela Constance did when she was taking charge of colleges some time ago—to avoid compulsory redundancies. I believe strongly in that and I regret that I do not have the power to enforce it, but I agree with the member and will do everything I can to encourage colleges not to make compulsory redundancies.

Liz Smith (Mid Scotland and Fife) (Con): Will the cabinet secretary confirm whether there is a timescale for the transformation fund that he announced? When will that money be spent, as directed by the Scottish funding council?

Michael Russell: It will be spent in the financial year 2012-13. I will write to colleges shortly on the process by which decisions on the fund will be reached. I will ensure that the member knows about that.

Universities (Drop-out Rates)

3. John Scott (Ayr) (Con): To ask the Scottish Executive what measures are being taken to tackle the high drop-out rate at some Scottish universities. (S4O-00461)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Figures released by the Higher Education Statistics Agency in March this year showed that the student drop-out rate at Scottish universities had fallen to its lowest level in seven years. The figure for 2008-09, the latest year for which figures are available, represents the third consecutive annual reduction. We are therefore making progress, but I agree that we need to do more. That is why, through the Scottish Further and Higher Education Funding Council, we are investing nearly £5.5 million a year to support improved performance in retention at eight regionally based universities in Scotland.

John Scott: The cabinet secretary may be aware that the student association of the University of the West of Scotland has called for research to be conducted into the causes of the high drop-out rates. Would the Scottish Executive support that initiative at universities such as the UWS and elsewhere?

Michael Russell: There is substantial research on this matter, but if new research was required, I am quite sure that the funding council and other agencies would look at that sympathetically. I agree with the member, as I suspect all members in the chamber do, that increasing retention is an aim that we must work towards. Some progress is being made, but my mind is entirely open to finding out more about the subject and ensuring that we do better.

Jenny Marra (North East Scotland) (Lab): Will the cabinet secretary commit to looking at the issue of drop-out rates, which John Scott raised, in the consultation on the primary legislation on widening access in the spring?

Michael Russell: That is a good idea and I am happy to do what the member suggests. If she wishes to make representations on that and encourage other representations, that would be entirely appropriate.

Modern Apprenticeship Programmes (Drop-out Rates)

4. John Park (Mid Scotland and Fife) (Lab): To ask the Scottish Executive which modern

apprenticeship programmes have the highest drop-out rates in their first year. (S4O-00462)

The Minister for Children and Young People (Angela Constance): In 2009-10, the latest financial year for which this information is available, the three modern apprenticeship frameworks with the highest drop-out rates in the first year were accounting, providing financial services and retail.

John Park: I understand that one of the main issues for people dropping out in their first year is the level of pay, particularly in the non-traditional apprenticeship areas. In England, there is the protection of a guaranteed minimum of £95 a week. Would the Scottish Government be prepared to look at that, given that the time that is invested by individuals, the money that is invested by employers and—more important—the money that is invested by the Scottish Government in the apprenticeship places go to waste when people drop out?

Angela Constance: It is important that, once we get our young people into modern apprenticeships, we do our best to keep them in their apprenticeship. I hope that the member will be encouraged by the overall achievement rate of the modern apprenticeship programme in Scotland, which is 71 per cent, having risen from 52 per cent in 2001-02. Notwithstanding that, there has been important follow-up work from the making training work better consultation. Skills Development Scotland has been asked to look at particular sectors where drop-out rates are higher. We will of course look at a range of ideas with regard to that.

Language Learning (1+2 Model)

5. Colin Keir (Edinburgh Western) (SNP): To ask the Scottish Government what progress it is making in introducing the 1+2 modern languages model. (S4O-00463)

The Minister for Learning and Skills (Dr Alasdair Allan): The Scottish Government has established a languages working group to provide strategic advice and direction on the delivery of our commitment to increase the opportunities for young people to benefit from learning two additional languages. Although that is a commitment over two sessions of Parliament, we want to see progress made as early as possible. Therefore, we have asked the group to consider what objectives and actions need to be set in the short, medium and longer term to deliver the commitment.

The group is chaired by Mr Simon Macaulay, former assistant secretary of the Educational Institute of Scotland, and includes representatives of local authorities, schools, parents, higher

education and business. The group has met twice and will report to ministers in April 2012. Details of the group, as with all our curriculum groups, are available on the Scottish Government website.

Colin Keir: In my constituency, Kirkliston primary starts teaching French at primary 5, while pupils at Hillwood and Fox Covert primary schools learn basic Italian as early as primary 3. How will the new structure ensure that schools teach languages as early as possible?

Dr Allan: I certainly welcome the approach that is being taken in the member's constituency and I know that, across the country, more and more schools are introducing languages from an earlier age; indeed, some nurseries are introducing children to languages through song and play. As is well known, children often find it easier and more productive to learn languages at a younger age. For all those reasons, I have asked our languages working group to consider the benefits of providing children with access to languages from as early an age as possible and to look at how we might encourage local authorities to do that. As I said, I expect to receive the group's report in April, and I will certainly bear the member's comments in mind.

Ken Macintosh (Eastwood) (Lab): I am sure that the minister will share my concern and that of the various consulates in this country at the decline in the number of foreign language assistants, which in the past five years has decreased from just under 300 to less than 60. One reason for that is that such posts are the victims of cuts at local government level. What practical action can the minister take to reverse that decline and increase the number of foreign language assistants?

Dr Allan: I share at least one of the member's views, which is that modern language assistants play a valuable role in our schools. In addition, they are excellent value for money, as the cost of each assistant comes in at less than £8,000 a year.

For that reason, the Scottish Government has provided support across the board through its £4 million language fund. We have had a mixed response from local authorities, 25 of which appear to take a different view from the others on the issue. I have met one consul in Edinburgh, Herr Moessinger, who takes a keen interest in the future of the teaching of German in schools, and I intend to meet consuls and, indeed, the Convention of Scottish Local Authorities in the near future to find a way forward that all parties can agree on to ensure that the excellent benefits of modern language assistants are felt in all our schools throughout Scotland.

Further Education Colleges (Compulsory Redundancies)

6. Mark Griffin (Central Scotland) (Lab): To ask the Scottish Executive how it will assist further education colleges to avoid compulsory redundancies. (S4O-00464)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I welcome Angela Constance and Aileen Campbell to their new roles. I offer my apologies, as I should have done that at the outset.

We have made absolutely clear—I did so earlier in the session—our wish that compulsory redundancies should be avoided. Where that might be a prospect following a merger, we recognise that colleges may need help to ensure that any staffing reductions are voluntary. Such help will be among the purposes for which colleges will be able to seek support through the college transformation fund that we announced yesterday. However, colleges are independent employers that take their own decisions on employment matters against the background of their legal responsibilities. As I pointed out, the power to direct colleges was removed by the previous Labour-Lib Dem coalition.

Mark Griffin: A number of colleges have been unable to give a guarantee on no compulsory redundancies, given the scale of the cuts that they face. Nearly 900 jobs were lost last year, of which 50 were compulsory redundancies. How many redundancies, compulsory or otherwise, does the cabinet secretary anticipate that colleges will have to make to cover the budget reductions?

Michael Russell: I anticipate that, in the process of reform and merger, colleges will take decisions about how to intensify the work that they are doing to focus on the young people whom they serve. I repeat—I put on record yet again—that I do not wish to see compulsory redundancies, although I have no power to stop them in this part of the sector, because colleges are independent bodies. Their status as such was reinforced by Labour when it was in government. I will do everything that I can to persuade colleges that compulsory redundancies are not the way to go.

Inverness College (Beechwood Campus)

7. David Stewart (Highlands and Islands) (Lab): To ask the Scottish Executive what progress there has been in relocating Inverness College to the Beechwood campus. (S4O-00465)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Given that the member has had a long-term commitment to the Beechwood campus, on which I have worked with him, I know that he will be pleased to hear that substantial progress has been made. On 2

December, I announced that Inverness College could enter procurement for its proposed estates development at Beechwood, which will be funded to the tune of up to £51 million by the Scottish Further and Higher Education Funding Council.

David Stewart: Does the cabinet secretary share my view that the new Beechwood campus is a vote of confidence in the students and the staff of Inverness College, and that it opens up huge opportunities for a wider range and mix of teaching? Does he agree that, through Highlands and Islands Enterprise and local councils working together, it will provide economic and social benefits across the Highlands and Moray?

Michael Russell: Absolutely. The Beechwood campus is a positive development and I am glad that the work that we undertook across the parties, which included Mr Stewart, allowed it to come to fruition. Of course, the campus will have more than a college on it. It is a good example of how we can integrate various types of learning, and it will have a huge impact on the north of Scotland and the Highlands and Islands, as does the University of the Highlands and Islands, of which Inverness College is a part. I have huge confidence in that fascinating model.

Pupil-owned Technology

8. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what its position is on the use of pupil-owned technology in the delivery of education in schools. (S4O-00466)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Local authorities are responsible for setting their own policies on the use of information and communications technology in education, including the potential use of pupil-owned devices. However, as part of the ICT in education programme, the Scottish Government and Education Scotland will consider national guidance on sustainable solutions for the deployment of devices in schools, including advice on the potential use of pupil-owned devices.

Maureen Watt: The cabinet secretary will be aware of the pilot in an Aberdeen city school where the parents are being encouraged to buy their children tablet computers for school use. Although we recognise that such technology can enhance the delivery of education, especially in the area of outdoor education, does the cabinet secretary agree with me and the convener of Aberdeen City Council's education, culture and sport committee, John West, that parents should not be put in a position of having to rent a device or have their children do without one if they cannot afford to purchase one?

Michael Russell: Yes, I agree with that, generally. Although I am keen for schools to move in the direction of ensuring that there is the widest use of modern and flexible devices, I do not want anybody to be disadvantaged by that, so if it is done at all in schools, it needs to be done with sensitivity. However, there is a different approach, which is to make use of the wide variety of devices that exist in schools, and interesting work is being done on that worldwide. That is a positive dynamic, but I entirely agree with the member that it should be designed to help all young people and not just some.

Jenny Marra (North East Scotland) (Lab): Does the cabinet secretary believe that mobile phones should be present in the classroom?

Michael Russell: I do not think that there is a blanket answer to that. There are circumstances in which smart phones, for example, can be used as learning devices, and access to those pupil-owned devices might be appropriate. Some interesting research has been done on the ways in which the use of mobile phones in schools can be treated not as a disadvantage, as it often is when lots of consulting of Facebook takes place, but as an advantage in terms of accessing learning. We should be open to that. However, we are at an early stage and we should be working with schools, young people and ICT experts to make it happen. Something that has worked well in the past few months is the drawing in of ICT enthusiasts to the consideration of the future of glow. The issue is related to that, because access in schools will touch again and again on the issue of smart phones and pupil-owned devices.

Schools (Foreign Language Teaching)

9. Jamie McGrigor (Highlands and Islands) (Con): To ask the Scottish Executive what action it is taking to promote the teaching of foreign languages in schools. (S4O-00467)

The Minister for Learning and Skills (Dr Alasdair Allan): As I mentioned in response to Mr Keir's question, the Scottish Government is working with a range of stakeholders including local authorities, Education Scotland, the Scottish centre for information on language teaching and research, which is Scotland's national centre for languages, consuls general and cultural organisations to boost Scotland's schools' engagement with and performance in languages.

We aim to introduce a model for language learning that is based on the European Union 1+2 model, whereby young people will be able to learn two other languages in addition to their mother tongue, to be introduced over two sessions of Parliament. That will enhance the opportunities for our young people to develop the confidence and skills that they will need to make their way in an

increasingly globalised world. Our languages working group will report in April 2012 and offer advice and direction on delivering that commitment.

Jamie McGrigor: The minister will be aware of the British Council's alarm that the number of foreign language assistants in Scotland's schools has fallen by 80 per cent in just six years, and the consuls general of France, Germany, Spain, Italy and China have joined forces to stress the importance of those native-language-speaking assistants. Does he agree that urgent action is required to increase the number of foreign language assistants, who not only assist with the development of modern foreign languages in our schools but are fundamental to increasing our international cultural and economic links?

Dr Allan: I very much welcome the involvement in this subject of the consuls in Scotland's diplomatic quarter, whose advice is helpful. The picture is not universal to all languages in our schools—an increase has been experienced in Spanish. However, as I said to the German consul, the number of people who take exams in German has declined by about 10 per cent, which we would like to remedy. I look forward to the meeting with the consuls and the Convention of Scottish Local Authorities to find a way through the situation.

It is worth adding that, if the £4 million that the Government gives to the language fund for local authorities were spent solely on modern language assistants, it would provide something like 500 of them. Even in these straitened times, local authorities might wish to consider that.

Further Education (Rural Areas)

10. Mike MacKenzie (Highlands and Islands) (SNP): To ask the Scottish Government what measures it is taking to ensure that the quality of further education is being maintained in rural areas. (S4O-00468)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We expect colleges, like all other parts of Scottish education, to deliver learning and teaching to a very high standard. Independent reviews by Her Majesty's inspectors show that that is being achieved throughout Scotland. I look forward to that continuing to be the case as we reform the sector to put an even greater emphasis on learner outcomes.

Mike MacKenzie: I thank the cabinet secretary for his reassurance. If Argyll College is merged with other colleges, what further reassurance can he give that local education services and local links with the community and businesses will be maintained and improved?

Michael Russell: Argyll College is close to my heart, as it serves my constituency—I am also pleased to be Mr MacKenzie's constituency MSP. Argyll College has a particular model of operation that is distributed across Argyll—it delivers teaching in something like 20 centres. It is also a member of the University of the Highlands and Islands, which is a federation of 13 colleges.

There is already clarity about where Argyll College sits in the regionalisation agenda. I think that it will continue to work with the other colleges in the University of the Highlands and Islands to ensure that that arrangement is as efficient and effective as possible. It will certainly have my strong support.

Sarah Boyack (Lothian) (Lab): The cabinet secretary recently created a £15 million fund for college mergers. Have rural mergers been factored into that sum? How will that money be distributed?

Michael Russell: As I said to Elizabeth Smith, the fund is a transformation fund. I will write to colleges with the full details in the next few days. The transformation fund is not a mergers fund or a small colleges closure fund, as a Labour spokeswoman said earlier this week. It will make a positive contribution to the transformation and reform agenda. I am open to what colleges see as an appropriate use of the resources.

I understand that three rural colleges have announced their intention to merge with the Scottish Agricultural College to create an interesting new force that will provide further and higher education and will be consultative, given the work that is done in rural communities. It would be open to those involved in that merger to talk to us about the transformation fund—that is up to them.

Supply Teachers

11. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive how it plans to address the shortage of short-term supply teachers as reported in *TES Scotland* on 11 November 2011. (S4O-00469)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): All matters that relate to teacher supply and demand will be considered as part of our annual teacher workforce planning exercise. No later than early in the new year, I will issue guidance to the Scottish Further and Higher Education Funding Council about the number of student teachers that is to be recruited next autumn.

Dr Simpson: Is the supply teaching situation not in rather a mess? That has occurred since the reduction in pay to point 1. Headteachers have reported serious difficulties in Stirling, Perth and

Kinross, Dundee, Aberdeen, Aberdeenshire, Falkirk and North Lanarkshire. My colleague Neil Findlay was told that, of 324 requests for supply teachers in West Lothian, 299 were left unfilled. In other words, only 8 per cent of requests for short-term supply teachers were met. What does the cabinet secretary now propose to prevent any additional problems for our hard-pressed and dedicated teachers?

Michael Russell: Dr Simpson, like most of his colleagues, always likes to make a crisis out of a problem. The reality of the situation in supply teaching is that the difficult decision on resourcing Scottish education that had to be made as a result of cuts from Westminster required an agreement in the tripartite setting of the unions, the Government and the Convention of Scottish Local Authorities on how we should take the matter forward. There was an agreement in that tripartite group—it was therefore endorsed by all parties, including the unions—that there would be a change to the supply pay structure. That was regrettable, but there was little alternative.

Some local authorities have not implemented the change, however. In those circumstances, there is bound to be some pressure over a period of time, but that pressure is limited; it occurs in one or two subjects, and in a number of places in Scotland. Those include places that have traditionally had difficulty with supply, such as rural Scotland, where there are often shortages of supply simply because there is a shortage of people available.

We keep the matter under regular review—I am absolutely determined that we should do so—but the issue here is the overall supply of teachers and ensuring that we get the workforce into balance. I am pleased that progress continues to be made on that, as the figures published yesterday show. We are eating into the problem of teacher unemployment and ensuring that the workforce goes into balance, and I would welcome the support of the Labour Party to ensure that we can give that hope to young teachers. We have been working hard on this, and we would like that to be recognised by a fair-minded Opposition.

University Fees (Non-domestic Students)

12. Joe FitzPatrick (Dundee City West) (SNP): To ask the Scottish Government what the average fees will be for non-domestic students attending a university in Scotland in 2012-13. (S4O-00470)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The average fee that a student from the rest of the United Kingdom will be expected to pay to attend a university in Scotland in 2012-13 will be £6,841

a year, before any fee waivers, bursaries or other forms of student support are taken into account.

Joe FitzPatrick: I thank the cabinet secretary for that answer. I am sure that students in Dundee and across Scotland will be delighted that the predictions of some members on Labour's front bench have proved to be unfounded, and that our SNP Government has kept access to higher education based on the ability to learn rather than on the ability to pay.

Will the cabinet secretary tell us what the cost would be for Scottish students if they and RUK students paid the same? What impact would that have on the number of places available to Scottish students?

Michael Russell: I have been absolutely determined to honour the necessary commitment that education should be free in Scotland to those who are domiciled here—that relates to between 83 and 84 per cent of Scottish students. That is, regrettably, all that I can do, because we are simply not resourced to deal with the wider issue of the other 16 to 17 per cent. I have said that I regret that, but that is where we are. I am pleased that, in the end, the Labour Party supported the regulation that was required to achieve that end.

Of course, if we had not done that, it is likely that fees would have had to be introduced for Scottish students, but this party—the party in government—was absolutely clear that that would not happen. We were joined in that determination by the Labour Party and the Liberal Democrats. The Tories have a very different view, and it is a wrong view—members should just look at what is happening south of the border. If we can continue and confirm that they are wrong, I think that we will be doing Scottish students a great service.

Of course, there is a way forward on this, and that is independence. If we had independence, everyone would be treated in the same way, and that would be a price worth paying.

Claire Baker (Mid Scotland and Fife) (Lab): In the light of the recent decision by the Office for Fair Access to approve the reduction of student fees in 11 English institutions, does the cabinet secretary still believe that £9,000 fees are the answer for Scotland?

Michael Russell: I have never believed that £9,000 fees were the answer for Scotland, so the question is based on an entirely false premise. Of course, if one follows the route of marketing higher education that is being followed by the Tories on the back of a report by Lord Browne that was commissioned by the Labour Government, one will get these difficulties. There is only one party in this chamber that has never voted for student fees, as I am sure Labour members will acknowledge. It would be far better if we were not

affected by that flawed policy. How do we achieve that? The answer is independence.

Mark McDonald (North East Scotland) (SNP): Does the cabinet secretary agree that it is bizarre that certain Opposition spokespeople call for him to take a hands-on approach to further and higher education in relation to fees and redundancies, for example, while calling for him to take a hands-off approach to sector reform? Does he agree that consistency of approach from Opposition parties, albeit unlikely, would be welcome?

Michael Russell: I compliment Mr McDonald on what I think is admirable optimism; I was almost going to call it naivety. The older I get, the more I realise that consistency is not something that we will ever have from the Labour Party.

The Deputy Presiding Officer: Question 13 was not lodged.

Further Education Colleges (Partnership)

14. David Torrance (Kirkcaldy) (SNP): To ask the Scottish Government what progress is being made towards encouraging co-operation and partnership between further education colleges. (S4O-00472)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Significant progress is already being made, and we expect more to follow. Co-operation and partnerships—and, indeed, mergers—are all options in our broad plans to bring better cohesion to the college sector and to deliver better value for money through the elimination of duplication and waste.

Many colleges are already making progress. For example, Aberdeen College and Banff and Buchan College are committed to a federation to serve the north-east, and the three Edinburgh colleges are pursuing a merger.

David Torrance: What additional measures could be considered to make college boards more accountable and democratic?

Michael Russell: I am pleased to say that Ferdinand von Prondzynski, the principal of Robert Gordon University, will be reporting shortly on the issue of governance. As members will know, I set up two governance reviews: one for the college sector and one for the higher education sector. Russel Griggs will report on behalf of his college education group, and Professor von Prondzynski will report on behalf of the higher education group. I anticipate publishing the reports in the new year, and I hope that the recommendations will be considered as we move into the legislative process.

I believe in accountability for both sectors. Accountability is vital, as the sectors are both major spenders of public money; of course,

academic freedom is equally vital. We must have a careful balance between the two so that the taxpayer's interests are protected and our universities and colleges are free to deliver the excellent service that they can and will deliver.

University Places (Access)

15. Clare Adamson (Central Scotland) (SNP): To ask the Scottish Government to clarify how it will ensure that access to university places is widened. (S4O-00473)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): In the context of the post-16 reform programme, the Scottish Government has already announced its intention to legislate to set achievable but ambitious goals for access to higher education for the poorest students.

We will consider placing a statutory duty on institutions to seek out those with greatest potential, who would be identified with reference to their grades and their situation. We will also introduce widening access outcome agreements with financial penalties that are conditional on achievement.

Clare Adamson: Does the cabinet secretary agree that one of the most effective tools that we have for ensuring access to university for young Scots is to keep access to higher education based on the ability to learn and not the ability to pay?

Michael Russell: Unsurprisingly, I agree 100 per cent with that. I add a caveat, however. We are not yet sure of the difficulties that there will be with applications, because the figures are provisional. However, if there are any difficulties at all, they will be the result of the negativity around the subject that has been created in the debate.

I want to send the message out loud and clear—and I hope that I am joined by every member in the chamber—that there are no fees for the 83 per cent of students at Scottish universities who are domiciled in Scotland. Education remains free for them: it is based on the ability to learn and not the ability to pay. The Government has made and is delivering that commitment. If we could say that clearly in the chamber, we would be doing Scotland a great service.

Individual Learning Accounts

16. Mary Fee (West Scotland) (Lab): To ask the Scottish Executive how many people have used the individual learning account in the last financial year. (S4O-00474)

The Minister for Learning and Skills (Dr Alasdair Allan): In 2010-11, 60,512 people used an individual learning account to support learning.

Mary Fee: Does the minister agree that ILAs are a key element in ensuring that people can access training and qualifications? The difference between the £200 funding that is given and the cost of the courses—most cost between £600 and £1,000—could discourage people either from applying or from finishing their course. Does he agree that cuts to college funding may force colleges to increase the cost of courses or, in some cases, scrap them?

Dr Allan: I certainly agree that individual learning accounts have proved immensely useful for a great number of people. Indeed, there have been 470 providers and 20,000 learner opportunities. However, I disagree with the assertion that we are doing harm rather than good. The Scottish Government is helping people to access learning through that mechanism.

We have clearly rehearsed the argument that the Scottish Government is making a major commitment in college funding, despite the fact that £3.3 billion is being removed from Scotland's budget in the coming three years.

Ayrshire Colleges (Post-16 Education)

17. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): To ask the Scottish Government what progress Ayrshire colleges have made in implementing post-16 education reforms. (S4O-00475)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Colleges in Ayrshire, like others across the country, are having constructive discussions about our post-16 reform proposals. Last night, I spoke to Heather Dunk, the principal of Kilmarnock College.

The proposals are the subject of consultation until 23 December. With the Scottish Further and Higher Education Funding Council, we are closely engaged with all colleges as part of the consultation exercise to ensure that implementation of our reforms can begin in the 2012-13 academic year.

Adam Ingram: Does the cabinet secretary agree that merger on an all-Ayrshire basis is the way to go, not least because we have remarkable consensus between Ayr and Kilmarnock on this occasion? What support would the Scottish Government provide to expedite the merger process?

Michael Russell: The transformation fund, which was announced yesterday, is available to colleges in any part of the country so that they can proceed with their proposals, whether for merger or federation or to create new opportunities to take forward the agenda in their area. I know that the colleges in Ayrshire are having good discussions, although there are difficulties in relation to

Kilwinning. It is best that the colleges discuss that, and that discussion is taking place. I hope that the colleges will find a way to ensure that they have the best proposals for them. I stress that nothing is set in stone and that it is extremely important that the colleges find the proposals that suit the learners of Ayrshire. That is what will make the difference.

Colleges (Budget Settlements)

18. James Dornan (Glasgow Cathcart) (SNP): To ask the Scottish Government what discussions it has had with colleges about future budget settlements. (S4O-00476)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I do not think that there have ever been so many questions about colleges. By and large, they have been positive questions, particularly those from positive members such as Mr Dornan.

We are engaged in regular discussions with colleges, particularly on our comprehensive plans to reform post-16 education. A key part of those discussions has been the future system under which colleges might be funded.

James Dornan: I thank the cabinet secretary for his kind comments.

I know that, as was highlighted by yesterday's announcement of £15 million to assist colleges, the cabinet secretary recognises the important work that takes place in colleges throughout the country, none more so than in Langside College in my constituency, which recently became the only college to have won the Scottish Qualifications Authority's pride o' worth award for a second time. Given the importance of the college sector to many constituents in Cathcart and throughout Glasgow, will the cabinet secretary agree to meet me and members of the federation of Glasgow colleges to discuss the future of the college sector in Scotland's largest and best city?

Michael Russell: I will not comment on that final point, but I will be delighted to meet Mr Dornan and the federation. I have met a number of Glasgow's college principals and have had extensive discussions with principals and chairs from throughout Scotland, but I am always open to further discussion to ensure that we collaborate in making progress with the extremely important reform process. I am heartened by the support and encouragement that I am getting from college principals, who know how important it is to make the changes.

Skills Development Scotland (Meetings)

19. Gavin Brown (Lothian) (Con): To ask the Scottish Executive when it last met with Skills Development Scotland. (S4O-00477)

The Minister for Children and Young People (Angela Constance): Ministers met with the chair of Skills Development Scotland on 28 September 2011, and I met the chair informally last night at the modern apprenticeship awards in Glasgow.

Gavin Brown: Skills Development Scotland is one of several organisations in the strategic forum, which has to make savings of £85 million during the current spending review period. Roughly what percentage of those £85 million savings will come from Skills Development Scotland?

Angela Constance: The draft budget for Skills Development Scotland for 2012-13 is £176.4 million, which is a reduction in year 1 of 2.7 per cent.

Cabinet Secretary for Education and Lifelong Learning (Meetings)

20. Neil Findlay (Lothian) (Lab): To ask the Scottish Executive when the Cabinet Secretary for Education and Lifelong Learning last met NUS Scotland and what was discussed. (S4O-00478)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I last met formally with NUS Scotland on Wednesday 3 August 2011. I have since had informal meetings with elected officers and officials on several occasions—as usual, those were constructive discussions on a wide range of issues that affect students in Scotland. I met the NUS Scotland president, Robin Parker, at the University of Abertay Dundee on Tuesday night, at a meeting at which Ms Marra was also present.

Neil Findlay: The cabinet secretary will be aware of the NUS campaign our future, our fight. Does he accept that senior management, student leaders, students and the workforce in Scotland's colleges are speaking with one voice and telling him that his approach to the future of colleges is wrong? Will he show some uncharacteristic humility and at least acknowledge that?

Michael Russell: I will ignore the jibe, as ever. *[Interruption.]* Well, it is wise to ignore it. To draw attention to Mr Findlay's unfortunate method of asking a question would not help him.

The transformation fund has been welcomed by the NUS. I am happy to engage with the NUS and with many others on the issue of reform, and I do so vigorously. If Mr Findlay thinks that there is some sort of unanimous opposition, he is, as ever, barking up very much the wrong tree.

Local Government Finance Settlement 2012-13

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a statement by John Swinney on the local government finance settlement 2012-13. The cabinet secretary will take questions at the end of the statement, therefore there should be no interventions or interruptions.

14:56

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): I welcome to office Derek Mackay as the Minister for Local Government and Planning and record my thanks to Aileen Campbell for her service in that capacity. I extend my good wishes to her in her new post as the Minister for Children and Young People.

My statement to Parliament will cover two areas. I will set out the terms of the provisional local government finance settlement for 2012-13, together with indicative figures for 2013-14 and 2014-15, and I will make a number of announcements on business rates.

The local government finance settlement is a vital element of our relationship with local government. The settlement is outlined in the context of the Scottish Government and local government working together on joint priorities to deliver better outcomes for the people and communities of Scotland. That relationship, which has underpinned the single outcome agreements that are in place for every community planning partnership in Scotland, focuses the work of national and local government on delivering for all our communities.

Over the period 2008 to 2011, we increased local government's share of the Scottish budget and, for 2011-12, we maintained its share of the total Scottish budget at 2010-11 levels. In the 2012 to 2015 period, local government revenue funding will be a larger share of the funds that are controlled by the Scottish Government than the share under the position that we inherited in 2007-08, when we came to office. That has been achieved in the context of the most dramatic reduction in public spending that has ever been imposed on Scotland by the United Kingdom Government. In 2011-12, we have already been forced to reduce public spending by £1.3 billion compared with last year, with an £800 million cash reduction to our capital budget. Under the plans that the UK Government announced in its October 2010 spending review, between 2010-11 and 2014-15 we face real-terms resource budget reductions of 9.2 per cent. Our capital budget will

be hit hardest of all, suffering a real-terms cut of 32 per cent.

As I explained to Parliament when I set out the rationale for the choices that we made in the 2011 spending review and draft budget for 2012-13, we have had to face some very difficult decisions. I do not underestimate the difficulty of the decisions that local government, in return, will have to make. However, I firmly believe that we have provided a fair settlement to local government that represents the best that can be achieved in the circumstances.

The 2011 spending review and draft budget 2012-13 document, which was published on 21 September, confirmed our draft budget for the first year of the spending review period and our spending plans for the subsequent two years, including the headline allocations for local government. Today, I announce the provisional funding allocations to individual local authorities for 2012-13 together with indicative figures for the following two years. Copies of summary tables containing the key information in my statement are available at the back of the chamber.

The Government has reached an agreement with the Convention of Scottish Local Authorities leadership on an approach to delivering joint priorities between national and local government. That was described in my letter to COSLA of 21 September, which set out the terms of the local government settlement for 2012 to 2015. I am pleased that COSLA has confirmed that local authority leaders support that settlement in principle.

As part of the settlement, local authorities will deliver certain specific commitments including: freezing the council tax, which is continuing to help families during tough economic times; passing on funding to police boards, as a contribution to allowing them to maintain the number of police officers on our streets; maintaining teacher numbers in line with pupil numbers and securing places for all probationers under the teacher induction scheme; and meeting the needs of our most vulnerable and elderly through the national health service and councils working together to improve adult social care.

Local government will also have a key role to play in the preventative spending approach, which is a major feature of the 2011 spending review. I know that local government strongly supports that approach and has committed to contributing resources to the change funds, which, together with contributions from national Government and community planning partners, are expected to deliver around £500 million to invest in early years, services to older people and reducing reoffending.

However, the package that is being offered to local authorities is conditional. Although it is agreed between the Government and COSLA's leadership in principle, it is now up to individual authorities to decide whether they wish to accept it. If they accept, they will receive their needs-based share of the overall revenue increase. If they reject the offer, they will not receive all that allocation but will instead have access to a sum reduced by 5.2 per cent.

The package of resources equates to £579 million across the whole of local government in each year of the three-year settlement. It is made up of each council's needs-based share of the £70 million for the council tax freeze, the £24 million that was added to the 2012-13 settlement for teachers' pay, the £15 million that was added as part of the negotiations on the Scottish negotiating committee for teachers agreement in the 2011-12 settlement and the £470 million that is local authorities' 49 per cent share of the flat cash funding to be made available as a contribution to allow police boards to maintain the number of police officers on our streets. Council leaders have been asked to advise me by 20 December whether their council agrees to the full package on the terms that I have set out.

In 2012-13, the total support for local government will amount to £11.5 billion, which includes revenue and capital funding. In total, over the three-year period of the spending review, we are providing local government with £34.6 billion.

Within the total available, our support for revenue will amount to £10.9 billion in 2012-13; over the three years of the spending review, it will total £32.8 billion. That revenue allocation represents a flat cash settlement with small adjustments for police and fire pensions, increased resources to support teachers and funding to enable councils to extend the council tax freeze for the lifetime of the current parliamentary session. The revenue allocations that I am confirming today also include provision to deliver on our manifesto pledge that no council will receive less than 85 per cent of the Scottish average in revenue support. The funding for that provision is additional to the core local government settlement.

During the election campaign, we estimated that up to £26 million would be required to fund that scheme in each of the three years from 2012 to 2015. Had the mechanism for 2012-13 been in place in the current financial year, the cost would have been £20.4 million. We made it clear, however, that the exact cost could not be fixed until the annual local government finance settlements had been calculated and, in the spending review, I set aside a sum of £25 million for each of the three years from 2012 to 2015.

In honouring that commitment, I have taken a two-stage approach to distribution of that sum. Just as the introduction of the floor will ensure that the resources that are made available to each council should be no less than 85 per cent of the average, the calculation is made within a framework that assumes that no council will receive more than 115 per cent of the average. I stress that that will have no impact on the actual funding to those councils that have higher per capita levels; rather it is a notional adjustment for the purposes of having a mechanism for calculating a fair, representative and equitable Scottish average.

Under that mechanism, the cost of implementing the 85 per cent floor will be £18 million, £19 million and £18 million across the 2012 to 2015 settlement period. While that meets the 85 per cent floor commitment, the per capita allocations to Aberdeen and Edinburgh, which will receive additional support, still fall significantly below the next-lowest council's per capita allocation. In recognition of that, I have included a second stage to distribute the remaining budget provision of £7 million, £6 million and £7 million that was set aside to implement the policy, on the basis of the relevant population shares of both Aberdeen and Edinburgh. Taken together with their respective increased settlement allocations, both councils will receive 85.5 per cent of the adjusted average in 2012-13, which means that Aberdeen City Council will receive, on a like-for-like basis, a total increase of £5.3 million and City of Edinburgh Council will receive an increase of £25.4 million next year.

I can confirm that there has been one further change to the local government budget since the draft budget was published, which is the additional provision of £0.8 million to Argyll and Bute Council for the purpose of operating Oban airport for each of the next three years.

Local government's percentage share of the Scottish Government departmental expenditure limit plus non-domestic rates income in 2014-15 will be the same as it was in 2008-09, which is still higher than it was in 2007-08.

The total capital funding for local government in this spending review is £1.9 billion. That delivers on the Government's commitment to maintain local government's share of the total capital budget at 28 per cent. Capital expenditure is the engine of economic growth and, despite the cuts that have been imposed on our capital budget by the UK Government, I want to inject the biggest possible stimulus into the economy from investment in new infrastructure across Scotland. Local government has a part to play in that.

Unlike the Scottish Government, local government has the power to borrow. In order to maximise capital investment, I have agreed with

COSLA that the capital funding for local government will be spread over four years rather than three. As a result, I have moved £120 million from 2012-13 to 2014-15, and £100 million from 2013-14 to 2015-16. Taking account of that reprofiling, the total capital funding for local government in the next financial year is £563 million. I have invited our partners in local government to consider the extent to which they can use borrowing to maximise capital expenditure. However, I make it clear that I have not placed any targets for borrowing on local authorities and they are under no compulsion to increase their level of borrowing. Borrowing is a matter for individual local authorities.

I recognise the pain and distress that flooding can mean for those who are affected. That is why, despite the reductions in budgets that we face, I have agreed with COSLA that funding for flood projects will be maintained at the same level as in 2011-12 and will not be subject to any reprofiling. That funding will finance large flood prevention projects.

I now turn to business rates, which are a key issue for our business community. I am committed to ensuring that Scotland offers the most competitive business rates in the UK, for example through the small business bonus scheme, which gives a tax break to two out of five premises in Scotland. I can confirm that the limited and temporary measure to reduce rates for English small businesses that was announced by the Chancellor of the Exchequer last week does not compare well with the small business bonus scheme. Not one Scottish business would be better off under the equivalent small business relief scheme in England.

Furthermore, I appreciate the need to provide long-term stability for small businesses. The Government has therefore committed to maintain the small business bonus scheme for the lifetime of this Parliament—up to 2016. That compares favourably with the chancellor's proposal, which has extended help to small businesses only until March 2013.

We made a commitment not to allow the poundage for business rates to rise above what it is in England during the lifetime of this Parliament. Today, I can confirm that the 2012-13 business rate poundage will be 45p. That is the same rate as will apply in England and includes a normal inflationary increase, which is tied to the September level of the retail prices index. However, in the current climate, businesses will appreciate an opportunity to reduce their overheads and I will be allowing any business the opportunity to spread the inflationary increase, which is 5.6 per cent, over three years.

We continue to consult on the proposals to apply a public health levy and to reform the approach to empty property relief. We will also take forward the commitment that was outlined in my spending review statement to embark on a review of business rates in advance of the next revaluation in 2015. Although it is important that we maintain the revenues that are secured through business rates, we also need to ensure that businesses in Scotland maintain a competitive advantage to support our focus on sustainable economic growth. More details of the review will be available shortly.

I would also like to take this opportunity to set out the buoyancy estimates for growth in the underlying tax base that we have used in the future projections of business rates income. Despite the UK Government's more pessimistic expectations for economic growth, which it set out in the autumn statement, I remain satisfied about the robustness of the buoyancy estimates that were included in the draft budget and spending review for business rates income of 1.95 per cent in 2012-13, 2.15 per cent in 2013-14 and 2.35 per cent in 2014-15.

I remind members that those estimates are based on past buoyancy trends as well as an assessment of current and anticipated future economic conditions. Outturn figures show that, even at the height of the recession in 2008-09, there was still growth in the underlying tax base of 0.91 per cent, and that rose to 1.73 per cent in 2010-11—those are facts. That demonstrates that I have taken a prudent and cautious approach to future forecasts. Those forecasts will be subject to regular monitoring, as more up-to-date information becomes available, to check that our estimates remain on track.

I can confirm that the total level of funding for local government in Scotland that is set out in my statement is guaranteed, irrespective of business rates income. We are also committed to matching the English poundage so that, if there were any variations in the income estimates, the burden of that would not fall on businesses.

I can also announce that agreement has been reached with COSLA's leadership on the introduction of a business rates incentivisation scheme. After careful consideration, I have decided that that new scheme should be introduced from 1 April 2012. The scheme has two aims: to incentivise local authorities to maximise their existing business rates income; and, more important, to encourage local authorities to attract new economic growth and, as a result, grow their potential business rates tax income. That will be vital in helping to grow the Scottish economy in these difficult times. Under the scheme, any local authority that exceeds its annual business rates

target will share the additional income equally with the Scottish Government and retain the additional income until the time of the next business rates revaluation, which is usually every five years. The business rates incentivisation scheme targets will be issued to individual local authorities for consideration and agreement before Christmas.

In conclusion, the provisional allocations that I have announced maintain local government's revenue funding and ensure that, throughout the spending review period, it will receive a larger share of the funds contributed by the Scottish Government, including business rates, than under the position that we inherited in 2007-08. The settlement also maintains local government's share of the total capital budget at 28 per cent.

Today marks the start of the normal consultation period with local government on the provisional allocations. I will bring the final figures to Parliament as part of the local government finance order early in the new year.

The Deputy Presiding Officer (John Scott): The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow around 30 minutes for questions, after which we will move to the next item of business.

Michael McMahon (Uddingston and Bellshill) (Lab): I thank the cabinet secretary for early sight of his statement and join him in welcoming Derek Mackay to his new post, in which I wish him well.

I fully appreciate that the budgetary constraints under which the cabinet secretary is operating make his statement one that he would rather not have had to make. Having seen the contents of this year's local government settlement and the poor choices that he has made in it, I am equally sure that local government staff and those who depend on council services would rather that he had not made the statement. What the cabinet secretary has outlined is that the settlement will increase the rate of job losses and will cut services when demographic and social pressures are increasing and will damage economic recovery. My main concern about the statement is that the funding squeeze will be unnecessarily tight. According to official statistics, that has already led to more than 14,000 job losses between 2007 and 2010.

Has the cabinet secretary assessed the scale of job losses that his settlement will cause? He has described the three-year plan as a flat cash freeze. Can he confirm that there is a real-terms cut of over £700 million—that is according to table 16.02 of the draft budget document—and of £350 million in this year alone? Can he confirm that the £70 million per annum funding for the council tax freeze is no longer ring fenced and that that will add to the cuts that councils will have to make?

How much efficiency savings must each council make? Can the cabinet secretary confirm that the total savings that local government is being asked to make will be over £600 million this year and £1.6 billion over the spending review period?

John Swinney: I thank Mr McMahon for his remarks and his good wishes to Mr Mackay.

I say to Mr McMahon in all seriousness and sincerity that of course there are difficult decisions. There are not many easy decisions for a finance minister in the context of reducing public expenditure and growing demand for public services, but I do not think that it takes me to remind Mr McMahon that the Scottish Government has to operate within a fixed budget that is set by the United Kingdom Government.

Michael McMahon: They are your choices.

Johann Lamont (Glasgow Pollok) (Lab): Your choices.

John Swinney: Mr McMahon and Ms Lamont mutter, "They are your choices," and that is correct; they are my choices and I will defend them. The question that Mr McMahon and his colleagues must answer is: what are their choices?

If more resources are to be allocated to local government, resources must come from somewhere else. Labour must determine whether that would be from cuts to the health service. Just a few moments ago, Mr Gray was sitting exactly where Mr McMahon is sitting, implying that we are not giving enough money to the health service, eagerly egged on by Jackie Baillie. I pose the question: if Mr McMahon wants more resources to boost the local government settlement, where on earth will they come from?

I am happy to confirm that the £70 million for the council tax freeze is part of the local government settlement that I have announced today. As local authorities make clear to me, they have to live within their resources at all times, so they must make their own judgments about the levels of efficiencies that they must make.

I am certain that the constructive way in which we engage with local government—in focusing on joint priorities, in trying to make progress on improving outcomes for individuals through the change funds for elderly care and the early years interventions that we have brought forward together and in engaging strongly in the reform of adult social care—will enable us to ensure that we strengthen the outcomes for individuals in a very difficult financial climate. That is certainly what the Scottish Government is committed to, and I am confident that Scottish local government has the same objectives.

Margaret Mitchell (Central Scotland) (Con): I, too, welcome the new Scottish Government minister to his post, and I thank the cabinet secretary for early sight of his statement. In response, I want to focus on the point that the Conservatives made after the spending review was presented in September.

The statement again confirms wildly optimistic estimates for non-domestic rates revenues, especially after the growth downgrades that were announced in the autumn statement. The estimates amount to an increase of 23 per cent over the spending review period and represent an increase of more than £100 million between 2011-12 and 2012-13 values alone, hence the projections of a steep hike in the business rates income. The Scottish Government claims that the increase is accounted for by inflation and the proposed £110 million tax raid on large retailers, but whether the numbers become reality is questionable at best.

Let us not stop there, as there is another ticking time bomb around the corner. The cabinet secretary will be aware that the number of appeals by businesses on their rateable value has risen by 22 per cent compared with the previous revaluation period. To put that in perspective, it represents a staggering 71,210 businesses that are appealing their rates.

There has recently been a landmark ruling for the businesses in the form of the appeal won by the shop owners and landlord of the Mercat shopping centre in Kirkcaldy, which could see business rates cut by up to 45 per cent. As a consequence, a funding gap in local authority budgets could be created, which would amount to millions and which the Scottish Government would have to underwrite.

Has the Scottish Government considered that case in its calculations? Has there even been an impact assessment? More important, can the cabinet secretary tell the Parliament how he would tackle a further shortfall in his already overoptimistic projections?

John Swinney: I thank Margaret Mitchell for her remarks and welcome her to the front bench. It is the first time that I have had the privilege of debating with her.

In my statement, I set out the details of the assumptions that I made on business rates, which I have shared with the Parliament's Economy, Energy and Tourism Committee. The key point in that assessment is that in 2008-09, when the economy was in recession and when almost all tax takes were reducing, there was underlying growth in the business rates tax base of 0.91 per cent. That rose to 1.73 per cent in 2010-11. My reason for marshalling that information for Parliament is to

make the point that the estimates that I have made are securely founded, given the specific practical experience that we had in 2008-09 of an economy in real difficulty while there was still buoyancy in the business rates income.

Margaret Mitchell criticised me for applying the 5.6 per cent inflation increase as a consequence of the September RPI. I was roundly criticised by the Conservatives for doing that in the budget in September. If I remember rightly, the Secretary of State for Scotland—he is not a Conservative, but he might be soon—entered the fray to criticise me in that regard. I noticed this morning that the United Kingdom Government, which is populated by Conservatives and Liberal Democrats, has applied exactly the same inflation increase to business rates as I applied. In the words of a former First Minister, there is a word that begins with H and ends with Y, which I will not say in the Parliament.

There are four components of the increased business rates income that we are estimating: inflation; buoyancy; the public health levy; and empty property relief. I remain confident that the estimates that I have set out are strong and robust. I reiterate the point that I made in my statement: I guarantee those sums of money to local government in Scotland. That is exactly what the Government will do.

The Deputy Presiding Officer: We have a large number of questions. If questions are brief and the cabinet secretary's responses are equally brief, we might get through them all.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I welcome the cabinet secretary's statement and in particular the announcement of the 85 per cent funding floor—another manifesto commitment met—giving more than £5 million in the first year and almost £9 million in year 3 to Aberdeen City Council. I have spoken to the council leader, Callum McCaig, who assured me that the money will be spent wisely on providing services for the citizens of Aberdeen. How far does the cabinet secretary estimate that the money will go in addressing years of underfunding at Aberdeen City Council?

John Swinney: We have delivered on the commitment that we gave during the election. I look to Aberdeen City Council to steward the resources wisely and invest in the city's future. The council has had a difficult journey during the past few years but was ably stewarded by my parliamentary colleague Kevin Stewart. I look forward to working with Councillor McCaig in taking forward the city's priorities and creating economic strength and quality public services in the north-east of Scotland.

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I read the cabinet secretary's statement with interest and I thank him for the advance sight of it. I also read the appendices that are attached to it. Why is Glasgow City Council one of only a handful of councils whose revenue funding will decrease year on year, according to his figures?

John Swinney: A needs-based formula drives the allocation of resources to local government. The formula is agreed with local government, in discussions in which Glasgow City Council is a full participant. The formula is driven by a number of indicators, principally the population—updated with the mid-year population estimates in 2010—and it applies in that fashion to provide the answers that are set out in the funding settlement.

Marco Biagi (Edinburgh Central) (SNP): I welcome the statement and the announcement of the funding floor, which I am sure will be as gratefully received by the City of Edinburgh Council as it will be by Aberdeen City Council. Does the cabinet secretary agree that that is another election promise fulfilled for the people of Edinburgh? Does he also agree that the improved funding allocation recognises Edinburgh's unique status as the capital city and underscores the SNP as the national party, which supports our national capital?

John Swinney: We gave commitment to the 85 per cent funding floor because the disparity that was being created at the bottom of the table in per capita allocations was growing to such an extent for individual authorities that it required to be addressed. We gave a commitment to undertake that, which has now been delivered as part of the local government settlement.

Drew Smith (Glasgow) (Lab): I am slightly concerned that the cabinet secretary seemed to suggest that Glasgow does not need the money.

My question is about the impact of welfare reform changes. What contingency has the cabinet secretary set aside to deal with the projected reduction in income as a result of the changes to council tax benefit and housing benefit, which do not seem to be covered in the statement?

John Swinney: First, I was interested in a newspaper that I saw called *The Edinburgh Voice*, which is the paper of what is called Labour's team for Edinburgh. It states:

"Glasgow receives 40% more funding from the SNP Government, that's not our claim, but the proud boast of an SNP member of the Scottish Parliament!"

My colleague Mr Mason made that proud boast, but it seems to have—

The Deputy Presiding Officer: Is this germane to the answer?

John Swinney: It is.

I am answering Mr Smith's—[*Interruption.*] I think that the process works on the basis that the Labour Party chooses the question and I deliver the answers. My answer is about the fact that Mr Smith suggested that I do not think that Glasgow needs the money. I am pointing out that the Labour Party in Edinburgh is attacking the funding settlement that I have delivered for the city of Glasgow, which is rather injudicious of the Labour Party.

Mr Smith's other point was about welfare reform and housing benefit. There are serious issues about the way in which the United Kingdom Government takes forward its policy changes and the consequences that that has for funding arrangements in Scotland. I cannot in all honesty say to the chamber that I am comfortable with, or confident about, the arrangements that the UK Government is making for the future of council tax benefit, which is one of my areas of close interest and the subject of discussions with the UK Government. Once the decisions on housing benefit and council tax benefit are clearer, the Government will be able to share and to discuss—indeed, we have already had discussions with local government—the implications of those issues for the delivery of public services in Scotland.

Joe FitzPatrick (Dundee City West) (SNP): I, too, welcome the statement. In particular, I welcome the commitment to continue to fund the council tax freeze, which has been very important to my constituents and to citizens throughout Scotland. Reports are coming from some councils in England that they are planning to reject the UK Government's attempt to copy the Scottish Government's hugely successful policy of a council tax freeze. Is the cabinet secretary confident that Scottish local authorities will continue to work with the Scottish Government and implement the freeze for a fifth year in a row?

John Swinney: At one stage I was told that a council tax freeze would be illegal, which was an interesting piece of news journalism in Scotland. Since 2008-09, we have delivered the freeze in partnership with our local authority colleagues. I am confident that we have put in place the arrangements and the funding support that will make that possible in the years to come.

Liam McArthur (Orkney Islands) (LD): In probably more appropriate surroundings, I welcome Derek Mackay to his new position. I thank the cabinet secretary for advance sight of his statement.

The cabinet secretary is aware of the concerns in my constituency about the differences in the

relative funding allocations between the island groups; that issue will be discussed at the meeting that he has agreed to have with me and Orkney Islands Council later this month.

I turn to the suggestion in the cabinet secretary's statement that if councils accept the package, they

"will receive their needs-based share of the overall revenue increase."

If they choose not to accept it,

"they will not receive all that allocation but will instead have access to a sum reduced by 5.2 per cent."

Does he consider that to be tantamount to holding a gun to their heads? With a commitment to a council tax freeze over five years, does he accept that there are concerns that that will become increasingly unsustainable and will remove much-needed flexibility for councils to respond to local needs?

John Swinney: On Mr McArthur's first point, I look forward to discussions that we will have shortly before Christmas with the leadership of Orkney Islands Council. Secondly, in relation to the mechanism that is inherent in the statement, we agreed and deployed that approach with local government last year. Conditionality about access to resources has been part of the settlement throughout. The approach that we have taken in the settlement represents a fair and orderly way of going about that, and we look forward to discussing it with local authorities in the period ahead.

Kezia Dugdale (Lothian) (Lab): I welcome the fact that the cabinet secretary has kept his promise on the 85 per cent floor funding. I was very interested in his response to Marco Biagi. The cabinet secretary will be aware that, in an earlier answer by Aileen Campbell to a question that I lodged, the Government pledged to deliver the 85 per cent in addition to the capital city supplement. I see no mention of the capital city supplement in today's statement. Has he scrapped it?

John Swinney: No, it is part of the overall budget settlement. It is allocated as part of the former ring-fenced grants that are part of the settlement. The City of Edinburgh Council holds its capital city supplement and has access to the resources that are delivered as part of the 85 per cent floor arrangements.

James Dornan (Glasgow Cathcart) (SNP): I, too, welcome the statement, which clearly shows that, despite the Westminster-imposed financial squeeze, Glasgow City Council will still receive the highest level of funding per head of mainland local authorities throughout the spending review period. Given that Scottish Parliament information centre

figures show that between 1999 and 2007 the percentage increase in funding that Glasgow received was lower than that of any other local authority in Scotland, and given that the cabinet secretary confirms that all parties in COSLA support the settlement in principle, does he agree that any of the usual fake outrage from council leader Gordon Matheson or Labour Party colleagues opposite is just politically motivated bluster to cover their own failings in running Glasgow City Council before next May's local authority elections?

John Swinney: I simply say that the city of Glasgow will continue to have the second highest per capita allocation of all mainland authorities in Scotland. The highest is Argyll and Bute, which benefits from special islands needs allowance, and the city of Glasgow gets £333 more per head than the Scottish average. The fact that my colleague Mr Mason seems to have offended the Labour Party with his comment in *The Edinburgh Voice* newspaper demonstrates that there is a strong funding settlement for the city of Glasgow.

Margaret McCulloch (Central Scotland) (Lab): In evidence to the Finance Committee, the Centre for Public Policy for Regions said of budgets to local government:

"future funds are less certain as they rely on NDR, whose final level is dependent on sustained economic activity."

Does the cabinet secretary accept that there is very real concern among experts about the credibility of his figures? If there is a shortfall in resourced budgets, how will he plug the gap?

John Swinney: We always have to listen to all sorts of commentary from experts. Some expert opinion is worth listening to, and some expert opinion is more helpfully put into some degree of context. Margaret McCulloch's point is very similar to the point that was made by Margaret Mitchell. As I made clear in my answer to Margaret Mitchell, the figures that are contained in the non-domestic rates income estimates are, in my opinion, robust and sound, based on our existing practice. As I also said in that answer, the Government will guarantee that income to local government in any case, so there is no reason for anxiety on that front.

Kenneth Gibson (Cunninghame North) (SNP): I welcome the cabinet secretary's statement and I welcome Derek Mackay to his new post.

As the cabinet secretary knows, the previous UK Labour Government gave the Northern Ireland Assembly borrowing consent of £2.5 billion, four times the annual capital allocation to Scottish local authorities, which can themselves borrow. Although Scotland has almost three times Northern Ireland's population, no such consent

was given to the Scottish Parliament. If we had the same per capita share, what would that mean for local government capital projects and employment in Scotland?

John Swinney: Clearly, there are opportunities for local government in Scotland to borrow resources. They are perfectly able to do that within the prudential framework that is available to local authorities. As I said in my statement, I do not put any obligation on local authorities to do that, but it would help if those of us who are able to borrow sustainably were to deploy that power in order to assist economic recovery.

The Scottish Government is transferring resources from revenue to capital, bringing forward our NPD investment programme, spending our capital allocations and encouraging our local authority partners to maximise their capital investment in the most sustainable way that they can.

Neil Findlay (Lothian) (Lab): Last year, my local authority in West Lothian boasted about having the best budget settlement in Scotland but still had to cut its budget by £16 million. If we are to have a council tax freeze, will the cabinet secretary at least break with past practice and fully fund it?

John Swinney: I have fully funded the council tax freeze from the moment at which I applied that provision as part of the budget and the local authority settlement. Despite people telling me that it could never happen, there has been a council tax freeze across the country since 2008-09 and the householders of Scotland have benefited. It is pretty clear, despite all Labour's flip-flopping during the election campaign, that it is opposed to the council tax freeze. I am sure that that contributed to the difficulties that it had in May of this year.

Violence Against Women (Prevention)

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-01523, in the name of Michael Matheson, on violence against women, focusing on prevention as a means to an end.

15:36

The Minister for Public Health (Michael Matheson): I am pleased to have the opportunity to open this debate on behalf of the Government. Violence against women is never acceptable and has no place in modern Scotland. I have no doubt that the whole chamber can agree on that. There is long-standing cross-party support in Parliament for tackling violence against women, which is reflected in the work that has been undertaken over the years by the cross-party group on men's violence against women and children. The group has reconvened in this session. In previous sessions, the group provided an important forum for MSPs of all parties to hear more about the work that is being done to address violence against women in Scotland, to identify areas of concern and to seek parliamentary support to address them. The group's new convener, Malcolm Chisholm, has a long and distinguished record of addressing these issues and I am sure that the group will be safe in his hands.

The issue of violence against women cuts right across the Scottish Government. Ministers with portfolio responsibilities for finance, employment and sustainable growth, for health, wellbeing and cities strategy and for children and young people have all recently attended a variety of events on the issue, such as the premiere of a film made by a group of young experts who have provided the Government with advice on domestic abuse, and the launch of a scheme that is aimed at supporting employers to tackle violence against women.

We are also very aware of the value of the work that has been done to end violence against women and to support victims. Although the Government's budget is under considerable pressure at present, I am pleased to tell members that we will continue our commitment to support this area of work at the current levels over the next three years. That is because we recognise that, although we have invested some £55 million in the area over the past four years, a great deal of work still needs to be done.

In order to achieve the ultimate aim of making violence against women a thing of the past, we need to increase our focus on prevention and early intervention. Prevention is about stopping violence from occurring in the first place and early

intervention can assist in decreasing the likelihood of violence recurring. A positive example of that is the work of the Zero Tolerance Charitable Trust, which includes the role of co-ordinating the national violence against women prevention network. It connects organisations and individuals who are engaged in such work and enables them to share information and resources, to promote good practice and to develop stronger links.

In addition, the implementation in NHS Scotland of the proactive routine inquiry approach means that people who present to maternity, mental health, substance misuse, accident and emergency, sexual health and community nursing services are now asked direct questions about abuse. That form of early intervention aims to identify at as early a stage as possible those who may be at risk of violence or who have been the subject of it.

In recognition of our greater emphasis on prevention and early intervention, we have a separate strand of prevention-focused funding to drive forward positive change at a national level.

Although we aim to banish violence against women to the history books through prevention and early intervention, we recognise that we must support those who are experiencing and dealing with the consequences of violence in the here and now. Therefore, I assure the chamber that we do not intend to neglect front-line services. We will work to ensure that the work that is necessary to protect women and children continues to be taken forward.

Before I continue, I would like to congratulate Scottish Women's Aid on its 35th anniversary and to thank it for ensuring that effective responses to domestic abuse have not been allowed to fall off the agenda of the Government or service providers. So much has changed for the better in how we address domestic abuse and all forms of violence against women over the past 35 years, and Scottish Women's Aid has played an extremely important role in driving that change. I have pledged my support for its together we can stop it campaign, and I look forward to it continuing to further improve Scotland's response over the next period.

In a time of spending constraint, we need to focus on the outcomes that we wish to achieve to an even greater extent than we have in the past. The work that Scottish Women's Aid, in collaboration with the national violence against women network, initiated to develop the Scotland's violence against women outcomes framework will assist us greatly in focusing on those outcomes. That framework will help the link to be made between local activities and long-term, high-level outcomes. It will also enable funding to be more strategically linked to long-term outcomes. The

Scottish Government has adopted the framework, and I am pleased that we will support the development of its indicators in the new year.

The document "Safer Lives: Changed Lives", which we produced in partnership with the Convention of Scottish Local Authorities in 2009, provides a shared understanding and approach that guides the work of all partners in tackling violence against women in Scotland.

Much progress has been made since "Safer Lives" was published. To acknowledge that and to recognise our increased emphasis on prevention, we will produce a refresh of that document, which we anticipate will be available in spring 2012. The new document will help to drive forward further progress at both national and local levels.

Johann Lamont (Glasgow Pollok) (Lab): I am sure that the minister will recognise the important preventative and deterrent work that is done by the Glasgow domestic abuse court. Given that it has proved to be highly effective, could he give us an update on the planned roll-out of domestic abuse courts across Scotland?

Michael Matheson: The domestic abuse court in Glasgow has proved to be highly effective over recent years. Work is being done to establish a similar court in the Lothians and a tool has been developed, whose use is to be rolled out across all the sheriffdoms in Scotland, to make sheriffs more aware of the role that they can play by being more sensitive to the needs of people who have suffered domestic violence.

It is important to recognise that the Glasgow model cannot necessarily be applied effectively to other sheriffdoms, particularly those in rural areas. We must recognise that sheriffs have an important role to play in how the courts operate by being more sensitive to the issue. However, I hope that, at some point early next year, we will be in a position to see the opening of a domestic violence court in Edinburgh.

This year, two acts came into force that will increase the protection that is offered to victims of violence against women—the Domestic Abuse (Scotland) Act 2011 and the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011. Both will serve as powerful forms of early intervention. With regard to forced marriage and, more recently, stalking, I am pleased that the United Kingdom Government seems to be following our lead.

One of our main priorities is to improve the life chances of children and young people who are at risk as a consequence of domestic abuse. The national domestic abuse delivery plan for children and young people was successfully completed in June. The £10.5 million that we invested between June 2008 and June 2011 was intended to make

swift progress by targeting resources in key areas. The plan's legacy is well under way and we will ensure that progress continues to be made in the area.

Support and leadership from the Scottish Government are essential in addressing violence against women, but we cannot address the issue on our own. Our key external partners need to play their part, and I am pleased to say that they have repeatedly demonstrated their willingness to do so. With their help and that of colleagues throughout the Parliament, we will make positive inroads to creating a future in which women and children in Scotland do not have to live with violence and fear.

I move,

That the Parliament reaffirms its continuing commitment to eradicating all forms of violence against women; notes the Scottish Government's increased emphasis on prevention and early intervention to tackle this issue; celebrates Scottish Women's Aid's tireless campaigning for effective responses to domestic abuse and congratulates the organisation on its 35th anniversary; welcomes the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 and the Domestic Abuse (Scotland) Act 2011 and the increased protection that these pieces of legislation provide for victims, and acknowledges the dedication, effort and creativity demonstrated by all the agencies working to address violence against women in Scotland.

15:46

Jackie Baillie (Dumbarton) (Lab): When I think back to the inception of the Scottish Parliament, I recall early debates on the challenge of tackling domestic abuse and violence against women. Since then, there has been significant investment in—and attention from all parties on the provision of—services for women and children who experience domestic abuse, their protection in law and the real prize, which is preventing the abuse from happening in the first place. That consensus and that focus have been invaluable in allowing us to make progress. I associate myself with the minister's comments on the cross-party group on men's violence against women and children and the commitment of its new convener, Malcolm Chisholm.

It is always worth while to remind ourselves of the scale of the challenge that we face. Domestic abuse affects thousands upon thousands of people. There have been 51,926 reported cases since last year alone, and 80 per cent of them were women. It impacts on women in each and every part of the country and women from all backgrounds—rich and poor, working class and middle class alike. It is unfortunately the case that one woman in four will experience domestic abuse in some point in her lifetime.

It is right that, in the early years of the Parliament, we focused on securing services and put in place the domestic abuse service development fund, with £11.5 million to provide a much-needed increase in refuge accommodation so that, wherever a woman lived in Scotland, she would have access to safe, supported accommodation—a place of refuge.

We also recognised the need to provide support for children who are caught up in such circumstances. We developed a network of children's support workers to help those children work through the trauma of experiencing domestic abuse. Then came the pilot domestic abuse courts, which have made a significant and positive difference to the approach of the legal system. I hope that they will be extended elsewhere, most notably to the other cities. That was followed by the Protection from Abuse (Scotland) Act 2001, which, members will recall, was ably taken forward by my former Labour colleague Maureen Macmillan on behalf of the Justice 1 Committee. It ensured that powers of arrest were attached to interdicts.

We then saw the Prohibition of Female Genital Mutilation (Scotland) Act 2005, the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 and the Domestic Abuse (Scotland) Act 2011. Members will recall that the Domestic Abuse (Scotland) Bill was introduced by my Labour colleague Rhoda Grant. It built on Maureen Macmillan's earlier efforts and strengthened the process of obtaining interdicts.

In all that work, we have been encouraged and advised by organisations such as Scottish Women's Aid, Rape Crisis Scotland, Zero Tolerance and many others. Their views and experiences informed and shaped the approach that was taken by the previous Government, as they inform and shape the approach that is taken today by the current Government.

I join the minister in congratulating Scottish Women's Aid on its 35th anniversary. I recall that one of my first ministerial engagements in 1999, as a brand new and fresh minister, was to speak at a Women's Aid rally. It was clear that I had not done something right, because the civil servant who accompanied me almost died of shock when I joined the march and demonstration before speaking. That was certainly a first for him and I suspect that it was a ministerial first in Scotland.

The timing of today's debate is fitting, as 25 November was the international day for the elimination of violence against women. It also marked the start of 16 days of activism against gender-based violence, which end on 10 December—international human rights day. That makes it clear that violence against women is a human rights violation. The United Nations

Convention on the Elimination of All Forms of Discrimination against Women, the Human Rights Act 1998 and the UN Convention on the Rights of the Child all provide a framework for action on violence against women and children.

The challenge that lies ahead is about prevention—how we stop violence against women or at least reduce its incidence. That requires understanding of the causes, education, awareness raising and nothing short of societal change. That is easy to say but much more difficult to deliver.

The groundbreaking and hard-hitting advertising campaigns that we all remember, which run on television and radio particularly at this time of year, must continue. However, we need to build on that and take other action, too. As I am sure many other members were, I was struck by the letter to Santa initiative from the violence reduction unit and Children 1st, which starkly highlights the impact of domestic abuse on children and young people. No one can fail to be moved or challenged by the contents of the heartbreaking letter from a young boy to Santa, which many members will have seen in today's *Daily Record*. Most children wish for toys or gadgets whereas, in that devastating letter, a young boy begged for an end to the violence that blighted his childhood.

The organisations in that initiative revealed that, last Christmas and new year, cases of domestic violence rocketed to 9,812, compared with 7,900 in the previous year.

Mike MacKenzie (Highlands and Islands) (SNP): Given that alcohol abuse plays a significant part in domestic violence, does Jackie Baillie agree with and support the Government's policy on minimum alcohol pricing?

Jackie Baillie: That comment shows a lack of understanding of the complexity of domestic abuse. I encourage Mike MacKenzie to look further into some of the causes. It is too easy simply to blame alcohol. We need to deal with an underlying societal problem, so I encourage him to consider the complexity further.

Earlier in the week, we heard about a study that was undertaken by eight young people who had been victims of domestic abuse and who came together in the voice against violence project. Their study revealed some shocking attitudes—one in 10 young people thinks that it is okay for a girlfriend or boyfriend to force them to have sex and 28 per cent would accept violence from a partner. It is clear that we need to make education a priority. If we can shift attitudes early, we have a chance of preventing the unacceptably high levels of violence against women.

I remember the Zero Tolerance respect materials that were used in primary and secondary

schools and I welcome the updated resources and websites aimed at schools and young people that were launched in June. However, the funding for that project has ended and the websites are not being refreshed. What support is available for teachers who are struggling with a wide curriculum and who want to use such materials in schools? If we are serious about the issue, we need to adopt a much more systematic approach to delivering preventative education in our schools.

I commend the National Union of Students for its campaign to tackle violence against women. Its "Hidden Marks" report found that one in seven female students had been the victim of serious sexual assault while at university or college, that 14 per cent had been stalked and that 60 per cent of cases of sexual assault involved another student. The NUS has taken robust action, is looking at creating zero tolerance organisations and accepts its responsibility to help end the culture of acceptability by challenging the behaviours that I described.

The task that we face is ending the culture of acceptability in our schools, colleges and universities, on our streets and in our homes. We will do that by working with those who have expertise, such as Women's Aid, Zero Tolerance, Rape Crisis and young people who have been shaped by their experiences. We must harness their knowledge and match their determination to create change.

The challenge for us to meet is to ensure that it is never in any circumstances acceptable to use violence against women. Prevention is indeed a means to an end and is absolutely the right approach. We will work with the Government in seeking to end violence against women.

I move amendment S4M-01523.1, to insert after "victims":

"building on the work taken forward under the previous Labour/Liberal Democrat administration that was informed and shaped by the views and experiences of a wide range of women's organisations including enacting the Protection from Abuse (Scotland) Act 2001 and the Female Genital Mutilation (Scotland) Act 2005, the establishment of a National Group to Address Domestic Abuse in Scotland and a comprehensive national strategy, including substantially increased funding and a groundbreaking advertising campaign aimed at changing wider public attitudes as well as encouraging reporting of abuse".

15:55

David McLetchie (Lothian) (Con): Presiding Officer, I begin by apologising to you and the chamber on behalf of Miss Goldie and myself for missing the start of the debate and the minister's opening remarks.

This debate is a hardy annual in the parliamentary calendar but none the less

important for that. I welcome the opportunity to contribute for the first time in my new capacity as justice spokesman for the Scottish Conservatives. Let us not forget that the object of public policy, in this country and internationally, is to work towards the day when violence against women based on their gender is no longer a subject for debate in its own right, and when the attitudes that promote such abuse are no longer a feature of our society.

I have no problem with the motion that has been lodged by the Government, or with the amendment that has been lodged in the name of Jackie Baillie. We should recognise the contribution that everyone in the Parliament has made over the years towards tackling this problem; not to do so would be churlish. In that same generous spirit, I acknowledge the contribution that was made to these debates in the past by my colleagues Bill Aitken and Margaret Mitchell.

The motion focuses on preventative and early intervention strategies. Attitudinal change is clearly a prerequisite of behavioural change, but we all know how long that can take to achieve. Equally, the motion and the amendment acknowledge the role that is played by legislation passed in the Parliament to extend the legal protections that are available to women, although I think that we are all acutely aware of the limitations of a legislative approach.

I will focus on how the criminal justice system treats the victims of domestic abuse. As Jackie Baillie said, 51,926 incidents of domestic abuse were recorded by the police in 2009-10. That is actually a modest decrease, of around 4 per cent, on the previous year, and it would be nice to think that that is the start of a trend rather than a statistical blip. Moreover, 83 per cent of the victims of domestic abuse in that year were female, although that should not blind us to the reality of the domestic abuse of men by women, which has been raised in the chamber in the past and which we should also take seriously.

It is interesting to note, from the statistics, what happened in relation to those 51,926 incidents. In relation to 20,000 of them, the answer is nothing. They did not result in the recording of a crime or an offence. Of the 32,066 that were so recorded, only 21,660 were then reported to the procurator fiscal. Once in the hands of the procurator fiscal, proceedings were initiated in only 10,259 cases. By that stage in the process, 80 per cent of the reported incidents had been written off. We then find that 8,837 convictions arose from those prosecutions, so we are now down to only 17 per cent of the incidents that were originally reported.

What happened after that is interesting. Only in a mere 949 cases was a custodial sentence imposed. That represents less than 11 per cent of

the total number of convictions, and less than 2 per cent of the number of reported incidents. Members will find that the percentage of cases giving rise to a term of imprisonment has been pretty steady at that level for several years.

It is interesting that half of those custodial sentences were for periods of less than three months. As we all know, the Scottish Government has pursued and enacted a sentencing policy that creates a presumption against the imposition of sentences of that duration. It is possible that some perpetrators might now receive longer sentences, but it is indisputable that others who would have been sentenced to a term of imprisonment in the past will now be the subject of an alternative disposal. What are those alternative disposals? In 2007-08, 19 per cent of perpetrators were given a community sentence, 39 per cent were given a fine and 29 per cent were admonished. That hardly inspires confidence, does it? Zero tolerance is looking more like zero sentencing. Many women will look at this Parliament and ask how we can say that we take violence against women seriously when the perpetrators of violence are let off so lightly.

We should track carefully the pattern of sentencing in such cases over the next few years, and insist as a Parliament that our courts treat these crimes with the seriousness that they deserve. At the time of the passage of the Criminal Justice and Licensing (Scotland) Act 2010, we warned that the drive to abolish short-term sentences could have a negative impact on women and their families, as they would no longer have a period of welcome respite from such abuse, or the opportunity to make a break from the past and create a new home and a better life with the assistance of organisations such as Scottish Women's Aid that do such sterling work in that regard. It is wrong that women who are trapped in a vicious cycle of abuse are given no assistance by a criminal justice system that puts their abusers back in their homes.

I hope that those of us who gave such warnings are proved wrong, and that alternative strategies will produce better results for abused women in Scotland. I do not mean to imply that the minister and supporters of the Government are in any way indifferent to any of these crimes. However, they must be prepared to look dispassionately and objectively at the evidence that emerges over the next few years as a result of the implementation of the policy and ask themselves—as we all should do—whether it has made a positive difference to the women who are victims of domestic violence.

I support the motion and the amendment.

The Deputy Presiding Officer (Elaine Smith):
We now come to the open debate: speeches of

four minutes, with a little bit of time for interventions.

16:01

Annabelle Ewing (Mid Scotland and Fife) (SNP): I am pleased to have been called to speak in this important debate. I have heard that it is a perennial December activity, but it is a very important one, as members have stated. In addition to supporting our Government minister's motion today, I am happy to support the Labour amendment that Jackie Baillie has lodged.

Violence against women is an issue that affects society as a whole. It cannot be put in a box entitled "Women's issues", for it goes to the very heart of how we judge the existence of a civilised society. Violence against women can take many forms, but the underlying issue very much appears to be control. Whatever form such violence takes, it is absolutely unacceptable in this country, and indeed in any country. I know that that is the united view of members in the chamber and of all the political parties that are represented here.

There has been a significant change in my lifetime in how society regards violence against women. I recall my time as an apprentice lawyer in Saltcoats from 1984 to 1986—that is quite some time ago, which is an admission of my age bracket. I worked for a small legal practice that was well known locally for its pioneering work in taking on cases of domestic abuse in its family law practice. It was started—members will not be surprised to hear—by an inspiring female solicitor who has now reached the very top of the legal profession.

At the time of my apprenticeship, the Matrimonial Homes (Family Protection) (Scotland) Act 1981 had been in force for only a few years, and some of its provisions were less well understood and quite novel from a court practice perspective. I remember how hard it was on occasions to secure evidence that would satisfy the court such that the sheriff would agree to grant an exclusion order—indeed, at that time, that was a very rare occurrence in Kilmarnock sheriff court.

The difficulty was not just down to the novelty of the legislation and the resultant approach of the sheriffs concerned. It reflected the fact that, in many cases, the family of the abused woman did not wish to get involved and would not give a statement. I recall clearly that, on far too many occasions in the cases that I was responsible for preparing for the court lawyer, family members would simply refuse to give any statement. Although they may have witnessed the violence at first hand, heard the violent activity taking place or seen the extensive bruising, many family members felt that, ultimately, it was a matter between the

husband and the wife, and it was simply not for them to get involved.

Happily, those days are past. Much of the credit for that societal change must lie with Scottish Women's Aid, which has been a force for good in our country. I, too, congratulate Scottish Women's Aid on its 35th anniversary. Among its many activities, it provides refuge at the critical point when a woman has initially taken the decision to flee the family home. That is a brave and hard decision and one that the woman might have taken years to reach—long years of physical and mental abuse.

I therefore welcome the Scottish Government's commitment to funding violence against women initiatives. I note that the funding for the current financial year alone is £11.5 million. However, more can always be done, and I believe that we have an opportunity to do something as a result of the return to the Parliament of proposed legislation on minimum pricing for alcohol. I listened to what Jackie Baillie said on that in response to the intervention from my colleague Mike MacKenzie; although I accept that there is a complex mix of issues, one clear underlying issue in that mix is alcohol. A significant number of domestic abuse incidents are fuelled by alcohol. I believe that a failure on our part to take the opportunity to start to change our drink culture will mean that we in turn fail to tackle violence in our society and, in particular, violence against women.

16:06

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Violence against women is preventable but, tragically, as Kofi Annan has put it, violence against women and girls is

"perhaps the most pervasive violation of human rights across the globe".

It is therefore absolutely right that successive Administrations and this Parliament have focused on the issue in the past 13 years. They have gained recognition for that work. As the UK End Violence Against Women coalition has put it,

"Scotland should ... be regarded as a benchmark with respect to its strategic approach, its recognition that violence is a cause and consequence of women's inequality".

That gender-based analysis has recently been challenged in a petition to the Parliament and by one or two members in a debate on violence against men last year but, to the Government's credit, it has stuck with the gender-based analysis. There is no doubt that male violence against women is a profound societal and cultural problem that is rooted in gender inequality, rather than just in the psychopathology of individual men.

For several years, policy has been based on the three Ps—prevention, provision and protection. I will talk mainly about the first two, although I welcome the development of the domestic abuse court in Edinburgh, which is an important further initiative in the protection part of the agenda. Prevention should not involve only targeted early intervention, but should take a population-based approach. That is because violence against women is not limited to certain classes or areas but applies across society, and because everyone is responsible for recognising, challenging, speaking out against and educating on violence against women.

The population-based approach was pioneered in Edinburgh 20 years ago by Zero Tolerance. I thank the minister for his too-kind words about me, although I should point out that Christina McKelvie is the co-convenor of the new cross-party group and will in fact chair its first meeting, at 5.30 next Wednesday, to which all are invited. Certainly, anything that I know about the issue I have learned from Zero Tolerance, Scottish Women's Aid, Rape Crisis Scotland and the many women who have educated me.

I was pleased to attend the launch of another Zero Tolerance initiative this morning. The initiative, to which the minister referred, is called PACT, which stands for policy, action, communication and training. The focus of the PACT initiative is on employers and the workplace. It provides employers with a package of materials with which they can begin to engage with issues of violence against women as they apply to the workplace.

Mainstreaming prevention and early intervention across agencies is crucial. I was concerned to hear at the launch this morning, from somebody who is involved in the local multi-agency partnership on violence against women, that education is not involved in the local partnership here. I do not know whether that is the case throughout Scotland. Schools are central and have been flagged up by the End Violence Against Women coalition as a key area for prevention, but Zero Tolerance has pointed out how patchy treatment of the issue is in schools. It is launching an updated respect education programme in the spring. Evaluation of the pilot of that programme some years ago indicated that 78 per cent of primary school children said that their behaviour had been changed as a result of the programme. I hope that more work can be done by schools because that is central to the prevention agenda.

The health service is also an important area for prevention and early intervention, as the minister reminded us. Concern has been expressed by some people that the national domestic abuse delivery plan has come to an end in health with the

disbanding of the dedicated team within the health and social care directorate. I am sure that that work will continue in other ways, but perhaps the minister can say in his summing up how that work will be carried forward, because health is also central to the prevention and early intervention agenda.

The Deputy Presiding Officer: I would be grateful if you could come to a conclusion.

Malcolm Chisholm: I am sorry. I thought that I had six minutes—my mistake. I meant to spend my last two minutes on funding, but I cannot, for which I apologise.

The Deputy Presiding Officer: Speeches this afternoon are of four minutes.

16:11

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): The debate is timely not just because we are in the 16 days of action, but because the issues surrounding violence against women are always relevant—they have been debated in the Parliament many times before.

Evidence suggests that there is a correlation between economic stress in households and society, and increased incidence of abuse of women. That is why, at times such as those in which we are living now, we must be particularly vigilant in ensuring that women do not end up becoming victims of the recession twice over—not only being disproportionately disadvantaged by cuts to pensions and services, but finding themselves on the receiving end of violence. I strongly welcome the Scottish Government's emphasis on prevention and early intervention, on working to identify and address circumstances that exacerbate violent behaviour against women and on empowering women to take early action to protect themselves and their children if they think that they are at risk.

Johann Lamont: On the recession, I am sure that Christina McKelvie would not want to perpetuate the myth that violence against women occurs in particular communities. Not class, nor occupation, nor income will keep a woman safe from a man who is violent.

Christina McKelvie: I could not agree more—I thank Johann Lamont for that intervention. As I continue with my speech, she will see that I do not think that. My point is that families face additional stress during a recession, and that is not a class issue either.

I add my voice to the congratulations for Scottish Women's Aid on its reaching its 35th anniversary and on the incalculable contribution that it has made to increasing massively awareness and understanding of violence against

women in our society, and to greatly improving the response to it.

As Jackie Baillie did, I welcome the letter to Santa campaign by the violence reduction unit and Children 1st, and I urge all members to sign the motion that I lodged today on that subject.

There is still a long way to go to eradicate gender-based violence, but we can be certain that the difference between how public agencies responded to women who experienced abuse in 1976 and how they respond in 2011 is like night and day. I am glad that Lily Greenan, the director of Scottish Women's Aid, who has braved the wind to be in the public gallery today, will provide the secretariat to the reformed cross-party group on men's violence against women and children, which was approved by the Standards, Procedures and Public Appointments Committee on Tuesday. I am proud to co-convene the group with Malcolm Chisholm, and I am sure that I will learn a lot from him in the process.

One particular stain on our country's record of responding to violence against women has been the pitifully and stubbornly low rates of convictions for rape and sexual assault. For many years, it was all too easy to get away with rape in Scotland. I am quietly encouraged, therefore, by the early indications that the Sexual Offences (Scotland) Act 2009, which came into force a year ago, is starting to have an effect in increasing conviction rates. It is early days, but I believe that we can be hopeful that the act will finally improve the deal that women who have been raped get from our justice system.

I want to add an international dimension to the debate, which may be where the continuum of violence against women is witnessed to its fullest extent. Hundreds of women arrive in Scotland every year seeking asylum from countries where war and conflict are used as justification for systematic acts of physical and sexual violence against them, and where the chaos and lawlessness of war create fertile conditions for crimes such as so-called honour killings and human trafficking.

I call on the UK Government to consider signing the Council of Europe convention on preventing and combating violence against women and domestic violence. A recent amendment to a European qualifications directive requires European Union member states to fully consider gender, including gender identity, when assessing asylum claims. That means that women who seek refuge from gender-related persecution such as female genital mutilation, forced abortion or rape in war should receive greater protection. That is an important step forward in embedding protection for women in the asylum system.

I regret, however, that the UK Government has opted out of the directive, thus effectively blocking the right to equal treatment for vulnerable women who come to this country to escape gender-based persecution. Yet again we see a Westminster Government taking a blinkered, tabloid approach to asylum and putting it ahead of its international duty and basic humanity.

What is the Scottish Government doing to eradicate violence against women? I also ask it to challenge the UK Government in all its forms. I hope that the minister will today take the opportunity to raise the matter with the UK Government. I support the motion and amendment.

16:16

Marco Biagi (Edinburgh Central) (SNP): I hate to start a sentence with "As a man" because it is usually the same sort of odious sentence as those that start "Some of my best friends are".

However, when thinking about today's debate, I was struck by an experience that I had with the reclaim the night campaign in Edinburgh two years ago. One of the organisers, who is a long-standing friend of mine, went out of her way to find a male speaker for the rally. Her reasoning was very simple: men commit the vast majority of violence against women, so male voices must at all times be heard to condemn that violence just as strongly. The reclaim the night tradition is a bit sensitive about female-only spaces, and clearly there is a need in services for such spaces.

However, I am glad that the cause has never been allowed to become a female-only campaign. Initiatives such as the White Ribbon Campaign, which calls on men to work to end violence against women, are laudable and I only wish that they had a higher profile. The issue is too important to be thought of as anything other than one that demands the attention of everyone in Scotland.

Violence against women is unacceptable. All criminal violence is unacceptable, but violence in which a man exploits gendered power over a woman through physical or mental means is more than a crime against an individual, as Malcolm Chisholm said. The effects of such violence are very real. Lives are blighted and some people face every day with fear.

I agree with other members that attitudes matter. As a society we have long since left behind any open suggestion that women are anything but equal. We now have unity in Parliament and across civic society that condemns domestic abuse; there is no political divide on the issue. Anyone who was to suggest that hitting a woman every now and then does her good would be ostracised and condemned, and rightly so. I do not

think that the same could have been said just a few decades ago.

Unfortunately, we are still struggling with attitudes that are usually, although not exclusively, held by women; for example, that women are “asking for it” because of their behaviour or their dress. I see women out on Friday nights and sometimes wish that they would put on more clothes in case they catch their death of cold, but never do I think that skimpy clothes give a man licence to rape them. That is a real attitude that I have heard on the lips of everyday people in this day and age—not many years ago, but just a few months ago on “Call Kay”. It is abhorrent to suggest or to encourage the belief that women are somehow responsible for men’s violence against them. As well as Scottish Women’s Aid, which has been working on the issue for many years, I single out Rape Crisis Scotland, which has recently taken the initiative in tackling that attitude head on. The “This is not an invitation to rape me” campaign is hard-hitting and is aimed at men. It is all the more commendable for that.

True equality in our society would go a long way towards preventing gendered violence against women, but if we had true equality in our society, women would not be paid 20 per cent less than men are for doing the same job.

I will add one sad caveat, which is that the UK Government’s on-going insistence that there be no recourse to public funds in this regard conjures up the grubby picture that perhaps the rights of women to services and support are more dependent on the passport that they hold than they are a genuine universal human right. I know that charities and agencies across Scotland have done everything that they can to get around that, and have done very well in that regard.

I am proud of the unity—in this chamber and in the country, on the part of leaders and civic society—that is evident when it comes to facing up to and condemning the blight of violence against women and what it does to Scotland. I congratulate all the charities, agencies and many informal campaign groups, such as the Edinburgh feminist network, that work tirelessly on the ground, day after day, to end violence against women. I am honoured to have had this brief chance to speak in support of them.

16:20

Jim Hume (South Scotland) (LD): I welcome the opportunity to participate in a debate that is now rightly established as an annual fixture in this chamber. No woman should ever endure the physical and psychological trauma that comes from violence in the home or anywhere else. It is vital that we keep this issue in the national

consciousness, so I welcome the regularity with which we debate the issue.

We should be proud of the progress that has been made in Scotland. The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 and the Domestic Abuse (Scotland) Act 2011 are welcome steps towards the goal of improved protection of women. In the case of the latter act, Rhoda Grant and others should be praised for their work in bringing the original bill to Parliament.

There is still much work to be done, however. Last year, there were 51,926 cases of domestic abuse recorded by the police in Scotland. Although the number is down on the previous year’s figure, it is still far too high. Figures that have been revealed by Scottish Women’s Aid provide sobering reading. In one 24-hour period this year, 54 women, with their 51 children, requested refuge accommodation. Unfortunately, only 17 of those women and 24 of the children could be accommodated. Although the long-term aim is to eradicate the scourge of violence against women, I would like the Government to strive, in the short term, for a target of ensuring that no woman or child who seeks refuge is turned away. That will be a challenge, particularly with a real-terms cut of 7.5 per cent to the equalities budget over the spending review period. However, I understand that there is, as yet, no level 4 information available for the equalities budget, so I would be grateful if the minister could, in his summing up, assure us that the Government will continue to support initiatives that are doing a great deal of important work across the country.

It has been widely acknowledged that our relationship with alcohol needs to change, and alcohol is clearly a factor in many abuse cases. In September, Strathclyde Police highlighted that the number of reported domestic abuse incidents in their area doubled in the aftermath of an old firm match. With such matches taking place in the early afternoon, alcohol consumption begins much earlier than usual, which explains that troubling statistic. Minimum pricing will have a role to play, which is why the Liberal Democrats are now committed to supporting the measure, but so will education, culture and many other matters, which is the point that Jackie Baillie made.

A large part of our making progress involves changing of attitudes. Of course, that refers chiefly to men, who should be in no doubt that striking a woman can never be justified and will never be tolerated, but it also refers to women. Too often, a woman who has suffered abuse will feel obliged to pass off any such incident as being out of character or a result of the drink.

However, women should never feel the need to explain away the actions of their abusers. Unfortunately, I have witnessed exactly that kind

of behaviour first hand. When travelling home with my family one evening, I witnessed a well-dressed young woman being literally kicked into the gutter by her suitor. We turned the car around to help her. When we were driving her home, she immediately stated, "He's not normally like that. It's only when he has a drink." Obviously, she said that because she was embarrassed. There can never be an excuse. We should ensure that everyone is in no doubt about that.

I commend members who have taken part in the debate, which has featured some excellent contributions, and welcome the spirit in which it has taken place. I also welcome Marco Biagi's remarks on why men should take part in the debate. At one stage, I noticed that there were 26 MSPs in the chamber, 13 of whom were male and 13 of whom were female. I am sure that that is a good way forward.

The Scottish Liberal Democrats will, of course, support the Government's motion and Jackie Baillie's amendment.

16:25

Maureen Watt (Aberdeen South and North Kincardine) (SNP): The motion reaffirms the

"commitment to eradicating all forms of violence against women".

I welcome the Government's strong commitment to that, and the resources that it has committed to tackling the problem, but I do not think that that objective can be achieved without reducing all forms of violence in our society. There is still far too much violence in Scotland, which is why it is important that the violence reduction unit, for example, works not only with gangs on knife crime, but on violence as a whole; that we have the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill; that we have anti-bullying measures; and—I say to Ms Baillie—that we have a bill to tackle alcohol abuse. It is important that the police, social workers and community and sports groups that work with cashback for communities money all take a holistic approach to reducing violence throughout our society.

Many aspects of our lives and our decision making are involved. In my view, we still have gender equality in name only. As Marco Biagi said, pay rates for women for some jobs are still well below what they should be, not least in the oil and gas industry in my area. The gender balance in boardrooms is still woefully inadequate, the gender balance in this chamber and council chambers remains a challenge to all of us, and women are more likely than men to be in part-time and low-paid employment. We must all accept that

we have a long way to go to reach equality of the sexes.

As others have said, domestic violence is not confined to one section of society, and it is not only physical abuse that is involved; psychological abuse can be debilitating as well. I remember that my first knowledge of domestic abuse came from hearing about a university professor. Outwardly, he was a very respectable married man when he was out with his wife at social functions, but he kept her locked in the house at all other times. She escaped when he inadvertently left a window open one day.

As others have said, women have far too often had to fob off concerns about a black eye or other injury as resulting from falling down stairs or walking into a door. All of us who confront such situations must offer a listening ear and assistance, as we must do with women who have changed from confident and outgoing individuals to withdrawn and frightened individuals.

I was struck by an article in this month's *Red* magazine, which I read in the hairdressers—about the only time we get to read magazines these days. The article was written by Ruth Elkins, who is a victim of domestic abuse. She wrote that attachment for the sake of attachment is bad; that behaviour that makes a person feel bad is bad; that if the relationship that a person is in makes them scared, sick and upset, it is time to get out; that the most important thing is that people rarely change, at least not without professional help; and that a person cannot change someone just because they love them. Let us not kid ourselves.

I went to Rhoda Grant's event last night and was struck by the fact that virtually all the women said in their stories that they had had to leave. That has to change. Why do women and children have to flee their family homes? They have not only to live with violence, but have the further traumas of having to move house and perhaps school, and of leaving their friends and relatives. That is unacceptable.

At yesterday's Infrastructure and Capital Investment Committee meeting, we took evidence on the homelessness target and heard about how much homelessness is due to relationship breakdowns. I firmly believe that more effort needs to be made to redress the balance, so that women can know that their first action does not have to be to flee, and that they can instead access services in order that they can stay in their home and the perpetrator of the crime has to leave.

In conclusion, I believe that social work, medical staff, police, women's aid organisations and locksmiths must work together to exclude the perpetrators of the crime, who desperately need professional help away from their families in order

to address their issues. Jackie Baillie rightly highlighted the Christmas message. It is heart-rending:

“all I want for Christmas is for the violence to stop”.

16:30

Anne McTaggart (Glasgow) (Lab): Today's debate is welcome, as it is about ending an issue that is not welcome in our society. Unfortunately, it is well known that violence against women remains all too common across the country. Be it domestic violence, rape, prostitution or any other form of violence, there are various situations in which women across Scotland suffer abuse and live in fear.

Today's debate is not about seeing one particular area of violence against women as more important than any other; it is about recognising that all forms of violence against women are wrong and that stopping the cycle is a must.

The term “hardest hit” is often used in this chamber, and I thought very carefully about using it today, given the topic. However, I feel that this debate gives us a chance to show that women are often hit hardest in society.

People will argue that in the 21st century it is wrong that violence against women still occurs far too regularly, and they are right to do so. However, we must also recognise that in the 21st century there is still sizeable inequality between pay for men and women—hitting women harder. In the 21st century, there is still a glass ceiling in the workplace for many women—hitting women harder. It is therefore imperative that in dealing with the most horrific examples of injustice for women, such as violence, we continue to educate people about and legislate against every other injustice that women may face today.

Scottish Women's Aid has stated that violence against women is not solely a women's issue, as it diminishes each and every one of us and Scotland as a nation. I totally agree with that statement, but it is similar to statements about another problem in Scotland that is currently receiving far more attention than violence against women.

Members will be aware of the statistics that suggest that a particular form of domestic abuse tends to increase during the weekends of old firm matches. We need to act on the wider repercussions associated with those fixtures. If, as appears to be the case, there is an increase in domestic violence in the wake of those games, we need a concerted effort to ensure that we are prepared to deal with the outcomes.

In order to target resources where they are most needed, the Scottish Government should commission independent research into the

correlation between the 48-hour periods surrounding old firm matches and levels of domestic abuse. I am happy to see that Nil by Mouth is calling both for that measure as part of its 13-point plan and for the expertise of Scottish Women's Aid and others to facilitate that mapping exercise, which could play a vital part in future preventative measures to tackle one area of violence against women.

It is essential that we substantially increase funding to deliver those plans as well as others, such as a groundbreaking advertising campaign aimed at changing wider public attitudes. I therefore call on all members to support the amendment in the name of Jackie Baillie in relation to focusing on prevention as a means to an end.

16:34

Dennis Robertson (Aberdeenshire West) (SNP): I commend the minister for lodging the motion and Jackie Baillie for lodging her amendment, which I will support.

We have heard, in well-articulated speeches, about the impact of violence against women. In my previous role, I witnessed that impact all too often. I heard the feeble and the inexcusable from men when I went to family homes to speak to women and to try to offer some degree of protection and understanding. All too often, men would say that the violence was out of character and had happened because they were fuelled or because they were driven to it. None of those excuses is acceptable. They were not acceptable then and they should not be acceptable now.

We have been congratulating Scottish Women's Aid on its 35th birthday. I am sure that an outcome that the organisation would seek would be not to have another 35 years of existence.

We need a zero tolerance approach. I am grateful to the NUS for its brief on the “Hidden Marks” report. Jackie Baillie rightly set out some of the statistics, which are of great concern, but there were one or two that she did not mention. For example, only 4 per cent of the women who are affected by violence at our colleges and universities report the violence. The reason that more than 50 per cent gave for not reporting the violence was that they felt ashamed. It is shameful that society has put women in such a position.

As members have said, the issue is about equality. Women have the right to equality. Equality is not something that they need to earn; it is a right. Men should not be and never should have been in a situation in which they are in control of women and what they do. Other members have probably articulated that better than I can do.

However, what I can say is that in Aberdeenshire there is education and there is partnership working. The Aberdeenshire gender-based abuse partnership, which is multidisciplinary, goes into schools and works with police liaison. We are taking education to the primary schools, the secondary schools and tertiary education.

There is support in hospitals for women and children who come to hospital, often with horrific injuries. The sad thing is that so many women feel that they need to go back. As Maureen Watt said, that should never be the case. If anyone needs to leave the family home because of abuse, it is the person who perpetrated the abuse—the man. Women and children should always be protected.

The minister said that prevention is about outcomes. The only outcome that should be acceptable to the Parliament and Scottish society is zero tolerance and the day when the Parliament no longer has to debate violence against women.

16:38

Annabel Goldie (West Scotland) (Con): This has been a worthwhile debate. The debate is an important annual reminder of events, behaviour and attitudes that are completely unacceptable. We have all welcomed the emphasis on focusing on prevention as a means to an end.

As Jackie Baillie said, it is a positive feature of the Parliament that since its inception we have frequently debated these issues in a constructive manner. I remember speaking in a debate in 2003 in support of the then national strategy to address domestic abuse in Scotland and another national strategy to prevent domestic abuse. At the same time, we celebrated the Protection from Abuse (Scotland) Act 2001. Since then, devolved Governments have brought forward a variety of measures, initiatives and legislation to address the challenge, endeavouring to improve the situation for victims and potential victims.

As the minister said, the Scottish Government has taken a proactive approach, which has included raising public awareness through media campaigns and increasing support for courts in Scotland by drawing on the experience of the domestic abuse court in Glasgow. I echo Johann Lamont's positive comment about the domestic abuse court in Glasgow and I have a suggestion for the minister. Why do not we consider having a floating expert sheriff in domestic abuse, who would go to the court that has the problem, rather than use a more rigid structure and try to create a court in the location?

As others have done, I applaud the tireless and outstanding work carried out by Scottish Women's Aid and the other organisations that, together,

have been such powerful influencers and effective advocates for those who live in the dark shadow of abuse.

All these activities and achievements suggest that positive progress is being made and that something that has stained and diminished Scotland is being tackled head-on and might be receding. However, the debate has highlighted that the unacceptable attitudes and bullying behaviour towards women of so many men—conduct that we find repugnant and unacceptable—are still out there, as Anne McTaggart and Dennis Robertson ably described. That is why we must never cease to investigate and challenge such behaviour and to intervene to support abused, fragile and frightened women. They need the reassurance that they are not alone, that they are not forgotten and, perhaps most important, that they are not in the wrong.

When I looked back to 2003, I was struck by the figures. Recorded incidents of domestic abuse against women in 2002-03 totalled just over 32,000. Although the 2009-10 figure represents a welcome decrease from the preceding year, let there be no complacency. The stark fact is that since 2000-01 there has been a 33 per cent increase in the number of female victims of domestic abuse.

On the positive side, I am clear that prevention and early intervention are the way to go. However, we have to be vigilant in monitoring current strategies and initiatives. Some approaches work and some do not.

The official data discloses a repeat pattern of abuse. That is obvious from some of the recent data. We have to be clear about whether we are putting the necessary emphasis on the first report of an incident, because if we are not, a repeat pattern of abuse is likely to emerge. We also know from the Scottish crime and justice survey 2009-10 that more than six out of 10 of those who had experienced partner abuse in the previous 12 months had told at least one person or organisation about that most recent incident. Given that we know of the tendency towards repeat patterns of behaviour, are we sure that we are highlighting to victims and to their friends, their relatives or whoever they have confided in that intervention could achieve prevention? It is better to be safe than sorry.

I conclude with two observations. First, as David McLetchie ably and extensively described, despite our best efforts to focus on intervention and prevention, some perpetrators will end up in the criminal justice system. I say to the minister that it is essential that judges have the option of custodial disposals available to them. I hope that the Scottish Government will rigorously track what

is happening to ensure that no judge is being denied that option.

Secondly, the statistics confirm that too many men still behave towards women in a disgraceful, inexcusable and utterly unacceptable manner. As Jackie Baillie said, it is a societal issue—Marco Biagi eloquently referred to that aspect. The debate sends out a message to those men that Scotland is on their case. They must stop this behaviour. They will not win. They will eventually be found out, shamed and dealt with. I support the motion and the amendment.

16:43

Johann Lamont (Glasgow Pollok) (Lab): I welcome the debate. The useful speeches that have been made across the chamber reflect the unity that exists around the recognition of both the seriousness of the issue and the challenge that it presents.

This is an important debate. However, as Dennis Robertson said, we must be wary of appearing to make excuses for men who perpetrate violence against women. Although there is an important debate to be had on the issues around minimum unit pricing, I urge members to be cautious about bringing those into the debate.

Violence against women is a problem in countries where there is alcohol and countries where there is no alcohol. In our own communities, there are men who perpetrate violence against women whether or not they drink. Domestic abuse and violence against women have been with us on good days and bad days, in recession and out of recession. We must be careful that we do not create an excuse or an explanation that does not address the key problem.

I welcome the fact that the Scottish Government, in its own document, does not perpetuate the idea that this is about alcohol. The document does not identify alcohol as an explanation for or a cause of violence by men against women, for a very simple reason.

Annabelle Ewing: I have listened carefully to the member and I do not disagree with what she says. However, the point that I was making and that others have made is that a complex mix is involved and it is clear that alcohol is part of that mix. The forthcoming legislation that the member refers to presents us with an opportunity. It is surely important to seize that opportunity, even if it prevents only some of this horrendous activity.

Johann Lamont: The fundamental issue is that men have said, over the generations, "It is the drink that does it." These are men who manage

not to pick a fight with anybody in the pub and who are not routinely violent in their workplace or when they are out among their colleagues, but who are violent when they go home. As soon as someone says that it is about the alcohol, they create a different attitude and understanding of what has been going on. As Marco Biagi and others have said, this is about power and inequality, and we have to confront that and deal with it.

I assure the member that on this side of the chamber there are people with a long record of raising issues around violence against women. If they believed that minimum unit pricing would sort out the problem, they would have used it to sort it out. I am not arguing that we should not have a debate around the misuse of alcohol, but it would be dangerous and misleading to create the impression in this debate that alcohol is the cause of domestic abuse when it is not even present on many occasions. The issue is dangerous. There are loads of people without very much money who are not violent and who do not have other problems, and there are people with addictions who are not violent.

We need to focus on the way in which violence against women permeates the whole of society. I welcome the important point that Marco Biagi made about men speaking out, too. Violence against women should be as unacceptable as racism to men in their working and social lives. The men responsible for forcing women into refuges have somehow not been ostracised as we might hope they would have been.

There is an important issue around prevention and challenging attitudes, but as David McLetchie has said, we cannot wait for attitudes to change. It is important that the justice system marks the seriousness of violence against women. It is critically important that we interrogate the figures that David McLetchie presents, because they send out a very worrying message about short sentences. We raised the risk that that strategy would have a disproportionate impact on some of the most vulnerable people and families in our communities, at the very basic level of women being able to get order into their lives, organise themselves and perhaps get the perpetrator excluded from the home.

I raised with the minister the issue of domestic abuse courts. I think that the model in Glasgow could easily be used in other cities. I hear what Annabel Goldie said about sheriffs with expertise perhaps going into rural areas, but there needs to be monitoring of the toolkit to make sure that it is being applied. There is also a key role in the Glasgow model for the advice, support, safety and information services together project, which does risk assessment, supports women, takes them through the court system and has an important

role in informing the court about disposals. In any model we develop, that approach needs to be encouraged.

We know that violence against women does not just involve domestic abuse. It is important that we raise issues around rape, prostitution, trafficking and the way in which young men are in control of some of our communities through their aggression, which also feeds into their homes.

We also have to be mindful that women are at risk when they decide to leave. When they have left the home large numbers of women, sadly, end up being murdered by ex-partners. We have to reflect on the impact of that on women who may be making a choice and a decision to leave. Again, the sentencing issue is critical.

In the short time that I have left I want to say something about the power of testimony and the role of survivors. Women's Aid and other organisations have allowed the voices of those who have survived abuse to speak out and to shape policy. We must hold on to that approach.

During the recent elections, I had the privilege of attending a hustings organised by voice against violence—an organisation of young people who describe their experience in a moving, powerful and challenging way and who demand that Government acts on their behalf. I hope that that powerful testimony is being used to shape current Government thinking.

I would welcome the minister's comments on whether funding is continuing for the children experiencing domestic abuse recovery project. I know that further funding was given, but I would welcome his comments on where it has gone.

The challenge for us is how we deliver. I want to make one point about preventative spending and intervention. As a teacher in a school, I worked to challenge attitudes, which is critically important for all our young people—both boys and girls. However, school is often a place where someone can intervene and where youngsters who are experiencing domestic abuse can describe that experience and be supported.

In any budget approach that we take there needs to be an equality impact assessment that can protect critical intervention funding for young people. I have still got in my head the faces of those youngsters who needed help and support; it is not just about messages but about intervening to support such youngsters directly.

We all know the importance of vision in this area, but we also know that vision without action is daydreaming. I think that members across the chamber recognise the Government's critical heavy-lifting role in working with women's organisations so that we act to protect women and

their children and ensure that the justice system protects them and keeps them safe and challenges the perpetrators.

I think that we all share the determination that the Parliament, with its powers, can make a difference to the lives of individual women and children and, in the longer term, put out the very strong message that we want a different kind of Scotland—one that is free of that kind of violence—and that we want women's equality, which would make that possible.

16:51

Michael Matheson: The debate has demonstrated yet again the cross-party support for the issue of tackling violence against women in Scotland. There were a number of excellent contributions to the debate.

It would be fair to say that the Parliament has made a significant journey in the past 12 years in dealing with the issue. I can recall from my early days back in 1999 on the Justice and Home Affairs Committee that when we started to look at some of the issues around domestic violence one of the most significant problems that we identified was the lack of recording of domestic violence incidents by the police. The way in which our police forces in Scotland address the issue has significantly changed as a result.

Earlier, Jackie Baillie set out the scale of the problem and David McLetchie echoed that in terms of the overall numbers. The scale of the challenge is significant, as members will recognise. The number of incidents of domestic violence recorded in 2010-11 was 55,423. That in itself demonstrates the scale and nature of domestic violence. Alongside that, the statistics show that a woman is six times more likely to be killed by her partner or ex-partner. That underlines why we as a Government have seen it as a priority to focus on the need to support women who may be subject to violence.

The Parliament has risen to the challenge. I recall, from those early discussions in the first session, Maureen Macmillan's contribution to the legislation that we took forward. The first committee bill in the Parliament, I think, was on protecting women who were subject to domestic violence. Action by the current and previous Administrations shows that there is a continued commitment to put in place, where appropriate, legislation to assist in protecting people.

Jackie Baillie was correct to say that we should now focus much more on prevention and early intervention. The challenge is to have an effective multi-agency approach so that we do those things properly and there is a need to continue the zero tolerance approach. Jackie Baillie raised concerns

about provision for schools and being able to get access to resources. In that regard, the domestic abuse resource and training system—DARTS—is available online for schools to use. We also have a couple of pilots taking place. A mentoring and violence prevention pilot is taking place at Portobello and Inverclyde schools that focuses on training S4 pupils to do some peer-group work in order to promote an ethos of non-violence in schools and to challenge attitudes and behaviour.

Up in Dundee, an interesting pilot is taking place to look at how we can ensure that kids have more awareness of domestic violence and how we can embed that in the curriculum for excellence programme at pre-school, primary and secondary levels. Work continues to be done on such integration, and respect resource packs that schools can make use of are available from the Zero Tolerance Charitable Trust.

David McLetchie made an extremely good point when he said that if we want to change people's behaviour, we must tackle their attitude. A key part of addressing the issue in the future is to ensure that we do that more effectively.

I recognise some of the concerns that he raised around sentencing policy and the approaches that courts may be taking, which there would be value in monitoring, but it is also important that we ensure that the interventions that courts use are effective. A short time in prison for an offender may give someone a period of respite, but it will not necessarily address the offender's behaviour effectively. We must look at other mechanisms that can be used to do that. The Caledonian system, which has been rolled out in four of our community justice authority areas, is one such mechanism. It focuses on addressing the behaviour of those who have been convicted of a domestic violence offence with a view to preventing them from committing such an offence again. That said, it is equally important that we send out a strong message that the courts will take these issues extremely seriously.

David McLetchie also raised the issue of domestic violence against males, and I confess that I thought that he did so in a much more constructive way than some members have done in the past. It is interesting that, since 2000-01, the level of reporting of incidents involving male victims of domestic violence has almost doubled. We have commissioned a piece of research so that we can get a much better understanding of why that has happened. Part of the difficulty in addressing some of these issues is a lack of understanding of what is causing such violence. There is further work for us to do in taking that forward.

I know that there is interest in domestic abuse courts. Annabel Goldie's point was well made, and

we might consider her suggestion to see whether there is another model that we can adopt. As regards my remarks to Johann Lamont, I would like to clarify that the domestic abuse pilot in Lothian and Borders will start next month, and we will look at how it progresses.

Johann Lamont: Will that domestic abuse pilot include the advice, support, safety and information services together project that goes along with the domestic abuse court in Glasgow, which is critical in assessing risk for women and informing the court?

Michael Matheson: I recognise that the ASSIST project in Glasgow has been particularly helpful, but we must ensure that we take forward the programme in a way that delivers what is necessary in individual areas. We must recognise that a model that works in one area will not necessarily always work in another.

Malcolm Chisholm made an extremely good speech. I apologise to Christina McKelvie for not acknowledging that she and Malcolm Chisholm are co-conveners of the cross-party group on men's violence against women and children. I was confident that the cross-party group would be in good hands when I thought that Malcolm Chisholm was its convener; now that I know that he shares that role with Christina McKelvie, I am all the more confident that it is in good hands.

Malcolm Chisholm mentioned the health programme that has been run. The routine inquiry approach that I mentioned earlier has been embedded in the normal practice of health boards across Scotland, and we expect that to continue. In addition, we have retained the post of gender-based violence team manager to ensure that that embedding of practice continues to take place in health boards throughout the country.

Malcolm Chisholm recognised that, as a Government, we have decided to focus on women who are affected by domestic violence. We have done so because the issue of violence against women is a social construct, which is about the balance between the genders in our society. Women tend to be the victims of the greatest amount of domestic violence that takes place, so it is only right that we continue to have a policy that recognises that.

Christina McKelvie mentioned the Council of Europe's convention on preventing and combating violence against women and domestic violence. That is an issue for the UK Government, on which we have been in touch with the Home Office. It is looking to take a position on the matter early in the new year, and we will continue to monitor that.

Marco Biagi made a first-class speech on the importance of males' questioning the whole issue of violence against women. I have no doubt that

members throughout the chamber recognise the role that they have. I say to Jim Hume that we have made a commitment to continue the current funding levels in this area of work for the next three years because we continue to recognise its value.

In concluding my remarks, I am delighted to accept the Labour Party's amendment and continue the cross-party support that has always existed for addressing violence against women in Scotland.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There are five questions to be put as a result of today's business. The first question is, that amendment S4M-01526.2, in the name of Rhoda Grant, which seeks to amend motion S4M-01526, in the name of Fergus Ewing, on the regulatory framework, be agreed to.

Amendment agreed to.

The Presiding Officer: The second question is, that amendment S4M-01526.1, in the name of Gavin Brown, which seeks to amend motion S4M-01526, in the name of Fergus Ewing, on the regulatory framework, as amended, 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)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (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, Gavin (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 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)
 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)
 Dugdale, Kezia (Lothian) (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)
 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)

Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 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, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (North East Scotland) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 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)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Johnstone, Alison (Lothian) (Green)

The Presiding Officer: The result of the division is: For 110, Against 1, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The third question is, that motion S4M-01526, in the name of Fergus Ewing, on the regulatory framework, as amended, 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)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baillie, Jackie (Dumbarton) (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, Gavin (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 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)
 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)
 Dugdale, Kezia (Lothian) (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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 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, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (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)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (North East Scotland) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 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)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (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

Johnstone, Alison (Lothian) (Green)

The Presiding Officer: The result of the division is: For 110, Against 1, Abstentions 0.

Motion, as amended, agreed to.

That the Parliament agrees that better regulation is an important driver of sustainable economic growth and endorses the Scottish Government's commitment to better regulation rather than deregulation; welcomes the Scottish Government's commitment to delivering regulation that is

proportionate, consistent, transparent, accountable and targeted only where needed, and supports a regulatory framework in which government, regulators and business work together to identify regulatory barriers to growth and deliver an outcomes-based approach, thereby providing a favourable environment for business to grow and flourish, creating jobs and improving lives; supports regulation that encourages equal opportunities; calls on the Scottish Government to bring forward its proposed sustainable procurement bill; further notes that the Regulatory Review Group's Annual Report 2011 found that Business and Regulatory Impact Assessments (BRIA) have been used in respect of 80% of primary legislation and 57% of secondary legislation since April 2010, and further calls on the Scottish Government to increase the use of BRIAs for legislation and regulation and to explain why it has not carried out a BRIA on either the proposed retail levy or the reform of empty property relief on business rates.

The Presiding Officer: The fourth question is, that amendment S4M-01523.1, in the name of Jackie Baillie, which seeks to amend motion S4M-01523, in the name of Michael Matheson, on violence against women, focusing on prevention as a means to an end, be agreed to.

Amendment agreed to.

The Presiding Officer: The fifth question is, that motion S4M-01523, in the name of Michael Matheson, on violence against women, focusing on prevention as a means to an end, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament reaffirms its continuing commitment to eradicating all forms of violence against women; notes the Scottish Government's increased emphasis on prevention and early intervention to tackle this issue; celebrates Scottish Women's Aid's tireless campaigning for effective responses to domestic abuse and congratulates the organisation on its 35th anniversary; welcomes the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 and the Domestic Abuse (Scotland) Act 2011 and the increased protection that these pieces of legislation provide for victims, building on the work taken forward under the previous Labour/Liberal Democrat administration that was informed and shaped by the views and experiences of a wide range of women's organisations including enacting the Protection from Abuse (Scotland) Act 2001 and the Female Genital Mutilation (Scotland) Act 2005, the establishment of a National Group to Address Domestic Abuse in Scotland and a comprehensive national strategy, including substantially increased funding and a groundbreaking advertising campaign aimed at changing wider public attitudes as well as encouraging reporting of abuse, and acknowledges the dedication, effort and creativity demonstrated by all the agencies working to address violence against women in Scotland.

Multiple Sclerosis (Better Care)

The Presiding Officer (Tricia Marwick): The final item of business is a members' business debate on motion S4M-01107, in the name of Rhoda Grant, on multiple sclerosis and better care. The debate will be concluded without any question being put.

Motion debated,

That the Parliament welcomes the campaign for better health care across Scotland by the MS Society which highlights the need for effective implementation of the Clinical Standards for Neurological Health Services; considers that the standards for neurological conditions published in 2009 mark an important step forward for patients with multiple sclerosis (MS) by setting out key standards for all NHS boards, including access to specialist multidisciplinary teams; recognises that these standards are vital to ensuring that MS patients have access to high quality care wherever they live; welcomes the appointment of a dedicated MS nurse in the Western Isles which it understands follows significant work by the MS Society; recognises the role of individuals and communities in the Western Isles who campaigned successfully for the appointment; notes that Scotland has one of the highest incidences of MS per head of population in the world, and believes that greater investment and government support is needed to further research and provide services.

17:05

Rhoda Grant (Highlands and Islands) (Lab): I am pleased to introduce this members' business debate and I thank the members who signed my motion. I was privileged to sponsor a reception in the Parliament this week for the Multiple Sclerosis Society, which MSPs supported well. Many who attended the reception told me that they appreciated that support.

Approximately 10,500 people in Scotland live with MS—that is one of the highest rates in the world. In parts of the world where rates of Scottish immigration have been high, MS is often called the Scottish disease. MS takes many forms. Many sufferers can go through life with little effect on their lives, whereas the disease can be devastating and life threatening for others. It is progressive, and a diagnosis seldom tells a patient what they can expect. The disease is often remitting and relapsing, so its effect is difficult for people to gauge.

Because of those factors, it is important that people receive on-going support and information. People with MS often face a postcode lottery in accessing healthcare. In 2009, the Government published the clinical standards for neurological health services, which sought to address the situation. They go some way towards providing guidance for NHS boards, but services are still patchy.

The MS Society therefore finds itself campaigning for better services. I campaigned alongside the society in the Western Isles recently. Despite having a high incidence of MS, the islands had no specialist nurse. That meant that patients had to travel to the mainland for specialist services. I was first told about that problem by Christine Stewart. The success of the campaign to get an MS nurse for the Western Isles is due largely to her and her fellow campaigners' tenacity.

The clinical standards for neurological health services set out the standards of care that health boards must meet when treating people with MS. They include access to a multidisciplinary team that specialises in MS—as a minimum, that must consist of a specialist consultant and an MS nurse; access to neurological physiotherapy and rehabilitation, occupational and speech therapy, dietetics, and pharmacy and mental health services; access to an MS education programme; and access to a review by a specialist team every 12 months. People with MS must also be able to self-refer to specialist services.

Progress has been made, but many health boards are still to implement all the standards. Their importance cannot be overestimated. If patients receive the support and information that they need, that helps to improve their outcomes, keeps them independent and helps them to continue to work. That will not prevent relapses, but people will recover more quickly with specialist support.

David Stewart (Highlands and Islands) (Lab): On specialist services, does the member acknowledge the tremendous work that is done by the Inverness Multiple Sclerosis Therapy Centre, which has tremendous input from paid and unpaid staff? The third sector also plays a vital role in such fantastic services across Scotland.

Rhoda Grant: I agree with David Stewart about that centre, which I visited some years ago. I was impressed by the range of services that was available—the centre had a hyperbaric chamber, aromatherapy and a physiotherapist, when physiotherapy was not widely available to people with MS.

Evidence suggests that physiotherapy helps people with MS to retain muscle tone and mobility and helps to strengthen bones and to prevent conditions such as osteoporosis.

Self-management can help people with MS to develop the skills that they need to manage their MS symptoms. Specialist psychological support, such as cognitive behavioural therapy, can help with depression or behavioural symptoms that are directly or indirectly caused by MS.

MS nurses provide a range of services that would otherwise often be dealt with by a consultant neurologist, a general practitioner or someone in an accident and emergency department in a hospital. Those resources are already stretched and are considerably more expensive than an MS nurse.

Access to an MS nurse also means that patients have a point of contact and are more likely to seek and obtain support quickly. Early intervention improves recovery time, and relieves pressure on other services that might not be the best equipped to help.

Since 2010, Health Improvement Scotland has led the implementation of the programme to assist health boards in meeting the required standards, but we must continue to monitor service provision and improvement, especially at a time when budgets are tight and posts might not be filled as quickly as they otherwise would have been.

I have been concentrating on health services, but many other services impact on people with MS, not least social care and housing. People with MS frequently express concern about the lack of integration between health and social care services. MS can be a fluctuating and unpredictable condition. People with MS might require support only sporadically but perhaps quite suddenly, and they must be able to access equipment or make interim arrangements easily, so that their needs are met without undue delay. It is vital for people with MS that health and social care professionals have an understanding of the condition and share their knowledge.

In 2008, Dundee City Council appointed an MS specialist social worker, and a recent evaluation of that post has produced very positive feedback. People with MS felt reassured that their social worker understood their condition and the fact that their care needs could change rapidly. Healthcare professionals also experienced benefits as a result of the post, because the social worker acted as a single point of contact, which led to much quicker and easier referrals to and from health services. Housing services must also be able to deliver adaptations quickly to help people with MS to remain independent.

Finally, I pay tribute to the MS Society, whose work on campaigning for better services has resulted in increased funding and service improvements throughout Scotland. It works with the Government, the health boards and other authorities to improve services for MS patients. Those improvements have led to better outcomes for those people, and those changes improve people's life chances and make a real difference to their wellbeing. It is therefore important that local authorities also develop partnerships with the MS Society. It is able to provide social care staff

with tailored training and education, which would provide the authorities with an insight into services that would make a significant difference to people's lives.

The Presiding Officer: I have five members wishing to speak in the debate, and I can offer them up to five minutes each. I call John Wilson.

17:12

John Wilson (Central Scotland) (SNP): I congratulate Rhoda Grant on securing this much-needed members' business debate. The issue is very important to me, as well as to other members present, as my wife was finally diagnosed with multiple sclerosis in 1988. MS is a debilitating illness that affects the lives of individuals and their families dramatically. The MS Society notes that almost twice as many women as men have MS. Scotland has the highest incidence of MS per head of population in the world. As yet, we have no national register of people with MS, so the numbers affected are not easily quantified, but we know that more than 10,500 people in Scotland have MS.

The first report on the MS incidence register, published in September this year, noted that of those diagnosed in 2010, 9 per cent had waited more than six years to have their MS diagnosed. Early intervention is crucial in tackling the onset of MS and, although there is no cure at this time, some referrals and admissions to hospital can be avoided through adequate early intervention and treatment. I understand that the assessment and treatment of MS are often complex, but that does not mean that we should not continue to strive for faster diagnosis and comprehensive support services for those living with MS throughout Scotland. The MS incidence register should provide a useful tool for redesigning services to ensure that they accurately reflect the needs of those living with MS throughout Scotland and, in turn, raise the standard of treatment.

The clinical standards for neurological health services, published in 2009, should, if adopted correctly, provide a higher quality of healthcare throughout Scotland, regardless of where individuals live, and eliminate the postcode lottery that has for too long denied many diagnosed with MS access to the best treatment available.

A number of excellent support services are available to people throughout Lanarkshire, including the Haven, which is based in Blantyre. It works with NHS Lanarkshire and other local support services to lead and deliver excellent support and advice programmes for those affected by MS and other long-term conditions, without the need for a referral. If an individual cannot travel, the Haven at home service brings highly trained

professional services to where they are needed. The MS Society in Cumbernauld works in conjunction with the Haven and its staff, and so does the Revive MS Support centre in Glasgow, as part of its outreach work.

Airdrie hospice provides essential physiotherapy services and counselling for people in the area. NHS Lanarkshire now has in post a specialist MS nurse. That is crucial in providing advice and support to those affected by MS and is useful in promoting self-management of the condition, thereby avoiding hospital visits and admissions and preventing relapses. In accordance with the clinical standards, NHS Lanarkshire is meeting the minimum standard for a multidisciplinary team specialising in MS.

More must be done to support the holistic endeavours of initiatives such as the Haven, which gathers specialist knowledge of MS within a social model of care that is rooted in the community. In my experience, what is apparent is the lack of comprehensive information about what is available in the community. Services often fail to connect with the individual who is struggling to cope with their condition. The Haven must be congratulated on its information pack, which is now available to be given to people on diagnosis. People are vulnerable at that time, as they experience the emotional effects of being diagnosed. Those effects can be severe and can render people unable to process verbal information at the time.

Given the complex nature of MS, it is crucial that those affected are aware that symptoms may be linked to illnesses other than MS that can be treated, instead of jumping to the easy conclusion that MS symptoms have worsened. Self-management courses provided by organisations such as the MS Society offer individuals the opportunity to learn to manage their condition effectively in their day-to-day lives. We must ensure that those courses are widely available in order to keep people as well as possible.

The variable and fluctuating nature of MS itself makes life unpredictable for sufferers and their families. The condition affects people in many different ways and impacts on many different areas of their lives including work, relationships and families. Therefore, it is crucial that advice and support are offered to the family of those living with MS, as they will most likely take on the role of primary carer at various times. The Haven must be congratulated on the work that its children's services do, providing fun activities that young carers would otherwise be denied.

I once again congratulate Rhoda Grant on bringing the debate to the chamber and look forward to a successful outcome in delivering MS services throughout Scotland.

17:18

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I begin by declaring an interest: my son is a director of the Towpath Trust, which is an organisation in the west of Scotland that provides services to MS sufferers, among other groups. I welcome the debate and congratulate Rhoda Grant on bringing it to the chamber.

MS is a very particular condition, and people who suffer from it face significant difficulties. An early diagnosis, while it may be welcome, and is no doubt important, nevertheless confronts the person who is diagnosed with a difficult situation, as the progress of the condition is so variable—ranging from a fairly rapid deterioration to a single attack and no further deterioration. Therefore, uniquely among the things faced by doctors, specialist nurses and support teams, the psychology of the condition and how people face it can be extremely difficult.

The traditional approach, which has now largely gone, was that a doctor, when faced with someone with an initial set of symptoms such as a bit of sensory loss in one limb or a blurring of vision, would not tell the person of the diagnosis, because they wanted in some way to protect them. That is an inappropriate way in which to treat patients. Individuals should very much be partners in their own care.

The pathology of the condition is interesting. As members have said, we do not know the cause. The process of the nerve wires becoming moth-eaten, as the insulation around them breaks down, thus affecting the transmission of neurological impulses, is particularly unique.

The epidemiology is interesting. Rhoda Grant referred to the fact that the UK has a high proportion of MS sufferers and that, in fact, the further north we go, the more people suffer from the condition. We do not fully understand the reason for that, but it must be reflected in the support that is given, so that more services are provided in areas with a high density of MS sufferers. That is self-evident, but when we consider the distribution of specialist services, we find that it is not the case. NHS Ayrshire and Arran has about the most complete team—it has an occupational therapist, for example.

As the condition progresses, people need early adaptations in their houses. That is critical. Care and Repair's services face the same challenges as many other services face at present, so they must be supported in providing early adaptations. I was appalled to hear that NHS Tayside decided only 18 months ago, as an efficiency saving, to merge its aids and adaptations service with that of the local authority. A similar merger took place 25

years ago in the NHS Forth Valley area. It is necessary to co-ordinate those services.

The key standards that have been published are extremely welcome. I also welcome the monitoring of those standards and the reports on the monitoring. I think that we will receive an interim report in January. I look forward to the minister publishing the results of follow-up of the issues.

The implementation of the specialist nurse programme is of the greatest importance, because nurses who have special training can provide the support that individuals need. People need an holistic approach that not only deals with the physical symptoms and problems of increasing disability, but achieves the psychological adaptation that is necessary. I welcome the work of the MS Society and the progress that we have made, but we have further to go in supporting those who suffer from MS in Scotland.

17:23

Mary Scanlon (Highlands and Islands) (Con):

I, too, congratulate Rhoda Grant on securing the debate. I acknowledge the support that you, Presiding Officer, have given to people with multiple sclerosis in previous sessions of the Parliament and your commitment to the issue. I remember your members' business debate on the subject many years ago. I imagine that that is why you are here this evening, which is unusual for the Presiding Officer. I am sure that members are grateful for that.

I welcome the progress that has been made since the Government published the clinical standards for neurological health services in 2009. However, although we should mark that progress, it is worth stating that the MS Society, in its briefing for the debate, states:

"People with MS face a postcode lottery when it comes to their healthcare".

As others have said, MS is a complex and fluctuating condition. I am sure that most if not all of us know several people who have multiple sclerosis. John Wilson referred to the report on the Scottish MS register. I was shocked to discover that, for 9 per cent of people, it can take more than six years to have a diagnosis confirmed. We are debating the support that is given to people with MS, but it is worth understanding that, according to the report,

"There is no single diagnostic test and other conditions with similar symptoms may need to be ruled out before a final diagnosis can be made."

However, the necessary help and support cannot kick in until an accurate diagnosis is made.

There is a plethora of excellent research backed by substantial investment—as mentioned in the

motion—which will be welcomed by the 10,500 people in Scotland who have MS. However, not only is that incidence one of the highest in the world; as Richard Simpson said, the further north one goes, the higher the prevalence is. With one in five emergency admissions and one in eight GP consultations relating to a neurological condition, it makes sense to focus on self-management and better diagnosis. The research and health services are critical, given the fact that people live with the condition for many years.

As the motion states, the Western Isles now have a dedicated MS nurse. The announcement of the MS specialist nurse in Moray going from part time to full time is also very welcome, as is the creation of the post of area development officer for the Highlands and Moray—a post that has been funded by the MS Society. In fact, NHS Highland is highlighted in the MS Society briefing paper for developing an MS steering group, which has resulted in an increase in the number of staff. There is no doubt that specialist nurse support helps people to stay independent and helps many people to remain active and in work. There is now a better understanding of MS, and MS sufferers benefit from appropriate exercise and cognitive behavioural therapy—which Rhoda Grant highlighted—to alleviate depression. Enhanced self-management, the prevention of crisis and improved adherence to medication can all be assisted by the knowledge and support of a specialist nurse. The investment in myelin repair should also lead the way to clinical trials and new drugs that will, hopefully, transform the lives of people with MS in the future.

I have focused on the role of the specialist nurses, but it is only right and fair to mention the GPs, the consultant neurologists—of whom we have many more in Inverness now than we had some years ago, thankfully—the physiotherapists and the many other health professionals and social care workers who play their part in supporting MS patients. I look forward to the publication of the Health Improvement Scotland report next year, which will address the implementation of the standards by individual health boards. Only through that type of exercise will we ensure that MS patients throughout Scotland have greater equality of access to the services that can do so much to alleviate their condition.

I pay tribute to the MS Society, whose work I fully respect and commend. It also has a wonderful website that is easy to navigate and highly authoritative.

17:28

Dennis Robertson (Aberdeenshire West) (SNP): I, too, congratulate Rhoda Grant on

securing the debate. It is an important debate, and everyone who has spoken has highlighted the complexity of the problems for sufferers of MS. I am grateful to Dr Simpson for highlighting the medical profession's difficulty with the diagnostic aspect. I am also grateful to him for pointing out that healthcare is a partnership and that, when it is psychologically appropriate, the patient should be informed of their condition and the issues that that condition can bring.

Mary Scanlon said that most of us probably know people with MS. I have a dear friend who has MS. She was a professional social worker who delivered care to others, but she now requires care herself. I want to focus on the fact that MS affects more than just the individual. As John Wilson said, we need to take a holistic approach, recognising that, when a person has MS, it affects not just their lives, but the lives of the people who live with them.

The husband of the person I am talking about was a non-driver at the time of her initial diagnosis, and he remained a non-driver for many years because my friend continued in the work that she trained for with great professionalism. She is to be commended for her energy and commitment to her work. Latterly, however, MS took over and she became unable to drive, partly because of restricted vision but mainly because of immobility. One positive aspect of her MS was that her husband learned to drive, although it was not really positive because she then became totally reliant on her carers.

One of the things that my friend found most difficult about living with MS was that she was no longer able to interact with her very young grandchildren. Before the MS, she was able to take them out to the park or the cinema, or just go out for walks and engage with them, as grandparents do. Not being able to do that has affected her and she said that it was probably the most difficult thing that she has had to cope with. She said that she had been robbed of her ability to interact as a grandparent with her grandchildren.

In my previous professional capacity in social work, I met many people who had MS. The main barrier for them was the uncertainty of tomorrow. They often did not know what their future held. They did not know whether they would have visual disturbance, or whether in a month, or a year, or five years, they would be able to do the things that they were doing on the day that I talked to them. The complexity of a condition such as MS is caused by having to live with the uncertainty.

We must ensure that people who have MS get the services that they require. That is where bringing together health and social care agendas is so important. I sincerely hope that the Scottish Government continues with the programme of

integration of health and social care services. Until then, patients will continue to face a postcode lottery in the provision of services for people who have MS. Their carers will also have to face a postcode lottery when they have to cope with the condition.

I congratulate the MS Society on its work. I hope that it continues to influence the Government to ensure that a postcode lottery does not impact on people who have MS and their carers in the future.

17:33

Neil Findlay (Lothian) (Lab): I congratulate Rhoda Grant on bringing the motion to the chamber for debate.

In Parliament, we often talk figures when we are making our contributions. To use research jargon, we often discuss quantitative rather than qualitative accounts. I want to make my contribution from a qualitative perspective, and I will do that by talking about what it is like to live with MS from the point of view of one sufferer.

My constituent, John, is one of the 10,000 individuals in Scotland who suffer from MS. He was a fairly normal young man. He enjoyed playing football and golf, he worked hard, and he liked a night out. He was a skilled engineer. Indeed, he was apprentice of the year at the factory in which he worked. When John started feeling extreme fatigue, he put it down to hard work, long hours and playing sport. He then started to feel a loss of dexterity and feeling in his hand and an inability to bend his legs. At the age of 31, he knew that something was wrong.

After several bouts of tests, John was called to his local GP and told not that he had MS, but that he had symptoms that were compatible with MS. That seems to be the way that patients are told. More shockingly for him, he was told, "Get on with it." He told me that that news and the following discussion should have been in the hands of his neurologist and not his GP, because his GP could not really answer many of the questions that came up.

Perhaps a counsellor should also have been on hand to deal with what is, for many people, shattering news. The news was, of course, devastating for John's young family, his friends and his extended family, but worse was to come because, soon afterwards, he was sacked unfairly by his employer because of his disability. Eventually, he won a tribunal case for unfair dismissal but, because he had not been in employment for a certain length of time, he was not reinstated.

John tells me that, at the outset, he was treated fine, medically. He was admitted to hospital

straight away for a week of intravenous steroids. As time went on, he had to battle to get beta interferon, which was held up as the great hope, at the time. He had to wait for it because it was referred to the National Institute for Health and Clinical Excellence process. It was hard enough for John to cope at that time, without him also having to go through the battle for medication.

John advises me that certain changes would help sufferers. The first is improved support services. He feels that some sufferers who lack family support or the ability to work through the system are being left behind. Self-support is fine for those who have the ability to do that.

Another suggestion concerns MS nurses. There are only two MS nurses for the whole of the NHS Lothian region, but they are based in the Western General in Edinburgh. For many reasons—most notably cost, logistics and fatigue—that is unsatisfactory, especially for sufferers who live 30 miles away in West Lothian. On Tuesday, the MS Society told me that a sufferer is likely to access only one appointment with that service a year.

John also raises the cost of mobility items, such as high ramps, wheelchairs and hand controls for mobility cars. They are very expensive, and many people have to pick up the cost themselves. The daunting prospect of welfare reform on the horizon is relevant in that regard, too.

There has been inadequate tracking of sufferers, although I know that the MS Society is now undertaking a mapping exercise, which is a step forward. We need to keep the profile of MS high on the agenda.

As the illness is a peculiarly Scottish or northern one, we have to be at the forefront of co-ordinating activity to find a cure, which might mean working with other Governments, the pharmaceutical industry and other stakeholders. Obviously, that will require resources.

Mary Scanlon: Is the member aware that, as a result of Professor Harrington's review, the Welfare Reform Bill now takes account of fluctuating conditions, such as mental health, ME and MS?

Neil Findlay: I am encouraged by that. We will wait to see what comes out of that process. I hope that Mary Scanlon is lobbying her party hard to ensure that the welfare reforms are as easy as possible on people with such conditions.

Patients need to be better informed of new developments and given basic practical help and advice.

I should declare an interest in the debate—a close, personal interest—because John is my brother. Seventeen years after his diagnosis, he still works full time—not in engineering but in a

local authority call centre. He gets on with life and tells me that, despite his illness—or, possibly, because of it—he feels that he is now twice the person he was prior to it.

17:38

The Minister for Public Health (Michael Matheson): I thank Rhoda Grant for bringing this subject to the chamber for debate, and I welcome the terms of her motion.

Like Mary Scanlon, I think that your role in bringing the issue of MS to this Parliament must be recognised, Presiding Officer. One of the most effective MSP lobbying events that I ever participated in was one that you organised many years ago in the Tun. It gave individuals with MS an opportunity to come along and meet their MSPs. It is an event that has stuck in my mind as being extremely effective and groundbreaking.

Neurological conditions are an important issue, but MS merits particular attention because, as others have said, Scotland has a higher rate of MS than any other country in the world. As Rhoda Grant said, MS is often referred to as Scotland's disease. That is not an enviable position to be in, and we share the MS Society's position—we want to beat MS.

Excellent work is being done at the MS research centre in Edinburgh, which has an important role in developing new treatments. I know that the work of the Medical Research Centre's centre for regenerative medicine, especially on stem cell therapies, carries the hopes of many who suffer from MS. The Scottish Government is funding three research projects—at the University of Glasgow, the University of Aberdeen and the University of Stirling—and we are willing to consider other proposals for research in Scotland.

We believe that a further way by which we can promote research is the MS register, which has been developed with investment from the Government and the MS Society. I hope that, in time, the MS register will encourage population and family-based research and potentially international studies in Scotland. Above all, I hope that it will help us to discover why the condition imposes more of a burden in Scotland than in other countries of the world.

Our top priority for people with MS is to ensure that the neurological standards that other members have referred to are effectively implemented. They offer the best mechanism for achieving safe, effective and person-centred care and will help to ensure that people get the earliest and most appropriate treatment at the local level, but with access to the specialist services that they require. That is why we have provided boards with £1.2 million to develop improvement groups as the

main vehicles to take forward those standards at the local level. Through its two-year improvement programme, Healthcare Improvement Scotland has been working to ensure that that happens at the local level with each board. To evaluate the progress that they have made, boards have completed an assessment of the generic standards. In January and February, they will conduct a peer review, which will allow us to evaluate the progress that has been made on the MS standards. That will give us a better understanding of the progress that boards have made—Mary Scanlon referred to that.

Mary Scanlon: Will the minister explain the next step in the process? I commended NHS Highland, but I was touched by Neil Findlay's point that there are many fewer specialists in an area with a much larger population. What action will the minister take if a lack of support for MS is identified?

Michael Matheson: After the peer review has taken place early next year, the findings will be published in the summer, and each board will use those to inform local development plans and how they intend to move forward, improve services and implement the standards. I hope that that reassures members that work is continuing.

I recognise that there are people who would like to see faster progress, but I hope that members recognise that there is a considerable task for some boards. It is important that we recognise that the standards apply to all neurological conditions and that there are many competing demands on boards, which must take such things within the overall workload. Healthcare Improvement Scotland has therefore adopted a phased approach by supporting boards to focus on agreed priorities.

People who live with neurological conditions have been involved in the process to ensure that they have a say, and an event was held in March this year that focused specifically on the MS standards. I thank everyone who participated in that event, which provided an invaluable insight into those who live with MS and some of the challenges that NHS staff face in improving the overall quality of care.

We have provided £75,000 for the neurological alliance of Scotland to develop its voices programme, which supports people to get involved in developing local services in their health board area. People with MS have taken part in Ayrshire, Forth valley and Tayside, and I know that a further roll-out is planned in other board areas next year. A voices group has been formed in Forth valley, which is my board area. That is a good example of the joint participation that we expect boards to take forward in the coming year.

I am aware that there are concerns about what might happen to the improvement programme when it comes to an end, but I understand that boards are continuing to demonstrate willingness to continue that work. Healthcare Improvement Scotland has asked the local improvement groups to forge links with their planning services to ensure that we maintain momentum beyond March next year, and it is expected that boards will provide evidence on the links that they have achieved in progressing their improvement plans. As the minister responsible for long-term conditions, I encourage boards to ensure that the impetus is not lost, and I will take a keen interest in the outcomes of the review next year.

Rhoda Grant also mentioned the integration of services to ensure that they operate in a more co-ordinated fashion. In the next few weeks, we should be in a position to set out how the Government intends to take forward greater integration of health and social care. Additionally, the introduction of a self-directed support bill will allow individuals who have long-term conditions such as MS to have a greater opportunity to manage their care in a way that is more appropriate to them.

I recognise how much people value MS specialists, particularly MS nurses. Under the facing the future banner, we have committed more than £10 million to nursing initiatives over the past three years. I am also aware of concerns that those in specialist nurse posts have been drawn into other duties. Given the current financial climate, it is right that boards look at the way in which the services are used, but it is important that they also ensure that efficiencies do not compromise the quality of care.

The neurological standards recognise that specialist nurses are core members of the multidisciplinary team. That sends a powerful signal about how important the role is. Boards should also bear in mind, and it is worth mentioning, that the number of specialist nurses in Scotland has increased in recent years to 2,250, including 15 MS nurses.

I am particularly pleased that the Western Isles is soon to have an MS nurse. I acknowledge the efforts of the MS Society and Christine Stewart, whom Rhoda Grant mentioned, to secure that post. It is great that the NHS board will fund the post permanently once the society's funding comes to an end.

I was also pleased to hear that Western Isles NHS Board is pursuing the managed clinical network approach by supporting its improvement group to evolve into a permanent neurological managed clinical network. It is precisely that type of commitment that we are looking to see from boards across the country.

We know that the standards are powerful drivers to improve services. I would like Healthcare Improvement Scotland, boards and the voluntary sector to build on the progress that has been made and to continue to work to develop services further. I hope that I have reassured members that the Government is committed to continuing to improve services overall for those who have a neurological condition. As the minister responsible for the area of policy, I will continue to monitor the progress that boards are making.

Meeting closed at 17:47.

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