



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 3 November 2011

Session 4

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## Scottish Parliament

Thursday 3 November 2011

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

### Veterans

**The Presiding Officer (Tricia Marwick):** Before we start the debate, I remind members to leave in place the cards in their consoles.

The first item of business is a debate on motion S4M-01218, in the name of Keith Brown, on veterans.

09:15

**The Minister for Housing and Transport (Keith Brown):** Annual remembrance Sunday commemorations will be taking place the length and breadth of Scotland, and will be marked by thousands of Scots in honour of those whose lives were lost in times of war and other conflicts. At this time, it is appropriate also to reflect on that section of society who have served and, thankfully, returned to civilian life—namely, Scotland's veterans.

Scotland's veterans community is much bigger than one might expect. That is in no small part due to the fact that Scotland contributes to the armed forces of this country more people per head of population than any other part of the United Kingdom—around 400,000, according to Veterans Scotland, which is the umbrella body that represents organisations that work on behalf of veterans.

Veterans live all over Scotland, although there are concentrations in particular areas, as one might expect. Veterans are much more than the stereotypical elderly man in a blazer, wearing his medals and carrying a flag at a parade on remembrance Sunday. That veteran exists, of course, but veterans in Scotland have served in world war two, Korea, Aden, east Africa, Suez, Northern Ireland, the Falkland Islands, the Balkans, Iraq, Afghanistan and in many other places around the globe, from the Rhine to Hong Kong and from Belize to Cyprus.

There are veterans in their 80s and 90s, but they are also in every other age group down from that; we have veterans who are only 19 and 20 years old. Veterans are predominantly men, but women have also served and have done so with distinction, just as men have.

When we talk about veterans, we talk about everybody who has served in the armed forces, including those in the Territorial Army and reserve

forces. Those veterans live and work among us. They are an integral part of Scottish society. They make use of public, private and voluntary services in the same way as every other member of Scottish society, as is absolutely right. They access healthcare at the point of need, they live as owner-occupiers or as tenants of private landlords and social landlords and they have their children educated in our schools. They are part of our workforce. They put their skills and expertise to excellent use. Many are retired, and are making the most of their lives in the ways they wish to do so.

Do we owe these people a debt of gratitude? Of course we do. Each of them has put their life on the line. They have experienced and seen the best and the worst of human nature. Many of them have been to war—the worst possible resolution to international dispute and disagreement. Others have been international peace keepers who have faced bombs, bricks, stones and hatred—sometimes, tragically, very close to home. In the face of all of that, they have put duty before self interest so that we can live in peace and enjoy the freedoms that we sometimes take for granted.

Yet, by and large, the veteran does not expect a great deal in return. The veterans whom I have met and know are unassuming. They do not want to make a fuss; they just need their special circumstances recognised and acknowledged. That is very little to ask and that is why the Scottish Government has put veterans at the centre of our policy thinking, development and delivery. We have recognised that, sometimes, it is important to design and provide services and support in a way that is tailored to the specific and unique needs of the veteran. We have done well in that regard and will continue to deliver more as time goes on. We will, of course, plan for the future.

Our commitment to the veterans community in Scotland is a matter of public record. We have taken action in support of the words that we have spoken in favour of veterans and their interests. The agenda that we have followed and the results that we have achieved are widely acknowledged by the veterans community and by the other United Kingdom Administrations.

What is in place for veterans? What does the Government's record look like? Does it stand up to scrutiny? I believe that it does, so I will give some examples from that record. We have added policy responsibility for veterans' issues to a ministerial portfolio. We are the first Administration to do that since devolution. We have appointed an armed forces and veterans advocate at director-general level to co-ordinate the delivery of Scottish Government policy as it impacts on veterans, and we have created a Scottish veterans fund with

resources since 2008 of more than £300,000, which has provided grants to more than 30 projects in support of veterans.

We have created a steering group that comprises the Scottish Government, the Ministry of Defence and senior officials of veterans organisations to examine issues around policy development and to facilitate direct access to Scottish ministers. Veterans organisations frequently tell me that they appreciate the access that they have to ministers. We have established quarterly meetings between Veterans Scotland and me to discuss priorities for action and we have established armed forces and veterans champions in national health service boards and local authorities as points of contact as well as for dispute resolution and signposting in relation to public services.

Beyond getting the administration right, we have delivered a range of direct services to Scotland's veterans. We have made tremendous progress in health and housing. For example, in healthcare, we have given priority NHS treatment to veterans who have service-related conditions. With NHS Lothian, we have set up a £300,000 prosthetic-limb project to provide state-of-the-art prosthetics to veterans. In 2009, with NHS Lothian's Veterans First Point project, we created a one-stop shop for veterans that is based around mental health services. We have provided £1.7 million to Combat Stress for specialist mental health services in in-patient care and an outreach service. We have published leaflets such as "Have you served your country? Taking care of veterans", which draws attention to the support packages that are in place for veterans.

Considerable progress has also been made in relation to housing.

**Alex Fergusson (Galloway and West Dumfries) (Con):** I acknowledge the work that has been done, particularly in the NHS, to ease our veterans' lot. However, it has been brought to my attention that there is still an issue as regards general practitioners' acknowledgement and recognition of specialist issues in relation to veterans. Does the Government have any thoughts on how that might be addressed?

**Keith Brown:** That is a good question. Substantial work is being done in that area. When a veteran presents to a GP, it is often difficult to get to the issue, because an awful lot of shields can be put up. Some additional support might be needed to encourage GPs to realise that that is the case and that they might have to delve a bit deeper. Of course, that can happen with any patient—as I am sure Dr Simpson would confirm—but it is a particular trait of veterans. We are working on that. It is a question of rolling out

advice and guidance to GPs, and that is continuing within Government.

On housing, we have published a housing guide for service leavers and more than 14,000 copies have been distributed so far. We have revised the social housing guidance to landlords to highlight the flexibilities that landlords have in allocating accommodation to ex-service personnel. We have made it easier for ex-service personnel to establish a local connection when they seek social housing and we have developed a national housing options advice leaflet with Veterans Scotland. We have abolished means testing for disabled veterans who need adaptations, which removes compensation payments from the means-testing process.

There have been other initiatives more generally. For example, we have provided grant funding to Veterans Scotland to develop an e-portal that will contain a raft of information that can be used by the service provider and the veteran alike, and it is about to go live.

**Kevin Stewart (Aberdeen Central) (SNP):** I am glad that the minister has outlined all the things that the Scottish Government is doing for veterans, but it seems that the UK Government is failing on certain issues. We now have the military covenant, but veterans are still having to fight for their rights through the courts. I am thinking particularly of nuclear-test veterans. What does the minister think of the fact that certain veterans have to fight the UK Government in court to get their rights?

**Keith Brown:** Kevin Stewart makes a pertinent point, but I point out that the court process is continuing and will come to a crucial juncture on 14 November. Although responsibility lies with the UK Government, I have met the veterans and listened to their case and I told them that I am interested in hearing the outcome of the court case. I have written to the UK Minister for Veterans, Andrew Robathan, on their behalf and raised some of the points that the member has raised.

As I said, we have taken a number of other initiatives. We took part in and supported financially armed forces day, which was a national event in Edinburgh this year that proved to be a resounding success, with the veterans' village in particular proving to be very popular.

We have made it clear to the Ministry of Defence that the Scottish Government will be interested in hosting an MOD hospital unit, should the decision be taken to continue with that model of treatment when the current contracts expire in 2013, and we have met and visited a range of veterans' organisations up and down the country to hear first-hand about the issues that matter to

veterans. We have made a clear commitment to the firm base forum, which is the armed forces led forum that encourages collaborative working between the three services, strategic service delivery bodies and the veterans community.

Further, on collaboration, we have not taken policies forward on our own, so I record my appreciation of those who help to inform our thinking. Veterans Scotland has proved to be an invaluable ally, especially because—unlike such organisations in the rest of the UK—it is able to bring together many of the relevant bodies, which makes communication and representation much easier. Another such organisation is the cross-party group on supporting veterans: I am delighted that there is cross-party consensus and willingness to work together to develop ideas and proposals because the welfare of veterans is not, and should not be, a partisan issue. I will welcome ideas and proposals on what further actions are needed.

Kevin Stewart mentioned the new military covenant. It is worth saying that what we develop in the future will be consistent with it. I announced at a recent conference on the NHS and the armed forces community that the Scottish Government will produce a road map on the way forward, which will set out our agenda, objectives and priorities for developing the best public, private and third sector support for the armed forces community, including veterans. It will complement the UK military covenant. We will deliver the covenant in Scotland, but we also aim to go further. *[Interruption.]*

**The Presiding Officer:** I am sorry, minister, I confused you. You have another four minutes.

**Keith Brown:** Thank you.

We have an acknowledged track record in delivering the service personnel command paper commitments in Scotland, and we will build on that to provide a range of support services that are as wide as possible and that meet the needs and aspirations of Scotland's veterans community. We will continue to engage with our strategic partners in the NHS, local authorities and the voluntary sector as well as, crucially, with veterans, on what needs to be captured by the road map. We will listen to those people, in particular the veterans, and we will consider any ideas that are suggested. No door is being closed.

We have a few ideas of our own already. We are planning a review, in particular to improve information technology systems so that veteran status is better recorded on patient records when the veteran so wishes, and there will be more conferences on sharing best practice among armed forces and veterans champions. We will consult on changes to the legal rules that councils

and housing associations must use when deciding who should have priority for their houses, with the aim of giving them greater flexibility in determining their approaches to meeting housing needs in their areas. We will also consider the development of specific support programmes for veterans who are in prison. We will aim to have the road map ready for spring 2012. It is an ambitious programme and it will be testing, but we are determined to drive the agenda forward.

Veterans are an asset to Scotland. They have given so much and they still contribute so much in so many walks of life, so they deserve our thanks and gratitude in return. The support and advice services that have been put in place by the Scottish Government, the NHS in Scotland, local authorities and the voluntary sector, and which are specifically designed for veterans in Scotland are good—in fact, they are very good. They continue to improve and to evolve as the dynamic of the individual veteran changes.

More needs to be done, and we acknowledge that. It can be done if there is willingness to work together in a spirit of partnership. Second best is not an option for our veterans: they deserve nothing less than the best. This debate is the right one to have and this is the right time to have it.

It is useful to hear the views of other people on this subject; it is worth thinking about the words of Maya Angelou, who said:

“How important it is for us to recognise and celebrate our heroes and she-roes”.

It is important that we remember, but it is also important that we do things. Our actions should back up those words, and that is crucial. John F Kennedy said:

“As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.”

That is what the Scottish Government is seeking to do with veterans.

I am delighted that this debate is taking place and I look forward to hearing members' speeches.

I move,

That the Parliament notes that, as the annual Remembrance Day commemorations take place across Scotland and as the ultimate sacrifice of those who fought and died in times of war in defence of the country's freedoms and way of life is remembered with respect and honour, it is also fitting and appropriate to reflect on the needs and aspirations of Scotland's veterans community, many of whom are injured mentally and physically; notes the initiatives and programmes developed and introduced by the Scottish Government to plan, co-ordinate and deliver support and advice services from the private, public and voluntary sectors for ex-service personnel, including a number of initiatives to strengthen the provision of and access to health, transport and housing services, and welcomes the UK Government's commitment to the Military

Covenant, a commitment that the Scottish Government fully endorses and the principles of which it will continue to build on for the veterans community in Scotland.

09:29

**Dr Richard Simpson (Mid Scotland and Fife)**

**(Lab):** I welcome the debate. This Parliament is accused of having meaningless debates, but this is certainly not one of them. The issue is important and I want at the outset to acknowledge not only the Government's role over the past few years, which has been exemplary, but also Keith Brown's personal experience and commitment. It is not often that an Opposition member can say that; I am pleased to be able to do so, because I think that a great job has been done, although I have some minor criticisms—members would expect nothing less.

As the minister said, there are 400,000 ex-service personnel, whose ranks are joined by another 2,500 every year. Beyond them, of course, are their families. There is probably not a family in Scotland that has not had a veteran in it or in the extended family.

I was born during the second world war and I understand that my father was killed on active service. I was adopted into a family. In my adoptive family, my grandfather was gassed at Ypres in the first world war and my uncle was killed at Monte Cassino in the second world war; throughout my childhood, I was aware of the marked effect that that had on my cousin, his son. It is not an untypical story.

Current and recent wars have increased awareness of the role of the armed forces and have, I believe, substantially increased their standing in the public mind. That is evidenced by the response to armed forces day and the response to the various parades that the armed forces have conducted throughout my constituency, many of which I have attended.

As I said, the Government has made a good start. I particularly praise the veterans fund and its encouragement of control, self-reliance and development, which has been welcome.

The deaths in Iraq and Afghanistan and, previously, in Northern Ireland will obviously have had a profound effect on the families of the men concerned. A growing number of personnel are seriously affected in a variety of ways. Improvised explosive devices are a horrible aspect of current wars. They cause serious damage, such as loss of limbs and damage to sensory systems. I very much welcome the fact that, as a result of that horror, there have been advances in medical treatment of trauma and in development of prosthetics, in which Scotland has played an active part. That work has benefited not only those

who have been injured on active service, but others who have trauma-related problems. The University of Strathclyde, among others, has made a significant contribution in that regard, and the unit in NHS Lothian, which the minister mentioned, has played an effective part in the practical application of such treatment.

It was partly in recognition of such serious disabilities that the Labour Government increased considerably the compensation package, which I understand is now being curtailed somewhat. The difficulties around that package are regrettable.

I very much welcome the proposal at UK level to legislate for what has until now been a voluntary military covenant. The bill is to include healthcare, education, housing and inquests, but it will also include power for the UK Government to add additional measures if it feels that to do so would be appropriate. It is particularly welcome that the covenant will be subject to an annual report to the UK Parliament by the relevant secretary of state and that, additionally, there will be an independent review group. That will mean that it will be a case not just of the Government saying what it is doing, but of the independent review group saying whether what the Government is doing is appropriate.

The UK Labour Party's desire for pensions to be included is particularly relevant, given the move from use of the retail prices index to the consumer prices index. That may be justifiable during the debt crisis, but making it a permanent move will, in the long term, remove hundreds of thousands of pounds from some of our most seriously disabled veterans, so the issue needs to be looked at again. We also want compensation and mental health provision to be included.

Even if a person is not directly affected at the time, witnessing the horrific events that take place can have an effect later—sometimes many years later. During my time as an addiction consultant in West Lothian during the four years for which I was out of the Parliament, I was struck by the number of veterans whom I saw who were suffering from post-traumatic stress disorder but who presented with problems to do with drugs and alcohol, which they were using to ameliorate their symptoms. Recognition of that issue in the addictions field is important. The support that I got for my patients at Hollybush house was invaluable, and I acknowledge the additional support that the Government has provided to that unit and, in particular, its outreach service, which is a welcome development.

My colleague Margaret McDougall will deal with the matter of the Ministry of Defence hospital unit in Scotland, issues to do with combat stress treatment and the issue of remote and rural resident veterans and how their services can be

handled. Neil Bibby will refer to Erskine, which is another valuable resource that we have in Scotland.

I am concerned that we do not pay enough attention to the consequences of leaving the services. Of necessity, the services are highly institutionalised organisations. Individuals within the organisations are supported and protected, but when they leave they are on their own, except for the organisations that support them. Mark Griffin will enlarge on that. As the minister indicated, housing remains problematic for some veterans. Elaine Murray will talk about a local housing association in that regard.

I am proud of the fact that when it was in government, the Labour Party built or refurbished 40,000 dwellings for serving personnel. However, that does not address the issue of those who have left the services.

In all of this we must not forget the effect on families and on children. The existence of voluntary network support organisations can be of great help, but as with the veterans themselves, we should consider being more proactive in ensuring that if help is needed, the contacts have already been established, if only in a very light-touch way.

It is appropriate to discuss supported employment today, given that Poppyscotland, which is the Parliament's charity, supports veterans who work with it. Scotland faces the potential closure of the eight Remplo factories as a result of the UK Government's response to the Sayce report. Here comes my criticism, minister. I regret that the Scottish Government did not appear to respond to the Sayce report and failed to respond to the UK consultation on the report before 16 October. A substantial amount of supported employment grew from the first world war and it remains important to veterans. I was surprised that with everything that the Government has done and with its focus on the issue, it did not respond.

There are many examples of work that is being done. There are therapy and rehabilitation developments, including a centre in Midlothian. There is also a project that is close to my heart for various reasons, which is the Gardening Leave charity which was started by Anna Baker Cresswell in Ayrshire. Therapeutic gardening is not a new concept—indeed, there are about 160 therapeutic gardening organisations in Scotland under the umbrella organisation Trellis, which is based in Perth in my constituency—but its application to veterans with combat stress is new in the United Kingdom. The approach was developed in the United States to help Vietnam veterans and has been of great value. I pay tribute to Anna Baker Cresswell and to the current

extension of her work; I believe that her work has a valuable role to play. I pay tribute to the poppy project that is run by Gardening Leave. The project is creating Scotland's only collection of poppy varieties, which is to be dedicated to the fallen of conflicts that tend to be forgotten, such as those in Malaysia and Aden, and others to which the minister referred.

Each veteran will find their own way; the important thing is the contacts. I welcome the debate and what the Government has done. I hope that it will not be too late for the Government to look closely at how Parliament responds to the issue of supported employment, which I believe is of considerable importance.

As we approach remembrance day, we should all feel proud of the contribution that service personnel have made and continue to make. As a Parliament, we should today reconfirm our determination to recognise and support veterans. This is not a party issue but one on which the whole Parliament can unite. We support the Government's motion.

I move amendment S4M-01218.1, after "physically" to insert:

"; notes that veterans of the regular and territorial services are affected and recognises the importance of supporting the families and children of all of those veterans; further recognises the historic and continuing value of supported employment for some disabled veterans".

09:39

**Alex Fergusson (Galloway and West Dumfries) (Con):** Although it is customary to begin any debate by saying how pleased one is to take part in it, I am genuinely pleased to participate in the debate this morning. I very much endorse Richard Simpson's opening remarks about the Government's record on the issue—the word "exemplary" is not too strong—and take his later criticism to be entirely constructive. I hope that the debate will continue to be constructive. I commend the minister for lodging the motion, which allows all of us to discuss the matter. As he said, this is the right time for this debate.

Perhaps I should declare an interest. I am a member of the Poppyscotland Scottish advisory committee to the Royal British Legion—it was much easier when that was called simply the board of Poppyscotland. I also have the great honour of having recently been elected as convener of the cross-party group on armed forces veterans in the Scottish Parliament. In that regard, I pay tribute to the work of Jeremy Purvis in the previous session. He founded that group and did a great deal to raise the profile of veterans issues in this institution. He is no longer an MSP, but through that work, he has left us a legacy for which we should all be extremely grateful. I am

more than happy to assure members that the work that he initiated will be continued through this session with the able assistance of the cross-party group's deputy conveners Stewart Maxwell, Hugh Henry and Willie Rennie. I give the minister due notice that I wrote to him just yesterday—he can put this in his diary if he wants to—to invite him to attend the cross-party group on Wednesday 13 June at 6 o'clock. We all hope that he will be able to accept that invitation, other commitments allowing.

During the previous session, I was greatly privileged in the role of Presiding Officer to visit and have contact with a number of organisations and individuals whose efforts are entirely focused on improving the lives of veterans, such as Lady Haig Poppy Factory, which the Presiding Officer recently visited, Whitefoord house, Combat Stress in Ayrshire, its partner charity Gardening Leave—which Richard Simpson has just spoken about—Southwest Scotland RNR, Erskine, SSAFA Forces Help and others. Anyone who has encountered or visited any of those organisations or any of the many others that are involved with veterans issues cannot help but be made aware of the emotional nature of such encounters or visits, and it also becomes horribly apparent just how badly the services that they offer are needed. In a way, I find it quite frightening that Veterans Scotland now has 53 member organisations under its umbrella, and that there are many others that are not. That signifies the immense need for veteran support. That is troubling enough, but that need appears to be growing, which is doubly troubling and serves as a reminder to the Parliament that we must never take our eyes off the ball.

I am glad to say that much of what I have learned over the past four years is positive, in particular in respect of how much better the armed forces now are at recognising and dealing with symptoms of health issues—Richard Simpson touched on that—and especially mental health issues, while individuals are still serving in the forces, rather than leaving it to others to cope with them once those individuals have returned to civilian life, as used to happen, although the return to civilian life still brings its problems.

Another huge step in the right direction is the reduction in the number of years between people leaving the forces and their seeking and being referred to appropriate support if they need it. Although my memory is not what it used to be and I am open to argument, I think I am right in saying that, not too long ago, the average gap between a person's leaving the forces and their seeking support was more than 30 years and that, despite the improvement, the gap is still in the teens of years. The mind boggles—mine does, at any rate—at what those individuals must go through mentally and/or physically before they seek the

help that is available, which they either do not know about or perhaps are too proud to ask about. Whatever the reason, I cannot praise highly enough the organisations—Dr Simpson mentioned Combat Stress and its outreach service, for example—that make it their business to go out and try to ensure that people know that help is at hand, that there is absolutely no shame in seeking it, and that that help is the very least that we can offer as a society for what those extraordinary men and women have given us.

Dr Simpson has done the debate a favour—indeed, I think the minister acknowledged it in his speech—in highlighting in the amendment the role that is played nowadays by the Territorial Army, which is much more active and involved in the military scene than has historically been the case.

I vividly recall talking to a Territorial Army soldier who had not long returned to his office job after a first tour of duty in Afghanistan. I asked him whether the change had been difficult to cope with in any regard. His reply surprised me somewhat, but he was clearly troubled. He said that the usual reaction to his return was along the lines of “Oh well, six months in the sun, eh? Some people get all the good jobs,” or “I'd've thought you'd have a better sun tan than that by now.”; whereas he had clearly been emotionally expecting something rather more inquisitive, sympathetic and understanding. I suspect that the reaction of his work colleagues was the reaction of those who do not quite know how to react to an unusual and perhaps awkward situation. However, it highlights the acute sensitivity and understanding that returning servicemen and women need, but perhaps often do not receive and which will often play on them mentally with who knows what end result.

The Labour amendment rightly asks us to recognise the continuing value of supported employment for disabled veterans. I suggest that there is also a need to consider greater support within normal employment for returning Territorial Army personnel.

We are often reminded that a country is judged by how it looks after its elderly people, but I believe that it should equally be judged on how it looks after its veterans. As we approach armistice day and remembrance Sunday, it is entirely appropriate that we remember those who have given their lives so that we can live in relative freedom and stability today, but it is every bit as appropriate that we redouble our efforts to support our serving soldiers, sailors, airmen and women not just while they serve but long after they have returned to civilian life.

Presiding Officer, I trust that the voting system will not be further tested this evening when we decide on the motion and amendment, because I

hope that the vote will be entirely unanimous. Certainly, we on this side are proud and pleased to support the motion and the amendment.

09:47

**Jim Eadie (Edinburgh Southern) (SNP):** Politicians and Governments who send our young men and women into battle and ask them to put their lives on the line have a duty to ensure that when those same men and women come home, having been discharged from the armed forces, and return to civilian life, society does all that it can and more to support them.

For those of us who have never served in the armed forces or experienced armed conflict, it is impossible to imagine how difficult it is to return from that extreme situation to the normality of civilian life. People may struggle to find and keep a job, they may find themselves without a roof over their head and they may face physical and mental health challenges on a daily basis.

It is right that our Parliament should be at the centre of the debate about how best to provide appropriate support to ex-service personnel, and it is right that the Scottish Government should continue to engage with the range of organisations that actively support veterans in overcoming the challenges that confront them. Veterans Scotland, the Scottish Veterans Association, Poppyscotland and the Royal British Legion are just some of the organisations that are dedicated to improving the lives of ex-service personnel.

I join colleagues across the chamber in putting on record my appreciation of those who have served and are serving in the armed forces and for the organisations that support veterans and their families. As we approach remembrance day, the poppy of remembrance is a poignant reminder of the sacrifice of previous generations in two world wars and in conflicts since in the Gulf and elsewhere. The poppy also brings to mind the poppy fields of Afghanistan, which is a stark reminder of the conflict in which servicemen and women continue to risk and, yes, to lose their lives in the service of their country.

We can all acknowledge the debate and the controversy that have inevitably surrounded the decisions to go to war in Iraq, Afghanistan and Libya; at the same time, we can pay unqualified and unconditional tribute to the courage, sacrifice and service of those servicemen and women who have served their country in each of those conflicts.

We can all agree that the cost of conflict and the pain of war are very real indeed for families who have lost a loved one and for service personnel who see their own lives transformed through injury and disability. The Scottish Government must

stand ready at all times to do all that it can to support our veterans and ex-service personnel. That is why I welcome the specific initiatives that have been taken in Scotland to do just that. The Scottish veterans fund, for example, is, as we heard from the minister, a dedicated fund for Scotland's war veterans that was launched in May 2008. The fund has provided grants for 33 projects in support of veterans.

One such project is the Mark Wright Project, an outdoor programme in the Lothians led by qualified outdoor activity specialists that will help veterans to regain physical and mental strength through a range of outdoor pursuits. Erskine homes have been helped to provide supported accommodation through a pilot that provides five cottages alongside welfare, retraining and employment advice for recently discharged service personnel.

The resources are rightly targeted at projects and organisations that work directly with veterans and their families. The fund complements the veterans challenge fund, which is administered by the Ministry of Defence.

Other initiatives include funding of £1.2 million for the Combat Stress initiative to support mental health services for veterans; more than £500,000 to fund the Combat Stress outreach service; an investment of £2.3 million to support the Scottish Veterans Residence to build 50 flats in Glasgow; and the introduction of concessionary bus travel for injured veterans. All those measures have been supported by the Scottish Government to improve the lives of our veterans.

I also highlight the valuable work undertaken by Edinburgh Napier University at the military rehabilitation, assessment and research centre at Napier's Sighthill campus and welcome the centre's director, Chris Connaboy, who is in the public gallery. I am grateful to my parliamentary colleague Gordon MacDonald for his on-going interest in the centre's work. Its long-term vision is to become a centre of excellence in, among other things, providing the best clinical assessments for injured service personnel and conducting cutting-edge research to enhance the performance, care and rehabilitation of armed forces personnel. Edinburgh Napier University and the national state-of-the-art prosthetics group are working with NHS Lothian's south-east mobility and rehabilitation technology—or SMART—centre in the grounds of the Astley Ainslie hospital in my constituency to develop the best future provision of military prosthetic care. I look forward to the publication in spring 2012 of the Scottish Government's new strategy in response to the armed forces covenant that the Westminster Government is taking forward and to working with

everyone who provides care and support to veterans and their families.

The motion calls for society to meet its debt to our ex-service community. In truth, that debt can never be repaid when judged against the sacrifices that have been made. However, as Richard Simpson suggested, we can unite as a Parliament to ensure that our remembrance day commemorations last beyond 11 November and that we provide the lifelong support that our veterans and their families deserve.

09:53

**Elaine Murray (Dumfriesshire) (Lab):** As 11 November approaches, it is, as other members have said, fitting that this Parliament remembers the sacrifices made by the men and women of the Scottish armed forces in conflicts past and present, during wartime and in their peacekeeping role, and recalls the suffering of their families and friends in their ever-present concern about their loved ones' wellbeing—and, for some, in receiving the worst possible news.

Although we might as individuals have reservations about decisions to get involved in certain conflicts—I found it impossible to support my own Government over Iraq—any such reservations must never diminish the respect and gratitude that we owe our service personnel for their courage in carrying out the consequences of those decisions. In my first ever members' business debate, which fell on the last armistice day of the 20th century, I sought an official pardon for the 39 Scottish soldiers and 260 soldiers from other parts of the British empire who were shot during the first world war for so-called cowardice—or what we now recognise as post-traumatic stress. Indeed, I think that that is the members' business debate for which I have received most cross-party support. I am glad to say that a pardon was eventually announced by the then Secretary of State for Defence, Des Browne, in 2006. It was a long time coming, but it happened in the end.

Over the past century, we have come to understand that the scars our veterans bear can be psychological as well as physical. However, because the psychological scars are less clearly visible, the suffering that they cause is still not always well recognised. I wonder why that is—but then, of course, warfare has changed, from the battlefield warfare of previous generations, to the constant fear of death that may come from wherever. In the trenches of the first world war, people did not know when the shells were coming; in Afghanistan, people do not know when the sniper will fire, or when there will be a roadside bomb. That constant threat is bound to have a psychological effect on people.

As Richard Simpson said, the consequence of that pressure can persist for many years after active service has finished. It can result in mental ill health and addiction problems. Two of the persistent street drinkers in the town of Dumfries are former servicemen. Another, who has since died of his addictions, became a heroin addict and an alcoholic, and was often seen selling *The Big Issue* in the town. It is easy for us to condemn the antisocial behaviour that can result from those addictions, but the veterans' addictions were the consequences of their experiences in the service of their country. They deserve far more than just our condemnation.

Fortunately, as others have said, many organisations are determined to make life better for our veterans. I pay tribute to a good friend and colleague of mine—Councillor Archie Dryburgh—who is Dumfries and Galloway Council's veterans champion. Archie is a veteran himself, having served in Northern Ireland, and his son is on active service in Afghanistan. Archie is very proud of his military bearing. I have been on the campaign trail with him, and it is easy to tell that he is a military man from the way in which he campaigns—he works people very hard.

Archie has worked closely with Dumfries and Galloway Housing Partnership, which I believe is the first in Scotland to introduce a housing list for veterans—rather than simply dealing with veterans by accommodating them via the homelessness route. I understand that Glasgow Housing Association will shortly be announcing a similar policy, but DGHP got there first. I say “well done” to the people involved. A total of 1 per cent of DGHP properties each year—around 10 or 12—will be allocated to service personnel and their families. To qualify to join the list, applicants must be within one year of full discharge, within 6 months of having been discharged, or the surviving spouse or partner of a member of the armed forces who has died within the past six months. Among other things, that means that members of the armed services and their families will no longer have to become homeless after leaving the services, and will be able to transfer directly from their services accommodation to a registered social landlord.

Another example of good practice from my constituency is run by First Base Agency—not firm base but First Base—which has been working closely with Dumfries and Galloway Council. First Base Agency was formed to offer drug and alcohol addiction support services, especially to the families of people with addiction problems, although it is now involved in a number of other projects. The original contact with veterans involved those with addiction problems—mainly men aged 40 or over with service in Northern Ireland and Bosnia. At first, First Base provided

them with a get-together over a fortnightly meal, but it then expanded its help.

Members who know Dumfries and Galloway may know of a former country house called Carnsalloch House in Kirkmahoe near Dumfries. It was purchased recently. The owner wanted to develop the ground for housing but was unable to get planning permission because it was on a flood plain. He therefore agreed to make the walled garden available to First Base for its veterans project. The veterans now grow vegetables, some of which go towards the food parcels that First Base provides to homeless people in crisis. The veterans also have a market for their vegetables, through one of the farm shops in Dumfries. They have also established a flock of free-range chickens, which produce eggs for sale at—I must say—considerably less than supermarket prices. I can well recommend them.

There is also a log project, which involves the chopping and selling of logs provided by the Forestry Commission. Again, those are sold for around half the price of commercially produced logs.

The projects aim to be self-financing. First Base is also considering the possibility of offering veterans from outwith Dumfries and Galloway the chance to come and stay and do some work.

The debate has been an opportunity for me not only to highlight some local initiatives that complement the actions that Government is taking to support our veterans, but to reflect on those things as we come up to remembrance day.

09:59

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** During the minister's speech, Kevin Stewart intervened to raise the issue of the nuclear-test veterans. I take this opportunity to outline the background to the health problems from which those veterans are suffering.

One of the first letters that I received following my election was from a constituent congratulating me but also raising the issue of the nuclear-test veterans' health problems. Members can imagine my horror when I delved into the background of the subject. Between 1952 and 1962, the UK and the United States of America exploded more than 40 nuclear test weapons in Australia and the Pacific. Twenty-two thousand UK service personnel, most of whom were on national service, were drafted in to witness the explosions, although it would be more appropriate to call them guinea pigs rather than witnesses. Back in those days, the health and safety advice to those personnel was that they should turn their backs and cover their eyes. Even worse, Royal Air Force

planes were sent to fly into the huge radioactive dust clouds within two hours of the explosions.

Since the 1980s, there have been numerous studies on the health of nuclear-test veterans. Looking across them all, the most common health problems to appear in that group of people are leukaemia and multiple myelomas. The most recent survey, which was published on Monday, was a self-response survey in which letters were sent to nuclear-test veterans and focus groups were used. Ninety-one per cent of those people reported diagnoses of serious or long-term conditions following their service in the armed forces. Of the reported diagnoses, 60 per cent were of musculoskeletal problems, cardiac problems, genito-urinary tract problems, digestive tract problems and cancer. Those five conditions are all known to be linked to exposure to radiation.

Members have spoken of the debt of gratitude that we owe our service personnel, and this is an area in which our debt is enormous, as the figures show. Australia, New Zealand, the United States, Canada, Russia and France have all acknowledged that debt to their service personnel. Not only that—they have also accepted that they owe them compensation. Sadly, as Kevin Stewart highlighted in his intervention, that is not the case in the UK. The case is live at the moment, so I cannot comment on it in detail. Nevertheless, I highlight the fact that, so far, the UK MOD has spent £5 million in legal battles to prevent the nuclear-test veterans from claiming compensation, instead of just paying it.

**Kevin Stewart:** In addition to the countries on the list that Ms McLeod has cited, China has compensated some of its veterans. The Isle of Man, a dependency, has also compensated its veterans. The only country that has not done so thus far is the UK.

**Fiona McLeod:** Mr Stewart is entirely correct and reminds me of something that I found out in the course of my research. The UK has compensated nuclear-test veterans, just not its own. In 1993, the UK Government gave the Australian Government £20 million ostensibly to clean up the Australian environment where we set off nuclear-test weapons. My first thought was that we could pay to clean up the environment but not to help our veterans who are suffering from ill health. However, when one delves into the issue, one finds that that £20 million was not just to clean up; it was also to indemnify the UK Government, through the Australian Government, against any claims for ill health in Australia resulting from what it had done in Australia. So, I advise Mr Stewart that the UK is on that list of countries—it just will not compensate its own veterans.

The nuclear-test veterans very much appreciated their meeting with the minister in

August and they appreciate all the work that he is doing on their behalf, which he has outlined. I am sure that everyone will want to support the estimated 70 surviving nuclear-test veterans in Scotland in their continuing campaign for justice from the Ministry of Defence.

10:05

**Margaret McDougall (West Scotland) (Lab):** I welcome the opportunity to speak in this Scottish Government debate on veterans. I pay tribute to the brave men and women who currently serve in our armed forces as well as all the veterans who have served in past and present conflicts.

The British Legion representatives in Kilwinning, where I live, drew to my attention the fact that there is no Ministry of Defence hospital unit in Scotland. There are only five in the United Kingdom, and they are all based in England. That means that Scottish families of injured service personnel have huge distances to travel. Although they get financial assistance, that only applies to immediate family and does not include extended family members.

An MOD hospital in Scotland would make life much easier for injured personnel and their families. It would help to speed up their recovery and, hence, reduce their time in hospital. The United Kingdom Government has, so far, seemed sympathetic to the idea of basing an MOD hospital unit in Scotland, and Liam Fox confirmed that one would be built here. I hope that the Scottish Government is also supportive and that it will engage with and encourage NHS boards to ensure that a strong bid is submitted as part of the tendering process in 2013.

**Keith Brown:** I assure Margaret McDougall that we are supportive of that to the extent that we have already asked the UK Government for that kind of consideration. In particular, the armed forces and veterans advocate has met the surgeon general to discuss that point and received some assurances. We are interested in making progress on the matter.

**Margaret McDougall:** I am pleased to hear that and welcome the minister's comment.

However, as many members know, the care that Ministry of Defence hospital units offer is not available to veterans as, once they leave the forces, the MOD no longer provides their care. [*Interruption.*] Members must excuse me, as I have a head cold. The care that veterans receive usually falls to charitable organisations such as Combat Stress, about which we have already heard, and Erskine homes due to the complex and varied nature of the conditions from which veterans suffer and the care that they require.

Scotland has an estimated 400,000 veterans and the number grows by around 2,500 each year. Not every veteran in Scotland requires care, but many do, and they often require specialised treatment programmes. It is worrying to note that many remain untreated or are wrongly diagnosed, which complicates matters for them.

Combat Stress, which has been much lauded this morning, found that 81 per cent of the veterans who responded to its survey and who suffer from poor mental health feel ashamed or are too embarrassed to raise the issue. One in three failed to tell their family because of the fear of stigma or discrimination. As a result, they are reluctant to raise the issue with their GP or others who could offer them help.

I was pleased to hear the minister say that the Government is working closely with GPs. Could the Government look into the feasibility of identifying ex-service personnel in their GPs' medical records? Such an approach would mean that the veterans could be referred to specialised services more quickly, as many GPs find it hard to identify the issues that military personnel face. It would also be beneficial to provide GPs with more education about military-related post-traumatic stress disorder.

Combat Stress has a treatment centre in Ayrshire that receives £1.2 million from the Scottish Government. That is only 60 per cent of its overall funding; the rest is raised through donations. The Scottish Government also funds one of Combat Stress's two community outreach teams, which provide care to veterans in their own homes.

Veterans who live in remote parts of Scotland, such as the Western Isles and northern Scotland, are more at risk, because many of them miss out on care and support.

A holistic approach to treating veterans is urgently needed to ensure that they and their families are provided with the most comprehensive support possible. I ask the Government to consider supporting the rolling out of Combat Stress's six-week treatment scheme. That scheme helps veterans who have the severest forms of post-traumatic stress disorder, which often leads to depression and substance or alcohol abuse. It provides highly structured treatment programmes that are tailored to those who are most in need.

A lot of good work is being done, but there is still a lot more to do. Unfortunately, time constraints have meant that I could not talk about all the issues this morning. I urge the Government to support the establishment of an MOD hospital. I was pleased to hear about work on that and I look forward to progress being made. I ask the Government to develop a more holistic approach

that provides a comprehensive support system, so that veterans and their families can access treatment and support easily and no longer feel stigmatised in doing so.

10:11

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I welcome the tenor of the debate, which has been consensual. That reflects the fact that, across the chamber, we all recognise the importance of supporting veterans. The debate is timely. It is just over a week until remembrance Sunday, when we will all go to remembrance events, so it is right to have the debate now.

There can be no family in Scotland that has no family member who has served in the forces. Richard Simpson spoke tellingly about the severe impact on a family when a family member serves in the forces and the worst comes to the worst.

In my family, my grandfather was a Seaforth Highlander—he was one of Montgomery's highway decorators in the second world war. His father fought in the Boer war and the first world war and received the freedom of Dumbarton for his service in the Boer war—a plaque to commemorate that hung proudly on my grandparents' wall for many years.

My grandfather's generation was magnificent and was part of the generation who defeated fascism in Europe. In the post-war era, those veterans combined to build a better society, and the first drive took place for veterans to get a better deal. That was possible largely because many veterans came out of the second world war. Veterans are fewer now, which is why we must recognise their importance in our society. Their number is not particularly big these days, so they need people to look out for them.

Keith Brown was right to say that veterans in our society are not just old men who gather to mark battles that are long past. Unfortunately, war seems to be ever present in this world. In recent years, wars have taken place in Iraq and Afghanistan. Before that, we had the war in the Balkans, the Gulf war and the Falklands battle, in which the minister saw active service. He is one of the few members to have seen active military service.

Whatever our views are on the circumstances of individual wars—many of us, including me, opposed the war in Iraq and were concerned about the direction of the war in Afghanistan—it is right to support the veterans who have fought in them. I spoke of my great-grandfather. I happen to think that the two wars in which he fought—the Boer war and the first world war—were gross imperial misadventures, but we must separate our view about a war from our approach to those who

fought in it. We can still be proud of people's service and recognise that those who served deserve support.

The Scottish Government has a good record on supporting veterans. The Administration has taken several actions, such as extending the concessionary bus travel scheme to include injured veterans and giving priority NHS treatment to veterans for service-related health issues.

The Government has also established the Scottish veterans fund and provided funding of £1.2 million for Combat Stress to support mental health services for veterans. Legislation has been used to make it easier for veterans to establish local connections to access housing. Several initiatives have been taken, some smaller and some greater but, combined, they go some way towards recognising the depth of society's debt to those who have served in the military.

Support has been provided to bodies that do good work with veterans. Elaine Murray spoke about some of the organisations that work with veterans, many of whom experience great challenges. For example, the Government gave £10,000 to Erskine for a supported accommodation pilot involving five cottages alongside welfare, retraining and employment advice for recently discharged service personnel. That support for Erskine would meet with my grandfather's approval, as he was an enthusiastic supporter of the charity and left a bequest for it in his will. Funding of £7,000 was provided for the Lady Haig Poppy Factory for a mobile museum tour to engage children with the poppy appeal. It is important that we help young people to understand the role that veterans have played in shaping the world that they live in.

Various other projects have been supported. The annual report on Scottish Government support for our armed forces and veterans community sets out a number of areas in which great progress has been made.

As ever in such debates, time is running out, so I will come to a close. The Scottish Government has a strong record but, lest we fall into complacency, we should recognise that more must be done. That is why I welcome the new strategy that will be published in the spring of next year, which Jim Eadie mentioned. I look forward to seeing the further actions that it contains, although we should recognise that offering all the necessary support to veterans is a circle that might never be squared, because the debt that is owed is so great that we can probably never do enough. I welcome the work that has been done and look forward to the work that will be done in future.

10:18

**Liz Smith (Mid Scotland and Fife) (Con):** I remember an elderly veteran telling me five or six years ago that he was worried that, in the course of time, armistice day, as he described it, would cease to have such national significance and that, as future generations succeed those who were on the front line in the two world wars and the families of those soldiers, it will become much harder to convey the meaning and true spirit of remembrance. It was a perfectly logical concern but, although I do not doubt that changes will probably occur decades on, I am absolutely certain that future generations can be relied on whole-heartedly never to forget the sacrifice of their forebears, especially if our young people are anything to go by. Indeed, based on the past few years, I would say that there is a heightened rather than a diminished awareness among young people of what remembrance means.

Just last week, I witnessed two groundbreaking school projects in action, both of which asked young people to become much more actively involved in supporting remembrance activities in their local communities, and not just during the month of November, but permanently. At one school, pupils were actively engaged in finding out more about the names on a local war memorial and were contacting their local council and the Royal British Legion to find out how they could participate in the on-going care of the monument and its surrounding gardens. They had been inspired by the UK Government initiative in the run-up to the 100th anniversary of the start of the first world war in 2014, which will provide opportunities for young people to adopt a war memorial. At another school, research was under way to identify just how many veterans and their families are in the local community and what support could be given to them through the community service part of the Duke of Edinburgh's award scheme.

Although schools have always played an important role in the historical understanding of war—ancient or recent—awareness is growing of the need to involve schools more permanently in their local communities to support all those who have been affected by the experience of war, which is something that has poignancy all year round, not just at this time of year.

As other members have already said, this year marks the 90th anniversary of the poppy appeal and that, too, has seen an increase in local schools' interest in visiting the Lady Haig Poppy Factory in Edinburgh, which gives pupils an insight into the issues that confront veterans and their families and the many people whose job it is to look after them and help them to readjust to civilian life. The technology of war might have

changed beyond all recognition in that 90-year period, but the issues that face our armed services as they return from battle are, in some cases, remarkably similar to what they would have been 90 years ago. Our young people, in the main, have a very mature grasp of that fact.

I take the opportunity to put on record our thanks to Poppyscotland for its outstanding work. We are humbled, not only by the scale of veterans' achievement, but also by their experiences, and by the fact that they have taken up so many imaginative projects to ensure that young people are fully and meaningfully engaged in the process of remembrance.

**Helen Eadie (Cowdenbeath) (Lab):** I visited Poppyscotland on Monday and was told that one of the best ways in which our Government can remember the nation's veterans is by continuing to support the supported businesses. As Liz Smith knows, 2,500 men and women will be made redundant and 54 sheltered businesses will be closed in the United Kingdom by 2014, the anniversary that she spoke about. Will she join me in making representations to our Government about that backwards step?

**Liz Smith:** In the spirit of consensus, I say that it is important to look at employment issues and the educational purpose of the remembrance spirit and what it is all about and that, yes, I will make representations, but it is important that we do so on a non-party-political basis. The spirit of remembrance transcends all political boundaries in this country.

Of course, the other reason why young people have greater contact with the war experience is because they see so many veterans, not much older than themselves, of the front line in Afghanistan and other theatres of war around the world. If they do not meet those soldiers personally, through the many school links and programmes, various social media bring them closer to those soldiers' experiences and provide them with much more up-to-date feedback on what the war meant for them and their families. They see extraordinary feats—whether an expedition to the Antarctic or rowing the Atlantic—by men and women who have been seriously wounded, and they connect with and are inspired by their bravery in the same way as their grandparents and great-grandparents did and were years ago.

Each year, the nation rightly pays its respects to all who have made the ultimate sacrifice and to the families who are left behind, and each year we rightly express our unequivocal support for our armed forces wherever they might be deployed. Wearing a poppy might be a simple act, but it unites us all in our remembrance and gratitude—and it also makes a huge difference to those who

serve in the armed forces. Our young people, just as much as those of us who are older, have an acute understanding of what the poppy means and we should be greatly encouraged by many of their acts of remembrance in our local schools.

10:24

**Paul Wheelhouse (South Scotland) (SNP):** As a member of the cross-party group for armed forces veterans, I welcome the debate and certainly welcome its bipartisan nature. In my own parish of Ayton in the Scottish Borders, there are 45 names—of a total population of men, women and children of less than 1,000—on the village war memorial from the so-called great war and a further 15 from the second world war.

A total of 150,000 Scottish fatalities in the great war out of 889,000 UK casualties are recorded in the national book of remembrance. We paid a heavy price in Scottish lives. Many thousands also returned with horrific injuries and, as Elaine Murray said, post-traumatic stress disorders.

It is easy to view this discussion and the events in remembrance week through the prism of history. Quite rightly at this time of year, we look back and remember the hundreds of thousands of men and women who have made the ultimate sacrifice during times of conflict. However, the consequences of war continue to present society with enormous problems long after the artillery has fallen silent. There is every bit as much need for support for veterans who are returning from present-day conflicts, as Keith Brown and Richard Simpson outlined. My cousin, who is a Territorial Army serviceman, recently returned from Afghanistan, so the issue is very much a present-day one for me.

Out of respect for the work that such men and women do on our behalf, it is our duty to support them in the countless challenges that they face. I am sure that all members will agree that we as a Parliament have an obligation to support our veterans and their families in whatever ways we can within our devolved responsibilities. Although there might be disagreements about the legitimacy of conflicts past and present, there is almost uniform support for the troops, who conduct themselves with great professionalism and courage.

It would be churlish to engage in party-political posturing at this time, but I would suggest that although the UK coalition Government is not intentionally creating problems for our veterans, there is a risk that some veterans, particularly those with disabilities, will suffer as a consequence of the reforms to the welfare system. I urge the UK Government to reflect on the impact of those reforms on veterans in particular and,

where required, to reverse any decisions that will make life more difficult for the military men and women who have given us so much through their service.

I am pleased that the Scottish Government welcomes and fully endorses the military covenant. I am sure that the Parliament will welcome the written answer that the minister gave Nanette Milne earlier this year, which set out the details of a new strategy to support veterans and their families, which will be announced next spring.

The armed forces have traditionally formed an important part of the social fabric of the South Scotland region, which I represent. Indeed, 16 per cent of all Scotland's armed forces pensioners live in that region. In the Borders alone, there are 695 registered armed forces pensioners and each year there is a constant flow of new pensioners—there have been 50 new armed forces discharges in the Borders in the past 12 months.

Veterans affairs remain a reserved matter in many ways, but the initiatives that the Scottish Government has taken in devolved areas are tremendously helpful; indeed, they are essential steps in the right direction and towards completing the package of care and support that we owe our servicemen and women. I will not go over in detail the various means by which we support veterans, which others have mentioned, but the veterans fund and the extension of the low-cost initiative for first-time buyers have been very helpful. The support to combat stress is of particular benefit. I note that Combat Stress has said that it is supporting 18 veterans in the Borders, but that is very much just the tip of the iceberg, because there are many more who do not come forward for support.

Liz Smith touched on employability, which I hope we will discuss in further detail in the CPG. We have to do more as a country to support veterans back into work. In many cases, veterans have to deal with mental health disorders or indeed difficulties in adjusting from an institutional environment back to civvy street. We can do much more to recognise the undoubted transferable skills that veterans have, such as their discipline, reliability, ability to work as part of a team and ability to use their initiative in stressful situations. Those are all important transferable skills that the labour market should value. We can do much more to recognise and enhance those skills, to ensure that veterans gain valuable employment.

We as a society owe our veterans so much. I am very proud that this Parliament and the Scottish Government have recognised the debt that we owe and I hope to play my part, through the CPG led by Alex Ferguson, in ensuring that we do all that we can to address the challenges that our veterans face.

10:29

**Tavish Scott (Shetland Islands) (LD):** The psychological and emotional turmoil of those who have served and fought and seen the unspeakable is, above all, where wider society must provide assistance and support.

This debate, the minister's strong introduction and contributions from across the parties all demonstrate the commitment of Parliament and the Government to work with veterans across Scotland. I thank Alex Fergusson in particular for mentioning the work that my good friend, Jeremy Purvis, did in the previous session through the cross-party group and in highlighting the issues that veterans face, and I am grateful that the minister mentioned the cross-party work that has been done. The cross-party group that Alex Fergusson chairs and others are strongly committed to, and the minister's personal and worthy commitment to this area, show Parliament and Government in a good light.

I want to concentrate on the mental turmoil of ex-servicemen, which shows why the next generation must learn, inquire and study these issues—as Liz Smith and others have mentioned—if only to try to avoid the terrible mistakes that history tells us we repeat again and again.

Like most—if not all—primary schools across Scotland, in its teaching of aspects of what has gone before, Bells Brae primary school encourages its youngsters to look at areas of war. Inevitably, children who are brought up in an island community learn about the sea and the Royal Navy in particular, but they also look at the interaction between the Royal Navy and the other forces. A few years ago, that manifested itself in a great project that the pupils did on the D-day landings in Normandy. When my son, who was then in primary 6, came home from school one night, he spoke to me on the phone—as has often been the case for the past 12 years—and demanded that we go on a family visit to Normandy to see the site itself. I thought that that was a pretty brave thing for a 10-year-old to want to do. We went there, and I have two abiding memories of visiting Normandy and the landing beaches. The first is of the British cemetery at Bayeux, which cannot fail to move anyone who sees it. Carved on the grave stones are not only the soldiers' names and the insignia of regiments from Scotland and across the country but the ages of the individuals, the majority of whom, with the exception of some older officers, are 16, 17 and 18 years old. Walking around those serried ranks of grave stones with one's children has an impact—of that there can be no doubt.

As Richard Simpson and other members have said, every family—and mine is no different—has

a connection back to times when we were at war or, sadly, to a current war. My second abiding memory relates to my great-uncle, who was a British Army surgeon. He crossed gold beach on the afternoon of 6 June 1944. On D-day plus 2, he lost his arm just below the shoulder to a German mine and was inevitably invalided home. He often remarked to my grandmother, "I'm one of the lucky ones. In those few days of intense initial fighting, I lost something, but I did get home."

We took the kids down to gold beach. It was a beautiful July morning, the sun was shining and it was warm. We walked out across the sand from the beautiful French village of Arromanches and looked back. It is at that point that one is struck by what it must have been like to have been pitched out of a landing craft onto those beaches, with everything that was going on. We have all seen the movie. To imagine the shellfire, the extraordinary weight that the soldiers were carrying, the rifles, the adrenalin and—yes—the fear and then to imagine the charge up that beach to the pillboxes and the German defences along the beach, some of which remain to this day, is incredibly and powerfully moving. If we want to ensure that the next generation understands what happened and learns from it, we can do no better than to take them to some of those sites and ensure that they see what young men—and, indeed, women—had to put up with in those extraordinary initial hours of freeing Europe from tyranny and all that went with it.

The best ministerial visit that I ever undertook was to Telavåg, on the west coast of Norway. I went there in 2005 with the British ambassador, some pupils from Scalloway junior high school and the convener of Shetland Islands Council. I was there to represent my constituency and the Government on the 60th anniversary of the Shetland bus.

For those members who are not familiar with the extraordinary bravery of those who were involved in the Shetland bus, I should say that it is simply how we ensured that commanders in British forces were able to get into Nazi-held Norway and, at the same time, were able to ensure that Norwegians, who were under enormous pressure, were able to leave Norway. Telavåg was devastated by war. Its men were marched off to a concentration camp and its women and children were interned in Hardanger because of the shooting of two Gestapo officers by some Norwegian resistance fighters who were shipped into Norway from Shetland.

However, the next generation got it, and they got it mostly because they sat down with some old men in the museum in Telavåg during the lunch that was laid on for the visiting party, and those men, who are all in their 80s now, described what

happened when the men were marched off and taken into internment. I can tell members that one could have heard a pin drop when the youngsters were listening to those stories.

We can reflect, we do reflect, and we do learn. That is very much part of ensuring that veterans of today and yesterday know that this generation and coming generations care deeply about what they did and what they fought for, and that in the future we will not forget.

10:36

**Linda Fabiani (East Kilbride) (SNP):** I welcome this debate, as I welcome all the veterans initiatives that the Scottish Government has taken since 2007.

In 2007, I was honoured to be asked to unveil a memorial to the Scots who fell in Flanders in world war one. Although I knew that it would be emotional, I was truly unprepared for the depth of emotion that I would feel at the needless carnage and the continuing effect that the severe loss of young life has had on the future of our communities, our towns and cities and our nation. Regardless of our personal views on the rights and wrongs of any war, as a nation we respect those who fall in the line of duty in conflict, and on remembrance Sunday this month we will publicly show that respect, lest we forget.

Those who continue to serve should not be forgotten and those who have served and retired to civilian life should not be forgotten or neglected either. Many men and women who leave the services slot back into civilian life with seeming ease, but some do not. The reasons are many and varied and can be physical or non-physical. It is not for us to judge them, but we should deal with them because we have ignored them for too long. It is right that there is a degree of unanimity in the Parliament on supporting the initiatives that the minister outlined today.

The Scottish veterans fund was designed to run as a complementary programme to the veterans challenge fund, which is administered by the UK Ministry of Defence. The introduction of the Scottish veterans fund, which was launched in May 2008, marked the first time that services for ex-servicemen and women had been provided directly through Scottish Government funding. The fund covers healthcare, transport, education, justice and housing, among other things.

As a former housing professional, I particularly welcome the housing strand of the veterans policy. In my job in housing, I often felt helpless and frustrated at being unable to assist or, indeed, prioritise applicants and families who were leaving forces' accommodation and trying to settle in social housing, although I am sure that I did not

feel as helpless and frustrated as the families. The housing situation for single men and women trying to fit into civilian life was really difficult, so it is right that that difficulty is being addressed somewhat.

We have heard much this morning about the physical and mental health of veterans. Sadly, among affected veterans, as in our society in general, there is a particular stigma attached to the breakdown of mental health. As members have noted, that is evidenced by post-traumatic stress being masked by drugs and alcohol. Although I do not remember the figures, I remember an interesting members' business debate that Angela Constance secured some time ago on the subject of veterans who end up in prison and the mental health issues that are involved.

All in all, there is much more to be done and I await the minister's review. I wonder whether it will consider further how veterans' experience can be put to good use by being passed on to others. I do not mean that it should merely be passed on to fellow veterans; it could be used more generally. I am sure that many young people would benefit from the experience of those who have served in the armed forces. Veterans' experiences—not just the traumatic ones, but those that taught them skills in sport and fitness and in conflict resolution—are very precious. This is just a thought, but perhaps some of the cashback for communities fund could be well used in that regard.

I mentioned earlier that we must mind the rights of serving personnel and of those who die while in the armed forces but not in conflict. The armed forces in general are a reserved matter, but I hope that the UK Government and Scottish Government discuss jointly concerns about our army, navy and air force personnel, as they do concerns about veterans, and act jointly to improve services and treat the issues. I raise that point today as I am dealing with the family of a young deceased serviceman and I am extremely perturbed at the experience the family has had and is having of not just military services but civilian services. I shall say no more today, because the issue is very personal to them, but will the minister agree to meet to discuss those issues further?

With remembrance week in mind, I conclude with a tribute to Mr Andrew Nicoll of Annan, Dumfriesshire. I know that Elaine Murray will know him well. Andrew and his colleagues are the veterans of the jungle conflicts that followed world war two in Malaysia and Borneo. Following a six-year campaign that they brought to the Public Petitions Committee of this Parliament, which many members of the Scottish Parliament dealt with by writing to Westminster, Mr Nicoll has told me that at last the Pingat Jasa Malaysia medal

can be worn with pride, with royal authority and without restriction. That will happen for the first time on remembrance Sunday 2011. We should all respect the work of Mr Nicoll and his colleagues. Respect for veterans goes right across society.

10:42

**Neil Bibby (West Scotland) (Lab):** It is a privilege to speak in the debate today and to pay tribute to our veterans. As others have mentioned, veterans are traditionally thought of in terms of those who fought in the major armed conflicts of the 20th century: the two world wars and, to a lesser extent, the Korean war. Unfortunately, that is no longer the case. All Scots are aware of the involvement of our armed forces in Northern Ireland, Iraq and Afghanistan. We must also remember those whom we have asked to protect human rights and defend the rule of law in areas such as Bosnia, Kosovo, East Timor and Sierra Leone. As many members have mentioned this morning, those who serve our country do not make decisions on areas of conflict or our role in engaging in it. Politicians decide where and when our armed forces serve the interests of our nation. We require not that they are concerned with the rights and wrongs of conflict, only that they carry out the tasks that are given to them efficiently and effectively. The armed forces make sacrifices on our behalf that have short or even long-term consequences for individuals and their families and some even make the ultimate sacrifice.

In this debate, we must also recognise the numerous organisations that ceaselessly support, advise and fight for the rights of our veterans. Organisations such as Poppyscotland, Veterans Scotland and the Royal British Legion seek to enhance the welfare and wellbeing of the veterans community and—most important for Scotland—an organisation in my own region, Erskine, has been looking after our veterans for almost 100 years and is the leading care organisation for ex-servicemen and women.

Others in this chamber can offer greater insight into the work of Erskine than I can. I know that my colleague Hugh Henry grew up in one of the homes for ex-servicemen within the grounds of the former Erskine hospital. His father paid for his years interned in a prisoner-of-war camp in what was then the East Indies and is now Indonesia with lasting ill health and Erskine provided the support that he and his family needed. That support is still needed today, perhaps more than ever, by this generation of veterans, and Erskine has developed its service to include four satellite homes in Erskine, Glasgow and Edinburgh. It has also revamped the main Erskine home, with its newly upgraded veterans' cottages, commercial garden centre and stores. I am glad that the new

chief executive, Steve Conway, has vowed that the organisation will continue to provide the highest level of service to the veteran community.

We must also recognise the smaller clubs and societies throughout Scotland, such as the United Services Club in Johnstone—which I visited on Sunday—that provide a community focus for support and companionship for our veterans in their own communities.

I welcome developments by the Government and projects such as the roll-out of training on fitting and maintaining specialist prosthetic limbs, the specialist treatment centre for combat stress and improved community outreach and welfare services across Scotland. However, we must continue to ask ourselves whether we are doing enough.

Many veterans need help when they make the transition to civilian life. Some will need help with physical disabilities but, as others have mentioned, some scars are hidden, with only the ex-servicemen and their families aware of how they affect their daily lives.

I was dismayed to learn from Poppyscotland that recent research showed that some 350,000 members of the veterans community have potential welfare needs. It also showed that, in Scotland, veterans are 10 per cent more likely to become homeless, 8 per cent more likely to suffer from mental health problems and 3 per cent more likely to suffer from alcohol problems than they are anywhere else in the UK. In addition, although the number of individuals who receive a one-off financial grant from Poppyscotland has fallen by 10 per cent since 2002, the average amount that is required in each case has increased by 66 per cent. We know, too, that in the period from 2007 to 2010 more than 13,000 British forces personnel have been assessed as suffering from mental health disorders before leaving the services. Given that veterans in Scotland are still suffering—and are perhaps doing so disproportionately in comparison with veterans in the rest of the UK—I must ask the question, is our response good enough?

If the experience of one family from my area is to be considered, the answer is no. The ex-serviceman in question was suffering from combat stress, which affected his behaviour until family life became a nightmare for all concerned. His condition worsened until he was hospitalised in a specialist NHS mental health facility. He was placed in a ward with people who were being treated for alcohol and drug dependency. His wife described the treatment that he received as medication and sedation. He was given drugs that stopped the outward manifestation of his combat stress, but which did not help the problem. The family found that he had access to private health

insurance through his work and they moved him to a private facility, where he received appropriate treatment and could return to his family able to cope. How does the Government intend to ensure that such families do not continue to suffer?

The odd, good-natured, verbal skirmish at elections aside, I have never had to test myself in conflict. I am lucky, as are most of us here today. We owe a debt of gratitude to those who have put themselves in the line of fire on our behalf. We owe our veterans security when they need it. We owe them decent housing that is suitable to their needs. We owe them and their families the opportunity to make a living or to obtain financial support if employment is not an option. We owe them appropriate medical care whether for body or mind. We owe them professionals who are trained to recognise their particular conditions and needs, and who can deal with them effectively. We owe them support and companionship. We owe them education and re-education when it is needed. We owe the excellent charitable organisations that support our veterans the security of knowing that they can continue their work without the threat of closure or contraction.

10:48

**Derek Mackay (Renfrewshire North and West) (SNP):** I suppose that I belong to the same generation as Neil Bibby, as well as being from the same area. I have found the cross-party nature of the debate and the contributions that have been made in it quite inspiring, and I do not feel worthy to take part in it, in the same way that I do not feel worthy on remembrance Sunday, when I lay a wreath on behalf of civic society. I do not feel worthy because I have not had to serve; I have not gone through what must be the hell of conflict. When I lay that wreath, I do it with a great burden on my shoulders, thinking about the sacrifice that other people have made.

Although we must remember the dead, we must respect the living and deliver for those who come back and their families, because it is clear that conflict has a much wider impact than we realise. Many would say that my generation has had it easy. Tell that to a soldier who has come back from Afghanistan, Iraq, the Falklands or wherever. We have it easy in one respect—we are not called to serve in the way that people were in the first and second world wars.

The term veteran conjures up a vision of an old man, but I checked the dictionary and it can simply mean someone who has served. They can be 21 and be a veteran. The reason I checked the definition of veteran was that I was described as a Scottish National Party veteran. I thought, "I've aged awfy quickly," but of course it is about service and not necessarily age.

I had a disappointing experience recently. Four years ago, a young chap came into the campaign offices during the election. He was looking for a form to register to vote, and he wanted to do his civic duty: to vote and then to join the Army. He did both. I saw him recently and he has left the Army. I asked him whether he was going to vote in the next election. He said, "I'm not sure if I'm registered because I'm homeless." I made sure that he was housed, but I wondered why he was in that situation. Why was the discharge not good enough to ensure that he had a roof over his head? I do not know exactly what was wrong but we fixed the problem.

It goes back to the point made by the minister and others about awareness of eligibility and entitlements. We need to ensure that that awareness is good enough and that our service personnel get access to what they are entitled to. I look forward to the Scottish Government's new strategy in spring 2012. It would do well to address the gaps that have been mentioned as part of the debate. The UK Government would also do well to learn from the debate, leave aside the knockabout politics and take up the genuine issues.

I compliment the work of all the charities involved. It is a poor reflection on society that we leave support for our veterans to charitable contributions. A councillor from Paisley once said to me, "We should turn it on its head. We'll run the charity shops to pay for Trident and we'll pay for the service personnel." Although I say that in jest, I wonder why we sometimes allow our charities to pick up the pieces.

The charities are competing with each other more than they have to. I would like more joint working, because it would be a tragedy if some services were discontinued because one charity was outbid or outmarketed by another charity. There are many charities for veterans, all doing great work, including Help for Heroes, the Royal British Legion, Poppyscotland and Erskine. Erskine, which does fantastic work, is in my constituency in Renfrewshire North and West. It is a humbling experience to visit it. I went there with the minister and the First Minister. We could not get the First Minister away, not just because of the incredible stories that we were being told but because he had a microphone and was calling the numbers at the bingo.

I say that in all seriousness because when we hear the stories of sacrifices that have been made and of people's life experiences, we cannot be anything other than humbled. We have a policy duty as well as a civic duty to ensure that we give 100 per cent support.

In recognising the contribution of service personnel, I shall be parochial for a moment. Renfrewshire has more recipients of the Victoria

cross—the highest medal of honour in the Commonwealth—than any other part of the Commonwealth. There are six recipients from Renfrewshire. One of them was Hugh McIver, who died at the age of 21. I went to a ceremony in France to recognise Hugh McIver's efforts. There was no monument in Scotland for him but the French recognise him. It is typical that we sometimes do not recognise the contribution of our own in the way that others do.

**Linda Fabiani:** I mentioned that I unveiled the memorial to the Scots fallen in Flanders. It was the Flanders people who campaigned and fundraised for the memorial.

**Derek Mackay:** That illustrates my point. We need to do more to recognise the sacrifice not just of the dead but of the living. In Renfrewshire, the veterans' champion is the provost of Renfrewshire. I know that every local authority has a veterans' champion. It is not just about platitudes. It has to be about recognition, delivery and support. It is important that the most senior civic figure in Renfrewshire was made veterans' champion.

We have many modern-day heroes. Some of the soldiers I know have come back from conflict having done their duty and the first thing they do is organise fundraisers for local projects and charities. They serve and they are pleased to serve, then they come back and continue in their civic duty. We in the Parliament need to live up to our duty to ensure that they get all the support that they deserve.

10:55

**Dennis Robertson (Aberdeenshire West) (SNP):** We have heard about the debts of gratitude that we owe our serving personnel and all our veterans. I echo that sentiment.

I will soon be able to attend a remembrance service and lay a wreath on behalf of the Parliament for the very first time in Aboyne in my constituency, and I will feel extremely honoured to do so. However, I will look back then and remember the pointlessness of conflicts that our service personnel are asked to go into.

I want to focus on two particular organisations that help our veterans. I am glad that the minister and other members recognise that veterans are not just stereotypical old men who share stories with their families and comrades; we recognise with great emotion that many of our veterans are in their teens. HorseBack UK in my Aberdeenshire West constituency is for serving personnel and veterans. It considers the therapeutic aspect of rehabilitation for many of our youngsters who are trying to regain respect and dignity and to understand what has happened to them in their young lives. They went into the service to do the

job that they wished to do in serving their country, and had to leave it at a very tender age because of their disability.

Coming to terms with disability is not easy for many of our service personnel, and we probably do not do quite enough to ensure that they get the respect that they deserve and that there are rehabilitation facilities for them to get back into the community and serve society. I am grateful to Dr Simpson for raising the issue of the impact on families. Many of our service personnel have had to endure post-traumatic stress. I ask the minister to visit HorseBack UK in my constituency to see the good work that it has done, as there is a personal invitation to him. I am grateful to Linda Fabiani for saying that perhaps more needs to be done to ensure that our service personnel are recognised in our communities. That is exactly what HorseBack UK does.

Churchill said:

"There is something about the outside of a horse that is good for the inside of a man."

Basically, HorseBack UK takes a therapeutic approach to rehabilitation. The horses seem to have an absolute sense, which we perhaps cannot understand, that the men and women there have a disability or impairment or a situation that we cannot understand. They seem to acknowledge that, and the work that is being done needs to be applauded. People are introduced back into society and communities. There is work with gamekeepers, dry-stone dykers and ghillies in the organisation. It is a matter of working in the community. It is about putting servicemen and women back into society, giving them a sense of respect and purpose, and addressing stigma.

One of the huge drawbacks in the rehabilitative programme is the Department for Work and Pensions. Service personnel and veterans who attend such programmes are basically told that they can be there for a week, otherwise their benefits will be affected. It takes more than one week to rehabilitate. I ask that we make a representation to the UK Government and especially the Department for Work and Pensions that, for any veteran attending a rehabilitation programme who is on benefits, the benefits are continued and support is given.

The second organisation that I want to highlight is Scottish War Blinded, which is in West Lothian. A new state-of-the-art centre was opened in Linburn on 11 June this year by the Duke of Gloucester. If members could find time to visit the centre, they would see the absolutely fantastic work that goes on there. There is therapy, but it is also about introducing people back into society, addressing many of the problems that a lot of service personnel have.

I particularly congratulate Scottish War Blinded on focusing on those personnel who have acquired sight loss at a later age, rather than during conflict or when they served their country. They have perhaps acquired sight loss because of age, for instance. The organisation supports people in community and outreach projects and complements a lot of the work that the social care sector does in our communities. Scottish War Blinded provides grants, rehabilitation, expertise and, quite often, just companionship.

**The Deputy Presiding Officer (Elaine Smith):** Mr Robertson, can you begin to conclude, please?

**Dennis Robertson:** Thank you. I fully respect our service personnel. We all owe a great deal of gratitude to those who have fallen and to our veterans, who are looking for our support.

11:01

**Margaret McCulloch (Central Scotland) (Lab):** Like other members, I begin by putting on record my thanks and appreciation for the work of our servicemen and women, past and present. We expect a great deal from our armed forces and expect them to put their personal safety and even their lives on the line in the service of others. We expect them to act with exceptional bravery, of a kind many of us have never witnessed and can only imagine, and expect professionalism from our services in even the most adverse conditions.

I am proud of our armed forces, not just because they meet our high expectations, but because they so often exceed them. We have every reason to be proud of our armed forces and we should never be ashamed to celebrate their selflessness or their service. Thousands upon thousands have served in our military through the years in a range of operations in times of war and in reconstruction and peacekeeping, too. It is only fitting that their contribution is recognised by the state and by the people. That is why I am so pleased with the uptake of the HM armed forces veteran lapel badge since 2004. I am also delighted to speak in the debate, because my grandfather, like Jamie Hepburn's, was in the Seaforth Highlanders and my father was a Bevan boy in world war two.

I add my voice to those calling for a Ministry of Defence hospital unit in Scotland. The benefits of a new unit in Scotland have already been outlined in the debate and I think that the case for it has been made very well. I remind members that all existing MOD hospital units are located in England, so there is a real strain on veterans, who are treated some distance from their home, and on their families, who have to travel to be with their loved ones.

I hope that as a result of this debate the Scottish Government will look into whether we have the capacity in the national health service in Scotland to support a new Ministry of Defence hospital unit here. If we have the capacity, I hope that local health boards will prepare a case for a hospital unit in their areas and take the matter up with the UK Government. There is no reason why we could not have a Ministry of Defence hospital unit in Scotland within the next few years. I encourage the Scottish Government to join with the Royal British Legion and the veterans' community in attempting to secure such a new facility.

Every party went into the last election promising to do more to join up services from healthcare and social work to education and welfare. It is a common topic in Finance Committee round tables and in Scottish Government publications and it is an agenda that we must take forward if we are to improve public services and outcomes for the service users. Where veterans are concerned, especially those who have been injured in service, we must ensure that public services in Scotland are joined up with the Ministry of Defence and the armed forces in order to ensure a good, consistent and uninterrupted level of service.

War can have a profound physical and psychological impact on our servicemen and women and sometimes the symptoms of a health problem or mental health issue can be difficult to detect, or might not materialise for several years. The Finance Committee has done a significant amount of work on preventative spending. If we were to apply the logic of early intervention to veterans' affairs, we would develop better means of support for the transition from the services to civilian life. That would help prevent some of the health and social problems that face our veterans. As I have learned, many of the quality-of-life issues and issues around integration into the community that veterans face can be addressed through practical interventions at that vital transitional stage.

Work is already being done in service. The Ministry of Defence and its partners have said publicly that they aim to work with troops while they are still serving and gradually help them readjust to civilian life. However, I have heard that just 60 per cent of those leaving the armed forces access resettlement support. That means that 40 per cent, who could be leaving for reasons ranging from natural progression to a medical discharge, do not access the help that is available to them. I hope that there are lines of communication between the UK Government, the Scottish Government and the very sizeable voluntary sector in this field to ensure that veterans throughout the UK can find support to gain employment, find a home or access health and social work services.

**Derek Mackay:** Does the member welcome the group that has been established by the Scottish Government and which brings together health, local authorities, MOD and other partners to ensure a top-level strategic approach to support for veterans?

**Margaret McCulloch:** I certainly do. However, we must continue to look at how we might provide further help to veterans. After all, continuing care and a consistent level of service are important for not only servicemen and women but their families.

We will all agree that this debate has provided an opportunity to discuss in a useful and poignant way the needs of an extraordinary group of people. Before we vote on the motion, I simply want to impress upon the Government the practical needs of veterans and their families.

11:08

**James Dornan (Glasgow Cathcart) (SNP):** We are eternally grateful to every Scot who, in serving in our armed forces either in war or in peace, has assumed huge risks on our behalf. On remembrance Sunday, Scotland will join as one to give thanks for a debt that we can never fully repay.

I welcome the fact that we have a Scottish Government minister with responsibility for veterans affairs. After all, although defence matters are reserved, it is only right for our Government to reflect the fact that many aspects of our lives fall within the Scottish Parliament's remit. As members have pointed out, the Scottish Government has made huge efforts to improve the lives of veterans across Scotland. I do not intend to go over those efforts again, but I do want to mention the Glasgow Housing Association, which Elaine Murray referred to in her speech. As a member of the GHA board, I am delighted by what it is doing to make veterans' lives easier.

I will focus on communities' great work in supporting our veterans and, in particular, concentrate on my Glasgow Cathcart constituency. Cathcart is blessed with many beautiful churches that are full of people determined to make a difference for those in the community who are most in need and, at this time of year, their minds turn to our veterans.

Nowhere is such effort highlighted more than in Cathcart old parish church, which is not only a place of worship led by a minister who teaches the faith but a church in the traditional manner that takes on those in our society who are less well off, who require a bit more help and support and who need someone to champion their cause and provide for them when no one else can or will. The church is extremely fortunate to be led by the formidable Rev Neil Galbraith, moderator of

Glasgow presbytery of the Church of Scotland. He is a man who embodies the spirit of Christianity and humanity and who cannot rest as long as someone, somewhere, needs his help.

The Rev Neil Galbraith's charity—Glasgow the Caring City—will be known to many members across the chamber, particularly Linda Fabiani. It has been working to make the world a better place for some time. Among the many overseas disasters that it has been involved in was Kosovo between 1999 and 2004, when it delivered millions of pounds' worth of aid. It was one of the first aid agencies to land in Pakistan during the floods, and it was also in Haiti after a dreadful earthquake shattered the island. That is just a part of its overseas work, but we are here to talk about what it does for veterans.

Over the years, Glasgow the Caring City has supported children and the military in both Afghanistan and Iraq, worked with the navy to provide food for children in Sierra Leone, and been involved in the Help for Heroes charity. In 2002, we saw the creation of the peace garden and community cairn in the church grounds. They have become a well-loved feature of the Cathcart area and are generally recognised as Cathcart's official place to remember our fallen.

Back in 2006, the Caring City produced a CD single called "The Light That Brings Us Home". I am not convinced that the Rev Neil Galbraith sang on it, but it raised money for the families of marines who died in action but who were not eligible for pensions as the marines and their partners had not been officially married. That had a huge impact on a huge number of people, both partners and children.

In 2009, I was fortunate enough to attend the church when, in an extremely emotive service, it put in a beautiful stained glass window as an official memorial for the Royal Marines. In 2011, the Rev Neil Galbraith took on the marine chaplaincy, and the colours of the marines were laid in the kirk.

The church offers an on-going support service to the families of the fallen, helping them with travel needs and legal support and providing toys for children at Christmas time. I am sure that members will agree that those practical means can make a huge difference to our veterans and their families. The charity and the reverend should be warmly applauded for their work.

In a recent discussion, the Rev Neil Galbraith and I talked about a number of things. One was the fact that remembrance Sunday seems to be making a comeback in terms of popularity. It was touched on earlier that there seemed to be a spell in which people veered away from commemorating remembrance Sunday, but the

situation has changed over recent years. I wonder whether that has to do with the fact that we unfortunately have seen on television the dead and wounded coming back from places such as Iraq and Afghanistan. There seems to have been a recognition of the debt that we owe to those who go abroad and fight. As was mentioned earlier, they are perhaps doing that for causes that we do not fully support, but we recognise why they do it—they do it for us.

In the discussion, the Rev Neil Galbraith also mentioned the fact that we should try to put in place a leaving support service—Richard Simpson touched on that, too. If we know that the time is coming for people to leave the services and we know that they might have difficulties, it may be possible to identify those who need the most support before they leave. I accept that we cannot really deal with that issue in the Scottish Parliament, but we may be able to put forward some ideas.

The practical thing that the Rev Neil Galbraith is looking to do is create a drop-in centre for ex-armed forces personnel—somewhere they can come for a cup of tea, a break or a friendly face to chat to. I am confident that my fellow local politicians will join me in assisting him to make the hope a reality.

Again in a practical sense, Glasgow the Caring City has been working with City Building in Glasgow to place a small number of wounded soldiers as mature apprentices. That is a fantastic idea that both the charity and City Building should be highly commended for. I hope that many other companies will follow that outstanding example. I know that the Government has identified the issue as one to address, and I look forward to hearing how that develops.

The Deputy First Minister, Linda Fabiani and I recently attended an extremely moving service at Cathcart old parish church to commemorate those lost due to the events of 9/11. It was clear from those attending just how close the relationship is between the community and the armed forces personnel, both serving and retired. I am sure that that will be reinforced when I lay my wreath there on Armistice day.

The Scottish Government has shown its commitment to veterans across Scotland. To highlight the support for the work of communities such as Cathcart for veterans, I invite the minister to visit the Cathcart old parish church and see for himself just how close the relationship is. I look forward to a positive response and then a visit.

11:14

**Nanette Milne (North East Scotland) (Con):**  
As a member of the cross-party group on

veterans, I am pleased to take part in the debate. As other members have mentioned, it is well timed, just eight days before remembrance day—a day on which as a nation we show our respect and support for all those who are or have been active in the defence of our nation, sometimes suffering serious injuries or death in pursuit of their duty on our behalf. Many speakers, notably Tavish Scott, have graphically described how great that suffering can be.

My native north-east Scotland has a long and proud military history. Prior to entering Parliament, I was privileged to volunteer at the Gordon Highlanders museum in Aberdeen, where I met many visitors who were close to veterans of that respected regiment and keen to be reminded of its history, especially in the two world wars of the 20th century.

The Gordon Highlanders, freemen of the city of Aberdeen, are one of the great names in Scottish history and one of the most celebrated regiments of the British Army. They are renowned as a courageous fighting force with an exceptional reputation for good conduct, professionalism and steadfastness, and their legacy lives on through the current serving soldiers of the Highlanders, 4th battalion the Royal Regiment of Scotland.

Today, our forces and their families are still making sacrifices for us. In recent years, with conflicts in Northern Ireland, Iraq and Afghanistan, the public have wanted to show their personal support for the UK's armed forces wherever they have served or are serving. The fact that we have so many outstanding charities working to help and support our forces is testimony to the good will and support that the Scottish public have shown towards them. Like others, I pay tribute to all the service charities and veterans organisations that do so much great work to help those who have served in our armed forces, several of which have been mentioned this morning.

Specifically, I highlight the work of the North-East Scotland Disabled Veterans Association, which is a self-help group that was set up four years ago by veterans of the armed forces in the north-east who were experiencing disability either through their service or otherwise. The association now has more than 40 members, who have served in every conflict around the world from Korea to the Falklands, including three who served in the second world war.

Financed completely by their own fundraising efforts, the members provide social activities, comradeship and friendship, chaplaincy, counselling, alternative therapies, computer studies and the opportunity to take part in memorials locally and nationally. They also provide guards of honour at the funerals of the association's members. They have taken

members who were prisoners of war during the second world war back to their place of battle and capture for the first time, enabling those veterans to find some closure after all these years. From day to day, the association provides an understanding support mechanism, drawing disabled veterans out from years of exclusion and loneliness to be supported by those who share their experiences.

Each year, the nation comes together to pay its respects to all those who have made the ultimate sacrifice and to the families who they have left behind. Each year, it is right that we express our unequivocal support for our armed forces, wherever they may be deployed. I was interested to hear Liz Smith's examples of school projects, which indicate that young people, too, are aware of the debt that we owe our armed forces.

Like others, I put on record my admiration for all those who work at the Lady Haig Poppy Factory in Edinburgh. The Scottish poppy appeal marks its 90th anniversary this year. The massive £2.3 million-plus that the appeal raises each year, combined with other year-round fundraising, allows the charity to provide financial assistance to thousands of ex-servicemen and ex-servicewomen as well as to fund specialist services such as long-term care, housing and employment opportunities. However, as Alex Fergusson and other members have said, the work of the many charities that currently help veterans highlights the urgent need for better services for them.

I welcome the Scottish Government's endorsement of the UK Government's commitment to the military covenant. I welcome, too, its intention to strengthen the provision of, and access to, health, transport and housing services—all of which are extremely important to the wellbeing and reintegration into the community of many veterans—as well as many other support mechanisms for ex-service personnel that are provided via the private, public and voluntary sectors. All must work together to provide the best help and support to our armed services personnel, to veterans and, importantly, to their respective families, including the bereaved.

I welcome the many initiatives that the minister has highlighted this morning and which the Scottish Government has introduced, especially those that relate to health. Many positive steps have been taken, for example, to extend the priority treatment scheme to all armed forces personnel and veterans, including reservists, and to provide effective services for veterans and their families who experience mental ill health—a common problem for people who have undergone the stresses of modern military involvement. However, as the minister and others have

indicated, that is work in progress and more has yet to be done.

I support the motion and Richard Simpson's amendment whole-heartedly. I welcome the positive steps that the UK coalition Government and the Scottish Government have taken to rebuild the military covenant. At the same time, I hope that additional opportunities can be provided for individuals and businesses to show their support for all those who have been actively involved in defending our nation.

Our treatment of the men and women of our armed forces and their families speaks volumes about us as a nation. I hope that, by working together, both of Scotland's Governments can help to provide first-class services and the respect and dignity that those people deserve, whether they are still in active service or adapting to life back in civilian society. We must remember their commitment to us and repay them by our commitment to them.

11:20

**Mark Griffin (Central Scotland) (Lab):** I welcome the opportunity to speak on a subject that is close to my heart and to close for Labour in the debate on veterans. It has been an excellent debate, and I hope that veterans and members of the armed forces alike take heart from the unanimous support that members have offered.

During my time at university, I was a member of the UK Territorial Army, first with the Royal Regiment of Scotland and then with the Royal Engineers. I have no doubt that, if it had not been for the sequence of events that resulted in my being elected as a councillor in North Lanarkshire in early 2008, I would now be serving as a regular Army soldier, deployed in some part of the world where the UK Army has a presence.

If I had been a serving soldier, I would have welcomed the commitment to the military covenant. I am glad that the UK Government and Scottish Government are both committed to that. Those who serve in our armed forces are asked to make massive personal sacrifices in their human rights and, ultimately, to be prepared to give up their right to life in the service of the nation. It is only right that, in return, Governments and we as a nation value, respect and support our armed forces. That culminates in the annual commemoration of armistice day, when we stop to remember those who gave their lives in action so that we could enjoy the freedom that we experience today.

I enjoyed the camaraderie that I experienced with my fellow recruits and then private soldiers as we made our way through the trials of basic training and then combat infantry courses. It was

physically draining to spend days and days training, eating and sleeping—when there was a chance—on the hills and heather moors around Fort George outside Inverness. However, I am sure that that was nothing compared to the training that the minister underwent as a Royal Marine.

No one in that group of soldiers got through training on their own: at some point, every one of us relied on someone else to pick them up and push them on. None of us minded the extra effort of dragging along someone else when we were already exhausted, because we knew that they would do exactly the same for us the following day. Everyone in that unit would have run through a brick wall for the others—or, at the very least, helped someone else to get over one on the assault course.

I hope that my description has not put anyone off the kind of experience that people get in the Territorial Army. I urge members to get in touch with SaBRE—supporting Britain’s reservists and employers—an organisation that gives advice and information on the extra skills that a reservist can bring to an organisation. It also provides weekend training courses for employers who would like first-hand experience of the sort of training that a reservist gets. That can help to overcome the issues that Alex Fergusson mentioned by raising workplace awareness of a reservist’s role.

I have never experienced in any other situation the camaraderie that I experienced during my time in the TA. I experienced it in training, but I cannot even begin to imagine the level of intensity and commitment to fellow soldiers that those on the front line experience. I could only listen and try to comprehend when I heard from a soldier who had served in Afghanistan what it was like to come under fire and lose a fellow soldier who was as close to him as a member of his own family.

I can only imagine how isolated someone must feel if they are discharged from the armed forces into society—alone and, perhaps, with no family—after having such a close bond with the comrades with whom they fought and whom they perhaps lost in combat. It is vital that the advice and support services are in place to enable former service personnel to adjust to living in mainstream society and that Governments continue to plan, co-ordinate and deliver private, public and voluntary sector support, advice and employment services for ex-service personnel and their families and children, as stated in the amendment.

I welcome the news that North Lanarkshire Council is amending its housing policy to recognise the priority needs of homeless ex-service personnel who have just been discharged from duty and of their families, and I welcome the

commitment by Dumfries and Galloway Council that Elaine Murray mentioned.

We must continue to support organisations that do tremendous work for former service personnel across Scotland, including the Royal British Legion, which I often visit in Cumbernauld. The legion provides practical care, advice and support to armed forces personnel, ex-servicemen and women of all ages and their families. It also runs the annual poppy appeal. Recent appeals have emphasised the increasing need to help the men and women who serve today, as well as ex-servicepeople and their dependants. The legion assists any serviceman or woman in pursuing their entitlement to a war disablement pension. Every year, up to 200 ex-service personnel in Scotland are represented at war pensions appeal tribunals.

Across the road from the Parliament, Scottish Veterans Residences provides residential accommodation for more than 300 ex-service personnel and their partners. It has helped more than 60,000 veterans throughout Scotland since it was established in 1911.

The Soldiers, Sailors, Airmen and Families Association—its Lanark branch covers my region of Central Scotland—offers financial, practical and much-needed emotional support to current and previous armed forces members and their families. It provides services such as forces line, which is a telephone service that is entirely independent of the military chain of command and which provides supportive listening and advice, and the specialist absent without leave—AWOL—advice line. The association runs the forces additional needs disability support group and organises children’s holidays that are run by volunteers and which concentrate on offering experiences and activities to which children with additional support needs would not normally have access.

Jim Eadie, Neil Bibby and Jamie Hepburn mentioned Erskine, which is the country’s leading provider of care for veterans. It provides a wide range of care from respite and short breaks to residential and nursing care, dementia care, palliative care, physiotherapy, speech and language therapy and rehabilitation care. They are all vital services for ex-servicemen and women and their families.

As I said, the subject is close to my heart. I could speak in glowing terms all day long about the organisations and the tremendous services that they provide. I mentioned as many organisations as I could squeeze in because the services that they provide are vital to creating a sense of support and community for veterans.

It is of the utmost importance that the Government, the Parliament and the public continue to support those organisations through

the Scottish veterans fund, which the minister outlined, through public donations, which we have all made this week to the poppy appeal, and through volunteering, which Liz Smith mentioned. The support that we continue to give such organisations is vital to ensuring that they can do their tremendous work for veterans and armed forces personnel across Scotland.

The level of support makes our serving and former servicemen and women feel valued, respected and supported, as outlined in the military covenant. It also goes towards creating the community support network for those who have left the armed forces and who might have difficulty in settling back into what could seem like a lonely and isolated life in comparison with their time in military service, when they were surrounded by comrades who supported them. I support the motion and the amendment in Richard Simpson's name.

11:28

**Keith Brown:** As Mark Griffin said, the debate has been excellent and some very good speeches have been made. It has given us a chance to record our support for veterans and the organisations that support them. Members' speeches have given colour, texture and voice to that support through the anecdotes and personal experiences that have been related. That has been valuable.

I will concentrate on points that were raised in the debate rather than go over the ground that I previously covered. It is worth returning to Richard Simpson's point about the Government's response in relation to supported employment and Remploy. He will not find the Scottish Government's official response on our website, but I assure him that the Deputy First Minister met Maria Miller, who is the UK Minister for Disabled People, to discuss the matter in September. She followed that with a letter to Maria Miller in October, although that covered other issues for vulnerable individuals, too. I assure Richard Simpson that we have responded.

**Helen Eadie:** I thank the minister for that information. Will he consider the statement on the issue by a minister in the Welsh Assembly Government on 1 November, with a view to getting the Scottish Government to endorse the views of the National Assembly for Wales and unite in opposition to the proposal to close all 54 supported employment factories in the United Kingdom?

**Keith Brown:** I am happy to look at that statement. We have opposed the cuts to Remploy and the closures of its factories that various Governments have proposed, so I am sure that

doing as the member asks will not be a problem. However, if she will forgive me, I will wait until I see the statement before we sign up to it.

I am glad that Mark Griffin talked about SaBRE, which no other member mentioned. It is a very worthwhile organisation that does exemplary work to support employers and those who want to serve in the Territorial Army or other reserve forces in relation to the time off that they need.

We have had some interesting speeches in which I have received invitations to travel round the country. I am happy to accept the invitation from James Dornan to go to Cathcart old parish church. I was particularly interested in his point about the work that is being done on behalf of former and serving Royal Marines. I am also happy to accept the invitation from Dennis Robertson to visit the charity HorseBack UK, which I think also has a strong Royal Marines connection through its founder. As Dennis Robertson requested, I will write to the DWP on the issues that he raised.

Some extremely important points have been made. Derek Mackay and Linda Fabiani talked about the fact that other people often recognise the efforts of those who are close to us before we do. That is an important point and one that I will certainly take on board. We sometimes see that in campaigns for new memorials, such as the one in Pleau in my former constituency.

Elaine Murray talked about the pardons campaign, in which I was heavily involved as a councillor in the mid-1990s. I was pleased that it achieved some success, although it did not achieve everything that we asked for, not least in relation to commemorating on war memorials those who were shot. However, it is a good step to have the pardons granted.

Members—particularly new members—have rightly asked about what more we can do. Part of the purpose of the debate was to consider that issue. Much work has been done by my predecessors, particularly Stewart Maxwell, who was the first minister to have a remit for veterans. In 2007, none of the budgets that we have today existed. There was always support on the issue in the Parliament prior to 2007, but it is difficult to argue within Government for new budgets and activities. The current budgets are a testament to the work of Stewart Maxwell and Alex Neil.

It is inevitable that we will go through a developmental process in providing and assisting with services. Part of the purpose of the debate was to get members' suggestions and to find out what more can be done. It is always difficult for charities to have to ration their support because they have to live within their resources, and the Government is no different.

**Dr Simpson:** Will the minister consider whether the anti-stigma campaign that the Government funds could specifically deal with stigma in relation to veterans, to try to improve the situation that several members have mentioned?

**Keith Brown:** I am happy to take that on board—we will consider that.

More active support is now being given at devolved level, although it can be difficult—it is sometimes a bit like trying to catch fish and having to put the net everywhere. One reason that I perceive for that is that we are not in control of when veterans appear or the nature of the support that they receive prior to that.

Several members commented on resettlement in the armed forces, which has been pretty poor for a long time, although it is improving. A big difference can be made by properly preparing people for the move from an institution to civilian life and providing the additional support that they need as a result of experiences that they have undergone in the military. For someone in that situation, many decisions suddenly have to be made, such as those on healthcare and accessing housing services. The process of accessing services can be intimidating for somebody who has had such things taken care of for a long time. I accept that there is more for us to do, and I take on board the points that members have made.

Tavish Scott spoke interestingly about his experience and that of his family, and Liz Smith's point was spot on. My children go to Alva academy in Clackmannanshire, and as part of a project pupils are going to the battlefields of Europe. I watched the video of my children's visit. Some people have said—and perhaps sometimes with justification—that young people can feel removed from something that happened so long ago. However, when young people see the ages on the gravestone, it moves them and drives home the issue. As well as the 17-year-olds, we know that 16-year-olds served in the great war. Some were even younger. Schools take an open approach. They not only teach the history but try to make it meaningful. As a result, there seems to have been a cultural change.

For many years in the United States, we have been able to see a difference in their way of treating their veterans. We can go down Veterans Expressway in Florida, for example. If veterans want, they can go to all the various theme parks at reduced rates. They can access all sorts of facilities, public or otherwise, if they have a veterans card.

Americans always seem to have been able to make the mental distinction that Jamie Hepburn mentioned. To put it mildly, conflicts such as the one in Vietnam have not enjoyed complete public

support, but Americans seem to be able to separate the ideas. Politicians send servicepeople to wars, and those servicepeople have no choice but to go—and they deserve support for what they experience.

A number of people have mentioned Erskine. Derek Mackay, the First Minister and I had a very interesting visit there—especially our conversation with a former Royal Marine in his wheelchair. I do not want to obsess about the Royal Marines, but the new chief executive of Erskine is an ex-Royal Marine himself, and I extend to him a word of warning and sympathy. As I have learned since being appointed as a transport minister, people can expect ex-marines to have superhuman powers to deal with all the problems that can arise. I wish him the best of luck.

Erskine is a superb organisation. Recently, Christina McKelvie and I were able to go to the Erskine ball. Through the generosity of the people who turned up, more than £100,000 was raised for Erskine's work. If anyone talks to people from Erskine for any length of time, they will realise how much the organisation has to raise every day from charitable contributions to continue its work. Its work is valued and it deserves support from all members. It has attracted such support: in the previous session, Trish Godman, Hugh Henry and others were involved in receptions in the Parliament.

The changing footprint of the armed forces in Scotland over the next few years will have repercussions for the way in which we organise services. More service personnel will return to this country from overseas, bases in Germany will close, and there will be the effects of the strategic defence and security review.

Having more serving personnel here in Scotland means that more people will become veterans in due course. In my experience, many serving personnel who come here from elsewhere in the UK stay and make their lives here. Why not? We offer such a wonderful place to live. However, greater demand will be placed on our infrastructure, services and communities—but I welcome that challenge. We can and should continue to improve our planning and delivery of support and advice to veterans. Most will access goods and services in the same way as everyone else, but a few will need a little extra helping hand. We owe them that.

To add to the roll call of people who have done sterling work, I would add Dundee City Council—and this relates to points made by Elaine Murray. In its allocation process for housing, the entire length of time that somebody has served in the military counts towards points. Other councils are also considering such a system. Perhaps that is

testament to the changing culture around those who have served in our armed forces.

It is important that we mention the idea of remembrance. As I have said in a previous debate, for people in the armed forces who may face the ultimate peril, when that fear becomes acute the idea that what they have done will not be forgotten is very important to them. Nor should it be forgotten that they defend the freedoms that we sometimes take for granted—a point that a number of members have made.

In recognising that, I asked myself the question put by George Canning:

“When our perils are past, shall our gratitude sleep?”

The answer to that question of course has to be no. If that idea informs the way that we support veterans and if all members think in that way, I am sure that we will do right by veterans in future.

## Scottish Executive Question Time

### General Questions

11:40

#### City of Edinburgh Council (Privatisation of Services)

**1. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** To ask the Scottish Government what its position is on the proposed privatisation of services by the City of Edinburgh Council. (S4O-00298)

**The Minister for Local Government and Planning (Aileen Campbell):** I am aware of the proposals that the council is considering as part of its alternative business model programme. It is for the council, as a body of elected representatives, to determine how it delivers services for the people of Edinburgh, within the framework of its duty to secure best value, with the principles behind best value in statutory guidance, including responsiveness to the needs of communities, citizens, customers, and employees.

I understand that the council has deferred a decision about environmental services until next month to allow members to get more information and to enable them to scrutinise the proposals fully, as is their responsibility.

**Malcolm Chisholm:** I hope that the minister is opposed to the council's privatisation proposals. On a specific point, is she aware of the protocol between the Scottish Government and the Scottish Trades Union Congress that requires that transferred employees and new appointees to a public-private partnership workforce have access to the same or broadly comparable pension arrangements as are currently available to council employees and that, where possible, that should be achieved through the use of admitted body status? Will she confirm that the protocol remains in force and that it is directly applicable to the Edinburgh alternative business model programme? Will she write to the City of Edinburgh Council to that effect?

**Aileen Campbell:** I thank Malcolm Chisholm for his question. I reiterate that it is a matter for the City of Edinburgh Council.

On the pension scheme, I understand that the council is fully aware of its duty to comply with the guidance that is issued under section 52 of the Local Government in Scotland Act 2003 in relation to employment issues and contracting. Again, that is for Edinburgh councillors to consider. During the month for which they have opted to defer the

decision, I expect them to ensure that they cover all bases in respect of the issues that Malcolm Chisholm has raised.

**Marco Biagi (Edinburgh Central) (SNP):** Are there, for councils such as the City of Edinburgh Council that might be considering large-scale private involvement in delivery of services, lessons to learn from the record of Labour's wholesale embracing of the private finance initiative in local authorities and other services throughout the public sector?

**Aileen Campbell:** Marco Biagi's point is well made. We all know that public sector resource budgets are under pressure as a result of their being slashed because of choices that have been made by the Tories—and previously by Labour—at Westminster. We have made it clear that we will not continue the overly expensive PFI because it is apparent that it is not delivering best value for the taxpayer: no new PFI projects have been initiated since 2007. The PFI legacy is a drain on public finances and shows us that instead of accepting credit-card levels of repayment under PFI, we need to get the best value from our capital to enable us to do far more for our economy and our society.

#### **Orthodontic Dentistry (Access for Children)**

**2. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Executive how it ensures access to orthodontic dentistry for all children who would benefit from it. (S4O-00299)

**The Minister for Public Health (Michael Matheson):** All children who are assessed as having a definite need for orthodontic treatment, and who would benefit from orthodontic treatment, will be able to access such treatment.

**Mark Griffin:** Strict new guidelines that are being imposed on dentists by the Scottish Government will see parents pay thousands of pounds for orthodontic treatment if a dentist cannot prove that their child's health will improve as a result of it. Does the minister understand concerns that the strictness of the new guidelines will create a tiered system in Scotland, with poorer families who do not meet the criteria and who cannot meet the costs of treatment being forced to go without? Will he take action to protect those young people?

**Michael Matheson:** Mark Griffin should be aware that, under the new criteria that were introduced under the index of orthodontic treatment need, where there is a clinical need, children will still be able to access orthodontic treatment. We, as a Government, have put considerable investment into oral healthcare in recent years and we are now starting to reap the

rewards of that as Scotland's overall oral health record is improving significantly.

I point out that the provision has been introduced because it was one of the key recommendations in the dental action plan for Scotland, which was published in 2005 by the Labour and Liberal Democrat Administration. We are now implementing various parts of the plan. It might also be helpful if I point out to Mark Griffin that, in Scotland, we are introducing it in the same way as it has been introduced in other parts of the United Kingdom. For example, the same index was introduced in England in 2006 by the Labour Government and it was introduced in Wales in April 2006, also by a Labour Government. It has also been introduced in Northern Ireland.

The system makes the process around orthodontic treatment fairer, clearer and quicker. That is why children in Scotland who have a clinical need for orthodontic treatment will continue to receive it.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The minister referred to clinical need. Does he accept that there are many children and young people who might not have a clinical need for orthodontic treatment but who do not want to grow up with disfiguring crooked teeth? Does he accept that the legacy of what he is proposing might well be that we have children with crooked teeth from less well-off backgrounds while the parents of those from better-off backgrounds can afford to pay for the much-needed treatment?

**Michael Matheson:** I should point out to the member that, under the index, children who require orthodontic treatment will receive it. That can involve a range of issues, including realignment of crooked teeth. That will still be available, where a clinical assessment has been undertaken.

It is worth pointing out that, at the moment, the vast majority of orthodontic treatment that is provided under the general dental service provision is given to children from more affluent backgrounds, rather than those from lower-income backgrounds. Ensuring that we target resources at those who have the greatest need for dental treatment is a key part of the dental action plan that was published in 2005 and which we are committed to taking forward.

#### **Flood Defences (Perth and Kinross Council)**

**3. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what assessment it has made of flood defences in the Perth and Kinross Council area. (S4O-00300)

**The Minister for Environment and Climate Change (Stewart Stevenson):** In 2007, all the existing flood defences in Scotland were assessed

as part of the establishment of the Scottish Government's flood defence asset database. There were only a few flood defences where minor problems were identified, one of which was at Bridge of Earn. Perth and Kinross Council was given the report and I understand that appropriate action to resolve the maintenance issues that were identified has been taken.

**Liz Smith:** If the forecasters are correct, it seems to be likely that we are in for another difficult winter, which continues to cause concern to communities that are most vulnerable to floods, some of which the minister has just acknowledged. What discussions has the Scottish Government had with local authorities to ensure that the maximum possible assistance is being given to those communities when it comes to preventing flood damage this coming winter?

**Stewart Stevenson:** Difficult winters are, of course, something with which I am familiar.

We have a regular programme of engagement with local authorities. Later this month, I shall meet the Association of British Insurers on issues relating to flooding. We have a series of programmes to ensure that we are working in tandem with local authorities in their discharging of their responsibilities.

**Nigel Don (Angus North and Mearns) (SNP):** How do the minister and his department interact with local authorities to ensure that flood schemes are prioritised and that money is made available the many years ahead that are necessary if local authorities are to be able to plan for their schemes?

**Stewart Stevenson:** Nigel Don will be aware that, in 2008-09, the finance for addressing flooding was wrapped up in the money that was provided to local authorities. We are in discussions with the Convention of Scottish Local Authorities about the money that is available for flood schemes. I am sure that that will be of interest to the member.

#### NHS Fife (Meetings)

**4. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Health, Wellbeing and Cities Strategy will next meet NHS Fife. (S4O-00301)

**The Minister for Public Health (Michael Matheson):** The cabinet secretary expects to meet the chair of NHS Fife on 21 November during her routine meeting with national health service board chairs. She will also be chairing the NHS Fife annual review on 28 November.

**Claire Baker:** No doubt the minister is aware of NHS Fife's proposal to cut nine hospice beds at Queen Margaret hospital in Dunfermline. In just

over a month, more than 12,000 people have signed a petition to oppose the cut, yet NHS Fife has repeatedly delayed an announcement on the future of the hospice ward. Will the minister ensure that the Cabinet Secretary for Health, Wellbeing and Cities Strategy raises the issue of cuts to hospice beds and seeks clarity at NHS Fife's annual review?

**Michael Matheson:** I am aware that NHS Fife is reviewing the provision of palliative beds in its area. However, I am not aware of any specific proposal that it has brought forward so far. I understand that it has in place a review group that is due to meet later this month to consider various options. If there are to be any changes, there is clear guidance that NHS boards have to conduct a public consultation exercise around the matter. Given that the annual review will take place on 28 November and given the member's interest in the matter, I encourage her to go along to the public meeting within the annual review and to take the opportunity to raise the issue with NHS Fife on that occasion.

#### Scotland-Norway Ferry Service

**5. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government what progress has been made on encouraging port and ferry operators to introduce a direct passenger service between Scotland and Norway. (S4O-00302)

**The Minister for Housing and Transport (Keith Brown):** I acknowledge the member's long-standing interest in the issue, which began long before he was elected to the Parliament. I assure him that the Scottish Government wants an expansion of direct ferry connections from Scotland to mainland Europe and we are therefore keen to engage with any operator that proposes a new ferry service between Scotland and Norway. However, any such service would have to operate on a commercially viable basis, and that is a matter for any prospective ferry operator to consider.

**Angus MacDonald:** I am encouraged by the minister's response. He will be aware that there has been no direct passenger ferry link between the UK and Norway since 2008, when DFDS withdrew the Newcastle to Stavanger and Bergen service, and that the Norwegian ferry company Fjord Line has expressed a keen interest in establishing a Scotland-Norway link. Will he do all that he can to support any ferry operator that seeks to establish a direct ferry link between Scotland and Norway? Such a link would not only allow Scandinavians to visit Scotland, but would open up another route for the distribution of Scottish exports.

**Keith Brown:** I assure the member that we are aware of the reported interest in establishing a

Scotland-Norway passenger ferry service and we are keen to work with any ferry operator that wants to introduce a new route. However, we have not to date received an approach on that. We are interested in increasing direct ferry connections from Scotland to mainland Europe, but any decision would be a matter for the commercial ferry industry, based on commercial viability. Fuel costs and vessel configuration would be key factors to be considered.

The strict European Union state-aid rules limit any possible funding by the Scottish Government to freight mode-shift grants, which are subject to budget availability. Grants are dependent on the transfer of freight from road to water, which is unlikely to be significant on a Scotland-Norway route. However, VisitScotland would certainly be prepared to work with any ferry operator to ensure that a new service was marketed to potential customers who were looking to come to Scotland.

**Lewis Macdonald (North East Scotland) (Lab):** Does the minister recognise that more than 100,000 people already travel each way between Scotland and Norway each year, principally via Aberdeen airport, but also via the new route between Glasgow and Stavanger that began in September? Will he now accept that it was a mistake for his Government not to replace the route development fund in 2007? If so, will he take steps to put that right so that we can have even more direct connections between Scotland and our Scandinavian neighbours in the years to come?

**Keith Brown:** Lewis Macdonald's question is disingenuous. He knows full well why that fund could not continue and what the issues are in terms of European regulation. I note what he says about the viability and increasing popularity of travel between Norway and Scotland, which is testament to the resilience of the Norwegian economy and shows what an independent country can do for its people.

#### **Farming Tenancies (Compensation for Investment)**

**6. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Executive whether tenant farmers relinquishing their tenancies have a right to compensation for investment made in their farms and, if so, whether the Agricultural Holdings (Amendment) Scotland Bill will alter this. (S4O-00303)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** Tenant farmers who quit their holdings can already make statutory claims against their landlords, including for certain investments. Depending on the tenancy, that can include improvements that qualify under the terms of the lease or net assets

that the landlord gains from, for example, future tree cropping. The Agricultural Holdings (Amendment) (Scotland) Bill, which the Government introduced on 31 October, will not amend the statutory provisions on waygoing and other compensation claims.

**Elaine Murray:** May I ask the cabinet secretary for some advice on behalf of a tenant farmer in my constituency who wishes to leave his tenancy because of ill health? He has a 1944 lease, I believe, and he has invested some £200,000 in his farm over that time. The factor for the landowner has basically said that they cannot afford—

**The Presiding Officer (Tricia Marwick):** Can we have a question, please, Ms Murray?

**Elaine Murray:** I am asking the cabinet secretary for his advice. Does somebody in that situation have any right to compensation, or can the landowner just say that they cannot afford it and tell them to go away?

**Richard Lochhead:** I am sure that Elaine Murray will be aware that I am not familiar with the detail of 1944 leases. However, if she wishes to write to me in more detail about the 1944 lease I will do my utmost to investigate the circumstances. A tenant with proper records of what he or she has invested over the years should have little difficulty in justifying compensation.

#### **Fireworks (Safety)**

**7. Margaret Burgess (Cunninghame South) (SNP):** To ask the Scottish Government what steps it is taking to ensure firework safety around bonfire night. (S4O-00304)

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** Fire and rescue services are working with local partners to highlight the dangers of fireworks and bonfires. They have a statutory duty to promote fire safety in their areas. Their work is supported by the Scottish Government, which also delivers a national fire safety campaign.

**Margaret Burgess:** I thank the minister for her answer and trust that the measures she has outlined will see a reduction in numbers from the 38 incidents that happened in my constituency on the last bonfire night. Will the minister explain what the Scottish Government does to promote fire safety in Scotland with the aim of reducing the number of people who are killed or injured by fire?

**Roseanna Cunningham:** As I said, there is a national fire safety publicity campaign that is informed by the findings of the "Scotland Together" report, which was published in 2008. The campaign focuses on making the public aware of the real risk of fire and the promotion of home fire safety visits by means of the media, fire

safety road shows, fire safety leaflets and the [www.dontgivefireahome.com](http://www.dontgivefireahome.com) website. Statistics show a significant decrease in the number of fire deaths and injuries in Scotland and very good work is being done on the issues that are related to bonfires, which are slightly different to those that are related to fireworks but are wrapped into the same period. We are seeing considerable success, but as the member highlights, one incident is an incident too many.

### **Housing Benefit Cap (Representations)**

**8. Fiona McLeod (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what representations it has made to the UK Government on the possible effect in Scotland of the proposed cap on housing benefit for families that require more than four bedrooms. (S4O-00305)

**The Minister for Housing and Transport (Keith Brown):** The Scottish Government wrote to the UK Government in December 2010 expressing deep concern about the cumulative impact on Scotland of the cuts in housing benefit, providing a comprehensive impact assessment.

Although only 100 or so households in Scotland will be affected by the four-bedroom cap, overall the first tranche of reforms could lead to 55,000 people in Scotland losing on average £40 a month. Subsequent cuts in housing benefit for the social housing sector could adversely affect another 95,000 people. The Scottish Government has repeatedly expressed its concern to the UK Government about these matters, and will continue to do so.

**Fiona McLeod:** I thank the minister for that answer and for the work that he has been doing on this matter. Will he raise the conflict between the cap on bedroom numbers and the requirements of section 137 of the Housing (Scotland) Act 1987 on overcrowding?

**Keith Brown:** As Fiona McLeod suggests, landlords will still be expected to comply with overcrowding legislation, regardless of the levels of housing benefit that are paid. The UK Government reforms, however, will make it more difficult for families to manage on reduced benefits in appropriately sized accommodation. We estimate that the four-bedroom restriction and cap will have a severe impact on about 100 or so households in Scotland with average losses in excess of £200 a month. Councils will find it very difficult to provide alternative accommodation of the right size, so we will continue to work jointly with councils and other stakeholders through our advisory group to identify households and groups that are at risk.

**The Presiding Officer:** I call Fiona McLeod. I am sorry; I call Gavin Brown to ask question 6—I mean 9.

**Gavin Brown (Lothian) (Con):** Thank you, Presiding Officer, and I will make sure I read out question 9.

### **Business Gateway Contracts**

**9. Gavin Brown (Lothian) (Con):** To ask the Scottish Executive what progress there has been regarding the new business gateway contracts in the last month. (S4O-00306)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Local authorities are responsible for the retendering of the new business gateway contracts. I know the business gateway Scotland board is giving careful consideration to the Economy, Energy and Tourism Committee's recent report on renewal of the business gateway contracts, which it published on 10 October. This is helping to inform progress on developing the new contracts. The board will submit a detailed response to the committee shortly and is continuing to engage with key interests. It is organising an event on 18 November to get views on the service specification.

**The Presiding Officer:** Can we have a very brief supplementary question and a very brief answer, please?

**Gavin Brown:** The major criticism of the current contracts was that they lack flexibility. Will the new ones have the flexibility to help all businesses across Scotland?

**Fergus Ewing:** Yes, they will.

**The Presiding Officer:** Before we come to First Minister's question time, members will wish to join me in welcoming to the gallery the ambassador from Croatia, His Excellency Dr Ivica Tomić. *[Applause.]*

## First Minister's Question Time

### Engagements

12:00

**1. Iain Gray (East Lothian) (Lab):** To ask the Deputy First Minister what engagements she has planned for the rest of the day. (S4F-00236)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** I begin by paying tribute to Campbell Christie, a true giant of Scottish public life. Campbell's contribution to Scotland over many years speaks for itself. He was a key campaigner for this Parliament, leader of the Scottish Trades Union Congress, chairman of his beloved Falkirk Football Club, a valued member of Forth Valley NHS Board and latterly, of course, the chair of the Christie commission on public sector reform. His legacy is immense and it will undoubtedly stand the test of time. We will all miss him, and I am sure that the entire chamber will want to send its deepest condolences to his wife Betty and, indeed, to all his family at this very sad time. [Applause.]

Later today, I will have meetings to take forward the Government's programme for Scotland.

**Iain Gray:** Those were welcome words. I look forward, with many others, to celebrating Campbell's life at Falkirk football stadium tomorrow.

This week, analysts from Citigroup told global clients not to invest in Scotland because of the Government's separatist agenda. Is it not now clear that the uncertainty created by a separation referendum will damage this country's economy?

**Nicola Sturgeon:** I looked very closely at Iain Gray as he asked that question, just to see whether he was at all shamefaced. On the very morning that we learn that there is £400 billion-worth of revenue still to be extracted from the North Sea, only Iain Gray could stand up and question Scotland's ability to be independent.

We disagree with the Citigroup report and think that it is wrong. It is based on two fundamental flaws. First, it ignores the reality, which is that investment is happening now, in the context of a live independence debate: £750 million has been invested in the past 12 months, and Mitsubishi, Doosan and Gamesa have £46 billion-worth of projects in the pipeline. That is the reality.

Secondly, the report makes the erroneous assumption that somehow, post-independence, the rest of the United Kingdom will no longer buy Scottish energy. That is patent nonsense. I know that Iain Gray is not usually one to miss the

opportunity to clutch at any passing straw, but today he has excelled himself.

**Iain Gray:** I looked very closely at the news about the potential of Aberdeen. I believe that Aberdeen has that potential, but the report says that it will be realised only if we have a transparent and stable fiscal regime—the very thing that Citigroup says that the Scottish Government is jeopardising.

If the Deputy First Minister will not listen to investors on energy, what about the engineers? In 25 minutes, the Institution of Mechanical Engineers will brief its "Scottish Energy 2020" report in this very building. It will say that the Scottish National Party's 100 per cent renewables plan

"cannot be justified from an engineering perspective",

that

"there are currently no credible strategies from a technical point of view, published by Government",

and that

"without ... far reaching changes in Government policy, the target will not be met."

I think that Scottish engineers are the best in the world. Does the Deputy First Minister think that she knows better than they do?

**Nicola Sturgeon:** To go back to the news from Aberdeen, Iain Gray talks about fiscal arrangements. Has it escaped his notice that the fiscal arrangements that have the capacity to damage our North Sea potential are those from the UK Government? He has ignored that point.

Iain Gray asks who knows best. Does he think that he knows better than Roy MacGregor, the chairman of the Global Energy Group? This is what Roy MacGregor has to say:

"the investment is happening—in full knowledge of the Scottish Government's planned referendum—and the renewables are being deployed in part thanks to the First Minister who has clearly demonstrated the vision and ambition that investors want to see. Scotland's ability to produce power is a massive asset and one that is prospering".

Just for once, Iain Gray could give up the opportunity to come to the chamber and talk Scotland down.

**Iain Gray:** I saw Roy MacGregor's letter in *The Press and Journal*. I hope that Roy saw it before it got there. That is a welcome investment by a Scottish company. However, the Deputy First Minister is still answering question 1. Question 2 was about what Scottish engineers are saying about the SNP's energy policy. They are saying that

"energy policy has to be based on an understanding of energy supply technologies, not political expediency."

They are trying to be polite, but they are talking about Alex Salmond. Will the Deputy First Minister listen, or will she send poor old Kevin Pringle off to forge a new engineering report in the professors' names?

**Nicola Sturgeon:** Iain Gray is so predictable at First Minister's question time that I answered question 2 in answer 1. I pointed to the massive renewables investment currently under way in Scotland—£750 million of new renewable electricity projects began generating in Scotland in the past 12 months. There is a pipeline of 17GW of renewable electricity projects—a total estimated capital investment of £46 billion ready to create thousands of new jobs for Scotland. That is the reality.

The stark contrast between Iain Gray and the First Minister will be lost on no one today: the First Minister overseas, fighting Scotland's corner, winning investment for Scotland; Iain Gray, at home, talking Scotland down as usual.

**Iain Gray:** There are none so deaf as those who will not hear. [*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Order.

**Iain Gray:** The report says that there is no credible plan, there is no credible pipeline and there is no route map to achieving the SNP's renewable energy targets.

The SNP says that renewables is its key policy for Scotland's future, but it has not got a clue about it. Investors say that the referendum makes the policy unsupportable and that separation makes it unaffordable, but the people who actually build the technology say that it is technically undeliverable. Last week, the First Minister had to apologise for misleading Parliament, but is he misleading Scotland on energy every day of every week?

**Nicola Sturgeon:** There is a renewables route map, published by this Government. I suggest that Iain Gray reads it.

The companies are investing—Mitsubishi, Doosan and Gamesa. Iain Gray talks about people not wanting to hear. Let me draw to his attention something that was said at the weekend by Ian Smart, who tried to be a Labour candidate at the most recent election. He said that it is time for Labour to realise

“that it is not that people don't hear the message. It is that they don't like what they are hearing.”

It is time that Iain Gray paid attention to that message.

### **Secretary of State for Scotland (Meetings)**

**2. Annabel Goldie (West Scotland) (Con):** To ask the Deputy First Minister when she will next

meet the Secretary of State for Scotland. (S4F-00215)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Sadly, I have no plans to meet the Secretary of State for Scotland in the near future.

**Annabel Goldie:** This week's Citigroup report did not talk about oil and gas; it talked about the Scottish National Party's policy on energy and, in particular, renewable power. It specifically warned that, in an independent Scotland, we would require an annual subsidy of around £4 billion, which would mean an estimated hike of nearly £900 for every Scottish household and £2 billion for Scottish businesses. The Deputy First Minister described the report as wrong and flawed. Can she tell me which bit of the estimates is wrong and flawed? If she cannot, how can she justify placing such an intolerable burden on Scotland?

**Nicola Sturgeon:** I am sure that Annabel Goldie will be relieved to hear that I do not intend to replicate the love-in between her and Alex Salmond last week. However, I recognise that this is her last appearance at First Minister's question time, and I thank her for her contribution and wish her well in the future on behalf of all members. [*Applause.*]

I disagree with all the conclusions in the Citigroup report. However, it is interesting that the Tories have learned nothing in 15 years. In 1997, John Major said that devolution would frighten off inward investment. Labour said then that he was wrong. It has now adopted the Tory response.

It is a fact that renewables are a success story in Scotland. We are talking about something that we are doing incredibly well, and we have the potential to do even better. Surely even the Opposition parties in the Parliament can find it within themselves to get behind the Government's ambition.

I referred to the specific point that Annabel Goldie made in my answer to Iain Gray. Peter Jones makes the very point in *The Times* today that the report is based on the erroneous assumption that, post-independence, the rest of the United Kingdom would not buy Scottish renewable energy. To get anywhere near its obligations, the UK needs Scottish renewables. That is the reality.

**Annabel Goldie:** The Deputy First Minister may rest assured that I shall not conduct a love-in. However, I thank her for her kind remarks. I have immensely enjoyed being leader of my party in Scotland and, to encourage her, I say, do not give up hope, dear.

I am accustomed to a brazen and blustering First Minister—indeed, there was no surprise that his comment on the Citigroup report was, “So what?”—but I had hoped for a more thoughtful response from the Deputy First Minister. The reality is that, in an independent Scotland in which we generate nearly all our own energy from renewables and are liable for all our own subsidy, someone has to foot the bill. It is interesting to see from the running commentary that is going on how uncomfortable the SNP is with the report. Either households and businesses will fork out much more money than they currently do to pay their bills, or taxes will increase to let the Government pay the subsidy. Why does the Deputy First Minister not simply admit that the best way to maintain secure energy supplies at affordable levels in Scotland is by Scotland staying within the United Kingdom?

**Nicola Sturgeon:** On Annabel Goldie’s earlier remarks, I think that I can say without fear of contradiction that I am the only deputy leader in the Parliament who can say that she is perfectly happy with her current leader.

I was not sure whether Annabel Goldie was going to extol the virtues of the union or nuclear power at the end of her question. The Tories are becoming increasingly out of touch on both issues. Let me make things simple for her. The UK Government will need Scottish renewables to get anywhere near the renewable energy obligations that it has to meet. The price that it pays for that Scottish energy, particularly in the post-renewables obligation certificate era, will reflect that. Renewables are a success story for Scotland, and there is potential for enormous growth and great job creation in the area. It is time that all members got behind the renewables revolution in Scotland and stopped talking it down.

**The Presiding Officer:** Jamie Hepburn has a constituency supplementary question.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Is the Deputy First Minister aware of Allied Bakeries’ decision to consult on the future of the Patak’s factory in Cumbernauld in my constituency? Does she share my concern that the consultation should be genuine and open and should, hopefully, result in a long-term future for that site? However, if worse comes to worst and the company decides to close the factory, what reassurances can she give me that the Scottish Government will be able to step in and help the 108 employees there?

**Nicola Sturgeon:** I am aware of the situation and I can understand the member’s concern and the deep concern of his constituents. The news that Patak’s is to end production at its Lanarkshire bakery is extremely disappointing. I reassure Jamie Hepburn that the Scottish Government’s

partnership action for continuing employment team has already made contact with the parent company, Allied Bakeries, to see what assistance can be offered to the employees who are affected by the announcement. The Scottish Government stands ready to help in any way that we can.

### Cabinet Meeting

#### **3. Willie Rennie (Mid Scotland and Fife) (LD):**

To ask the Deputy First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00228)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The next meeting of the Cabinet will discuss issues of importance to the people of Scotland.

**Willie Rennie:** More than 1,000 deaths and countless acts of antisocial behaviour in Scotland are as a result of the abuse of cheap alcohol. How concerned is the Deputy First Minister that retailers are openly promoting their online delivery services and other underhand tactics to get round the law that the Scottish Parliament agreed last year to limit multibuy discounts? Will she join me in condemning that behaviour?

**Nicola Sturgeon:** I thank Willie Rennie for a very important question. In my view, the quantity discount ban is extremely important. If it stops someone who goes into a supermarket intending to buy only one bottle of wine buying, for example, three bottles of wine, that is a step in the right direction, but make no mistake: the quantity discount ban was intended to operate in conjunction with minimum pricing, and it will be much stronger when it does so.

I welcome Willie Rennie’s comments but, more important, I welcome his and his party’s support now for minimum pricing. I look forward to persuading others in the chamber that that is the right thing to do.

**Willie Rennie:** Big business has already tried to undermine the democratic will of the Parliament on the 2010 legislation. As the Deputy First Minister points out, we support the Government’s fresh plans for alcohol minimum pricing, as do the Greens and some others in the Parliament. Some businesses get it as well and support the plans, but others do not understand that they have a social responsibility to the communities in which they operate. Big business has lost the argument on the need for strong action on alcohol, but it now resorts to threats of legal tactics, using its wealth and might. What message does the Deputy First Minister have for big business acting in that destructive way? How will the Government get the message out to big business that it needs to back off?

**Nicola Sturgeon:** Willie Rennie is spot on to highlight the fact that significant key players in the alcohol industry now support minimum pricing. I certainly welcome that. Again, just as I look forward to persuading other members in the Parliament on minimum pricing, I look forward to persuading other parts of the industry on it as well.

Obviously, companies will take their own decisions, and it is their right to do so. However, if the Alcohol (Minimum Pricing) (Scotland) Bill is passed, I hope that companies and, indeed, others right across Scotland will recognise the clear will of the Parliament and act in a socially responsible manner. There is no doubt in my mind that, although minimum pricing is not a magic bullet that, in and of itself, will solve our problem with alcohol, it is nevertheless an essential part of a comprehensive approach. Right now, it is the missing bit of the jigsaw. I look forward to the day when the Parliament puts that right.

#### **Charities and Voluntary Organisations (Financial Pressures)**

**4. Rob Gibson (Caithness, Sutherland and Ross) (SNP):** To ask the Deputy First Minister how the Scottish Government can alleviate the financial pressures on charities and voluntary organisations. (S4F-00220)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The third sector has a major role in Scotland's future, especially during a period of economic austerity. Over the next three years, the Scottish Government will provide £73.5 million to the third sector, which compares with funding of £62.1 million over the final three years of the previous Administration. Despite the difficult financial pressures that the Scottish Government faces, that represents a funding increase for the third sector of 18.3 per cent.

**Rob Gibson:** I thank the Deputy First Minister for her assurances.

In his report last June, Campbell Christie, who, as has been noted, is sorely missed, highlighted the fact that

"We must prioritise expenditure on public services which prevent negative outcomes from arising."

Will the Deputy First Minister ensure that women and children with experience of domestic abuse in Caithness, Sutherland and Ross-shire and throughout Scotland get the level of funding for their services that they need from the Scottish Government as a lead partner in their support, and will she urge local authorities to maintain and improve their own contributions and not cut those vital funds?

**Nicola Sturgeon:** I agree absolutely with both the detail and the thrust of Rob Gibson's question. His question touches on the importance of preventative spending, which is something that John Swinney prioritised in his recent budget. It also highlights the importance of the work of the many organisations that are working to combat violence against women. I met some of them this week in the context of our work on violence against women. Rob Gibson will be aware that the equality budget in the draft budget has been maintained, notwithstanding the difficult financial circumstances that we face. I very much hope that, subject to due process, that will allow us to continue the very good financial support we give to organisations such as Scottish Women's Aid to enable them to do their vital work.

**Elaine Smith (Coatbridge and Chryston) (Lab):** Does the Deputy First Minister agree that a cut of 5 per cent this year to the core funding of Coatbridge citizens advice bureau will have a huge impact on its ability to sustain its current services? What specific action can she take to ensure that my constituents do not suffer a withdrawal or curtailment of those much-needed CAB services?

**Nicola Sturgeon:** I appreciate and recognise Citizens Advice Scotland's vital work. In a previous life, I used to work not for the organisation but in the advice sector and I know how important that work is.

The legal aid budget for advice services is being protected. Clearly, the financial circumstances in which we live, which are outwith the Parliament's control, are having an impact in many areas, but we will continue to do what we can to protect front-line services and prioritise spending on preventative measures. As I said in relation to Scottish Women's Aid, organisations such as CAS have our utmost support and respect.

#### **Respite for Carers**

**5. Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what the Scottish Government is doing to ensure that respite provision for carers is available across Scotland. (S4F-00237)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** First of all, I thank carers across Scotland for their commitment and the support that they provide and I openly recognise that we still have much to do to ensure adequate respite provision for carers in all parts of Scotland. However, we have increased the number of respite weeks by more than 10,000, which will benefit carers. I hope that Jackie Baillie and other members welcome that achievement.

**Jackie Baillie:** I join the Deputy First Minister in acknowledging the valuable work that carers across Scotland do each and every day. However, does she share my disappointment that more than a third of Scottish councils are cutting respite provision for unpaid carers? Does she really believe that it is right that double-counting of respite care is taking place, with a seven-night stay in a residential home somehow counting as two and a half weeks of care? Finally, does she agree with her own Government's statistical service, which has acknowledged the double-counting and in effect confirmed that Scotland's carers have been misled and let down?

**Nicola Sturgeon:** I regret the tone of Jackie Baillie's question, given that I tried to be constructive in my response. This is an area of real importance and I have readily acknowledged that we have more to do.

Jackie Baillie is not strictly accurate in her point about the difficulties of data collection, which we have acknowledged. Although figures are not comparable between councils, that does not affect the changes and the increase in respite weeks over time.

I recognise that we have more to do in this area. The enormous debt of gratitude that we all owe to carers must be expressed in tangible and meaningful ways, which is why this year we are investing £3 million in short breaks and why we have made it clear that 20 per cent of the change fund must go on support for carers. I want to point out the real progress that has been made, but I also recognise that we still have work to do not only to improve provision generally but to ensure that such improvement is consistent across the country. I hope that, on this of all issues, we can unite and get behind the Government's efforts to see improvements.

**Mary Scanlon (Highlands and Islands) (Con):** Given that the charitable, voluntary and independent sectors can provide high-quality respite care at competitive rates, how will the Deputy First Minister ensure that they are given equal access and consideration in the tendering process for respite care?

**Nicola Sturgeon:** I mentioned in my answer to Jackie Baillie the investment of £3 million. Last year, we invested £1 million, which is increasing to £3 million, for the provision of short breaks by the voluntary sector. The voluntary sector's role in that regard cannot be overstated, as it is vital.

I also mentioned the change fund and the 20 per cent that is set aside within that for support for carers. The involvement of the voluntary sector in the disbursement of that change fund is also vital.

Members have made legitimate points, which I recognise and take on board. We are going in the

right direction with respite care and support for carers, but there is still an awful lot for us to do.

### Knife Crime

**6. John Finnie (Highlands and Islands) (SNP):** To ask the First Minister what action the Scottish Government is taking to tackle knife crime. (S4F-00226)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Every single knife incident is one too many. The latest official statistics show a downward trajectory in the fight against knives, but there will be absolutely no let-up in our efforts. That is why, only this week, following a doubling of funding, the Cabinet Secretary for Justice announced the roll-out of the very successful no knives, better lives education campaign to six new areas of Scotland.

**John Finnie:** Does the Scottish Government welcome the publication this week of the Scottish crime and justice survey 2010-11? Is that seen as a further demonstration of the benefit of the 1,000 additional police officers who are working to protect our communities?

**Nicola Sturgeon:** I very much welcome the crime and justice survey that was published this week. It shows that overall crime is down significantly and that recorded crime is at a 35-year low. I think that that is related directly to the 1,000 extra police officers who have been put on the streets of Scotland by this justice secretary and this Government. Our commitment to keeping those officers there will help us to drive down crime even further.

I was disturbed to read in that survey about the link between crime—particularly violent crime—and alcohol, which simply strengthens my resolve to take tough action in solving and addressing our problem with alcohol misuse.

**James Kelly (Rutherglen) (Lab):** I welcome the roll-out of no knives, better lives to South Lanarkshire. However, does the Deputy First Minister agree that the Scottish Government should instigate an urgent review of bail procedures, particularly bearing in mind that the killer of Reamonn Gormley was out on bail despite a string of previous offences? That has caused great bitterness and anger among many of my constituents.

**Nicola Sturgeon:** I understand James Kelly's question and his reasons for asking it. It is impossible to imagine the grief and distress that the family of Reamonn Gormley is suffering, and the condolences of all members in the chamber go out to them. Bail procedures are a matter for courts. However, it is worth pointing out that the average length of custodial sentences for carrying

an offensive weapon has increased from 118 days in 2005-06 to 274 days in 2009-10. That is the highest level for a decade.

As I said in the first sentence of my first answer, one knife crime that leads to the type of tragedy that James Kelly mentioned is one too many. While those crimes continue to happen we should never let up. However, we are seeing progress thanks to the measures that the justice secretary has taken, and we will continue to do everything possible to drive knife crime down even further.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** The local roll-out of the no knives, better lives campaign in South Lanarkshire has been welcomed by people in my constituency and throughout the region, where communities have been shocked by high-profile knife murders in recent months. Does the Deputy First Minister agree that it is preventative action such as that campaign, and not mandatory sentences, that will tackle the problem of knife crime at its roots by changing the culture on our streets?

**Nicola Sturgeon:** As I have already said, the length of sentences is increasing, which is appropriate given the serious problem of knife crime. I agree with Christina McKelvie that the strength of the no knives, better lives campaign is that it is evidence based and has been proven to work. We should be rolling out things that have been proven to work, which is why the justice secretary's announcement this week is so welcome, and why I hope that every member in the chamber will unite behind the measure so that we can continue to see knife crime in this country fall.

12:30

*Meeting suspended.*

14:00

*On resuming—*

## **Scottish Executive Question Time**

### **Education and Lifelong Learning**

#### **Further Education Colleges (Unemployed People)**

**1. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive what assistance is being given to further education colleges to help unemployed people back into work. (S4O-00308)

**The Minister for Learning and Skills (Dr Alasdair Allan):** By the end of this spending review period we will have invested £4.7 billion in colleges, which is 40 per cent more than the combined investment that was made under the last two terms of the previous Administration.

We have made it clear that we wish colleges to play a full part in our guarantee to all 16 to 19-year-olds through the opportunities for all initiative. We have also indicated the priority that we attach to colleges providing learning opportunities to 20 to 24-year-olds, to those looking for jobs and to those with low or out-of-date skills.

**Mary Scanlon:** The Welfare Reform Bill provides opportunities for support to get people back into work. Has the minister met the two main contractors who will deliver the programme in Scotland, Ingeus Deloitte and Working Links, to ensure that our further education colleges are given every opportunity to provide employability and training programmes for people who are currently unemployed?

**Dr Allan:** I have not met those two firms. The Scottish Government keeps a close eye on and is in contact with the United Kingdom Government with regard to its proposals for welfare reform, some of which, as the member will be aware, are quite contentious.

**The Presiding Officer (Tricia Marwick):** Question two, Neil Findlay.

**Neil Findlay (Lothian) (Lab):** To ask the Scottish Executive—

**Mary Scanlon:** Where is the answer? That was disgusting.

**The Presiding Officer:** Ms Scanlon, please stop shouting across the chamber. Mr Findlay, I did not hear your question. Would you like to repeat it?

**Neil Findlay:** Certainly.

### College Funding (Reduction)

**2. Neil Findlay (Lothian) (Lab):** To ask the Scottish Executive what impact the 20 per cent real-terms reduction in college funding will have over the next four years. (S4O-00309)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Although we have had no option but to ask colleges to share in the extraordinary £3.3 billion reduction by Westminster in Scotland's block grant over the spending review period, we have asked them to retain a clear focus on their core business. That includes playing a full part in our guarantee to all 16 to 19-year-olds as part of our commitment to the opportunities for all initiative, and providing learning opportunities to 20 to 24-year-olds, to those looking for jobs and to those with low or out-of-date skills.

**Neil Findlay:** Job losses, cuts in student places and funding slashed—it is quite clear that the Cabinet Secretary for Education and Lifelong Learning sees the college sector very much as the poor and getting poorer relation. What does the cabinet secretary say to students at West Lothian College, in my region, who will be denied a place in August because places have been cut, courses closed and lecturers made redundant?

**Michael Russell:** For a start, I would say, "Don't listen to Mr Findlay." They should be listening to the college principals and others, with whom I am engaged in a constructive dialogue. This morning, I was introduced at a gathering of college principals by the principal of West Lothian College.

We are engaging in a strong, productive and firm dialogue about two things, about the real difficulties—

**Neil Findlay:** Dream on.

**Michael Russell:** The important thing, as members should know, is that we need to have a constructive discussion about how we take forward necessary reforms in Scotland in the context of a Westminster budget. It would be far better if we were doing it in the context of independence. I would encourage all who are thinking about this issue to do so in the context of an independent Scotland. Meanwhile, I will do this job, in co-operation with the principals, with the aim of getting the best for our young people. If any Labour member—or any Opposition member at all—wants to help in that, they will be very welcome.

**Liam McArthur (Orkney Islands) (LD):** During the course of that constructive dialogue with colleges, will the cabinet secretary look seriously at the reprofiling of the budget cuts over the course of the current spending review? Will he also be able to offer some assurance that, in terms

of the Barnett consequentials arising from the council tax freeze south of the border, he will make the strongest case possible to his colleague, the Cabinet Secretary for Finance, Employment and Sustainable Growth?

**Michael Russell:** That is a constructive contribution. Reprofiling is hard to do, given the way in which the cuts are coming from the Liberal Democrat and Conservative coalition. However, if there is reprofiling that can constructively be done and if the member, as a member of the Education and Culture Committee, can make suggestions in that regard, having seen the budget, I will consider them.

The Barnett consequentials will be an issue for the Cabinet Secretary for Finance, Employment and Sustainable Growth and the Cabinet. I can make no comment on that.

**George Adam (Paisley) (SNP):** Can the cabinet secretary confirm how spending on further education in Scotland compares with the rest of the United Kingdom?

**Michael Russell:** That is an interesting question. In England, of course, the UK Government is reducing investment in further education by £1.1 billion, from £4.3 billion to £3.2 billion, which is proportionately a larger cut, as it is a 25 per cent reduction in cash terms, which is 7 per cent higher than the reduction in college sector funding in Scotland over the same period.

Interestingly, from the beginning of this Government's time in office through to the end of the spending review period, we will have invested £4.7 billion in colleges alone, which is 40 per cent more in cash terms than the investment made in two terms of the previous Administration.

### Human Rights Education

**3. Hanzala Malik (Glasgow) (Lab):** To ask the Scottish Executive how it supports work on human rights education in schools, colleges and universities. (S4O-00310)

**The Minister for Learning and Skills (Dr Alasdair Allan):** The Scottish Government is committed to creating a modern, inclusive Scotland, which respects, promotes and realises human rights for all citizens.

Education has an important role and enabling young people to develop as responsible global citizens is at the heart of the curriculum for excellence. Support on global citizenship and human rights education is being provided by a range of public and non-governmental bodies, including Education Scotland, the Scottish Human Rights Commission, UNICEF, Amnesty International, Oxfam, Black and Ethnic Minorities

Infrastructure in Scotland and members of the IDEAS network.

**Hanzala Malik:** When will there be national implementation of the strategy and the development of human rights education in Scotland? Moreover, is the minister in a position to advise when the Scottish Human Rights Commission will promote national awareness, respect and understanding of human rights and when it will publish its report?

**Dr Allan:** I cannot speak directly for the Human Rights Commission, but I can certainly say that the Government is committed to many of the things that it has recommended, which is why citizenship, including human rights, is central to the curriculum for excellence. That is also why the Government is keen to engage with the cross-party group on human rights. I will certainly take on board what the member says about timescales and endeavour to write back to him.

#### Further Education (Regionalisation)

**4. Anne McTaggart (Glasgow) (Lab):** To ask the Scottish Executive what the implications are for local access under the regionalisation approach proposed for the further education sector. (S4O-00311)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** We are currently consulting on the prospect of a regional alignment of the college sector. Only after we have closely considered the responses to the consultation will we be in a position to reach a final view about its future shape. However, we regard continued local access to further education as of key importance.

**Anne McTaggart:** Many of the people I represent have lost out through community campus closures that have already taken place. How will the minister address concerns about a potential increase in travel, added childcare time and its cost and the accessibility needs of the most disadvantaged people affected by rationalisation?

**Michael Russell:** I do not see how Anne McTaggart can know who will be affected by this approach, because I have just made it clear that we are consulting on regionalisation. Indeed, I told the principals this morning that nothing is cast in stone and that I was looking to hear proposals and ideas from the colleges about how best this would work. I also stress—I stressed it in my first answer and will do so again—that local access is of strong importance. Although regionalisation should certainly reduce the overheads and the bureaucracy and, I hope, make the organisations more responsive, I see no reason at all why it should reduce local access.

**Claire Baker (Mid Scotland and Fife) (Lab):** Anne McTaggart raises the issue of access. Does the cabinet secretary accept that there is a significant difference between the Scottish National Party's manifesto pledge to maintain student numbers and its pledge to the National Union of Students Scotland and to students to protect college places, and will he say which promise the Scottish Government will keep?

**Michael Russell:** No, I do not.

#### Room 13

**5. Jean Urquhart (Highlands and Islands) (SNP):** To ask the Scottish Government what its position is on the importance and value of the organisation, Room 13, which is based at Caol primary school in Lochaber. (S4O-00312)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Room 13 is a successful international social enterprise organisation, grown from the desire of students in a small Lochaber school to establish an in-school art studio. The work is demonstrated and exhibited in this Parliament. Room 13 is an excellent example of the willingness of Scottish schools to develop the ideas of children.

I congratulate Highland Council on supporting and encouraging the growth of Room 13, and we should be proud of what it has become. Others should emulate it—and they are.

**Jean Urquhart:** I am glad that the cabinet secretary approves of the work done by Room 13 and values it. How does he suggest that we could spread the word about that work to other schools in Scotland? I would like to request that some of the directors of and other people involved with Room 13 could meet the minister to discuss how to take it forward. Will he agree to that?

**Michael Russell:** I have, of course, already met people from Room 13. I am happy to do so again, but I think it might be more practical if we got them to meet Education Scotland, which regularly communicates with all schools to share good practice. It seems to me that Room 13 is a good example of good practice and Education Scotland might be of great use to it in allowing it to spread the word. I am also happy to meet the member to discuss how I can help in that way.

**Jamie McGrigor (Highlands and Islands) (Con):** Like Jean Urquhart, I commend all those involved in Room 13. Does the minister agree that Room 13 network schools such as Duror in Appin and Strachur primary in Argyll are also worthy of support? Will he encourage other schools to follow those excellent examples so that we can get more artists in the Highlands?

**Michael Russell:** I find it difficult to disagree with a single word that Mr McGrigor has said on this occasion, particularly as that work impinges on my constituency. I am happy to agree with him whole-heartedly.

### **Educational Attainment (Rural Areas)**

**6. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government what it is doing to raise the educational attainment level of young people in rural areas. (S4O-00313)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Young people in rural areas are generally doing well: school leavers in rural schools have higher than average tariff scores and a higher percentage achieve one or more advanced higher.

I am ambitious for all our young people and want to build on current achievements. I have brought together a group of successful headteachers—one of whom is from Argyll and Bute—to advise me on improving attainment, based on their extensive expertise. They will report to me in December.

The Scottish Government and the Convention of Scottish Local Authorities have set up a commission on the delivery of rural education to consider how to improve attainment and life chances for young people in rural areas. The commission will make its recommendations in August 2012.

**Mike MacKenzie:** Will the cabinet secretary comment on the progress made by the commission on the delivery of rural education, particularly as regards recognising the importance of rural schools in the preservation, support and development of the communities they serve? Does he recognise that in order to safeguard the future of threatened rural schools, a range of interventions might have to be made, such as the provision of affordable housing in the catchment areas of vulnerable schools? I recognise that such interventions are outwith the remit of the department for education and lifelong learning, so does the scope of the commission permit it to make such recommendations to other Government departments?

**Michael Russell:** First, I commend the Argyll rural schools network on its campaign on these precise issues. It has now been shortlisted for public campaign of the year by *The Herald* newspaper, and I think that that shows the great enthusiasm, commitment and skill of those who have been arguing for rural schools throughout Scotland and certainly in Argyll and Bute.

The member raises some key issues. The commission, of course, was set up in reaction to this issue across the whole of Scotland. It has now

met twice and it has issued its call for evidence. It is due to report its findings, as I said, in August 2012. It will consider a wide range of issues about the delivery of rural education. I can set the member's mind at rest: the commission has a broad remit. It is being asked to consider, among other things, how the delivery of education in rural areas can maximise attainment and it will also consider the links between rural education and the preservation, support and development of rural communities. The commission will report to me and to COSLA and I certainly intend to share its findings, particularly on these issues, with my Cabinet colleagues.

**Liz Smith (Mid Scotland and Fife) (Con):** What discussions has the Scottish Government had with local authorities in predominantly rural communities with a view to widening access to advanced higher courses for pupils in those areas?

**Michael Russell:** There is a continuing dialogue with all Scottish local authorities, particularly those in rural areas, about how to achieve the broadest delivery of advanced highers. The member is right to raise the need to ensure that young people in secondary education in rural areas are not disadvantaged by a limitation on choices. Most rural authorities are aware of the issue, and I encourage them as much as I can.

### **Further and Higher Education (South of Scotland)**

**7. Paul Wheelhouse (South Scotland) (SNP):** To ask the Scottish Government what support is being given to promote further and higher education in the south of Scotland. (S4O-00314)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** The Scottish Further and Higher Education Funding Council invests around £2 billion per year across universities and colleges in Scotland. That includes the directing of significant specific funding support towards the on-going development in the south of Scotland of the Scottish Borders campus and the Crichton campus in Dumfries.

Further to that, in my recent letter of guidance, I have asked the Scottish funding council to take steps to secure a more coherent spread of provision across Scotland, and to adopt a more differentiated and outcomes-based approach in seeking ways to grow provision in areas such as Dumfries and Galloway, where provision remains low relative to the population.

**Paul Wheelhouse:** The Borders and Dumfries and Galloway are the two local authority areas with the highest proportion of students attending English higher education institutions—more than 15 per cent of students in those areas attend such

institutions, whereas the figure for Scotland is 7 per cent. Given that high dependency on English HEIs, there is a risk that many of those students will be adversely affected by the imposition in England of tuition fees of up to £9,000 per annum.

Will the cabinet secretary commit to monitoring the impact on higher education participation rates and student hardship in the Borders and Dumfries and Galloway? If necessary, will he target resource to ensure that local students do not suffer as a result of decisions taken in another place?

**Michael Russell:** I can certainly give the member an assurance that we will monitor the impact on participation in Dumfries and Galloway.

As I have said before, I believe that the policy of successive UK Governments on higher education tuition fees is misguided. For our part, the Scottish Government provides Scotland-domiciled students and their parents with the continued reassurance of knowing that access to higher education in Scotland is free, and that we will ensure that students who choose to study elsewhere in the UK are not liable to pay fees up front. Loans are available to assist with those fees.

More broadly, in the context of the post-16 reform programme, we have already announced our intention to legislate to set achievable but ambitious goals for access to higher education for the poorest students.

#### **After-school Clubs and Out-of-school Care**

**8. John Scott (Ayr) (Con):** To ask the Scottish Executive what steps it is taking to encourage the provision of after-school clubs and out-of-school care. (S4O-00315)

**The Minister for Children and Young People (Angela Constance):** All parents should have the choice of a range of high-quality and flexible childcare, and we are working with all sectors and partners to increase the capacity, range and flexibility of childcare services.

The majority of out-of-school care services are run at a grass-roots, community level, so I am delighted that we have announced the first allocation from our £50 million contribution to the early years change fund to provide £1.5 million per annum over the next three years to create a new communities and families fund, which will support local communities in, and give them a direct route for, deciding what services are available locally.

**John Scott:** The minister will know from our recent correspondence that there is concern among the after-school clubs in my constituency that the intention to require managers of after-school clubs to attain a degree-equivalent Scottish credit and qualifications framework level 9

qualification could lead to an exodus of managers from after-school clubs to the better-remunerated day care nursery sector.

I appreciate the need to ensure that managers of after-school clubs are suitably qualified to undertake that role, but what specific reassurances can the minister offer that requiring a degree-equivalent level 9 qualification will not seriously impact on the number of people who are willing to act as after-school club managers?

**The Presiding Officer:** Will the member who has their back to the chair please sit down?

**Angela Constance:** Mr Scott and I have, indeed, been in correspondence on the matter. I welcome the fact that he recognises the need for the workforce that works with children in out-of-school provision to be adequately qualified to ensure that our children get the best start in life.

I should also say to Mr Scott that we consulted extensively on the issue, and that 60 per cent of those who responded agreed that the level 9 qualification was appropriate. Indeed, a further 18 per cent suggested that a qualification of a higher nature was required.

As the member is aware, the care inspectorate is working hard to support smaller services so that we can be flexible. There is the opportunity for smaller services to share resources. We will keep a watching brief on that because we want to do all that we can to support the out-of-school care network.

**Ken Macintosh (Eastwood) (Lab):** What does the minister make of figures from the care inspectorate this week that show that—despite the Government's intentions—one in four crèches in Scotland has closed down, the number of out-of-school clubs has dropped from 808 to 745, the number of children and family centres has dropped from 142 to 136 and the number of playgroups has fallen from 486 to 416?

**Angela Constance:** Like Mr Macintosh I read with great interest those figures from the care inspectorate. No clear narrative explains the figures, other than the fact that the nought-to-15 population is decreasing throughout Scotland. However, the figures also showed that the use of nurseries and childminders had increased.

With regard to out-of-school care, where that care provided an additional service, such as a breakfast club or a holiday play scheme, numbers had increased. The voluntary sector is expanding in the out-of-school network. Nonetheless, this is a big agenda that is very much at the heart of all the Government's work in the early years. The early years task force will meet for the first time next week.

## Gaelic

**9. Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** To ask the Scottish Government what plans it has to raise the status of Gaelic in the wider community. (S4O-00316)

**The Minister for Learning and Skills (Dr Alasdair Allan):** All the Government's activity in support of Gaelic aims to raise the status of the language in the wider community. That is done through education and learning, media and broadcasting, and arts and heritage. We are confident that the next national plan for Gaelic, currently out for consultation, will contribute to that aim.

**Dave Thompson:** The minister will be aware that Comunn na Gàidhlig has a successful bilingual signs scheme for businesses and community groups. Recent research shows that bilingual signage has economic benefits for the businesses concerned, and there is a high demand. It is a great way of raising the profile of Gaelic in the community.

However, the demand for the service exceeds the funds. Does the minister have any plans to help Comunn na Gàidhlig to draw down extra funds so that the demand for the service can be met?

**Dr Allan:** I have no doubt that the future extent of those activities will be covered during the discussions on the draft Gaelic plan.

The scheme is very good and I commend Highlands and Islands Enterprise for supporting it. The scheme increases the visibility of the Gaelic language in Scotland—a language that needs to be seen, heard and used. However, it has been demonstrated that a range of other measures have made progress in that area. Perhaps this is the opportunity to correct the more hysterical press on the issue, which has attributed the figure for the entire Gaelic budget in Scotland to Gaelic signs.

**Liam McArthur (Orkney Islands) (LD):** I can confirm that demand for the signage in my constituency is likely to be limited.

Is the teaching of Gaelic in schools in Orkney a priority that the education authority ought to take on board?

**Dr Allan:** The member will be well aware that I am also responsible for the Scots language and that I have a strong interest in that subject. The Norse and Scots heritage of Orkney should be celebrated.

The Gaelic language plan recognises that Gaelic belongs to Scotland, but I for one have an interest in recognising the particular requirements of the northern isles in that respect. However, it

would be helpful if we recognised that Gaelic and, indeed, Orcadian are not threatened by each other but by another world language.

## Further Education (Widening Access)

**10. Jenny Marra (North East Scotland) (Lab):** To ask the Scottish Executive what steps it is taking to guarantee widening access to further education. (S4O-00317)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Further education colleges already offer learning opportunities to students from a wide variety of backgrounds. Our plans for reforming post-16 learning are predicated on ensuring that such provision is better aligned with jobs and growth, that it is sustainable, and that it continues to focus on improving life chances. As part of that reform, we want to consider how best to ensure wider access to all post-16 learning, including that which is offered by colleges.

**Jenny Marra:** Students at Angus College staged their fight the 400 campaign at lunch time on Tuesday. Those students expect 400 places at their college to be cut next year. Will the cabinet secretary guarantee to keep those places, as was promised in the Scottish National Party's manifesto?

The cabinet secretary has cited his cuts as coming from Westminster to the colleges. Did Westminster specifically tell him to cut the college budgets so drastically? Did the Government have no choice in the matter?

**Michael Russell:** I always feel with Jenny Marra's questions that I should simply say, "Guilty as charged and I'd like to have other offences taken into consideration." It is silly.

We need to focus on how we can together improve Scottish further education, and we can do that. For example, the principal of Angus College was at the meeting of principals that I attended this morning, and he asked the question. We need to engage with the reality. Substantial change is needed. Even if there were no financial imperatives, the vast majority of principals and those involved in further education in Scotland would say that reform was overdue. We need to reform and focus on getting the college system better aligned with the labour market and ensuring that we are not wasting money. The drop-out rate in colleges is 28 per cent, or almost 30 per cent. That is utterly wasteful. In addition, we have financial pressures.

It is, of course, always a matter of choices. If the member has better choices that she wishes to be made or alternative choices to be made within the budget figures that have been provided to her—she mentioned them at the Education and Culture

Committee meeting last week—she should by all means tell us about them. Indeed, if she has a set of suggestions, I am happy to meet her. Otherwise, let us try to find a way of ensuring that we do our best for Scotland's young people, and let us do so on the basis of facts.

The principal of Angus College could not know whether there will be 2,000 fewer places as he asserted in a letter to Richard Baker, and I hope that the member is not encouraging the students to believe that there will be 400 fewer places. She could not know that, and neither could the students.

### College Principals and Chairs (Meetings)

**11. John Pentland (Motherwell and Wishaw) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Education and Lifelong Learning last met college principals and chairs and what was discussed. (S4O-00318)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** As I have now said several times, I think, I met college principals and chairs only this morning in Dunblane as part of the consultation process on our pre-legislative paper entitled "Putting Learners at the Centre—Delivering our Ambitions for Post-16 Education." I shall continue to meet principals individually and collectively in the weeks and months ahead. Indeed, I have met two principals in their colleges this week already.

**John Pentland:** I thank the cabinet secretary again for that information.

I am sure that the meeting that the cabinet secretary mentioned will have drawn to his attention the fact that many colleges are located in, and serve students from, areas of high unemployment and deprivation, in which the proportion of school pupils who go on to university can be as low as 5 per cent. Does he accept that this year's large 10 per cent cut in college budgets, which is to be followed by a huge 20 per cent cut next year, is a severe blow that falls far more heavily on those areas?

**Michael Russell:** I do not accept the premise of the question. We are in a difficult situation, which is the result of being in the union. It would be far better if we were independent; we would then not be in the difficulties that we are in. *[Interruption.]* I hear a sharp intake of breath from the Labour benches. I hope that it was a revelatory intake of breath and that one more has suddenly been converted to the crusade. If they have not been, I will keep trying.

The reality is that we would be doing far better if we were able to spend our own money in the way that we should be spending it. However, within the constraints that we have, I am always open to

ideas. If Mr Pentland can come to me with constructive ideas about how the education budget could be better spent, I shall listen to him with interest. If he cannot do so, I hope that he will make the second choice and work with us to ensure that the prospects of Scotland's young people are improved through a process of constructive reform.

**The Presiding Officer:** If we are to make the progress that I hope we will make, supplementary questions should be brief and answers should be at least as brief.

### Community Colleges

**12. Bob Doris (Glasgow) (SNP):** No pressure then, Presiding Officer.

To ask the Scottish Government what role it envisages for community colleges under its skills and employability strategies. (S4O-00319)

**The Minister for Learning and Skills (Dr Alasdair Allan):** All our colleges will have a key role in delivering our guarantee to all 16 to 19-year-olds as part of our commitment to opportunities for all and in providing learning opportunities to 20 to 24-year-olds, to those looking for jobs and to those with low or out-of-date skills.

**Bob Doris:** I briefly inform the minister that I recently met Ronnie Knox of North Glasgow College in Springburn, who wants to engage constructively with the Government on college measures but fundamentally on Government commitments on provision for 16 to 19-year-olds. Does the minister believe that colleges such as North Glasgow College, given that they are in areas of significant deprivation, have a vital role in that delivery? To see at first hand how proactive the colleges are being, I invite the minister to visit the campus and see the good work that is taking place.

**Dr Allan:** I agree with Bob Doris about the role of colleges in delivering our commitments, and particularly about the role of North Glasgow College, which I am happy to visit. I recognise the great work that the college does in its community.

### Colleges and College Campuses (Closures)

**13. Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government whether it anticipates the closure of any colleges or major college campuses in the foreseeable future. (S4O-00320)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** No.

**Kenneth Gibson:** I am sure that the cabinet secretary shares my concerns that some

Opposition MSPs have been scaremongering on that issue. Does he agree that the priority for our colleges is to strengthen management, continue to improve the curriculum and courses, eliminate duplication and ensure more successful educational and employment outcomes for Scotland's college students?

**Michael Russell:** Yes.

#### **Vocational Skills Training (Borders)**

**14. Jim Hume (South Scotland) (LD):** To ask the Scottish Executive how it plans to develop vocational skills training in the Scottish Borders. (S4O-00321)

**The Minister for Learning and Skills (Dr Alasdair Allan):** We are supporting vocational skills training across Scotland through our support for 25,000 modern apprenticeship opportunities. It may interest the member to note that in 2010-11 the Scottish Borders increased the number of apprenticeship new starts delivered through employers in the local authority area to 307, up from 244. Through our post-16 reform programme, we are exploring the potential to move to a system in which funding is, indeed, allocated on a regional basis.

**Jim Hume:** The cabinet secretary has made much of the dialogue between himself and college principals. He will be aware that Liz McIntyre, the principal of Borders College, appeared before the Education and Culture Committee, stating:

"We will have to reduce places, lose staff and turn away even more students than we already turn away."—[*Official Report, Education and Culture Committee*, 4 October 2011; c 265.]

Will the minister assure me that there will be no reduction of places in Borders College and that no students will be turned away?

**Dr Allan:** I thank the member for those points, but I should say that those are not the points—or at least that was not their tenor—that the principal made at an event this morning. Certainly, the Government recognises the particular economic problems that face the Borders and acknowledges that, in our plans for college reform, the same solutions for reform structures obviously cannot be applied in both urban and very rural areas.

#### **Further Education (Student Support)**

**15. Paul Martin (Glasgow Provan) (Lab):** To ask the Scottish Executive what steps have been taken to support students in further education. (S4O-00322)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** The Scottish budget in February increased support to college students this year to a record £95.5

million. That is a real-terms increase of more than 9 per cent. Additionally, we are maintaining education maintenance allowance, investing a total of £31.6 million in 2011-12, so that students from poorer backgrounds have the support that they need to stay in learning.

**Paul Martin:** Can the minister unequivocally confirm today that there will be no compulsory redundancies in the further education sector?

**Michael Russell:** The member is aware, because that question has been asked before, that my strong preference is that there should be no compulsory redundancies. However, I cannot instruct colleges. Why cannot I instruct colleges? Presiding Officer, that is of course a rhetorical question. The answer is that ministers' right to instruct colleges was taken away by one Allan Wilson; Mr Martin will remember him, because he used to sit on the same side of the chamber as him.

#### **English University Places (Scots Applicants)**

**16. Richard Lyle (Central Scotland) (SNP):** To ask the Scottish Government what its position is on the reduction in the number of Scots applying for university places in England. (S4O-00323)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** It is very important that that question is asked and answered accurately. Questions on that have been asked in the chamber in the past week, including a question from the leader of the Opposition that suggested that something was going on.

It is far too early to draw any conclusions from the figures that were released by the Universities and Colleges Admissions Service on 24 October about the reduction in the number of Scots applying for university places in England. That release is the first in a series and covers only some courses and institutions. It is reasonable to assume that any reduction, if there is one, will be linked to the significant increase in tuition fees in universities south of the border from 2012-13. We must be very careful with UCAS statistics at all stages of the year, because they are never complete until the end of the application process.

**Claire Baker (Mid Scotland and Fife) (Lab):** Now that the Office for Fair Access is entering into discussions with some English universities, when will the Scottish Government publish its response to the consultation on rest of UK fees?

**Michael Russell:** It will be published within the next few days.

### Activity Agreements

**17. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government how it will build on the work of the activity agreements pilots. (S4O-00324)

**The Minister for Learning and Skills (Dr Alasdair Allan):** We are building on the work of the activity agreement pilots by rolling out the approach across the country. An evaluation of the pilots identified key lessons and learning for the other partnerships. We are also investing £4 million to support local partnerships in delivering activity agreements and providing additional support through a dedicated national development manager.

**Christina McKelvie:** I have been in discussions about the South Lanarkshire activity agreements pilot, which has secured some very successful outcomes as well as highlighting certain lessons learned, including making best use of third sector expertise, that should be addressed. Is the minister willing to meet me and those involved in the South Lanarkshire activity agreements to ensure that the experience of and learning from the local pilot are understood and applied to other parts of the country?

**Dr Allan:** Having seen the work of activity agreements at first hand, having been very impressed at their impact on the lives of many young people and valuing the role that the third sector can play, I am more than happy to participate in the meeting that the member has suggested.

**The Presiding Officer:** Question 18 has been withdrawn.

### Highers and Advanced Highers

**19. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Executive how many subjects can be taught as highers and how many as advanced highers. (S4O-00326)

**The Minister for Learning and Skills (Dr Alasdair Allan):** There are 69 highers and 38 advanced highers available in session 2011-12.

**Neil Bibby:** I thank the minister for his answer. Figures that I obtained recently from Renfrewshire Council show that the total number of higher courses taught in Renfrewshire schools has fallen from 219 in 2007 to 200 this coming year. The total number of advanced higher courses taught in Renfrewshire schools has also fallen over the same period, from 90 to 82. I am sure that the minister shares my concern at those statistics. Will he contact the other 31 local authorities to see whether that trend is being repeated across Scotland and write to me with his findings?

**Dr Allan:** To the extent that the information exists, I will certainly supply it to the member, but I think that his question is for the local authorities. All I can say is that, through the Scottish Qualifications Authority, the Scottish Government is determined to provide a wide range of qualifications that meet the needs of young people.

**Ken Macintosh (Eastwood) (Lab):** Is the minister yet in a position to tell the chamber how many exams pupils will sit at the end of their fourth year, following the end of the curriculum for excellence?

**Dr Allan:** The member has raised that issue before, not particularly helpfully or usefully, to be honest. The new examinations are proving extremely popular with all those who intend to use them, whether as educators or, indeed, as people who propose to sit them. The changes that are taking place in that area seem to command wide support across the education sector.

### Glasgow City Council (Additional Support for Learning)

**20. James Dornan (Glasgow Cathcart) (SNP):** To ask the Scottish Government when it last had discussions with Glasgow City Council about the provision of additional support for learning in schools. (S4O-00327)

**The Minister for Children and Young People (Angela Constance):** There have been no meetings specifically on the provision of additional support for learning in schools, but Scottish Government officials meet as required with Glasgow City Council to discuss a wide range of issues.

**James Dornan:** I thank the minister for her answer. She will be aware of the closure of St Raymond's ASL school in my constituency. It appears that a number of the families affected would agree to the move only if their children were allowed to attend another stand-alone ASL school. Given that the rationale behind the closure was to move the children into mainstream schooling, does the minister agree that it is clear that Glasgow City Council must learn the lessons from the previous experience of the closure of ASL provision, in order to ensure that any future closures are done with the full support of those affected?

**Angela Constance:** As Mr Dornan will appreciate, that is entirely a matter for Glasgow City Council. Any school closure is difficult and emotive, not least when it involves an additional support for learning school. The challenge for us all in local and national Government is to ensure that we take great care and engage in meaningful consultation with parents, who are vital partners.

Mr Dornan will be aware that any future school closures will have to meet the requirements of the Schools (Consultation) (Scotland) Act 2010. The act requires education authorities to consult on the proposed closure of any school, which includes the preparation of a consultation paper and a specific consultation period. He will also be aware that Scottish ministers have a specific role in issuing call-in notices.

## **Offensive Behaviour at Football and Threatening Communications (Scotland) Bill (Stage 2 Report)**

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-01170, in the name of Christine Grahame, on the Justice Committee's report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at stage 2.

I call Christine Grahame to speak to and move the motion on behalf of the Justice Committee. Ms Grahame, you have a tight 14 minutes.

14:41

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I open the debate as convener, and accordingly my contribution will be apolitical. I offer my gratitude to my deputy convener, who for perfectly valid reasons wishes to be freed from those apolitical shackles, thus consigning me to summing up. That is worse for members, as they will have to listen to me for a tight 14 minutes and possibly another 10. I got my revenge and my sympathies in first.

On behalf of the Justice Committee, I thank the Minister for Community Safety and Legal Affairs and the Lord Advocate for their responses to our report, and the Lord Advocate for providing the committee with his draft guidelines, which I think the committee and the wider public found—and will find—helpful.

It is unusual to find ourselves debating a committee report on a bill when stage 1 is long over. However, it is appropriate that we have been given chamber time, because the bill has aroused a lot of interest in the wider world, and the issues that the committee uncovered deserve a wider airing. Further to that, the debate underlines the significant role of committees in holding the Government to account.

The bill was introduced in June. It is a response to the events of the previous football season both on and off the pitch. There were a number of incidents, ranging from the small to the sinister. The latter included the sending of suspect packages to particular individuals, apparently for no reason other than their faith background or footballing allegiance. We might disagree on the best approach in legal and policy terms to deal with the problem, but we all agree that that type of behaviour is utterly unacceptable and needs to be tackled.

The events of the previous season have tended to be labelled as part of Scotland's sectarian

problem. It may be news to some, but the word “sectarian” is not to be found in the bill. Each of us probably thinks that we know what it means, but it emerged in the evidence that there is no one clear definition. As the evidence from Nil By Mouth put it, sectarian is a word that “transcends its dictionary meaning” in Scotland.

Nevertheless, it is clear that the bill’s intention is to tackle sectarianism along with other types of unacceptable behaviour. The committee unanimously accepts that there is a continuing sectarian problem in Scotland, and that it is not found only at football matches. We agree with the Scottish Government that no one piece of legislation will solve the problem.

I turn now to procedure and evidence. Members will recall that the Government’s original plan was to deal with the bill by the summer recess through the emergency procedure, to have it ready in time for the new football season. As members know, as convener I expressed my disagreement with that, as did others. However, in the very limited time that the Justice Committee had in June, we undertook to hear evidence from the police, legal experts, representatives from football and civic society, and the Government. There was a mixture of views about the merits of the bill and about the appropriateness of the use of the accelerated procedure.

Shortly afterwards, the First Minister announced that he was minded to propose a lengthier timetable for consideration if Parliament agreed to the bill’s general principles at stage 1, which duly came to pass. It may be that the committee’s evidence sessions contributed to that change of heart—I certainly hope so.

In any event, I think that of all the new committees, we hit the ground running—and we were the better committee for it. As convener, I am glad that the committee had the opportunity for more extended consideration of the bill. There can be circumstances in which it is necessary, on balance, to expedite procedures on grounds of urgency, but in general, legislation benefits from robust, measured and careful scrutiny.

It is no secret that there are differences of opinion—to put it mildly—between committee members on the bill. However, if Parliament agrees to it we will end up with a better and stronger act because of the longer time that we have taken over it. I thank committee members for dealing with one another in committee in a civilised and collective manner, despite their differences. I am sure that that will continue and will be reflected in the tenor of the debate.

The committee heard from 33 individuals or organisations that gave evidence in person. We also received 83 formal written submissions on the

bill as well as letters and e-mails from the public. I thank all those who provided evidence, particularly those who gave evidence at extremely short notice in June. Four committee members—myself included—attended an old firm match at Ibrox in September. That was extremely instructive, especially for those of us—I am one—who had not hitherto rated ourselves as aficionados of the beautiful game. We did not simply attend the match, which we hardly watched; we spent time with the police, stewards and supporters before and after the game to get a rounded picture of the reality of an old firm encounter and the preparations involved in it. I express my thanks to all who facilitated our visit.

I turn to the content of the bill, which is a bill of two halves—there end the footballing allusions—that creates two new and distinct offences. That fact, too, is often overlooked. One offence relates to offensive behaviour at football; the other relates to threatening communications. The more complex aspects of the bill are found in some of the details of those two new offences.

The chamber is well aware that the committee divided on the key question whether the new offences were necessary. A majority of members accept that we need a new law to address offensive behaviour at football that is not based on the “fear and alarm” formulation found in the current law. The majority likewise accept that there may be shortcomings that prevent effective prosecutions for some threatening communications. The majority also note what the Lord Advocate referred to as the “transformative effect” that legislation can sometimes have in changing attitudes towards what is and is not socially acceptable—we have the example of the ban on smoking in public places. A minority in the committee disagree, doubtful that the case for new criminal laws has been made, and think instead that the existing laws should be more rigorously applied. We will hear both sides of the argument this afternoon.

As convener, I will focus on the many areas in which the committee speaks with one voice. Much of this relates to the detail of the two offences. Whatever committee members’ overall views, I hope that we can at least agree that there is continuing potential to test the robustness of the bill at the amending stages, which is a task for all of us, including the chamber at stage 3.

The first offence—I will call it the football offence for shorthand—requires three elements to be proven: first, that there is offensive behaviour; secondly, that that behaviour occurs

“in relation to a regulated football match”;

and, thirdly, that the behaviour is likely to provoke public disorder. I stress that all three elements must be present.

**Margo MacDonald (Lothian) (Ind):** On the question of what constitutes offensive behaviour, is it offensive for some people very occasionally to chant in the region of Easter Road “If you hate the”—expletive deleted—“Jambos, clap your hands”?

**Christine Grahame:** I thank Margo MacDonald for that intervention and direct her to the Lord Advocate’s guidelines, which address such details in particular. I will deal with the issue later in my speech if I have time; if not, I will address it in my summing up.

The committee had some queries about the drafting. There is more on that in our report and I will use what time I have to focus on just two points. The first of those is the meaning of “offensive behaviour”. The definition that is used in the bill is wide. It is not restricted simply to behaviour with a sectarian element—something that, as I have said, has been missed in the hubris surrounding the bill so far—as it includes expressions of racist or homophobic hatred, for instance. Committee members generally accept that approach. One area in which we had concerns relates to the definition of offensive behaviour as including

“other behaviour that a reasonable person would be likely to consider offensive.”

The catch-all nature of that provision concerned some witnesses, including the Law Society of Scotland and the Scottish Human Rights Commission. The Scottish Government has made the point that the reference to a “reasonable person”, which has a definitional track record in existing case law, ought to prevent the provision from being misapplied. Nonetheless, I expect some further discussion of the issue at stage 2.

The second of the three elements—that the behaviour must be

“in relation to a regulated football match”—

relates, broadly speaking, to a match involving the national team, a match involving teams in the Scottish Premier League or the Scottish Football League, or to cup matches involving those teams.

I point out that the bill gives a wider meaning than we might expect. For example, offensive behaviour in and around a football match may also be caught, but so is offensive behaviour when people are travelling to a match, including breaks—even overnight breaks—on the way there. People do not have to make it to the match, or to have intended to get there, to be caught by the bill.

**Hugh Henry (Renfrewshire South) (Lab):** Will the member give way?

**Christine Grahame:** Can I make some progress? I think that what Mr Henry wants to ask me about is dealt with in the Lord Advocate’s guidelines, which give examples of how one might evidence the offence.

**Hugh Henry:** No, it is not.

**Christine Grahame:** Does Mr Henry still wish to intervene?

**Hugh Henry:** Christine Grahame talked about regulated football matches. Will she confirm that, under the bill, it would be an offence to sing certain songs in a pub on the day of a regulated football match, but it would not be an offence to sing those songs one week later when no football match was on?

**Christine Grahame:** I was wise to ask Mr Henry to look at the Lord Advocate’s guidelines because they deal with that point. I will discuss televised matches and matches shown in public houses. Behaviour in the vicinity of a televised match—unless the TV is in the person’s home—is also caught within the definition. If I have time and nobody else addresses it, I will give examples in my closing speech. If Mr Henry has read the Lord Advocate’s guidelines, he will know that they addresses his concern on that.

The committee fully accepts the evidence that some of the worst behaviour from a very small number of people occurs when they are on the way to a match, often little concerned about whether they get there. We also recognise that there can be a problem with fans’ behaviour while they watch a match in a pub. Nonetheless, we found the wording to be wide ranging and found ourselves discussing some hypothetical examples and whether the bill would cover them. I do not have time to cover those, so I ask members to have a good look at the Lord Advocate’s guidelines. I know that they are in draft and that there are concerns with them—the committee would like some of their content to be in the bill, where appropriate—but examining them would assist members.

I will address the second offence—threatening communications—which I do not want to miss out, as many have done. It has been mostly overlooked by the media in particular and, thus, the public. I am tempted to refer to it as the internet offence, as that is how it has largely been seen. However, it is important to stress that communication means practically all forms of communication, with the important exception of direct speech.

There are two circumstances in which the crime can be committed. One—condition A—is where a communication is made that

“contains or implies a threat ... to carry out a seriously violent act”

of a sort that would cause a reasonable person fear or alarm. That is a high test. The other circumstance—condition B—is where the person makes a threatening communication with the intent of stirring up religious hatred.

Members should note that football has nothing to do with that offence. The Lord Advocate’s guidelines give examples that show how freedom of speech still exists. The Government is considering introducing a freedom of speech section into the bill.

Monitoring what happens online, identifying the culprit, assembling the evidence and enforcing the law would be a challenge. That is potentially a Herculean task, particularly when one takes into account the bill’s extraterritorial aspects. For that reason among others, I welcome the Government’s acceptance of the committee’s recommendation that the bill should contain a review provision to enable its effectiveness to be evaluated in the future.

Football is Scotland’s national game, with many thousands of passionate followers. Songs, chants and banners are part of the theatre of football. Fans are integral to that excitement and drama. I do not think that any members want the game to be conducted in what one witness described as “a Mary Poppins atmosphere”, so sanitised as to be sterile of emotion or passion. Heaven forbid. Indeed, the committee remarks in its report that the majority of fans keep firmly on the side of passionate support, not hateful provocation that is often detached from the match itself. A minority let the side down.

However, the fans have perhaps been let down by the football authorities, which have failed to provide a clear lead. Where necessary, such a lead should include taking sanctions—such as a points deduction—against clubs whose fans behave unacceptably. The committee has been concerned about a lack of urgency on the part of the Scottish Football Association and SPL in determining which takes the lead disciplinary role. I have no doubt that members will want to develop that point. We all agree that the forces of law enforcement have a key role to play in ridding our game of bigotry, but the clubs and the football authorities most certainly also have such a role. A greater sense of urgency needs to be instilled. The committee does not believe that the SFA and the SPL have made that commitment yet.

On that consensual point and within my allocated time—despite interventions—I will move

the motion. I look forward to a stimulating, informed and civilised debate.

I move,

That the Parliament notes the Justice Committee’s 1st Report, 2011 (Session 4): *Report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at Stage 2* (SP Paper 21).

**The Deputy Presiding Officer (John Scott):** I thank Christine Grahame for completing her speech within her time.

14:55

**James Kelly (Rutherglen) (Lab):** I welcome the opportunity to speak in the debate. I point out that previous versions of the *Business Bulletin* had errors and that the amendment in my name is supported by David McLetchie for the Scottish Conservatives, Alison McInnes for the Liberal Democrats, Patrick Harvie for the Greens, and Margo MacDonald.

Scottish Labour condemns sectarianism without fear or favour, as I am sure every member of the Parliament does. I regret that some comments against those of us who have criticised the bill have characterised us as not supporting attempts to wipe sectarianism from Scottish society, which is not the case. We have reached a genuine position. We have difficulties with the bill, which we will present genuinely this afternoon. We should not be undermined for our motives. I am happy to take criticism for what I say, but not for my motives.

I will concentrate on three aspects: the process that the Government has followed; the problems that have arisen from the bill; and the way forward in tackling sectarianism.

We all know that the issue began as a result of the cup replay match back in March, which was followed by a furore in the media and the establishment of the joint action group. Other regrettable incidents that took place in March, which involved parcel bombs and internet postings, were roundly condemned by everyone in the Parliament.

In the election’s aftermath, the Government got itself into a place where it felt that something had to be done. When Governments adopt the approach that they need to do something, they sometimes rush in, get their action wrong or mixed up and do not take people with them. That has happened on this occasion.

Back in June, we were told in private briefings that we needed the bill quickly because the clubs wanted it in time for the start of the football season. However, when the clubs appeared before the Justice Committee, Rangers Football

Club said that the first that it knew of the bill was from reading about it in the papers.

**The Minister for Commonwealth Games and Sport (Shona Robison):** Mr Kelly has forgotten an important part of the process. It was the police who asked for the bill. Strathclyde Police's chief constable demanded that something be done. I apologise if Mr Kelly was going to mention that, but that is an important part of why action was taken. The police asked for something to be done and for legislation to be introduced.

**James Kelly:** I draw Ms Robison's attention to Mr House's comment last week that the emphasis in his comments to the First Minister was on dealing with violence that happens around old firm games. As we all know, in many cases, violence occurs hours away from the match and many miles from the stadium. The fact remains that the Government misled Opposition party spokesmen by briefing us—

**Members:** No.

**James Kelly:** It did—that is the case. The Government told us that the clubs wanted the legislation, but it is on the record that the clubs told the Justice Committee that the first that they knew about the bill was when it was published.

When the Minister for Community Safety and Legal Affairs came to the Justice Committee in June, she was perhaps badly prepared. To be kind to her, that was in the rush to introduce legislation, but her comments at that meeting caused fear by appearing to suggest that making the sign of the cross or singing the national anthem might be caught under the bill.

**John Finnie (Highlands and Islands) (SNP):** Will the member take an intervention?

**James Kelly:** No. Let me develop my point.

The minister's comments caused consternation in the country. I see that she is shaking her head, but that undermined the bill's credibility and was one of the main reasons why the timetable had to be extended.

**Derek Mackay (Renfrewshire North and West) (SNP):** Will the member give way?

**James Kelly:** No, I will not.

I have a lot of respect for the Lord Advocate, but he allowed himself to be drawn too far into the political process. He fronted the bill in the *Daily Record* and *The Times*. The second time that he came to the Justice Committee to discuss the bill, in essence he did so to look after the minister and to ensure that she did not get into further difficulty. At that point, the process was undermined.

We were told that we needed the bill because of gaps in existing legislation. However, during the

summer, there have been convictions for sectarian singing, including on trains, and for inappropriate Facebook postings. That begs the question why the bill is needed when the current legislation is being used effectively.

**Mark McDonald (North East Scotland) (SNP):** Will the member take an intervention?

**James Kelly:** No, I will not.

Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, which has only just come into force, deals with some of the gaps in breach of the peace law. Surely we should have taken time to reflect on the effect of that provision.

There are clear problems of clarity in the bill. Margo MacDonald gave an example of that. Christine Grahame put great faith in the Lord Advocate's guidelines, but the bottom line is that they do not answer Margo MacDonald's query. When I put questions about specific situations to the minister and the Lord Advocate in the committee, the answer was that it will be down to the police to decide. That is unfair. It is passing the buck and is not the correct way forward.

**Roderick Campbell (North East Fife) (SNP)** *rose—*

**Kevin Stewart (Aberdeen Central) (SNP):** Will the member give way?

**James Kelly:** No, I will not give way.

There are clear issues with the bill. The Scottish Human Rights Commission pointed to the legal principle of certainty. We could create a situation in which people could be charged but might not have known at the time whether they were committing an offence. When the minister was at the committee, she could not be specific about what would be an offence under the bill, so how can we expect the public, police and prosecutors to understand that?

The Scottish National Party Government has concentrated too much on football. The committee heard evidence that only 14 per cent of offences with religious aggravation occur in and around football stadiums. Sectarianism is much more complex, so it is wrong to focus simply on football. We need a more comprehensive approach. Johann Lamont and I have held several meetings with churches, supporters groups and Nil by Mouth to explore a more constructive approach.

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

**James Kelly:** I am sorry, but I am short of time.

I agree with Christine Grahame's point about the football authorities. The SFA, the SPL and the clubs could do more. There is no doubt that, if points could be deducted from clubs, supporters

would be less likely to sing “The Billy Boys” or “The Boys of the Old Brigade”. That would focus attention.

More needs to be done on education. I was interested to note in an answer to a parliamentary question that it is only within the past month that the minister had discussions with the education secretary about how to take the issue forward in the education field.

The bill is not fit for purpose, and I appeal to the Government and the minister to withdraw it, to think again and to build a consensus in Parliament and the country so that we can move forward as one to tackle the blight of sectarianism.

I move amendment S4M-01170.1, to insert at end:

“; further notes the number of verbal and written submissions that raised concerns about the bill; believes that the Scottish Government has failed to make the case for the requirement for new offences contained in the bill, that it lacks clarity, would lead to confusion, be difficult to enforce if implemented and cannot be supported, and believes that a more proportionate response to dealing with the problems in relation to Scottish football would be to give greater consideration to the use of existing laws, to work with football authorities and promote positive interventions in communities and the education system.”

15:05

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** I welcome the Justice Committee’s contribution in assisting with the scrutiny of the bill. It has prepared a constructive report that was informed by the evidence, particularly the 83 pieces of written evidence that provide a detailed and expert backdrop to the debate. We might not have understood it from Mr Kelly’s comments, but the majority of those submissions supported the bill.

On Tuesday, the Scottish Government published its formal response, as did the Lord Advocate, who also laid a copy of his revised draft guidelines in the Scottish Parliament information centre. I thank the committee convener for her opening remarks.

I read my stars today—they were quite interesting. They tell me that I should pop down to the basement where they are running a special offer on patience. Apparently it is easy to get, within my means, and just what I need. I cannot think of a more prophetic set of stars for the debate this afternoon, because patience is what I need.

It is worth reminding ourselves that the bill gained majority support at stage 1 in June. Parliament agreed the principles of the bill, which means that it accepted that a problem is infecting Scottish football and wider society, and must be

tackled. The task for us now is not to question whether action is necessary but to set out what we need to do and how we need to do it to deliver on the commitment that was made to Scotland in June. As evidenced by the survey that was done during the summer, the Scottish people have set the challenge of delivering once and for all a solution to a problem that the overwhelming majority of people are sick to the back teeth of. In company with the First Minister, I am prepared to accept that challenge and I hope that the Parliament is too.

**Margo MacDonald:** Will the minister give way?

**Roseanna Cunningham:** I will let the member in if she will allow me to get a bit further into my speech.

I still hope that we can find common purpose. It is premature for members to come out against the bill before a single amendment is lodged. Despite the column inches that have been dedicated to the bill, it is easy to forget that the process is still closer to its beginning than it is to its end. With stages 2 and 3 still to come, there is much to play for, and there is scope for the Parliament to help to shape the bill so that it contributes to making a Scotland that we all want. I actively welcome any and all constructive suggestions.

**Margo MacDonald:** I hope that the minister will accept this as being constructive. Scottish football does not have a problem. Two of the clubs that play in the premier league have a problem with some of their supporters. It is not Scottish football. Tell Auchinleck Talbot Football Club that it has a problem.

**Roseanna Cunningham:** With respect, the problem goes beyond the two clubs. The difficulty is that those two clubs—along with a third and possibly a fourth and one or two others that sometimes get caught up in the issue—dominate the majority of the publicity around the debate and Scottish football. It is therefore, almost by definition, a problem for Scottish football. The involvement of the Union of European Football Associations also showed us that it will be a continuing problem if we do not address it.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the minister give way?

**Roseanna Cunningham:** I will let the member in but not yet.

The first issue is necessity. I welcome the unanimous recognition by the Justice Committee that there is a serious issue affecting Scottish football that has gone unchallenged for too long, and that action is needed—and 91 per cent of Scots agree. That is reflected in the majority support for the bill at stage 1, and in the

preponderance of the evidence that was submitted to the committee.

That agreement on the challenge that we face as a nation in relation to the sectarianism and hate infecting our national game remains the basis of a possible consensus. The imperative now is how to make it work.

**Johann Lamont:** The minister talked earlier about the importance of common purpose. It would help the debate if she would at least acknowledge that those who are expressing concerns about the bill in the chamber or elsewhere are not doing so because they do not want to address sectarianism. Impugning the motives of those who do not agree with her solution does not take us one step forward. I urge the minister, in the interest of consensus, to recognise that those who do not agree with her solution are not people who do not want to address the problem.

**Roseanna Cunningham:** Sadly, a great deal of James Kelly's speech undermined the very points that Johann Lamont is trying to make.

This is not easy work. If it were, successive Governments and Parliament would have tackled it successfully by now. However, just because it is not easy does not mean that it is not necessary. That work involves challenging the pessimism that pretends that this is just how football is, how it always has been and how it always will be. We must reject the politics of despair and the politics of aye been and offer Scotland the politics of hope.

I know that I will run out of time. I understand that I have only nine minutes.

**The Deputy Presiding Officer:** You have 10.

**Roseanna Cunningham:** Thank you. I want to run very quickly through some of the more key issues—I dare say that other things will come up in the debate.

The idea that there is no problem was mooted during the course of the committee's evidence taking. I regret that there are people who think that this is not a problem, because it is a problem—that is important. We know that it is a problem. Sheriffs comment on it—even the clubs comment on it. Despite James Kelly's characterisation of the situation, we have Rangers on the record in June saying that it supported and was encouraged by the Government bill that had been introduced. Only a couple of weeks ago, Peter Lawwell of Celtic made the very points that we are making about some of the chanting that goes on even on the club's own side; he said that he was inundated by complaints from Celtic fans about what was happening. So, we are talking here over the heads of a very small minority of people who do not want

their behaviour challenged to the vast majority of football fans, who are just as fed up with all the behaviour that takes place as are the vast majority of the people of Scotland.

**Neil Findlay (Lothian) (Lab):** Will the minister take an intervention?

**Roseanna Cunningham:** No. I really need to get on.

Of course it is not just at football matches that we have to deal with this problem. There is a problem on the internet, which is being dealt with, too, because the poison is not just the words; there are real consequences for those who are threatened and intimidated.

I turn to the argument that the existing law is adequate. James Kelly talked about section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. I do not have time to go into detail, but I will give him five very good reasons why section 38 is not sufficient: it does not cover extraterritorial acts, which this legislation does; it does not include a public order test, which this legislation does; it does not include any reference to incitement to religious hatred, which this legislation does; it does not do the naming and shaming that this legislation does; and it does not provide the democratic leadership that this legislation does. I am afraid that the existing law is not adequate, which is a failure of us all in the past to get it right for the future. Some people may say that no law will ever be perfect. That may very well be true, but it does not mean that we stop trying.

There are a great many other issues to cover. James Kelly prayed in aid the Scottish Human Rights Commission to support the position that he was taking on the back of what it had to say. We are in constant dialogue with the commission and one would not have known from what James Kelly said that it actually endorses the aims of the bill. It has one specific concern about one specific subsection. James Kelly may put that look on his face, but I was talking to Allan Miller only this morning, so I can tell him that that is the SHRC's position. It is important to put that on the record, because the SHRC is the body that this Parliament set up to comment on precisely such issues. We are in constructive dialogue with the SHRC about the single issue about which it has some concerns. It is important that that constructive dialogue take place. I am just sorry that there has not been more constructive dialogue in some other directions.

There are many things that I am probably missing out. We talk about clarity, which is improved by the bill. It will make a difference. The police have indicated that the situation is clearer now. They feel that the legislation is more reliable and gives them a better tool to use when they are

confronting the behaviour of the fans who are causing the biggest difficulty.

On the basis of all the information that we have and given the support of the Crown Office, the Lord Advocate, the police and the SHRC and the on-the-record comments by the key football clubs, the Opposition parties are left in the interesting and curious position of being the parties that like to say no, whatever the question is.

We agree that there is an issue. We should agree with the Lord Advocate and the police that the current response is inadequate. As a Parliament, we should focus on creating the best and most effective measures that we can to give our hard-pressed police and prosecutors the tools that they have asked for so that they can help to remove the hate and threats that damage communities.

I welcome the chance to participate in this debate. I will seek to respond to whatever comments members make, but my hope is that the debate can take us closer to the Scotland that we want. I remind all members that the bill is in a process that is still open and that they still have an opportunity to be constructive about what they want.

I listened patiently to James Kelly for 10 minutes, but I did not hear one constructive comment about what he would do as opposed to what he does not want to do.

15:16

**David McLetchie (Lothian) (Con):** I am leading for the Conservatives in this debate in place of my colleague, John Lamont, who is on his way to New York to participate in Sunday's marathon in aid of his local branch of the National Osteoporosis Society. Sponsorship of his run is still available.

In my substitute capacity, I welcome the debate, which is in some respects a continuation of the one that was held on 23 June and that which ended in such dramatic fashion with the First Minister bowing to the weight of public and parliamentary opinion and pulling the plug on what was a ham-fisted attempt to rush the bill through Parliament. It was hoped that the additional time for consideration that was thereby given to the Government, the Justice Committee and other interested bodies would result in an improved bill that would enjoy widespread support. However, as James Kelly's amendment points out, that is far from being the case. The minister was somewhat unkind to Mr Kelly because, as I read the amendment, it seems to be absolutely full of constructive comments and suggestions. Perhaps the minister should study it a little more carefully.

In fairness to the Lord Advocate, I am pleased to note from the guidelines that he has published, which have already been referred to, that songs or lyrics that are sung

"in support of terrorist organisations"

or which glorify or celebrate

"events involving the loss of life or serious injury"

would be within the scope of the proposed new offences, as he would seek to apply them. That relates to a point that I made in the previous debate on this matter, which is that sectarianism, in the wider sense of the word and in the context of Scottish society,

"embraces attitudes and positions that are born out of the history of Ireland"—[*Official Report*, 23 June 2011; c 1001.]

and cannot simply be viewed in the context of religious hatred.

**Christine Grahame:** Will the member give way?

**David McLetchie:** I will do so in a minute.

The very fact that, in his guidelines, the Lord Advocate has tried to present a more balanced approach to sectarianism should lead him and the Government to conclude that the aggravation provision that was enacted by Parliament in the Criminal Justice (Scotland) Act 2003, which concentrates exclusively on the religious aspect of sectarianism, is hopelessly lopsided and should be repealed.

The normal way of tackling an issue is to define the problem and then come up with an answer. However, the Scottish Government has actually run away from defining the problem, and it is not alone in having done so. The bill—at least the first part of it—is meant to focus on football-related behaviour and public disorder that is grounded in sectarian activities and hatred. However, we cannot even agree on what constitutes sectarianism. Some people maintain that it is exclusively founded on religious hatred and contempt, in particular for the Roman Catholic religion, and deny that there is such a thing as political sectarianism that is founded on the expression of support for republican and terrorist organisations. I do not agree with that in the context of Scottish society, but it is a pretty fundamental point.

However, instead of trying to address it, we dance around the issue and, in the bill, try to cover such behaviour in a wide-ranging, much-criticised and highly contentious catch-all provision to which the Scottish Human Rights Commission objects and which, if it were removed, would unbalance the whole bill in terms of the Lord Advocate's guidelines.

Who would have thought, in the heady days of May, that we would see a banner displayed at a football match that read,

“SNP Weak on Criminals - Tough on Fans”.

How they must have winced at SNP mission control when they saw that one. I wonder whether its display would constitute grounds for arrest under the proposals in the bill.

In the context of the 2003 act, I note from the Lord Advocate’s guidelines that the statutory aggravation should not apply to an offence that is prosecuted under the provisions of this bill, should it be enacted. That is a sensible position, but it does not detract from the fact that the aggravation itself remains a lopsided and unbalanced measure.

**Christine Grahame:** Will the member take my intervention?

**David McLetchie:** I am sorry. I beg Christine Grahame’s pardon.

**Christine Grahame:** I wanted to come in when David McLetchie quoted the Lord Advocate’s draft guidelines by referring to

“Songs/lyrics in support of terrorist organisations ... Songs/lyrics which glorifies or celebrates events involving the loss of life or serious injury”.

What he did not go on to say was that

“It should be noted that in order for a criminal offence to be committed under this offence, in addition to proof that the song/lyrics are threatening or offensive, it must be proved that the conduct was likely to incite public disorder.”

**David McLetchie:** That is certainly an important caveat; it is like the “fear and alarm” caveat under breach of the peace law. Both must have an element that is likely to cause concern to the wider public.

The Law Society of Scotland has produced, for our benefit, a detailed critique of the bill. It says that the proposals will not add to existing law but will merely confuse the situation. The Church of Scotland makes the very good point that bad legislation is worse than no legislation at all. As we all know, the measure reeks, to be frank, of being yet another manifestation of the “something-must-be-done” syndrome. It is the desire to preach sermons from a political pulpit, which may all be very worthy and noble, but in a practical sense add nothing of value to the main body of our law and make its implementation and enforcement all the more problematic.

We should be wary of legislation that, in the broadest sense, impinges upon our liberty to associate, speak freely and voice opinions—even when they may be robustly or sometimes even coarsely expressed, and even if the thin-skinned

may be offended or—as is more likely in the context of football—may claim to be offended.

The incorporation in the bill of a section that would protect free speech—as the First Minister has indicated will be done—will not make matters better. It will make matters worse because it will add to the confusing morass that the police, prosecutors and the courts will have to wade through before they can decide whether the conduct that has been complained of amounts to an offence.

I think that my time has expired, although I would like to say more.

**The Deputy Presiding Officer:** It has expired.

**David McLetchie:** Thank you for your patience and forbearance, Presiding Officer. We look forward to seeing what will happen at stage 2.

15:23

**John Finnie (Highlands and Islands) (SNP):** I thank Christine Grahame for her balanced resumé of the Justice Committee’s report. There has been some mention—but not a great deal—of the background to the bill. I will list a few reasons. There has been threatening mail, parcel bombs, hateful online messages, and a football manager was attacked at a game, which was screened around the world—someone was attacked at their place of work. That is on top of the usual mayhem for residents and embarrassment to the overwhelming majority of decent football supporters. Our postal workers, police and prosecutors have to deal with that.

The public expected the Government to act—as James Kelly said, there was a furore in the media—and it did act. Clearly, it acted too swiftly for some and the balanced approach that has been taken by the First Minister in extending the period of consideration of the bill was welcomed and played a great part in having the general principles of the bill adopted by 103 votes to five, which is something that seems to have been forgotten at later stages of the discussion.

This is a very specific bill, which deals with—

**James Kelly:** What has the Government done since it paused in June to try to win over the support of other parties?

**John Finnie:** I think that that is evident. James Kelly sat through the committee with me and he knows what has been going on, although he seems to have forgotten a lot of it.

The bill deals with offensive behaviour at football matches; it does not seek to cure social problems. Those matters will be dealt with in other ways, and education will be the key. The bill also deals with threatening communications. We have

heard a number of members talk about public support for action—not least about the 91 per cent who, as recently as 4 September, strongly backed action to tackle sectarianism.

There has been detailed scrutiny of the bill. The minister appeared twice before the committee and answered comprehensive and detailed questions. Similarly, on the Lord Advocate's guidance, I suppose that socially people often ask, "What if this happened?" and "What if that happened?" We should therefore be grateful for the draft guidance, which clarifies many of the issues.

**Neil Findlay:** John Finnie has mentioned the guidance. The Justice Committee convener and the minister referred to it, too. How will it be relayed to fans? Surely we will not stand at Parkhead and Ibrox handing out to football fans guidance from the Lord Advocate? How will we articulate to fans what is and what is not an offence?

**John Finnie:** That is for other people to decide in the communication strategy that will flow from the bill's being passed—as I hope it will be. There will have to be a public education process. Guidance goes to the football clubs and, as Neil Findlay knows, the supporters are engaged with the football clubs.

The Lord Advocate, as the senior law officer, is someone to whom we should be turning for advice: we should also turn to the practitioners. We heard from the Scottish Police Federation representing the front-line officers who represent 98 per cent of all Scottish police officers; the Association of Scottish Police Superintendents, representing the people who largely make up the match commanders; and the Association of Chief Police Officers in Scotland, which provides the strategy. We also heard very compelling evidence from the British Transport Police, who relayed the effects of the travel chaos that is visited on the general travelling public by football supporters—of whom I am one. That compelling evidence removed any ambiguity about some of the effects of the legislation on travellers.

There has been some dispute about issues outwith the immediate curtilage of the football grounds, but the references are similar to those that are contained in the football banning orders, with which there have been no issues. I ask those who are unwilling to support the bill whether they are opposed to doing something about this problem. We hear that they are not, but are they opposed to helping the people who are tasked with the work—namely, the police officers? We hope that they are not. Police officers do a very demanding job, which includes defending decent football fans, our communities and the travelling public.

An awful lot could be said about the evolving nature of breach of the peace—the catch-all offence. The legislation is clear and the minister covered the additional aspects of it. We are not inventing anything through the reasonable person test. Police officers are called on day in and day out to exercise judgment about situations in which they find themselves.

**Margo MacDonald:** I seek more information. Did any of the police evidence suggest that the police think that the measures would make it easier for them to police such events? If so, would they require more officers on the ground or could they do it with the same number or fewer?

**The Deputy Presiding Officer:** You are in your final minute. Please finish your speech within the six minutes.

**John Finnie:** Police deal with additional legislation all the time and are confident that they can deal with this bill.

To sum up, I will refer to the three questions that I mentioned the last time we discussed the bill. Is it necessary? Clearly, it is. Is it legitimate? It most certainly is, and the human rights aspects were clearly laid out by the minister. Is it proportionate? I attend football matches and I have nothing to fear from the bill. There have already been welcome improvements in supporters' behaviour. I hope that that will continue and that the provisions will not need to be used. The bill will bring added value. I hope that members will support it.

**The Deputy Presiding Officer:** We are now very tight for time, so I would be grateful if members could stick to a tight six-minute limit.

15:29

**Michael McMahon (Uddingston and Bellshill) (Lab):** It is not so long ago that Fergus Ewing, as Minister for Community Safety, told the Parliament that the SNP Government did not believe that

"a further strategy specifically on tackling sectarianism"—  
[*Official Report, Written Answers*, 5 February 2008; S3W-8846.]

was needed, yet here we are, two years later, debating the most illiberal bill that has ever been put before the Parliament—supposedly to address a problem that not so long ago the Government was complacently dismissing.

I am on record for criticising the then First Minister, Jack McConnell, and his Scottish Executive because their anti-sectarianism strategy was, although important and well intentioned, fundamentally flawed due to there being at its heart an implicit lack of appreciation of the impact of racism and sectarianism on the Irish community in this country in particular. The issue is not about there being two sides of the same coin. Each side

has its own problems, which have their genesis in different sources, and they manifest themselves differently on each side. Unfortunately, that is clearly not apparent to the Scottish Government, whose anti-racism and anti-sectarian strategies still tend to ignore the distinct experience of the large multigenerational Irish minority in this country.

The bill fits into that guileless and simplistic continuum, and comments on the subject—from the First Minister down—clearly expose the fact that the Government has little understanding of the problem. Instead of seeing issues around football as being visible symptoms of religious intolerance, the bill seeks to identify football as the cause of religious division. Records show that in the 1790s only 39 Catholics lived in the city of Glasgow, but there were 43 anti-Catholic societies in existence, which had a total membership of more than 10,000, so although football undoubtedly provides the arena in which some overt sectarian conflict in Scotland is exhibited, in bringing forward the bill, the Scottish Government appears to be genuinely ignorant of the true nature of religious intolerance in this country, or else it is deliberately trying to use football to create a political smokescreen. Either way, the bill will not work, and it is much more likely to exacerbate the problem and heighten the antagonism that already exists between football fans than it is to offer any effective solution to it.

**Derek Mackay:** The member seems to be developing an argument that some parts of Scottish society are not protected. If he thinks that the law is not yet good enough, what changes to the bill does he propose that would make an impact on sectarianism in this country?

**Michael McMahon:** I would not make legislative change. I will come on to the changes that I would make.

I am proud to be a Celtic supporter, and I am proud of the fact that my team was founded to combine professional football with charity for the local Irish community in Glasgow at that time. At its inception, Celtic Football Club was supported by Michael Davitt, the great Irish nationalist—indeed, Fenian—leader of the Irish Land League. Many of the songs that are sung by Celtic supporters today refer to the tradition from which Davitt came. Equally, many people of Scottish, Ulster Scots and/or British Protestant backgrounds see their songs as being expressions of their religious, political and cultural inheritance, which is as much of a source of pride and distinction to them as the Irish nationalist disposition is to many from the Irish community in this country.

When the First Minister claims that he wants to stop people reliving 1690 and 1916 on our streets, I ask him to reflect on that glib sentiment and to

ask himself how prepared he would be to consign William Wallace and 1297 or Robert the Bruce and 1314 to the dustbin of history, and to set aside the celebration of his culture and heritage just because it may give offence to someone.

This is one issue where a one-size saltire does not fit all. Many observers believe that the bill will be no more than a victims charter that invites fans to take offence. We know from our mailbags that football fans are already spying on rival fans and reporting offences, so although the Government claims that the bill is a means by which religious intolerance will be tackled, it is actually the Government that is showing intolerance. It is somewhat ironic that it is the vilified football fans who have best articulated the case against this draconian and illiberal proposed legislation.

Demonising and criminalising fans of any club for their beliefs shows astonishing intolerance by the Government of behaviour that does not conform to its narrow view of Scottish society. The bill is not the solution. Education, the promotion of understanding and the development of mutual respect between the diverse traditions in Scotland is the route that we should pursue. I do not want my religion and culture to be tolerated; I want it to be celebrated.

Sectarianism is a strand that runs through our national tartan; it will take a skilled and thoughtful hand to unpick that thread. The bill is not a scalpel to be utilised in that task but a blunt set of shears that will rip through the fabric of Scottish society and leave it tattered and torn.

Parliament is, rightly, unanimous in its opposition to sectarianism but it is not united on the desirability or potential efficacy of the bill in dealing with the historical societal scars that have been left by centuries of religious division and hatred.

I urge the Government to think again about the bill. In the words that are sung loudly and proudly at Celtic Park, "Let the people sing."

15:36

**Colin Keir (Edinburgh Western) (SNP):** It has been fascinating to be a part of the debate from within the Justice Committee. Listening and reading differing views has shown just how passionate people are about the subject.

Ninety-one per cent of the public agree that stronger action needs to be taken to tackle sectarianism and offensive behaviour associated with football in Scotland.

**Johann Lamont:** Will the member take an intervention?

**Colin Keir:** Not at the moment.

I am heartened that so many people within the game of football support the Government's drive to stamp out the offensive behaviour that has blighted our national game for so long.

During evidence sessions in the Justice Committee, I found it odd that some representatives of football supporters trusts believe that there is no problem. One said:

"Nothing that happened last season—or, indeed, in any recent times—justifies separate legislation that is aimed solely at football supporters."

At the same meeting, another said that

"the debate on the bill has been conducted in an air of slight unreality".—[*Official Report, Justice Committee*, 6 September 2011; c 157.]

Given the actions taken against some of the senior management of Celtic Football Club and a former member of the Scottish Parliament, as well as recent comments by club officials, I find those statements strange to say the least.

**Johann Lamont:** The member said that 91 per cent of the public support action on sectarianism. Does he agree that 100 per cent of people in the chamber want to address the problem of sectarianism, particularly those of us who are close friends of Trish Godman, who had to deal with the problem that he mentioned? Does he accept that, in order to progress, we should start with the basic principle that everybody here wants to tackle the problem but some are not convinced that the bill is the way to do it?

**Colin Keir:** I would like some alternatives to be put forward before I can accept that.

Graham Spiers, a journalist from *The Times*, said in evidence to the committee:

"There has been some denial and supporters groups have had to be dragged to the table kicking and screaming to get certain songs banned."—[*Official Report, Justice Committee*, 6 September 2011; c 181.]

The issue of self-regulation, and who is ultimately responsible for the behaviour of supporters, is brought up. All football clubs have been involved in various initiatives over the years, and they should be commended for that.

There are problems, however. UEFA has disciplined Rangers Football Club on more than one occasion because of the actions of its supporters. Why, then, has the SFA not used its powers as a national association to do more and to discipline Scottish clubs for similar offences? After all, offensive behaviour at football matches has been around for decades. In his evidence, Graeme Spiers condemned the football authorities:

"The Scottish football authorities have been cowardly about this issue. They have been scared to act. Nothing would make supporters stop being bigoted in the arena

more than the thought that their clubs might be docked points."—[*Official Report, Justice Committee*, 6 September 2011; c 196.]

The reason, of course, is that the SFA does not have the power to do that. It gave the power of discipline away to the Scottish Premier League, which is a private group of businesses that will never hand out severe discipline because it would only hurt them.

I am heartened by comments from officials of the SFA and SPL that they are fully signed up to the eradication of the offensive behaviour that is seen around football and that they support the new legislation. Perhaps a new dawn awaits. However, I hope that the issue of who really runs our national game is discussed at a future meeting of the football joint action group.

Some witnesses were concerned about free speech and the effects of the European convention on human rights. I agree that those issues are vital in any discussion, and they will be addressed as the bill progresses. However, passion for our national game has been replaced by the offensive actions of a minority of supporters that should not be tolerated.

There is no doubt in my mind that the views of the Lord Advocate and the police are correct. There is pressure on breach of the peace law, and obtaining convictions is becoming more difficult. As the minister said, the bill would give the police the power to prosecute fans who have shamed Scotland abroad, which they are currently unable to do.

At present, there is no incitement to religious hatred offence in Scotland. The bill will change that, and we will be able to name and shame the perpetrators who shame our national sport and country. It should be remembered that the actions that are taken must be in the context of the situations that police officers face. The police and law officers believe that that can be done, and I agree with them.

Every political party that is represented in the Parliament has said that it is committed to ending the scourge of offensive behaviour at football matches. Indeed, much of the discussion in the Justice Committee has shown that there is a huge amount of agreement on many issues. It is therefore disappointing that Labour lodged the amendment.

The bill is the first step in an on-going process that will bring an end to the shame that we should have addressed many years ago. I urge those who oppose it to ask themselves what their alternative is. It is clear that their view is a minority one, not only in the chamber but throughout the country.

15:41

**Graeme Pearson (South Scotland) (Lab):** I agree with the minister that action is necessary and that we need to decide the way forward.

I am the only MSP with five years of direct experience as a match commander with Strathclyde Police. As a young policeman, I was on duty at Ibrox on the day of the disaster, and I later learned the lessons from the Bradford, Heysel and Hillsborough disasters. With many others in the service, I put together the procedures that are now used to manage and police football events. As a result, football matches and their surrounds are not seen primarily as opportunities to exercise law enforcement; rather, they are firmly events at which public safety is focused on for tens of thousands of decent people who seek to enjoy the sporting event. That is not surprising.

The onerous responsibilities that are placed on match commanders, their staff and club stewards are faced on Tuesdays, Wednesdays, Saturdays, Sundays and even Mondays now throughout the season. We should be extremely careful to ensure that we do not unwittingly destroy the good work that has been done over the past 20 years.

**John Finnie:** Does the member accept that public safety can be compromised by behaviour that is likely to provoke public disorder?

**Graeme Pearson:** Of course I accept that, and I hope to address that matter.

The head of security at Rangers Football Club, David Martin, reminded the Justice Committee that it is recognised throughout Europe that Scottish football demonstrates best practice in safety and crowd conduct, to the extent that UEFA uses Scottish officials to spread the good word elsewhere. We know that the way in which the police and stewards interact with vast crowds can have a direct impact on outcomes. Against that background, I demur from supporting the introduction of new legislation.

I abhor sectarianism and, indeed, any form of hatred, but there is an absence of clarity about what we are trying to do with the new law. Roseanna Cunningham's evidence to the committee and her media responses, including in a transmitted interview that she gave when she was in opposition and in which she apparently questioned the wisdom of such laws, further confused me.

In the committee, the police and later the Lord Advocate, who often quoted police evidence, said that new law was needed, but where is the evidence on the current deficiencies? No statistics were provided regarding failed charges and cases or how many offenders had escaped justice.

What precisely is the point of the bill? The first announcements said that it was about sectarianism—bold and stark—and that the proposal was alleged to be supported by a chief constable, the old firm clubs and others. However, at committee we heard from club representatives that the first they knew of the proposals was from the newspapers. In addition, we now see Stephen House distancing himself somewhat, because he reported to his police authority last month that his original intentions in seeking a meeting with ministers were around the violence associated with old firm matches. In fairness, he added that his force was supportive of Government attempts to deal with bigotry and hate crimes, although any new legislation would still leave his officers dealing with violent attacks and domestic violence.

**Margo MacDonald:** I wonder whether this point could help us understand the dilemmas experienced by Chief Constable House and, I think, my friend the convener of the Justice Committee. In introducing the proposed measure, she explained that the Government had felt that the proposed law had to be introduced because of the parcels that were sent to some people. She said that that happened because of their faith or which team they support. Can I suggest that those are not one and the same but quite different and that they require different approaches?

**Graeme Pearson:** Of course I accept that. It is also clear that in the interim period, as we awaited the arrival of the new laws, offenders were successfully prosecuted throughout the summer for sectarian offences.

What is the way forward and what is the action plan? We should hold progress on the bill for 12 months to give the football authorities, under the auspices of the joint action group, the responsibility for bringing good conduct to their clubs; to gather statistics and analyse the scale and nature of the problem and the responses, particularly football banning orders, which have been underused up to now; and to ensure that the sports authorities deal with sectarian behaviour by withdrawing season tickets, closing turnstiles for matches or, as in Turkey last month, having only women and children spectators, or by imposing fines and, what is worst of all, the deduction of points.

Football pundits at committee described the SFA response as cowardly. That response has to change. Members will know that some clubs—led by Aberdeen Football Club—are already in the era of games being played with no police presence, which is the future.

We should ensure that the money raised from fines is given to third-sector groups such as Nil by Mouth, to support initiatives such as Glasgow City Council's sense over sectarianism and to monitor

on-going progress and cause a report to come back to Parliament that assesses progress and options at the end of the season.

Members should know that prisoners in our prisons from across the so-called divide live and watch old firm games together without sectarian problems. Why?

**The Deputy Presiding Officer:** You must close, please.

**Graeme Pearson:** It is not because of the threat of arrest—they are already in jail—but because of the knowledge that the authorities will withdraw the privilege of seeing the match and that that will impact on other prisoners. If it works in prison, why should it—

**The Deputy Presiding Officer:** Thank you very much, you must close.

15:48

**Alison McInnes (North East Scotland) (LD):** Let me make it clear from the start that I unite with everyone else in the chamber to condemn sectarianism and to strive to bring about an end to bigotry and intolerance. There should be no place for it in our country.

The committee heard evidence that tackling sectarianism is not something that we can do in isolation from the top down. Lasting change needs to come from within our communities. Paragraph 36 of the committee report states:

“Evidence from organisations working with children and young people has underlined that both the problem and the solution start early. Attitudes towards ‘difference’ and ‘otherness’—both negative and positive—are ingrained from an early age. Parents and other early-years role models have a crucial role to play in helping nurture positive attitudes and respect for difference. So does education.”

Law making should be a measured and considered process that takes our citizens with us through detailed scrutiny and evidence taking. It ought not to be driven by a desire to seize the headlines. The Scottish Parliament has built a reputation for being open and consultative. Our procedures have been widely recognised as a good way to do business—until now.

There has been widespread criticism of the something-must-be-done approach that the Scottish National Party has taken on the matter. It was wrong to try to legislate on such a complex matter with emergency legislation. That is the real root of the problem: hastily drafted legislation introduced in the first few weeks of a new Administration. I am glad that in June the First Minister was forced to back down and give ground, because it gave the Justice Committee time to have a limited consultation and evidence

taking. That evidence has been reported to Parliament today, and our report exposes the extent of the dangers inherent in the bill.

I thank everyone who gave evidence to the committee and the clerks who assisted us so ably. We had many insightful contributions from organisations such as Nil by Mouth and Action for Children Scotland that have a great deal of knowledge about the impact of sectarianism. There were measured and thoughtful responses from scores of organisations and individuals representing a good cross-section of Scottish society. Is the Government really saying that their views count for nothing and that the only voices worth listening to are those of our police and prosecutors?

It is plain that the bill is ill thought out and will do little to address the underlying problems associated with sectarian behaviour. It strays blithely into restrictions on freedom of speech and verges on hate thought crime. Those are compelling reasons not to support the bill, which is why I am particularly annoyed that the minister chose to paint those opposed to it as obstructive and partisan. Scots rightly expect a much more constructive and reflective response from their Government when such fundamental issues are raised.

Only committee members who belonged to the Government party felt able to lend their qualified support to the bill. All the other committee members have concluded that it is unnecessary and unworkable and will have far-reaching and unintended consequences. They do not believe that the Scottish Government has made the case for the necessity of a new offence; instead, they believe that a more proportionate response to the problems in Scottish football would be to give more consideration to the use of existing laws, enforced effectively and combined with other non-legislative measures.

Members should note that in the past six months there has been a marked increase in prosecutions under the existing legislation for both sectarian chanting and internet abuse. The minister told the committee that the new offence will not tackle hugely different behaviour:

“we are turning breach of the peace into a more concrete offence so that people are clear about what is being tackled.”—[*Official Report, Justice Committee*, 21 June 2011; c 17.]

The evidence we heard contradicted that. Professor Devine said:

“the issue of offensive behaviour is by no means clear cut. Throughout the process, members have continually asked witnesses to define such terms and, in my personal view, the answers have been intellectually unconvincing.”—[*Official Report, Justice Committee*, 13 September 2011; c 242.]

The committee report is frank. Paragraph 148 says:

“uncertainty still surrounds some key issues”.

Paragraph 149 says:

“the Committee notes that it is also important to ensure that the legislation itself is robust”.

Paragraph 163 says:

“The Committee invites the Scottish Government to reflect on concerns that the ‘catch-all’ test for offensive behaviour set out in section 1(2)(e) may be too expansive and may raise concerns in respect of adherence to freedom of speech”.

Paragraph 195 says:

“the Government should consider whether the parameters of the offence ... need to be made clearer”.

Finally, paragraph 196 asks

“whether there is scope to make the relevant provisions any more clear”.

The Government considers that the lack of clarity in the bill can be addressed by the Lord Advocate issuing guidance on how it should be interpreted. The trouble with that approach is that guidelines can change. Relying on that kind of soft law to clarify legislation is a dangerous road to go down. Scots deserve better and they have the right to understand what would constitute an offence.

The catch-all nature of section 1(2)(e) that refers to

“behaviour that a reasonable person would be likely to consider offensive”

has caused many to raise concerns, as have the religious hatred provisions. Shelagh McCall of the Scottish Human Rights Commission told the committee:

“Offensive speech is protected by article 10 of the European convention on human rights. The European Court of Human Rights in Strasbourg and domestic courts have repeatedly said that not only popular speech but offensive, unpopular, shocking and disturbing speech is protected”.—[*Official Report, Justice Committee*, 20 September 2011; c 279.]

At times during the evidence taking it felt like we had strayed into the pages of “Alice in Wonderland”. The bill appears to enable a conviction for offensive behaviour even when no one is there to be offended. A person may be regarded as having been on a journey to or from a regulated match, and therefore subject to the new legislation, whether or not they attended or intended to attend the match and whether or not their journey included overnight breaks.

We were urged not to worry about ECHR compliance, because the Lord Advocate assured us that he cannot act in a way that is incompatible with ECHR. That is a circular argument if ever I

heard one—we might keep the Supreme Court busy on that.

The Government has a majority, so it can pass this law, but there is a real risk that it will do more harm than good. It has already alienated people. Does the Government have the sense not to press on? I urge it to put its efforts instead into practical measures that would make a difference.

15:54

**Humza Yousaf (Glasgow) (SNP):** I appreciate the chance to speak in this incredibly important debate.

Before getting into the substance of the bill and addressing some of the issues that it raises, I will make an observation. I have watched various hustings between the three Labour leadership contenders, and it has been heartening to hear that they all recognise that their defeat in the previous Holyrood election was down not only to the SNP’s excellent record—I am paraphrasing slightly there—but to how poorly Labour performed in opposition.

Malcolm Chisholm noted in a recent article that many of Labour’s arguments

“can be brushed aside as Labour once again opposing for opposition’s sake”.

I could not agree more.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** For the sake of accuracy, Humza Yousaf should point out that I accepted that there was a legitimate role for strategic opposition on a whole range of issues, of which this may well be one.

**Humza Yousaf:** That is a position for Labour to take.

I could not agree more with Malcolm Chisholm’s statement, given that the amendment in the name of James Kelly before us today does little to show that anything has changed.

I have no doubt that, as Johann Lamont said, Scottish Labour and every other party in the chamber want to tackle the problem head on. We all view sectarianism as a cancer on our society. In addition, we all want to be able to attend football matches, go to pubs to watch football games and travel to and from stadiums without having to listen to a chorus of offensive chants that are sung to target other people’s nationality, race or religion.

**Hugh Henry:** Will the member take an intervention on that point?

**Humza Yousaf:** Nothing would excite me more.

**Hugh Henry:** Humza Yousaf seems to suggest that he does not want to listen to offensive chants

and songs. However, he has written to a number of members of the public to say that he does not have a problem with offensive songs being sung at football matches. Is that still his view? Will the legislation still allow offensive songs to be sung at football matches?

**Humza Yousaf:** I suppose that, as I was reading selectively from Malcolm Chisholm's article, I should forgive Hugh Henry for reading selectively from my words. I was talking about banter and unpleasant singing, not bigoted singing. I resent the accusation that I would somehow stand up for bigoted and sectarian singing, because I think that it is deplorable.

I am disappointed with the Scottish Labour amendment precisely because it is a do-nothing amendment. It says that the case has not been made but it does not say how, and it claims that there is confusion but does not say where. Throughout the whole process, including today's debate, Labour has failed to bring forward a single amendment to the bill or any useful suggestions.

Every police and law enforcement official who has come before the Justice Committee has confirmed that new legislation is needed because of gaps in the law and the effect that legislation could have on shifting public attitudes. While I appreciate his experience on the matter, it is particularly astonishing to hear Graeme Pearson, a former deputy chief constable, contradict the opinion, advice and pleadings of his former colleagues who ultimately have to deal with the aftermath of such despicable behaviour week in and week out. There is no doubt in my mind that had Mr Pearson been in his previous employment—

**Graeme Pearson:** Will the member give way?

**Humza Yousaf:** I need to crack on.

If Mr Pearson had still been in his previous employment, he would have been the first one to demand the new legislative powers.

**Graeme Pearson:** I have repeatedly said in the Justice Committee that there is not a police officer in the land who does not call for more powers or want to have more legislation.

I gave an outline of an action plan, so while we may not have come up with any amendments to the legislation we have certainly come up with suggestions. We hope that the Government will consider them in the positive spirit in which we have offered them.

**Humza Yousaf:** We agreed on the principles of the legislation at stage 1. Now we need amendments and positive construction.

After last season's madness, the members of all parties were united in the belief that something

had to be done, none more so than Iain Gray, who said that he

"accepts the need to legislate on sectarianism."—[*Official Report*, 6 October 2011; c 2588.]

The honest truth is that those of us who attend football matches, particularly in Glasgow and Edinburgh, know that some of the singing that goes on around us is vile and toxic and often causes—or has the potential to cause—public disorder. We have become acclimatised to it, and as a result we refuse to challenge it. There is no doubt that, as a society, we need to shift public attitudes to make the acceptable unacceptable.

The Parliament has passed similar laws in the past, such as the Emergency Workers (Scotland) Act 2005. However, the amendment that the Opposition party has lodged rests on the belief that existing laws should be used to tackle the behaviour in question, which flies in the face not only of what Iain Gray has said but, more importantly, of what the police and law enforcement agencies have pleaded for. To suggest that it is simply an issue of better enforcement of existing laws is an insult to our police and those who serve to uphold the law.

We have heard the ridiculous suggestion from some members that a list of songs should be added to the bill to provide clarity so that football fans would know what behaviour will be criminalised. Why are we happy to accept that context and police discretion are vital for breach of the piece but not for this piece of legislation? No one would bat an eyelid if I were to make monkey noises and gestures with my young nieces and nephews, but everybody would understand the intention and seriousness of the same noises and gestures if they were made at a football match in front of a black player.

We still have the committee amendment stage to come. Today's debate would have provided the perfect opportunity for others to provide constructive and clear suggestions. However, as the Opposition amendment stands, it is difficult to come to any conclusion other than that Scottish Labour is opposing the bill for opposition's sake. Yes the issue is difficult, yes it is sensitive and, yes just about any action that we take on it will no doubt be opposed in some way, shape or form by somebody. However, that alone should not scare us away from taking decisive action.

It was famously said that if one wishes to avoid criticism, one should say nothing, do nothing and be nothing. The Government has shown that it is open to amendments. I urge my colleagues across the chamber to treat the issue with the seriousness that it requires. Let them lodge specific amendments and let us reach consensus on an issue that deserves nothing less.

16:01

**Roderick Campbell (North East Fife) (SNP):** I welcome the committee's report. It seems a long time since stage 1, when most members accepted that there is a problem that needs to be addressed through legislation. However, we are where we are.

Some critics say that the existing legislation means that there is no need for the bill. For example, in its evidence to the committee, the Law Society took the view that section 1 of the bill does not improve the common-law offence of breach of the peace, which, as we now understand it, requires a public element. The Law Society believes that breach of the peace, together with section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, which was passed to deal with situations in which there is no public element, should be sufficient. Although I do not doubt that there is an overlap—common-law breach of the peace and the offence in section 1 proceed on the basis that they are judged by the effect of the accused's behaviour on others—there are differences. For example, section 38 of the 2010 act also requires intention, and a defence could be that the accused did not intend to use threatening and abusive behaviour. Also, section 38 does not make a link to the likelihood of inciting public disorder.

In addition to the issue of intention, as the Lord Advocate says, whether behaviour is likely to cause fear or alarm to a reasonable person is an objective test, and evidence of actual fear and alarm is necessary. That introduces hurdles that are not part of section 1 of the bill. Therefore, although it may be true that section 38 of the 2010 act and the common-law offence of breach of the peace together cover the majority of situations that section 1 may be seen to address, it is wrong to assume that they cover all situations. I am happy to accept the Lord Advocate's comments in that respect.

When James Kelly recalled the Lord Advocate's appearance before the Justice Committee, at which he commented on what songs might or might not be caught by the bill, Mr Kelly did not mention two words that were in the Lord Advocate's speech: "circumstances" and "context". Those two words are also in the Lord Advocate's guidelines, if Mr Kelly cares to read them.

Even if I am wrong—even if the Lord Advocate is wrong—and the critics are right that section 1 adds nothing to the existing legislation, that takes no account of the transformational aspect of legislation.

**James Kelly:** Can the member tell us which of the convictions that were secured during the summer would have used the new legislation?

**Roderick Campbell:** I am not sufficiently familiar with the specifics. The minister might provide that information later if the member requires it. I am not sure which convictions he is referring to.

As the Lord Advocate said:

"Legislation can be transformational. ... it can change society's behaviour and its attitude towards behaviour, and that should never be overlooked."—[*Official Report, Justice Committee*, 20 September 2011; c 309.]

As Dr Kay Goodall said in her written evidence:

"The decision to create new legislation, even where it overlaps with existing law, can be justified. Creating specific named offences can aid public discussion and encourage public support. Doing this also makes it easier in practice to monitor reporting, recording, prosecution and conviction of the offences."

**Margo MacDonald:** Will the member give way?

**Roderick Campbell:** I would like to press on.

Given the Lord Advocate's comments this week on data capture and, in particular, his answer that under the current law it is not possible to capture the specific type of conduct that is libelled in a breach of the peace case or under section 38 of the 2010 act unless it is specifically libelled, Dr Goodall's comments have some resonance.

The Church of Scotland rightly said:

"Law works at its best when the majority of the population think that it represents a collective will".—[*Official Report, Justice Committee*, 22 June 2011; c 82.]

Let us remember the opinion poll that was taken in September: 89 per cent of Scots believe that sectarianism is unacceptable in Scottish football and 91 per cent agree that further action is necessary.

**Ruth Davidson (Glasgow) (Con):** Will Roderick Campbell give way?

**Roderick Campbell:** No, I would like to press on.

If we were to abandon the bill now, as Opposition members seem to think that we should, that would send the wrong message to Scottish society.

I welcome the Government's intention to consult on extending the protected categories to include age and gender, which are the missing protected categories from the Equality Act 2010. I also welcome the Government's commitment to amend the provisions on travel to and from football matches and to clarify provisions on matches.

I share the committee's concerns about the impact that the catch-all test in section 1(2)(e) might have on freedom of expression and speech under the European convention, but I am glad to note that the Scottish Human Rights Commission

is continuing discussions with the Government on that section.

On songs and chants in support of terrorism and terrorist organisations, I note again the Government's response that such songs and chants, which are offensive to any reasonable person, should be caught by the bill if they are likely to incite public disorder.

The Government has said that it recognises the need to assist the public in understanding the scope of the offence and will seek to clarify it in a variety of ways. That is an important part of the education process. We need to press on with that if we are to go forward. I am also pleased that the Government has some evidence of self-regulation by football crowds. Long may that continue.

In an ideal world, the committee could have taken evidence on the operation of section 38 of the 2010 act in relation to the proposed offence in section 5. In any event, however, we know that section 38 is not specifically directed at incitement to religious hatred and, unlike the situation south of the border, we currently do not have such legislation.

I am pleased by the Government's acceptance of the need for a specific, declaratory section on freedom of expression. It is a sensible move. We need to make it clear that freedom of expression is not under threat.

Legislation is only part of the answer, but let us try to work together to make a better bill rather than abandon it altogether.

16:07

**Neil Findlay (Lothian) (Lab):** Religion, sectarianism and bigotry are a political minefield, and I have no doubt that all the speeches in the debate will be scrutinised carefully by observers. However, I have to take part because it would be a dereliction of my duty not to. I cannot sit back passively and watch as the bill proceeds, because of its potential to criminalise many impressionable, inexperienced, mostly young men in my region and my country.

The bill is my first experience of seeing legislation progress through the Parliament. I have to say that it has not been pretty to watch. It appears to be a knee-jerk reaction in response to events at one football match. That is not to say that sectarianism is not a blight on our society—of course it still is—or that we should not seek ways to tackle that blight. Of course we should, but is the bill, with its narrow focus on football, the correct way to go?

Before the summer recess, the minister told us that the bill simply had to be passed before the beginning of the football season or there would be

serious problems ahead. We were told that those who did not support it were soft on bigotry and playing into the hands of those who spout prejudice. For many members from all parties who have a lifelong commitment to equality and have fought against class, gender and racial discrimination all their lives—whether Mr McLetchie in the law, Mr Harvie in the third sector or many of the trade unionists in the Labour Party—that is nothing short of an insult.

All through the debate in June, SNP member after member slavishly tucked in behind the minister only for the First Minister to leave them high and dry at the last minute when he saw the mess that he was in. I guarantee that, if the Labour Party was ever foolish enough to try to introduce such a proposal, Labour members would have the courage and the integrity to speak up.

**Christine Grahame:** Will the member take an intervention now?

**Neil Findlay:** Certainly.

**Christine Grahame:** Mr Findlay should at least give me credit—I think that I was the first person to say publicly that the bill should not be emergency legislation and that it should follow the normal track.

Will Mr Findlay please advise the Parliament whether he opposes the bill's second part, which is on threatening communications? I hear his arguments about the first part, but what about the second part? Nobody is addressing that.

**Neil Findlay:** We will come on to that.

Christine Grahame nearly criticised the First Minister earlier in the process but did not quite do so. Did we see the behaviour that I described from anyone in the SNP? No. Its members gave the minister unquestioning support, despite the bill's obvious flaws. I remind SNP back benchers that they are here to represent their constituents and to hold the Executive to account as much as we are. They are here to make good legislation and not to be sycophantic cheerleaders for the Government, no matter how badly conceived any proposal is.

Following his election victory, the First Minister said that the SNP did not have a monopoly on good ideas and that it would govern by consent, so why are elected members from all Opposition parties who raise legitimate concerns about the bill's practicalities derided and dismissed, whereas leaders of the Catholic church—for the record, that is my church—who raised similar concerns were treated to caramel logs and Tunnock's teacakes at Bute house? I congratulate religious and civic leaders on their role in helping us to force the Government to give the bill more time, but talk of governing by consensus rings hollow when all the

issues that other parties have raised have been dismissed as opposition for opposition's sake.

**Humza Yousaf:** Will the member take an intervention?

**Neil Findlay:** No, I want to crack on, as I do not have much time.

We should address sectarianism in society. The McConnell Administration did very good work on that; Nil by Mouth, Young Scot and youth groups also do great work. Our schools up and down the country work collaboratively with neighbouring schools. We will tackle sectarianism substantively through education and cultural change and not by extending class prejudice and demonising working-class football supporters. That is what is happening—the bill is an attempt by middle-class commentators to impose their view of the world on a group of people whom they deem to be boisterous, crude, aggressive and distasteful. Classing all football supporters as bigots seems to be fair game. That is an insulting form of prejudice.

Why should legislation set offensive behaviour solely in the context of football? If people are offended and are in a state of alarm or fear through another's actions, do we not have legislation to cover that already? The bill will increase problems and encourage football fans with ulterior motives to accuse rival fans of committing an as yet undefined offence.

The punishments are clearly disproportionate, and freedom of expression issues arise, too. Members who are old enough might remember the classic "Not the Nine O'Clock News" sketch from the 1980s in which a racist police officer is berated by his boss for his overzealous record of arresting a man who turns out to be black. The list of hundreds of heinous offences included the charges of walking on the cracks in the pavement and loitering with intent to use a pedestrian crossing.

**The Deputy Presiding Officer (Elaine Smith):** Mr Findlay, you need to conclude.

**Neil Findlay:** In the same vein, we were treated to the comedy talents of the minister, who advised the committee of the new offences of singing the national anthem and making the sign of the cross in an aggressive manner. This is like some tinpot dictatorship where the national anthem could be outlawed and carrying out a symbolic Christian act could have someone in the pokey.

**The Deputy Presiding Officer:** Mr Findlay, you really need to conclude now.

**Neil Findlay:** When the law is beyond satire, the law is an ass.

16:14

**Bob Doris (Glasgow) (SNP):** No matter what people's views on the bill are, Mr Findlay's speech has done more to polarise the debate and divide society than anyone else's speech has. He should think about that.

I will tell members where I am with the bill: it is challenging. I will tell members where I expected to be: I had expected to prepare for a raft of amendments from Opposition parties that I would pore over and on which I would listen to reasoned arguments. What I genuinely do not like about the amendment is that it says, "Let's kill the bill off now." That is not responsible, which is why I cannot support the amendment.

If we are honest, the bill is challenging not because of how it is drafted—if there are ways to improve it, let us hear them, as I genuinely want to be constructive on that—but because of the subject matter. However, the sensitivity on the issue is not a reason not to act. I would rather take society in a direction that I believe in and towards a Scotland that I want, even if it means having to walk on eggshells, than not take a single step to make progress.

**Patrick Harvie (Glasgow) (Green):** Will the member take an intervention?

**Bob Doris:** I want to make progress, but I will take an intervention later if I can.

We have had a debate about what some people think are the negative aspects of the bill, but I want to talk about positive aspects. I begin by listing some of the existing legislation on the issue. I am not an expert on that, so I got the information from the Scottish Parliament information centre briefing on the bill. We have the common-law offence of breach of the peace; section 38 of the Criminal Justice and Licensing (Scotland) Act 2010; the Public Order Act 1986, which is used when there is a racist element; section 74 of the Criminal Justice (Scotland) Act 2003; and section 96 of the Crime and Disorder Act 1986. If somebody quizzes me on those provisions, I will fail, but I know that none of them is specific to the offensive behaviour at football matches that the bill tries to address. None of those other pieces of legislation shines a focused light on the specific problem that we have at football matches and in wider society.

**Ruth Davidson:** I will not quiz the member on those provisions, but does he acknowledge that many successful prosecutions have been made under them and that today's amendment states that we should give greater consideration to what is already on the statute book?

**Bob Doris:** I thank the member for that intervention, as it illustrates my point perfectly. When a person is convicted under those pieces of

legislation, that is not recorded as a football-focused public disorder crime. The new legislation will let us correlate data about offenders. That dossier will be important in considering measures such as football banning orders and how to tackle the problem more seriously.

**Margo MacDonald:** Will the member give way?

**Patrick Harvie:** Will the member give way?

**Bob Doris:** I want to make progress, but I will take one more intervention. I will take one from Margo MacDonald, with apologies to Patrick Harvie.

**Margo MacDonald:** How are we to define objectively the term “offensive behaviour” when standing at a football ground? One person is offended by swearing and one is not. In my little corner of my football ground, I tell people not to swear because I find it offensive—and they tell me other things.

**Bob Doris:** I am sure that the member does that. She gets to the crux of the matter, but the other pieces of legislation that I highlighted have similar issues and challenges. We have to consider the guidelines, have a test of reasonableness and build in a bit of common sense, just as has to be done in relation to all the pieces of legislation that the Tories and others want us to use more effectively.

A second positive aspect of the bill is the important provision to enable the conviction of football supporters for misconduct abroad. I will talk about issues to do with Rangers supporters abroad although, if I have time, I will mention comments from Celtic supporters, to try to be as balanced as possible. In 2005-06, UEFA fined Rangers after a match with Villarreal abroad. That was for the breaking of a team bus window but, at the time, UEFA said that the discrimination in the songs that Rangers supporters sang was a Scottish problem and that it would not take action because Scottish society should do so. If we fast forward to 2006-07, we find that Rangers were fined €12,000 after a game with Osasuna in Pamplona after evidence was found on YouTube. UEFA changed its approach. It no longer said that Scotland should deal with the issue; it decided to step in and deal with it. On 10 March 2011, charges of discriminatory behaviour and a €40,000 fine were upheld in relation to a match against PSV Eindhoven.

I stress two points. The vast majority of football supporters, including travelling Rangers football supporters, behave impeccably. The reason why I make the point is that we currently have no powers to shine a light on the behaviour of Scottish football supporters abroad, no matter which club they support. I am not willing to have UEFA act when Scottish society and the

Parliament can do so. We have a responsibility to do that. That is a positive aspect of the bill.

I have been lobbied quite a lot about a discussion between Christine Grahame and Professor Devine at the Justice Committee on the distinction between political views, support for terrorist organisations and religious sectarianism. There was a feeling that the bill would target Celtic supporters more than it would target other supporters. I have read that debate and sought clarification on it, and I can say that that is not the case. If I thought that the bill was designed to target one set of supporters over another, I would not support it. The bill is not about targeting supporters but about targeting the problems of discrimination, bigotry and sectarianism in Scotland. Even at this late stage, I hope that the Parliament can come together to do that.

16:20

**Hugh Henry (Renfrewshire South) (Lab):**

There is no doubt that sectarianism is a pernicious evil. As someone who was at the receiving end of sectarian behaviour when I was growing up, I understand what it must be like to be at the receiving end of racist or homophobic behaviour or other behaviour that results from prejudice and discrimination. It is not pleasant and we should tackle it.

To put the debate into context, the Scotland that my children have grown up in is different from the Scotland that I grew up in, so we have to keep a sense of proportion when we seek to address such problems. When I look at the bill, I am not quite sure whether we are tackling sectarianism or offensive behaviour at football matches. Bob Doris ended his contribution by saying that we should be tackling discrimination and bigotry wherever it arises, but much of the discussion has been about tackling offensive behaviour.

I do not know whether it was Christine Grahame or one of the other SNP members who said that the issue is about two football clubs. No, I am sorry: sectarianism is not about two clubs—*[Interruption.]*

Members should check the record; it will be on the record.

**Michael McMahon:** It was Margo MacDonald.

**Hugh Henry:** I am sorry; it might have been Margo MacDonald. I apologise if that is the case.

**Margo MacDonald:** Will the member give way?

**Hugh Henry:** No, I am sorry.

Sectarianism is not just about football and it is not just about two clubs. It is about the accountancy firm that asked me what religion I was when I went there for a job. Sectarianism is

about the middle-class golf clubs and bowling clubs that will not allow people of certain religious persuasions to become members. That is the type of sectarianism that we need to root out across Scotland. It is not just about football fans.

Much of what we are addressing today has been predicated on the so-called game of shame. I was at football matches in the 1970s when there was real shame, fear and violence, when hundreds of people were throwing bottles, cans and other implements at the so-called opposition and they were landing on their own team's fans. People were being led out with their heads split open and blood streaming down their faces. Hundreds of arrests were made at football matches in those days. That was a real problem and we dealt with it.

At this game of shame that we hear about, three people were sent off for bad behaviour on the field. When we look at their names, we see that two of them had no relationship to sectarian backgrounds in the west of Scotland; they would probably not know what we are talking about.

**Bob Doris:** Will the member take an intervention?

**Hugh Henry:** No, thank you.

Two people on the touchline—a manager and an assistant manager—squared up to each other. Somehow that contributed to the game of shame but, just a few weeks earlier, when Craig Brown confronted another official, that was nothing to do with sectarianism; it was just bad behaviour. Half of the arrests made at the game of shame were for smoking in the toilet. Where is the sectarian game of shame that we talk about? It was bad behaviour by well-paid professionals.

**Humza Yousaf:** Will the member give way?

**Hugh Henry:** I will quote Humza Yousaf and then I will let him in. He criticised me for being partial. I am sorry, because I should have quoted more of what Humza Yousaf said. He said:

“football fans can be as unsavoury and offensive as they like to each other - as unpleasant as that may be - without fear of arrest.”

**Humza Yousaf:** That is exactly the point. I hate to drag Mr Henry back to the bill, as nice as it is to hear his views about matches that he has attended in the past. However, the point is that fans can be as unpleasant as they like—Margo MacDonald said that she finds swearing offensive—as long as it does not incite public disorder. I do not understand why the Labour Party members cannot get that through their heads. From all the contributions from Labour members, I am no clearer whether they want to see the bill withdrawn. If they do, why did they agree to vote for it at stage 1? Were they just

following their chief whip's orders? Hopefully, Mr Henry can clarify that.

**The Deputy Presiding Officer:** I am afraid that you have only one minute left, Mr Henry.

**Hugh Henry:** Humza Yousaf talked about whether chants and slogans will cause disorder. Will those who sing a verse of a song that talks about “rebellious Scots to crush”, which is offensive to many people, incite disorder? Will people who sing “The Boys of the Old Brigade” be arrested for singing that song? If an imaginative songwriter comes up with a song to praise the British head of state laying a wreath to commemorate the boys of the old brigade, will that be offensive and will it render people liable to arrest for singing such a song?

The bill is full of inconsistencies. It is flawed. It is wrong. It will not help to solve the problem; it will add to the problem. It will not help to tackle sectarianism. The Government is going to create further problems. Ultimately, there will be issues of freedom of speech. The Government is being inconsistent and illogical and, unfortunately, it is not helping address the problem.

**Margo MacDonald:** On a point of order, Presiding Officer. I want to put it on the record that I said that Rangers and Celtic had a problem. I do not believe that it is sectarianism either.

**The Deputy Presiding Officer:** That is not a point of order, but you have now put it on the record.

I call Willie Coffey. Unfortunately, you have only five minutes, Mr Coffey.

16:26

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I now know how it feels to come on as a late substitute in a football match with only a few minutes to go.

I was very keen to be part of this debate because it has to be one of the most important debates that the Scottish Parliament will have in its fourth session. Let us make it quite plain: the bill is an attempt by the Government to take forward a process that says loudly and clearly that offensive and threatening bigoted sectarian behaviour will not be tolerated in modern Scotland. That is certainly a tall order, but our Government must not waver or pander to those who will find any excuse to prevent change, rather than embrace a long-overdue attempt to rid Scotland of its shabby legacy of bigotry.

**Johann Lamont:** Will the member take an intervention?

**Willie Coffey:** I do not have any time. I am very sorry, but I have already cut my speech down to five minutes.

That will not be easy and there will be countless opponents of the bill forming a wall to prevent it going through.

The events that led us to where we are today must rank as some of the most disgraceful in our history—all the world looked on in disbelief. It is bad enough for ordinary citizens who have lived with these problems for generations but, as legislators, surely we now have a duty to act and to try to work towards a solution to help our great game of football.

The bill is not intended to be the complete package—there are other issues that will require our attention in the future—but the wider public support something being done here. The Lord Advocate tells us that the law as it stands is not sufficient to help us. Police and prosecutors also tell us that they need help to deal with the problem.

As the minister and other colleagues have said, two criminal offences will be created: offensive behaviour likely to incite public disorder; and making communications containing threats intended to incite religious hatred. We can argue, as we have done today, whether they are sufficient, clear or even enforceable, but there is public support for measures that will begin to face down the minority who confuse freedom of speech with the freedom to express threatening and hate-filled views of their fellow men and women and thereby risk serious public disorder.

Along with colleagues in the Parliament, I had the privilege of attending the recent British-Irish Parliamentary Assembly meeting, where I met some wonderful people: nationalists, unionists and republicans—elected members coming together in a spirit of co-operation to maintain the peace process and foster closer links among the Celtic and British nations. Even there, among the most respected politicians of our generation, tensions can rise between the traditions. The responsibility on all our shoulders is great indeed, but there is a clear willingness to work together to move forward.

In the context of a debate like this, surely it has to be possible to hang up our brightest colours and sing in honour of our own football club and history without resorting to attacking and vilifying our opponents for their religion and their history. Even as a fervent Kilmarnock supporter, I say to our two great Glasgow football clubs that, when they next come to Rugby park, by all means let us hear about James McGrory and Paul McStay and about Jim Baxter and John Greig, in a positive celebration of the greatness of those footballers.

The Irish writer Malachi O'Doherty summed things up perfectly when, reporting on the breathtaking visit of Queen Elizabeth to Dublin in May this year, he said:

“You cannot now stand for the Soldier Song without a sense that the Queen herself is in spirit standing beside you. The gesture of laying the wreath at the garden of remembrance in Dublin was so potent that the question must be asked why it was not possible before.

And just as a shrill note has been removed from the Soldier Song, surely God Save the Queen need never again sound embarrassing or repugnant in Irish nationalist ears. After an Irish President has stood for it beside the Queen in the middle of Dublin before a memorial to the icons of the Irish revolution, Patrick Pearse and James Connolly.”

If the heads of state can set that fine example, surely the rest of us can follow it.

I ask the Labour Party to drop the amendment. It does nothing to help to tackle the problem that, in 2011, when presented with an open goal and a chance to collectively show the bigots the red card, Labour was found wanting and did nothing.

**The Deputy Presiding Officer:** Mr Coffey, I would be grateful if you could conclude.

**Willie Coffey:** We should get behind the Scottish Government and send a clear message that Scotland is moving forward to a brighter future, where tolerance, mutual respect and understanding are the real signs of progress in this nation.

**The Deputy Presiding Officer:** I apologise to Margo MacDonald and Patrick Harvie for being unable to call them.

**Alison McInnes:** On a point of order, Presiding Officer. Could I move a motion without notice to extend the debate to allow those two members to speak? It is an important debate—equivalent to a stage 1 debate, really—and I believe that, as the Greens and Margo MacDonald signed the amendment, they ought to be given an opportunity to speak in the debate.

**The Deputy Presiding Officer:** I asked to have that checked. I am afraid that I must suspend Parliament for a moment to allow us to double-check that point.

16:32

*Meeting suspended.*

16:34

*On resuming—*

**The Deputy Presiding Officer:** I am inclined to take a motion without notice to extend the debate by 10 minutes and delay decision time until 10 past 5.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended for 10 minutes.—[*Alison McInnes.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** I call Patrick Harvie. You have four minutes.

16:34

**Patrick Harvie (Glasgow) (Green):** I am very grateful to the Presiding Officer and to Alison McInnes. It is important that all members who have expressed a view outside the chamber have the chance to put some of their opinions on the record.

At times during the debate, if those of us who are against the bill have not been accused of this, it has at least been implied that opposing the bill is the same as not caring about, not knowing about or not understanding the problem. There have been extreme portrayals of positions on the bill. The bill has been portrayed as a solution, once and for all, to the problem of sectarianism in society, with opposition to it showing a lack of concern or a lack of care.

It is not the first time that I have experienced such a dynamic on a piece of legislation. Neil Findlay mentioned that this is his first experience of legislation. My first experience of a bill going through the Scottish Parliament was the Antisocial Behaviour etc (Scotland) Bill. Some members portrayed that bill as the great single solution to all the problems in their communities and portrayed its opponents, including many SNP members who had criticisms of it, as not caring about, knowing about or understanding the problem. The same accusations were made at that time.

There are elements of the same motivation in relation to this bill as there were in relation to the Antisocial Behaviour etc (Scotland) Bill: the idea that we have to be seen to do something. Sending a signal is never a motivation for legislation that I have been very happy with. Many of the same concerns exist about this bill as existed about the Antisocial Behaviour etc (Scotland) Bill. This bill in no way engages with the root causes of the problem that it seeks to identify. It has been expressed, in evidence to the committee, that there is a risk that aspects of it could do more harm than good.

I will respond briefly to Bob Doris's comments, because I tried to intervene on his speech. He talked about having a spotlight and a focus on football matches as the context for some of this behaviour. I am afraid that that is not an accurate description of at least half of the bill. One half of the bill—one that has had less scrutiny than much of the rest of it during the debate—is about threatening communications.

**Bob Doris:** Will the member give way?

**Patrick Harvie:** I am afraid that, given the time that I have available, I cannot let the member in.

That part of the bill is about threatening communications that do not specifically relate to football or to football matches. It is drawn so broadly that it could apply to a huge range of media, including music. Music that is circulating in popular culture calls for lesbian, gay, bisexual and transgender people to be murdered. I might be content with some scrutiny, control and regulation of that, but it has not been subject to any real thought; it will happen as a side effect or a consequence of the bill rather than as its core motivation. We should have taken evidence on those issues if we wanted to have legislation that could even conceivably impact on those other areas of life.

There are also ambiguities about the meaning of the offence in the first part of the bill; indeed, there are so many that it is very hard to pin down what the legislation will do, what its impact will be, what kind of people will be convicted and for what behaviour. Those points have been made repeatedly.

I will certainly engage with amendments at stage 2 if I can. I must admit that the amendments that I am most likely to bring are one amendment to delete the first part of the bill and one amendment to delete the second part, because I do not think that they are fixable. I urge the Government to withdraw the bill at this stage because, as we all thought after the stage 1 debate, there is scope to change the contents of the bill, not just its timescale. I will vote for James Kelly's amendment.

16:39

**Margo MacDonald (Lothian) (Ind):** I thank the chamber for doing what we should do more often, which is to adhere to the normal rules of debating. We should give and receive explanations and further examine the topic under discussion. I am sorry if that comment makes me sound like old granny grump.

I accept—I think that everybody who has criticised the bill does so—that, in introducing the bill, the Government meant well. All of us, if we are

honest, know that there are still threads of sectarianism in Scotland, but as we have heard clearly this afternoon the definition of sectarianism has not been pinned down in the bill. We must do that first. That was why I tried to correct Hugh Henry, because I thought that it was important. I did not say that Rangers and Celtic were necessarily sectarian in their behaviour or that their fans were—I said that they had a problem. I refuse to take seriously the idea that sectarian abuse is hurled by the Rangers fans at the Celtic fans when most of the guys coming out of the tunnel for quite a while were good Sicilian boys who crossed themselves before the start of the match. I am not making light of it; I am just trying to say that that is how it seems from this football fan's point of view.

I support neither Rangers nor Celtic—I hope that they always get beat. I know that such behaviour and attitudes can leech into other clubs, but other clubs do not have big problems. The big problems lie with those clubs and that is why I support the sensible suggestion that, if we move on with this legislation, the clubs should bear the burden of disciplining their supporters. We should take points from them: that costs them their place in the league, it costs them money and it means that they have to sell their best players. The people who know about football are nodding their heads. They know that that is the most effective method to use against displays of bad behaviour, hooliganism or whatever we want to call it—by which I mean the chants that are offensive to most people.

As I have suggested, we also have to pin down the question of how we will judge what behaviour is offensive and what is not. Some folk grow up in houses where people swear all the time, so they are not particularly offended when they go to a football match and the guy sitting next to them knows only one adjective.

I know that the convener of the Justice Committee was upset that not enough attention had been paid to the communications provisions in the second part of the bill. As Patrick Harvie said, once again, it had good intentions. We have had one debate, but we need more and we need it to be about the second part of the bill. That is where we can be effective. We can change behaviour by tackling such means of communication more effectively than by going to a football match and thinking that we might influence behaviour. At matches, people are hyped up and are not completely themselves. They cannot take drink into the grounds, but some of them have a good bucket beforehand and they do not behave how they would behave in other circumstances or other company.

In short, I hope that the Government accepts that it made a brave effort. Nobody wishes its intentions or aims any ill. Many people were cited as supporting the bill, but they did not support it—they supported its aims. Perhaps the bill has not come up to scratch in achieving those aims and the Government will not lose face if it admits that. We can then all get back to thinking about how we can tackle sectarianism properly and over a much longer period of time than that in which we might expect one bill to make a change.

16:43

**Ruth Davidson (Glasgow) (Con):** Today's debate has been vigorous, with flashes of passion and even temper, but it has also been welcome. Parliaments should not be afraid of difficult issues, nor should they shy away from tough questions. No Parliament serves its country by picking only the low-hanging fruit.

I, like others, recognise and welcome the First Minister's decision to give Parliament more time to scrutinise the bill, to take evidence and to attempt to navigate the difficult waters that such legislation entails. I hope that the Government recognises that the chamber is united in the goal of tackling sectarianism. Not one member—not one—wants to see a Scotland where vile, offensive and criminal acts are perpetrated against other Scots simply because of the football team they support or the faith they profess. I have seen today neither Humza Yousaf's opposition for opposition's sake, nor Neil Findlay's assertion of a Government attempt to demonise all football fans. If the time that the Parliament has taken had made huge material improvements to the bill, I believe that the debate would have taken a different course. That is not the case, however. The Government has failed to convince many that the changes that it proposes will improve the situation rather than simply muddy the waters.

Such worries have been raised in the chamber before. Both Annabel Goldie and Iain Gray have done so at First Minister's questions and the response was disappointing. The messengers were attacked, as were the people who had raised legitimate concerns. There was no acknowledgement that more work might need to be done. Raising such worries is not about party politicking. We need to ensure that we get such things right, as they are too important to get wrong.

It is not a case of just the Conservative, Labour, Liberal Democrat and Green parties saying, "Let's proceed with caution and consideration"; the same is being said by the Law Society of Scotland, the Scottish churches and the ordinary people of faith who have been writing to their MSPs because they are genuinely worried that their Christian teaching

and debate might be in jeopardy because of the second part of the bill.

I welcome the fact that the Government has given an indication that it will look at freedom of speech concerns but, as with other elements of the bill, there is a need to provide clarity rather than confusion. That takes us to the nub of the issue, which is the need to have in place a legislative framework that is clear, proportionate and easily enforceable. On each of those three fronts, the Government has failed to make the case that the new offences that are contained in the bill are required.

On the issue of clarity, Aidan O'Neill QC, who is a leading human rights lawyer, has described the bill as

“the worst drafted Bill I've ever seen.”

The Law Society made several points about the fact that we do not have a clear definition of what constitutes an offence, which have been echoed by David McLetchie, Neil Findlay, Hugh Henry and Patrick Harvie. The minister even said, when she was asked by my colleague John Lamont whether singing the national anthem constituted an offence, that it depended on the circumstances.

We do not have a clear definition of what “in relation to” a match includes. Does it apply just to people who are at the ground, to those who are wearing football colours or to those who are in a pub that has football on? Does a person have to be watching the football while it is on? Does it have to be a live transmission feed? Is it possible to prove that someone is watching the football while it is on? We also have no clarity on what constitutes causing offence to a reasonable person.

The continued prevalence of sectarian incidents and the worrying events that took place in the most recent football season in my region of Glasgow rightly focused minds across the chamber. Everyone in the Parliament wants to get to grips with the issue, which should not be allowed to fester in a 21st century Scotland.

Patrick Harvie and Graeme Pearson—who is possibly the most qualified person in the Parliament to comment on operational issues—have raised real fears that the wish to get things done has taken the Scottish Government down the route of viewing the creation of new offences as the only option, rather than looking across the piece to see what is the best option. That is why I must echo the point that James Kelly's amendment makes, which is that, as the bill moves forward, greater consideration should be given to the use of existing laws.

There is more work to be done within football, as Christine Grahame, James Kelly and Colin Keir

said. It is not acceptable that, when the governing bodies of the game and the league are asked by the Parliament to step up to the plate on sectarianism, the rallying cry of “It wasnae me” is all that is heard.

Throughout the debate, the minister and others have asked for constructive comments. Despite Humza Yousaf's assertion, I counted more than a dozen from Graeme Pearson alone about changes that could be made that would have positive outcomes.

We have seen hundreds of successful prosecutions for breach of the peace at football matches and beyond under the existing legislation. Provision is made for religious prejudice as an aggravating factor in prosecutions. We have seen successful prosecutions, such as that of Stephen Birrell, for threatening communications. That is what we already have. We need to consider greater use of those laws, plus others, such as those that relate to football banning orders, which are underutilised. In addition, we need further preventative measures such as education and early intervention. Most of all, we need the football authorities to step up and the culture to change.

**The Deputy Presiding Officer:** I would be very grateful if you could conclude.

**Ruth Davidson:** Sure, I will do so.

The Church of Scotland has issued a statement in which it says:

“bad legislation is worse than no legislation at all and we urge the parliament to ensure that if this legislation is to be passed it should be amended to be fit for purpose.”

We back the amendment and want to see changes being brought before the Parliament at stage 2.

16:49

**Johann Lamont (Glasgow Pollok) (Lab):** I say genuinely that I come to the debate more in sorrow than in anger. We have had an allegation that somehow we are opposing the bill for opposition's sake. First, the Government should note that the amendment is supported by the Opposition parties across the board. It should also note that Labour members have worked hard to be as co-operative as possible because we recognised the seriousness of the issue.

As I said in June, I learned a lesson from the previous election. Where we can work with the Government, we will. That does not mean that we will suspend our critical faculties; nor does it mean that everything that we say that calls the Government to account is opposition for opposition's sake. If there is a lesson from the debate, it is not just a lesson for the Opposition. It is a lesson for the Government that when people

say serious things about serious issues, the Government ought not to try to close down the debate on the basis that it is opposition for opposition's sake. If we are having to open our minds to new ideas, I urge the Government to do the same.

I promised in June that if there was a pause I would not celebrate or describe it as a U-turn. I said that I would welcome it. If, even at this late stage, the Government says, "We hear you and we understand your concerns. We will step back and work with you to consider legislative and other measures that will address the problem", I will not celebrate. I will welcome it and I will congratulate a mature Opposition, working with a mature Government. That option remains open to the Government. I urge the Government to take it.

Why would anyone in the chamber—someone who represents my city, whose constituents suffer from sectarianism—oppose something just for the sake of it?

**John Mason (Glasgow Shettleston) (SNP):** Because they are scared.

**Johann Lamont:** Will the member say that again?

**John Mason:** I suggest to the member that she is scared to take action.

**Johann Lamont:** I have never in my life been scared to take action, but I want to take action that will make a difference.

We raised concerns. The charities raised concerns. The churches raised concerns. I am particularly troubled by comments made to me by the Church of Scotland that if the legislation is derided, it will give succour to those who do not want to take any action on the issue.

There is an issue about giving a signal. I agree that that is sometimes what legislation is for, but if this legislation is not effective, the signal will be, "These people can continue as they did before." We do not want to make a bad situation worse. We were offered a pause but what we got was a freeze, with no negotiation, discussion or clarity about how things could be changed.

Sectarianism is not just about football, and concerns about football are not just about sectarianism. At this week's Health and Sport Committee, Harry Burns gave startling evidence that neurosurgeons were identifying to him an increased incidence of head injuries among children—and repeat admissions for head injuries—around the time of football matches. The fear and alarm of a child facing violence in their family home may not be audible on Sky Sports, but it is as much of a scandal as any other issue that we need to address.

A member at the back of the chamber said that the bill does not seek to solve all social ills. We recognise that football is a vehicle and that sectarianism and its manifestations turn up elsewhere. We know that an early analysis of section 74 statistics suggested that less than 20 per cent of offences are football related. We need to think about what happens in our communities. We need to tackle the offence. If we cannot define an offence, we cannot expect a police officer to decide what would cause offence to a reasonable person—never mind in Spain, where that challenge will also apply under the bill. For example, if a person is in the pub and is abusing someone with vile sectarian language, that is an offence if the football is on. If the television is broken and that person says the same thing, it is not an offence. What signal does that give? It does not make sense.

The Government has said that it does not want to identify other issues. If the minister will listen, I suggest a four-year programme of action with the three themes of education, intervention and rehabilitation. I suggest a programme of grass-roots intervention, education and anti-sectarian measures that can be firmly embedded in the curriculum. Lots of things can be done, but one critical thing is this: we need to make this generation the one that defeats sectarianism. That must start in our schools—if that is the programme of government, we will support it. Even at this stage, I urge the Government to believe us when we say that we want to tackle the problem with the Government. We want to work with our young people so that the next generation will not suffer in the way that this one does.

16:55

**Roseanna Cunningham:** Once again, I welcome the contribution by the Justice Committee, and I thank most members for their contributions in the debate and throughout the parliamentary process.

I remind members that we agreed to the principles of the bill back in June. In doing so, we accepted that there is a problem infecting Scottish football and wider society that must be tackled. Subsequently, we understand that 91 per cent of Scots agree that there is such a problem and believe that stronger action is needed to tackle it.

I feel that I have to repeat myself ad nauseam. We have never for a single moment suggested that the bill is the single answer to all football disorder in general or to sectarianism in particular. I say in response to all the confessional speeches from Labour back benchers that they do not have a monopoly on unfortunate experiences growing up in Scotland, and I urge them not to talk and

behave as though they do. They do not necessarily speak for everybody.

I want to say a great number of specific things. Virtually nothing constructive has been said by a member of the Opposition, with the exception of Graeme Pearson and possibly Johann Lamont at the very end of her speech. It is interesting that there has been very little discussion about the last part of the amendment. That may be because Labour members know that virtually everything that is mentioned in that part is already being done by the Government.

I have addressed the existing deficiencies in legislation. Johann Lamont seems to suggest that, by passing the bill, we will automatically repeal the existing legislation, but we will not. Offences will remain offences. We are ensuring that a choice of charges is available to the police, which will allow us to do the work that we need to do and to identify the offence. Actually, what is and is not football related cannot be identified in a lot of criminal proceedings.

A constant theme ran through many of the contributions from the Opposition. It has been suggested that somehow everything is either/or—that we either do what has been proposed or we do other things. That is not true. We can pass the bill and do other things. The Government wants to do as much as it can across the board.

**Patrick Harvie:** Many members of the Opposition parties have asked what many aspects of the bill will mean in practice. Does the minister accept that there are still huge areas of doubt, uncertainty and ambiguity? For example, why is condition A in section 5(2) broad enough to cover all forms of hate crime, but condition B is specific to religion? There are so many areas of ambiguity that it is hard to know what we would be passing if we passed the bill.

**Roseanna Cunningham:** I do not agree with Patrick Harvie on that. If he reads our response to the committee, he will see that we are opening the door for potential future amendments. It is important that we have a full debate on some of the issues that have been raised, but it is a fact that virtually all criminal activity depends on facts, circumstances and context. That applies whether we are talking about the offence in question or any other criminal offence that is charged in Scotland. The facts and circumstances can change everything. My colleague Kenny MacAskill had a wonderful description of Romeo's speech at Juliet's balcony. We all think that that is a great example of prose poetry in history, but what happened could equally be a breach of the peace; indeed, it could even be stalking in certain circumstances. The same thing could be a breach of the peace, stalking or welcome.

The other thing that everybody—[*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Can we please hear the minister?

**Roseanna Cunningham:** Everyone on the Opposition seats has also pretty much ignored the fact that the first offence is not just about offensive behaviour, but about linking that to the likelihood of public disorder.

Ruth Davidson attempted to make as constructive a speech as she could in the circumstances, but there was a bit of confusion in what she said because she talked about the need for amendments going forward. However, that is not what she signed up to vote for today. She signed up to vote to kill the bill completely. Either she does not understand the process or she is deliberately being just a little unclear.

I could go through speech after speech from Opposition members that did not contain a single constructive contribution. I exempt from that criticism Graeme Pearson, whose contribution provided a singularly different tone, which I welcome. He made many interesting practical suggestions, a number of which are being discussed or taken forward, some of which may be reserved and the rest of which I am perfectly happy to talk to him about. His suggestions were a constructive intervention, which was singularly unusual in the debate.

There were some very unfortunate contributions. I want to remind members, particularly Neil Findlay and Michael McMahon, of what Peter Lawwell, chief executive of Celtic Football Club, said:

“Chants glorifying the Provisional IRA are totally unacceptable. It is an embarrassment to the club. We don't want it, we don't need it ... it is wrong, and it is an embarrassment to the club and embarrassment to the majority of supporters. We were inundated by complaints from our own fans after the game at Tynecastle.”

That game was on 2 October.

**Michael McMahon:** Will the minister take an intervention?

**The Presiding Officer:** The minister has 40 seconds in which to wind up.

**Roseanna Cunningham:** The truth of the matter is that there is real concern about what is happening. Even at this late stage, I urge Opposition members to think a bit more constructively about the matter and to come on board for some of the discussions that can be had even now. We have stage 2 and stage 3 to do, so let us move forward on that basis.

**The Presiding Officer:** I call Christine Grahame. Ms Grahame, you have until 10 minutes past 5.

17:02

**Christine Grahame:** The debate was relatively temperate and civilised, with flashes in-between. I thank all members who spoke. I point out that the committee agreed that sectarianism is a problem in Scotland; no one on the committee said otherwise.

I was interested in what Graeme Pearson and Johann Lamont said about the domestic violence that takes place after football matches. Interestingly, on the day that we went to the match at Ibrox, the police had made early visits to households with a history of domestic violence to warn the people there not to carry the result of the match home with them one way or another. Although that issue is not pertinent to the subject of the debate, I wanted to remind members of it.

Several points were not touched on in our report. I think that there is a role for the media, which can sometimes pour fuel on the fire with regard to what happens on football terraces and pitches. The committee took note of that.

If the bill proceeds to stage 3, the committee would want a review of the legislation's operation. I say to Neil Findlay that we were cautious about the communications part of the bill with regard to young people's online language, which will be very different from that of people of my generation. We are aware of difficulties in that area. Aside from that, though, the committee was pretty well fully supportive of efforts to prevent hateful and inflammatory communications online, although not everyone agreed that the bill would deliver that.

It is a pity that not enough attention has been paid to the second part of the bill, although I understand why that is the case. I say to Margo MacDonald that the police fully supported the bill. If it is enacted and its proposals are implemented, we hope that they will be preventative and will not require additional policing. As to the test of what is offensive, that takes place in courts in Scotland every day in the context of different cases. I am grateful to David McLetchie for drawing attention to the 2003 legislation, which got me in a bit of a pickle. He is right to say that it was, in fact, lopsided. That is where I felt that there might be a gap in the law.

John Finnie was challenged on where the guidelines might be found. The draft guidelines are in the public domain; they are on the committee's website for anyone who wants to look at them.

**Neil Findlay:** Does the member seriously think that anyone going to a match will go online to check what constitutes an offence?

**Christine Grahame:** The guidelines do not exist in a vacuum; they are already being consulted on with all the parties involved. The thing about good

law is that people should know where these things are and that work is taking place.

I realise that I am paraphrasing, but Mr McMahon was correct to say that football provides an arena for sectarianism and that it exacerbates the problem. Although I did not agree with the rest of his speech, I thought that that was a fair point. I do not want to lean on the Lord Advocate's guidelines too much, but if Mr McMahon looks at them again he will find that they contain some common sense and should help people understand the direction of the legislation.

**Michael McMahon:** Will the member give way?

**Christine Grahame:** I want to proceed, but I might give way to the member in a while. In any case, the key point is that public disorder has to be incited, which means that context and intent have to be taken into account.

Colin Keir's contribution was very useful to the committee. I am not a football person myself, and he—correctly—drew the committee's attention to the role of the SFA and SPL and reminded us that Premier League clubs are commercial entities that rely on revenue from advertising and television coverage. Measures such as not allowing them to play in public or deducting points from them and therefore causing them to lose their position in the table might prove to be a very important sword of Damocles to be hung over them. We all agree that they have been slow to do anything about this.

I have huge regard for Graeme Pearson's experience as a match commander and thought that he gave a useful speech outlining the ancillary things that could be done outwith the legislation. I am very glad that he mentioned the co-operation between the police, the staff and the club stewards, which we saw clearly on our visit to Ibrox. It was a well-oiled machine, a disciplined army of people ensuring that nobody came to any harm.

I said that I was a bit disappointed that not much was said about the second part of the bill. Alison McInnes is quite right: we must start with solutions and start early. I remind her, however, that we were standing outside Ibrox with a family and the mother said that she had brought her children to the ground for the first time because the behaviour had improved. Education does not take place just within the school; it takes place on the terraces, watching the way other people, players, managers and officials behave at the match.

There were problems for the committee about hate crime. I will not go into it, but at paragraph 170 of our report we indicate concerns about whether anyone has to be present for there to be an offence. The Government will look at that.

Humza Yousaf reminded us, as the minister has, that we are in a funny position: we are going into stage 2. This is the raw state of a bill. By no means, if it proceeds, is this what it will look like at the end of the day. That is very important. I think that people were taking the view that this is it, this is the tool. He also reminded us that some songs are toxic and meant to be toxic—they are meant to provoke—and have very little to do with enjoying the match. All is context and intent.

Roderick Campbell—as usual he was very lawyerly, as befits his advocate background—analysed the law as it stands. He reminded us of the requirement under the breach of the peace provisions for a public element and for intention and that, according to the Lord Advocate—I take this, to some extent, from Roderick Campbell's contribution—there is a gap in the law, in that some matters cannot be dealt with under the criminal law. The bill is intended to fill that gap, on top of its intention to be—the word of the day—transformational. In other words, the bill is intended to make a change in the way the public behave, such as we have already dramatically achieved with the ban on smoking in public places.

**Patrick Harvie:** Does the member think that the debate on the bill and the Government's pushing ahead with it has so far helped to create culture change and to calm the mood at old firm matches, or has it made it worse?

**The Presiding Officer:** Christine Grahame, you have 30 seconds.

**Christine Grahame:** I welcome vigorous debate, which is what we have had. That is exactly why the committee wanted to bring the report to the chamber and have a debate. I welcome all these matters.

Finally, I say to Neil Findlay that I have been called many things in my life, but a sycophant is a new one. Hugh Henry is witness to the fact that, on the news at 10, I was the first person to say that the bill should not be emergency legislation and that I wanted the Justice Committee to have an opportunity to take evidence and bring it to the chamber. That is exactly what we have done today. My goodness, I am looking forward to stage 2.

**The Presiding Officer:** That concludes the debate on the Justice Committee's report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at stage 2.

## Parliamentary Bureau Motion

17:10

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S4M-01235, on the designation of a lead committee.

*Motion moved,*

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee, and that the Local Government and Regeneration Committee and the Infrastructure and Capital Investment Committee be designated as secondary committees, in consideration of the legislative consent memorandum on the Welfare Reform Bill 2010-11.—[Bruce Crawford.]

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

## Decision Time

17:11

**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-01218.1, in the name of Dr Richard Simpson, which seeks to amend motion S4M-01218, in the name of Keith Brown, on veterans, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01218, in the name of Keith Brown, on veterans, as amended, be agreed to.

*Motion, as amended, agreed to.*

That the Parliament notes that, as the annual Remembrance Day commemorations take place across Scotland and as the ultimate sacrifice of those who fought and died in times of war in defence of the country's freedoms and way of life is remembered with respect and honour, it is also fitting and appropriate to reflect on the needs and aspirations of Scotland's veterans community, many of whom are injured mentally and physically; notes that veterans of the regular and territorial services are affected and recognises the importance of supporting the families and children of all of those veterans; further recognises the historic and continuing value of supported employment for some disabled veterans; notes the initiatives and programmes developed and introduced by the Scottish Government to plan, coordinate and deliver support and advice services from the private, public and voluntary sectors for ex-service personnel, including a number of initiatives to strengthen the provision of and access to health, transport and housing services, and welcomes the UK Government's commitment to the Military Covenant, a commitment that the Scottish Government fully endorses and the principles of which it will continue to build on for the veterans community in Scotland.

**The Presiding Officer:** The next question is, that amendment S4M-01170.1, in the name of James Kelly, which seeks to amend motion S4M-01170, in the name of Christine Grahame, on the Justice Committee's report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at stage 2, be agreed to. Are we agreed?

**Members:** No.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacDonald, Margo (Lothian) (Ind)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 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)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 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)

### Against

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

Reform Bill 2010-11.

Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 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)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 53, Against 64, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01170, in the name of Christine Grahame, on the Justice Committee's report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at stage 2, be agreed to.

*Motion agreed to,*

That the Parliament notes the Justice Committee's 1st Report, 2011 (Session 4): *Report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at Stage 2* (SP Paper 21).

**The Presiding Officer:** The next question is, that motion S4M-01235, in the name of Bruce Crawford, on the designation of a lead committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee, and that the Local Government and Regeneration Committee and the Infrastructure and Capital Investment Committee be designated as secondary committees, in consideration of the legislative consent memorandum on the Welfare

## Rogue Traders

### **The Deputy Presiding Officer (John Scott):**

The final item of business today is a members' business debate on motion S4M-00695, in the name of James Kelly, on the nail the rogues campaign. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament believes that rogue traders have a significant impact on consumer rights and the informal economy in Rutherglen, Cambuslang and Blantyre and the rest of Scotland; notes, with concern, the recent figures released by the Office of Fair Trading showing that issues regarding home improvement work continue to be at the top of the list of complaints about rogue traders; further notes that, last year, Consumer Direct received more than 13,000 complaints concerning uninvited traders, almost half of which related to home maintenance work; is concerned that rogue traders have frequently been reported to offer services at what appear to be attractive rates and use persuasive sales techniques to pressure people into making hasty decisions; believes that older people and vulnerable groups are particularly exposed to the dangers of rogue traders, and commends the Federation of Master Builders Scotland, in conjunction with Trading Standards, for running the campaign, Nail the Rogues, in order to raise awareness of the dangers of rogue and dishonest traders, to offer advice for avoiding them and to provide information on how to find reputable traders.

17:15

**James Kelly (Rutherglen) (Lab):** I welcome the opportunity to speak in support of the campaign to nail the rogues. I thank those members from across the chamber who have signed the motion. It has attracted a good deal of cross-party support, including from Scottish National Party members—unlike the amendment that I moved earlier this afternoon. I am sure that the debate will be much more consensual than the earlier debate, and I look forward to members' speeches.

I lodged the motion because of the level of concern that exists not just in my constituency and the communities of Rutherglen, Cambuslang and Blantyre, but throughout Scotland around the activities of rogue traders. Many members will have had people come to them with experiences of rogue traders. They might even have personal experience of a salesman appearing on their doorstep with a reasonable proposition to tidy up part of their roof or whatever and carrying out the work, trying to extend the work and maybe leaving part of the work undone. Often, their shoddy workmanship results in the condition of the building being worse than it was before they started. There are significant concerns about the problem, and Consumer Focus Scotland reports that more than 13,000 complaints have been raised about inappropriate activity and salesmanship by rogue traders.

In my constituency, unfortunately, many of the victims are pensioners. It is part of life—I see it in my own family—that, as people get older, they tend to worry more. They may have spent years paying for their house and worry about it not being wind and watertight. If somebody comes round and suggests that a particular area needs work, they are more inclined to accept what that person says. It is not only stressful when it does not work out for the person once they have handed over the money; older people, understandably, are more subject to stress and take longer to get over such incidents. The issue is, therefore, a matter of great concern. It is also unacceptable and we should condemn it.

I heard of a practical example yesterday, when I attended an event that was sponsored by Kezia Dugdale on installing carbon monoxide monitors in homes throughout Scotland. One of the people at that event told me that they had had some work done in their loft, from which there were carbon monoxide emissions. Fortunately, they had a monitor installed, which alerted them to the problem, but lives could have been at risk because of that shoddy workmanship and the results of a rogue trader.

The problem has an impact on the economy. Much of the work relates to housing repairs and takes a big amount out of the economy. Housing repairs account for £22 billion in the economy, and work that is done by rogue traders as opposed to properly recognised traders amounts to some £170 million of work that is not carried out appropriately. It is work that is stolen from the economy, as it has to be redone. Rogue traders do not pay VAT, and in these hard-pressed economic times, VAT receipts are important to the public purse if we are to maximise the amount of money that we have for public spending.

There is an impact on the economy and a real human impact. To move the issue forward, it is important to raise awareness of the problems. I pay tribute to the Federation of Master Builders, with which I worked closely on the motion and the campaign to raise awareness of the issues in communities throughout Scotland.

Consumers can take some practical steps to expose the activities of rogue traders. First and foremost, if anyone has been a victim of such activity, they should report it to the police if it is inappropriate and illegal. To stop rogue traders in their tracks, people could take references rather than go ahead with work that is to be carried out on their house. It is advisable for people to get three quotes so that they not only get the best value for money but can make a judgment about those who recommend that work be carried out.

**Margo MacDonald (Lothian) (Ind):** I say this in an effort to strengthen the protection of the elderly

and vulnerable in their own homes: could the principle of a cooling-off period that is applied when someone takes on a financial loan also be applied to a contract for a repair to one's home?

**James Kelly:** Margo MacDonald makes a valid point. Salespeople can be very persuasive, particularly to pensioners. They are all too keen to put a bit of paper under people's noses and get them to sign off. Sadly, there have been instances of people signing up to inappropriate loans with huge interest charges. A cooling-off period is a sound and practical suggestion.

Another idea is for the person to get a legally enforceable contract so that they know what work is to be carried out and can take action if there are any glaring omissions in the work that has been carried out.

I urge the Scottish Government to support the formal economy—I am sure that it will—and those who work through appropriate channels to provide services to householders. It must tie up with organisations such as the Federation of Master Builders to be aware of, and to expose, the activities of rogue traders and to minimise their impact in Scotland's communities.

I thank members for the support that I have received from all parties. The motion highlights an important issue that affects many people throughout Scotland. It is important that we advance the campaign, support the formal economy, support our householders and nail the rogue traders.

17:23

**Bob Doris (Glasgow) (SNP):** I am grateful to James Kelly for bringing the motion to the chamber and allowing us to debate this continuing and serious problem. I am sure that he expects much more consensus in this debate than there was in the previous one. I commend his fortitude in leading from the front bench in that debate while having this members' business debate before him.

From my examination of the issue, I see that rogue trading has a fairly set pattern: it involves enticing people into spending money on work that is unnecessary, of poor quality or overpriced. We have known about this widespread problem for a number of years, probably mainly thanks to exposé television shows, which have a great track record in exposing the practice. There has been some action by the Scottish Government and the United Kingdom Government, but there is always room for improvement. That is for sure.

I know that James Kelly agrees with me that every member of the Parliament has an interest in tackling rogue traders. They are the cause of one of the more common complaints that we get from

our constituents. It does not surprise me that home improvements—in particular, roofing—still top the list. They were the subject of 30 per cent of complaints about rogue traders in the UK to the Office of Fair Trading in 2010.

I have heard of one company quoting a cost of £5,000 for roof repairs that another quote said would cost just a few hundred pounds. Very few of us have the expertise to argue about the validity of a contractor's claims. Of course, it is usually sensible to shop around and to look for a number of quotes—perhaps three—to avoid being ripped off. We must all give out that clear message, particularly to vulnerable people, who are more at risk from rogue traders.

As we have said, the elderly need to know whom they can and cannot trust when they look for key works to be done in their homes. Rogue traders are ruthless and make good money through profiting from other people's misery. They must be stopped where we can do that.

Hard selling has become normalised in the sales culture. Sometimes, there is a fine line between a hard-nosed salesperson at the door who is a bit too pushy and inappropriate selling by rogue traders. I put in that mix energy companies that look for people to switch tariffs, which might fall into the rogue trader category—we must think about that. We must find a way of forcing the adoption of best practice and not just hope for it.

I thank James Kelly for securing the debate. Members' business debates are important to awareness raising at large. Public vigilance can sometimes do much more than Government or local authority action can to stop rogue traders, so it is important to publicise what can be done.

We must be mindful that consumer protection is an important policy area that the Parliament does not cover fully and over which it does not have full control. I assure Mr Kelly that I will not use the debate as an excuse to talk about constitutional wranglings, but it is fair to say that not all the powers to improve the situation lie with the Parliament. I will leave it sitting at that.

We must raise public awareness. There is nothing legitimate about traders who are just after a quick buck, but there is everything legitimate about traders who just want to do business. That is why we must consider accreditation schemes. The existing ones are voluntary, but we must consider a compulsory accreditation scheme. I am not one for regulation for regulation's sake, but we have moved to formal regulation of a variety of other matters, such as factoring and tenancy deposits, when the evidence has supported that.

I thank Mr Kelly for bringing the debate to the chamber. I might not be able to stay until the end, so I apologise if I have to nip off. I hope that the

debate creates positive publicity so that consumers are better informed.

17:27

**Ruth Davidson (Glasgow) (Con):** I echo James Kelly and Bob Doris in saying that the debate will be much more consensual than the previous debate in which James Kelly spoke. Look—my acknowledging that shows that the consensus has already started.

There is no doubt that rogue traders present an issue not just in Rutherglen, Cambuslang and Blantyre, as Mr Kelly acknowledged, but throughout my parliamentary region of Glasgow and throughout Scotland. The problem is not trivial. Trading Standards Institute figures show that rogue traders steal about £170 million from households across Britain every year—Mr Kelly brought that figure to our attention.

At the simplest level, traders might offer to do cash-in-hand jobs and thereby avoid VAT and a paper trail. The Federation of Master Builders estimates that the UK's housing repair, maintenance and improvement budget is about £22 billion a year, but a further £9 billion of work is estimated to be done in the informal economy. That has a significant impact on VAT and damages the legitimate economy and honest traders' work.

The problem of rogue traders runs much deeper than just avoidance of taxes. As the previous two speakers said, such traders specifically target the vulnerable, the elderly and the infirm. They cold call and tell householders that their roof needs to be repaired or that their chimney needs to be repointed—always something that such householders cannot check for themselves. Rogue traders offer to fix the problem cheaply. If a home owner can be persuaded to cough up some or all of the money up front, the trader will often leave without doing any work at all; if not, costs often spiral during work, which lands the home owner with a large bill for what is at best poor work. That affects the bank balance of the person concerned and plays on the fear of householders in their own home.

Consumer Focus Scotland reports that about 13,000 complaints about uninvited traders are made annually, almost half of which concern home maintenance work. As I said, the most common complaints are to do with roofing, but other common issues are about tarmacking and, more recently, insulation. Regardless of the specifics of the work, the modus operandi is always the same: the rogue traders create fear on the part of vulnerable people by persuading them that the work needs to be done and then abscond, leaving behind either bad work or no work at all. It is

estimated that that sort of rip-off affects about 89,000 people in Britain every year.

As the majority of rogue traders target the housing maintenance and improvement sector, it is good to note that, as the previous speakers have acknowledged, the Federation of Master Builders takes the problem seriously. I echo the praise for the measures that the federation is taking to try to stop the practice. There are measures that we can consider, such as proper identification of tradesmen and increasing public awareness, including community awareness of when rogue traders are operating in an area.

Members of the federation are in danger of being undermined by traders who leave with customers' money after failing to do the work that they promised to do or doing a shoddy job that requires remedial work. Along with the Trading Standards Institute, and through the nail the rogues campaign, the federation is working to raise awareness of the problem. Information on how to avoid being scammed by rogue traders and how to find reputable ones is crucial in helping those who are most at risk.

I hope that the Scottish Government appreciates the significance of the issue that James Kelly has brought to the Parliament, particularly for vulnerable people, and will consider the steps that have been mentioned to prevent the theft in question. That is the appropriate word, because it is theft from householders, legitimate businesses and the economy as a whole.

17:31

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I, too, thank James Kelly for bringing the debate to the chamber.

We have heard worrying statistics from the previous three speakers. My constituency of Strathkelvin and Bearsden has become a particular target for rogue and bogus traders. We have a large elderly population that is the fastest growing in Scotland. Elderly people are less likely to be victims of crime than people from any other demographic group, but they are particularly vulnerable to the crime that we are discussing.

In preparing for the debate, I spoke to trading standards officers in East Dunbartonshire Council, who confirmed that the national figures that we have heard apply in Strathkelvin and Bearsden. Worries about home improvement work and uninvited traders always come top of the list of complaints that officers receive from members of the public.

I praise East Dunbartonshire Council's trading standards department for its good work. I know that its officers are constantly out and about

throughout East Dunbartonshire, as I bumped into them at almost every gala day that I went to during the summer.

It is important that we educate the public on the problem and give people resources in the hope of preventing them from becoming victims of such crimes. East Dunbartonshire Council trading standards officers have spot days when they work with the local police to spot the white van man of popular myth. They stop people to find out whether they are registered to do the work that they are setting out to do.

One innovative approach that trading standards officers are taking is to go into schools to talk to children. We might ask why they do that, given that children will not be the victims of bogus and rogue traders, but they are the grandchildren of the people who are most likely to be victims. That is a wonderful way of working across the generations. Often, granny will listen to her grandchild when they proudly come home from school and say, "Granny, don't let anyone into your house, because I'm worried about what would happen to you." That is probably the best way to get information across, rather than through us preaching to older people. That said, East Dunbartonshire Council trading standards officers go into local day centres to ensure that the message is taken directly to the most vulnerable population.

Some of the practical advice on the Age Scotland website, which James Kelly mentioned, is very good. As we are all making suggestions, one thing that we could look at in conjunction with Age Scotland is a little card or sticker to put on the door to remind the old and vulnerable about the people that they should think about not talking to or letting in.

I hope that the debate will spur us all to work with local statutory and voluntary organisations and with our older neighbours so that we can end the scourge of bogus workers.

17:35

**Graeme Pearson (South Scotland) (Lab):** I concur with all that Fiona McLeod said in her speech about the good advice that should be offered to people who live in our constituencies.

With its predominance of retired and elderly people, the south of Scotland is obviously a target area for rogue traders. There are three levels to such trading. First, the no-tax economy—the avoidance of VAT and income tax—is theft from us all. It steals jobs and apprenticeships from the wider building community, and it gives no benefit, even in times of hardship, when the attraction of a so-called cheap job must be a lure to many people. All our experience should say that the

likelihood of a good job being done in such circumstances is about the same as the likelihood of the tax being paid. We should learn from that experience.

The second element is substandard work and those traders who are untrained and unsupported but who continue to purport that they can deliver work to householders. There is a deal of work to be done in identifying those rogue traders and in using the data and intelligence that is held by local authorities, trade organisations and the police to respond to the threat that they pose to householders who trust them to work on their roofs, chimneys, electrics, plumbing and so on. Too often they leave behind the kind of disaster that we see on television.

The final group comprises the criminal element. They have no intention of paying taxes, doing any work or providing a service to a householder. In truth, that can affect any generation, but it has properly been identified tonight that the elderly are a particular target.

I will add to some of the suggestions that have been offered tonight. It is vital that the elderly and retired understand that it is always dangerous to indicate the presence of sums of cash in their house with which they can pay for work. When work is offered, they should delay and ask either a relative or neighbour to come round and be part of the negotiation. That is always a good first step before deciding if work should be taken on.

I commend the work of the trading standards departments that was mentioned earlier. Even in these difficult times, I hope that local authorities can support their work. Those departments need to be able to link together in acknowledging who the rogue workers and substandard contractors are so that we can respond to them positively. We need to encourage the exchange of data between the police and trading standards departments in areas in which we suspect criminality.

Finally, I invite trade organisations to play their part and feed into the intelligence that is used by public authorities to stem the tide of this vile trade. I commend James Kelly for bringing the issue to Parliament's attention so that we can advise people how best to defend themselves.

17:39

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** Thanks again to James Kelly for securing tonight's debate. It is an important and serious issue, as many people across Scotland and the UK suffer because of rogue traders.

I declare an interest. I am a vice-president of the UK Trading Standards Institute and I spent many

years as a professional trading standards officer, so I have some experience in this field.

From listening to members' speeches, it is obvious that the problems are widespread. Quite a spread of members have spoken in the debate, which shows that the problems are spread across the whole country and all the constituencies.

Margo MacDonald made a point about cooling-off periods. There are cooling-off periods in place in relation to unannounced callers coming to people's houses and getting them to sign up for things. If the value is more than £35, people have seven days to cool off. Perhaps not a lot of folk know that. That is the sort of information that we need to get out to people so that, if they feel that they have signed up for something that they do not want after an unannounced call—it is different if they invited the seller to their home—they should feel confident about cancelling the contract, if a contract is involved. Of course, in many cases, there are no contracts at all.

I commend the Federation of Master Builders, the trading standards departments and the Office of Fair Trading for mounting these campaigns. However, no amount of campaigns, codes of practice, laws and suchlike will be any good if we do not have proper consumer advocacy bodies to help people and proper consumer protection enforcement.

Unfortunately we have developed a situation in Scotland where the enforcement is not nearly as effective as it could be. In fact, it is non-existent in some areas. The phrase "enforcement deserts" is being used within the trading standards profession to describe areas where there is virtually no trading standards enforcement at all. The Consumer Focus Scotland response to the Department for Business, Innovation and Skills consultation on consumer advocacy and enforcement said:

"trading standards services are often tiny, isolated and marginalized, leaving them struggling to deliver a full range of services to the public ... this creates ... a gap in enforcement. However, the Scottish Government has no legislative locus to require councils to collaborate ... We would therefore suggest an adjustment to legislative powers to give an administrative role here for the Scottish Government would add value for Scotland's consumers.

At a national Scottish level a mechanism for the delivery of national consumer enforcement will need to be agreed that addresses the interests of government, trading standards and above all of consumers."

I whole-heartedly agree with that.

Peter Peacock—a former Labour MSP and minister who spent many years with the citizens advice bureaux—also raised this issue in the previous session of Parliament. There is general agreement among the trading standards and consumer people in Scotland that something

needs to be done about it. The big problem started with local government reorganisation. Prior to 1996, there were only 12 trading standards authorities in Scotland, with the regional and islands councils. After that, there were 32—they have been dissipated.

I have written to Fergus Ewing suggesting that, rather than abolish Consumer Focus Scotland, which is what BIS wants to do, we should strengthen it. It should be given the authority to become the co-ordinating board for trading standards in Scotland. I believe that local authorities would not be too worried about that. I know that there is strong agreement with such a move across the profession and within Scotland. I ask the minister to consider that seriously—I am awaiting a reply—because I think that it would be for the good of decent businesses and consumers throughout Scotland.

17:44

**The Minister for Local Government and Planning (Aileen Campbell):** Like everyone else, I congratulate James Kelly on securing the debate. I, too, met Mr and Mrs Hansen yesterday, who spoke movingly about the tragic loss of their daughter as a result of carbon monoxide and highlighted their campaign, which has been so successful in New York. They have brought their ideas to Scotland and I believe that today they are taking them to the National Assembly for Wales.

For most home owners, a house is a home rather than an asset. That said, it is usually their most important asset. Planned maintenance is the best way to avoid major repairs, and owners must be able to find reputable traders. That is why the nail the rogues campaign is to be thoroughly commended. There are many reputable traders in Scotland and there is support to help people to find them, too. The Scottish Government encourages owners to use traders who are members of trade associations. Services such as the Federation of Master Builders' find a builder service, the construction licensing executive's reference service, the buy with confidence scheme that is currently being introduced in South Lanarkshire, which I am sure James Kelly will be aware of, and other local authority trusted trader schemes are to be commended for helping home owners to find reputable traders. James Kelly and Graeme Pearson mentioned the police in that regard as well.

Low bids might tempt some home owners to use rogue traders, but the lesson from tonight's debate is that they should be warned that an offer that sounds too good to be true probably is. Again, advice is available from local authority private sector housing teams and trading standards officers.

Along with the Federation of Master Builders, the Scottish Government has called on the UK Government to reduce the rate of VAT from 20 to 5 per cent on home repair and maintenance works. We believe that that would not only stimulate the economy by providing an incentive for home owners to carry out essential repair works, but be a useful tool in tackling the prevalence of rogue traders by helping to make reputable firms more competitive in the repair and maintenance sector. Many members have spoken about the importance of that.

The Scottish Government is prioritising support for small businesses. Many in the construction sector form that cohort of important businesses and are benefiting from the support that the Scottish Government is giving. In addition to continuing with the small business bonus scheme, we are taking forward a range of policies to help small and medium-sized enterprises to grow and, through Skills Development Scotland, make it easier for SMEs to hire staff and take on apprentices—Graeme Pearson made the point that one of the benefits of having good traders is that they bring with them apprenticeship opportunities and contribute to the wider economy in that way. We should not lose sight of that.

The role of trading standards in local authorities is crucial in helping to protect citizens and ensuring a fair market in which business can flourish. I thank trading standards officers for their important contribution to combating rogue traders in a range of sectors. Fiona McLeod mentioned specifically the East Dunbartonshire trading standards officers and their innovative approach to highlighting their work.

As Bob Doris mentioned, we should recognise that consumer matters and trading standards are reserved and that the UK Government is planning to change the delivery landscape.

I particularly welcome Dave Thompson's points about the challenges facing trading standards, which have arisen as a result of the UK's work in this area. He is particularly well placed to offer an expert perspective on the matter. I welcome his views on what we might do to make trading standards services much more effective if the relevant powers were devolved to this Parliament. The UK Government has published plans to restructure the consumer landscape, and the Scottish Government is keen to negotiate a transfer of powers and funding—the two are inextricably linked. For now, however, we await a response from the UK Government. If that is positive, we will work with all stakeholders and examine all the options to devise an efficient and effective structural model that delivers for Scotland's consumers and for Scotland as a whole.

In terms of devolved powers, we should acknowledge how the Scottish building standards system protects the public interest. Home maintenance can include repairs but can also entail significant alterations and building work. A home owner must ensure that work that is done to their house meets building regulations and that, when required, a building warrant is granted. Competent people, such as approved certifiers of design or construction, provide the owner with assurance that work is done properly.

Cutting the cost of doing work might cause structural defects and increase the risk of fire and electric shocks. It can also lead to poor air quality, creating an unhealthy living environment. The Scottish building standards system sets minimum standards for building work and local authority verifiers check that building designs are compliant and are inspected during construction and on completion. However, the home owner must still ensure that the work is being properly done.

With regard to the protection of the most vulnerable members of our community, particularly the elderly, Bob Doris, James Kelly and Ruth Davidson mentioned the need to get references and mentioned that the most vulnerable suffer at the hands of hard-nosed salespeople as well as the rogue traders whom we have been discussing.

The Government is keen to do all that it can to support legitimate businesses in the construction sector. That is why ministers continue to engage with this core sector of the economy. I recently heard from local businesses in Inverness when I attended the north of Scotland construction summit and, last week, I met the Chartered Institute of Building to discuss a broad range of issues, many of which have been mirrored in the debate.

In these challenging economic times, the ideal would be for legitimate businesses to secure these contracts and prosper, because that is what is good for the economy as a whole and such businesses will provide families and householders with the quality building services that they need.

The debate will continue to raise awareness of the dangers of using rogue traders and of the efforts being undertaken to drive those people out of business. I again congratulate James Kelly on securing the debate and thank members for all the other very positive contributions that have been made. I am pleased that consensus has broken out across the chamber at the end of the parliamentary week.

*Meeting closed at 17:50.*



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