



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 12 January 2012

Session 4

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Thursday 12 January 2012

CONTENTS

	Col.
<b>SCOTLAND'S FUTURE</b> .....	5179
<i>Motion moved—[Johann Lamont].</i>	
<i>Amendment moved—[First Minister].</i>	
Johann Lamont (Glasgow Pollok) (Lab) .....	5179
The First Minister (Alex Salmond) .....	5184
Ruth Davidson (Glasgow) (Con).....	5189
Linda Fabiani (East Kilbride) (SNP).....	5192
Richard Baker (North East Scotland) (Lab).....	5194
Humza Yousaf (Glasgow) (SNP) .....	5197
Willie Rennie (Mid Scotland and Fife) (LD) .....	5199
Joan McAlpine (South Scotland) (SNP) .....	5202
Lewis Macdonald (North East Scotland) (Lab).....	5204
Mark McDonald (North East Scotland) (SNP) .....	5206
Jackson Carlaw (West Scotland) (Con) .....	5209
Maureen Watt (Aberdeen South and North Kincardine) (SNP).....	5211
Kezia Dugdale (Lothian) (Lab).....	5213
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP).....	5216
Patrick Harvie (Glasgow) (Green) .....	5219
Sarah Boyack (Lothian) (Lab).....	5221
Rob Gibson (Caithness, Sutherland and Ross) (SNP).....	5223
David McLetchie (Lothian) (Con).....	5225
The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney).....	5227
Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab) .....	5230
<b>SCOTTISH EXECUTIVE QUESTION TIME</b> .....	5234
<b>GENERAL QUESTIONS</b> .....	5234
Wind Farms .....	5234
Social Housing (Adaptations) .....	5236
Bankruptcy and Insolvency (Support).....	5236
Drink Driving and Domestic Violence Campaigns .....	5237
Scottish Housing Regulator (Meetings) .....	5239
Housing Standards (Temporary Accommodation) .....	5239
Ferries Strategy .....	5240
Blue Badge Renewal .....	5241
<b>FIRST MINISTER'S QUESTION TIME</b> .....	5243
Engagements.....	5243
Secretary of State for Scotland (Meetings) .....	5247
Independence Referendum .....	5250
Double Jeopardy.....	5251
Breast Implants.....	5252
Scottish Ambulance Service (Rest Breaks).....	5253
<b>SCOTTISH EXECUTIVE QUESTION TIME</b> .....	5255
<b>HEALTH, WELLBEING AND CITIES STRATEGY</b> .....	5255
Healthy Diet .....	5255
Home Care (Needs Assessment).....	5255
Dermatology Services .....	5257
Multiple Sclerosis.....	5258
NHS Orkney (Meetings) .....	5259
Rural Maternity Services .....	5260
National Health Service Boards (Meetings) .....	5261
Air Pollution.....	5264
Weight Reduction Programmes.....	5265
High Blood Pressure (Awareness) .....	5265
Cities Strategy .....	5266
Sporting Facilities (Young People) .....	5267

Waiting Lists (Lothian) .....	5268
NHS Greater Glasgow and Clyde (Meetings) .....	5269
Telehealth .....	5270
Vitamin D Deficiency .....	5271
<b>YOUNG PEOPLE (IMPROVING LEARNING OUTCOMES)</b> .....	5272
<i>Motion moved—[Michael Russell].</i>	
<i>Amendment moved—[Hugh Henry].</i>	
<i>Amendment moved—[Liz Smith].</i>	
The Cabinet Secretary for Education and Lifelong Learning (Michael Russell) .....	5272
Hugh Henry (Renfrewshire South) (Lab) .....	5277
Liz Smith (Mid Scotland and Fife) (Con) .....	5281
Fiona McLeod (Strathkelvin and Bearsden) (SNP) .....	5283
Kezia Dugdale (Lothian) (Lab) .....	5285
Marco Biagi (Edinburgh Central) (SNP) .....	5288
Colin Beattie (Midlothian North and Musselburgh) (SNP) .....	5290
Margaret McCulloch (Central Scotland) (Lab) .....	5292
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP) .....	5294
Liam McArthur (Orkney Islands) (LD) .....	5296
Clare Adamson (Central Scotland) (SNP) .....	5299
Margaret McDougall (West Scotland) (Lab) .....	5301
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP) .....	5303
Graeme Pearson (South Scotland) (Lab) .....	5306
Murdo Fraser (Mid Scotland and Fife) (Con) .....	5308
Neil Findlay (Lothian) (Lab) .....	5310
The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan) .....	5313
<b>DECISION TIME</b> .....	5317
<b>HIGH-INTEREST PAY DAY LOANS</b> .....	5326
<i>Motion debated—[Margaret Burgess].</i>	
Margaret Burgess (Cunninghame South) (SNP) .....	5326
Neil Findlay (Lothian) (Lab) .....	5328
Dave Thompson (Skye, Lochaber and Badenoch) (SNP) .....	5330
Kenneth Gibson (Cunninghame North) (SNP) .....	5332
Gavin Brown (Lothian) (Con) .....	5333
James Dornan (Glasgow Cathcart) (SNP) .....	5334
Margaret McDougall (West Scotland) (Lab) .....	5336
Roderick Campbell (North East Fife) (SNP) .....	5338
Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP) .....	5339
The Minister for Energy, Enterprise and Tourism (Fergus Ewing) .....	5341

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## Scottish Parliament

Thursday 12 January 2012

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

### Scotland's Future

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is a debate on motion S4M-01678, in the name of Johann Lamont, on Scotland's future.

Time is very tight. To allow me to get in everybody who wants to speak, I ask members please to keep to their time limits. I call Johann Lamont to speak to and move the motion. Ms Lamont, you have 15 minutes—sorry, 14 minutes.

09:15

**Johann Lamont (Glasgow Pollok) (Lab):** Did I hear a sigh of relief when the timing was reduced? *[Laughter.]*

I am proud to have the opportunity to lead in this debate for Labour on the future for Scotland—a country that we all hold dear. For the avoidance of doubt, I now formally move the motion in my name.

We know that this Parliament was built as a means to an end, and that end was social justice for the people of our country. Yet here we are again debating whether the constitution is an end in itself.

Scotland is my country: the nation that shaped me and taught me my values. It is a nation whose achievements inspired and inspire me, and a community whose failings drive me and my overwhelming desire to fight for social justice and equality.

Let me say this at the outset of the debate: the commitment of no one in this chamber, or outwith it, to Scotland should be doubted because of their position on the constitutional question. My belief in Scotland remaining in the United Kingdom is based on my patriotic belief that Scotland's interests are best served by being in the United Kingdom.

The First Minister once said that he had no problem with those who believe in Scotland being part of the United Kingdom as a matter of principle. He can therefore have no problem with me, because for me the principle of co-operation, solidarity and social justice knowing no borders is at the heart of my beliefs. I am disturbed that, while Mr Salmond has declared his willingness to work with the UK Government, the tone of his

amendment to the motion is one of arrogant prescription for how that should be done.

Let me say to the First Minister, for all those Scots who no longer live in Scotland, who are working away from this country, who have family ties to this country and who are proud of their heritage, that they will be offended by the idea that their commitment to Scotland is less than that of those who live in Scotland.

I do not question the patriotism of those who believe that our nation—*[Interruption.]* I will repeat myself: I do not question the patriotism of those who believe that our nation would be better if it withdrew from the United Kingdom, and I trust that they will not question the patriotism of those who believe that our interests are best served by continuing to work in partnership and strengthened co-operation with our neighbours.

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The member mentions a number of issues of political principle. Is she entirely comfortable with her quote in today's *Herald* that on the subject of Scotland's future she is "on the same page" as the Tories?

**Johann Lamont:** I am very comfortable with the fact that that is the only thing on which I agree with the Tories. On the other hand, the member's party went through the lobbies with the Tories to deliver Thatcher to Scotland, and I would not have wanted the accolade that the member's finance minister achieved when David McLetchie said that a Scottish National Party budget was the next best thing to a Tory one. I know where the principle lies.

Similarly, questioning how, where and why there is injustice in this country is not talking Scotland down but the first sign of our driving ambition to make our nation better.

After the SNP's historic victory in May, the First Minister told us that there would be a referendum on Scotland leaving the United Kingdom, and that was no surprise. He certainly has the mandate, although to say in a throwaway line in a leaders' debate four days before polling that he intended it to be held in the second half of the parliamentary session is not a manifesto commitment, and he knows it. Indeed, at the outset of the campaign, he pledged to hold the referendum sooner rather than later, and we encourage him to do so.

As Labour—the only party of radical constitutional change—*[Laughter.]*

Let me finish my point. The test is not what we say we are going to do; it is what we deliver. I repeat, as Labour is the only party of radical constitutional change and has actually delivered constitutional change, let me remind the chamber

that we did it by means of a process that is something of a blueprint for how things should be done here. Donald Dewar led the way. Although the Scottish National Party and the Tories decided not to join us, he was instrumental in setting up the Scottish Constitutional Convention, which was open to all parties and all sections of civic Scotland and Scottish society.

After the landslide of 1997—possibly an even greater one than that of the First Minister—Donald Dewar was again inclusive, even drawing in Mr Salmond, who had refused to be part of the convention. Then there was another really important part of the process. Donald Dewar acted—swiftly and decisively. Within four months we had a referendum and within two years we had this Parliament. We should contrast that with the First Minister's commitment to constitutional change. He has been in power for four and a half years, but we have no referendum. We now have four consultations but, for all the talk, precious little action. *[Interruption.]*

The SNP really ought to listen. It took Donald Dewar four months to hold a referendum and two years to establish a Parliament. In contrast, after more than four years, all Alex Salmond can say is that he has achieved the publication of four documents and has named a season in which he might consider holding a referendum. I can understand that happening when Alex Salmond was in the minority, even though he refused our support then, but why the delay? That is what people do not understand. Why the delay, when he has an unprecedented majority? Why the need for another thousand days? It makes no sense to those of us who understand how to deliver constitutional change, and I cannot imagine that it makes much sense to his back benchers, either.

When it comes to constitutional change, where Donald Dewar delivers—four months; two years—Alex Salmond dithers, and we are going to wait at least another 1,000 days. What is he frightened of? He tells us that he can get any legislation he likes passed in this Parliament. He has the mandate. He has the majority. Surely it cannot be that he does not have the courage to face the verdict of the Scottish people. He says that independence will be the cure of all Scotland's ills and that our economy will be transformed by what his spin doctors say are job-creating powers. His finance minister says that we will be the sixth-richest nation on earth and that Scotland will be free—are we allowed to say that word any more?—and proud. Alex Salmond is Moses, who has led his people to the brink of the promised land but, as they view it from the mountaintop, says to them, "Let's camp outside for a few more years before we go in." Bizarrely, at the end of today's proceedings, the only party that will be voting against a legal, firm and decisive

referendum, held soon, is the SNP. It is the SNP's life work to break a consensus that we should have a referendum on which we can all agree. I do not know whether Mr Salmond can explain that, but it is entirely extraordinary and inexplicable to me.

Thank goodness that Mr Salmond never decided to go into medicine. We can imagine the good Dr Salmond telling his patients, "The good news is that I've found a cure for your illness. The bad news is that I'm not going to administer it until halfway through your treatment."

However—this is a more serious point—the truth is that, while we wait, Scotland has been put on pause as we face the worst economic crisis in 100 years. The explanation from the Government when things go wrong is that it does not have the powers. However, it will not do the work to get those powers. Business and trade unionists may say that the uncertainty is costing Scotland jobs and investment, but as long as the First Minister has a soundbite, all is well. The rocks will melt in the sun before the First Minister admits that anything is wrong on his watch.

It is not just the damage that the delay is doing to Scotland in the short term that matters; what also matters is the profound long-term damage that will be done to future generations if the referendum is not seen to be free and fair, and a crucial part of that is the timing of the referendum.

When the Parliament was set up, we took the progressive decision, which was agreed across civic society, that a First Minister should not have the power to call the Scottish election at a time of their own choosing. We introduced fixed-term Parliaments. Elections to local government and to the European Parliament are at fixed intervals. Even Westminster has adopted that principle, but with the referendum, which will be the most important vote in Scotland's history, the First Minister insists that he alone—and it is he alone—should have the power to call it.

Frankly, to many of us inside and—more critically—outside the Parliament, that looks cynical; it feels like a fix. That is not good enough. It is not fair on Scotland now or the Scotland of the future for the timing of the referendum to be in the hands of one politician. The referendum belongs not to politicians but to the people of Scotland. Therefore, the challenge of leadership is to build a consensus on how the referendum is run. We will not build a consensus on our vision for Scotland, but we can at least build a consensus on how the referendum is run.

#### **Mark McDonald (North East Scotland) (SNP):**

On 18 October 2010, Labour MPs voted to give 16 and 17-year-olds the right to vote in the alternative vote referendum. Does Johann Lamont believe

that 16 and 17-year-olds should have the right to vote in the Scottish independence referendum?

**Johann Lamont:** If the Scottish Government believes in the principle of 16 and 17-year-olds having a vote in elections, it is curious that they will not be voting in the local government elections that will be held in May. [*Interruption.*]

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford)** rose—

**The Presiding Officer:** Can we settle down, please? Quiet! Order!

**Johann Lamont:** I believe that the First Minister should now hold meaningful cross-party talks involving representatives—[*Interruption.*] On an issue of such seriousness, the idea that it is not possible to suggest that we have consensus without being catcalled down by the leadership is depressing in the extreme.

There should be a single question, and I am heartened that the Deputy First Minister agrees with me on that. I was heartened that she agreed with me until Monday evening, when Mr Salmond's Treasury spokesman at Westminster seemed to contradict her. Imagine that—a Westminster politician contradicting a Holyrood colleague in the same party. We have cross-party consensus for a single-question referendum, and we should confirm that in meaningful talks that include other leaders in civic Scotland.

The purpose of the referendum is to decide whether we remain in the United Kingdom, which is why there is a consensus on a single question. We come back to the principle that the vote needs to be free and fair and needs to be seen to be free and fair. That is in all our interests, regardless of which side we are on.

The Scottish Labour Party is the party that believes in devolution and which is radical on the constitution, and it would be wrong for the First Minister not just to define his own position but to try to define that of the Opposition as well. As the Scottish National Party argued when it stayed out of the convention, devolution and independence are two profoundly different concepts. I agree. One is not a short measure of the other, and they ought not to be conflated. The people of Scotland ought to have the opportunity to make that critical decision.

As I have said, we need clarity. I have asked the First Minister to hold cross-party talks. In particular, I encourage him to understand the importance of the referendum being properly administered. I believe that the Electoral Commission is beyond reproach. Surely no one is attacking its integrity. Why would we need to set up another body? Does the First Minister not

understand that people feel suspicious about that decision? We do not understand why the First Minister is putting himself in a position in which it appears that he wants to fix something rather than resolve it.

Let us come together on the process, on the timing and on the question, and on that basis we can disagree profoundly on the future. I believe that this is a time when we have a responsibility to ensure that no one can question whether the referendum is fair and free, so that, whatever happens, we can accept the result. We have a responsibility to ensure that future generations will not be able to look back at the referendum and say that it was a grubby fix. We have a responsibility to recognise that the choice that the First Minister is asking our nation to make is bigger than all of us.

Let us settle the process quickly so that the nation can debate the principles that are at stake. We should be allowed a chance to act as leaders of our country, and not just as leaders of our parties. I urge the First Minister to build a consensus on the process so that we can have a rigorous, open debate about our choices of futures for Scotland. That will not just give us an opportunity to have a serious debate on the issues but allow certainty when the vote finally comes. We owe it to the people of Scotland. Scotland deserves it. I look forward to the First Minister agreeing that we can work together, along with civic Scotland, to support the way in which the process is done, so that we allow the people to make their choice.

I move,

That the Parliament recognises that the Scottish Government has a mandate to call a referendum on the constitutional future of Scotland and calls on the First Minister to hold immediate cross-party talks, including with leaders from all quarters of civic Scotland, to agree a timetable for the referendum, to ensure that the referendum provides a clear result on a single question and to ensure that the referendum is run in Scotland by the Electoral Commission so that the people of Scotland can have an early and rigorous debate on the future of Scotland.

09:31

**The First Minister (Alex Salmond):** I congratulate Johann Lamont on her first speech as Labour leader in the Parliament. She almost pulled it off. The Labour motion states:

"That the Parliament recognises that the Scottish Government has a mandate to call a referendum",

and if it had stopped there, the entire Parliament could have united around it. Unfortunately, it goes on to give a range of Labour opinions, which rather gives the game away.

I was struck that Johann Lamont inadvertently put herself in some difficulty. I know that it is

embarrassing that the Labour Party, including Ed Miliband, voted for votes for 16 and seven-year-olds in 2010. [*Laughter.*] Yes, they did, in 2010, for the AV referendum, in the House of Commons. Yet the Labour Party says that that is something that is dreadful to anticipate in a Scottish referendum, so Johann Lamont said that 17 and 18-year-olds should not vote—[*Interruption*—in the Scottish referendum. She asked, “Why don’t we include them in the local government elections?” The answer is that we do not have the power to do that. The matter is reserved under the Scotland Act 1998. In that revealing insight, we found the reason why the Labour Party has so much difficulty: it does not even know how limited the powers of this Parliament are.

**Johann Lamont:** The point of my contribution was to suggest that, across Scotland, we could meet, talk and agree a consensus on the best way forward. I have not excluded that proposal, which will naturally be part of that debate. Let us have the talks.

**The First Minister:** I am delighted that we are making progress. However, I note that, while Johann Lamont has not excluded it, the Westminster politicians who are laying down diktats to this Parliament have already excluded it and said that it is not an option. I assure Johann Lamont that the consultation paper that we will publish in two weeks’ time will open up a wide discussion with the people of Scotland.

I thought that a second aspect was somewhat lacking in Johann Lamont’s speech. She said how dreadful it would be if people doubted the bonafides of a referendum that was organised by the Scottish Parliament and organised in Scotland. Some of us have long enough memories to remember the 40 per cent rule and what happens if one allows a referendum to be organised at Westminster. She should note the opinion of the Scottish Trades Union Congress, which said in a statement released yesterday that

“an independent body in Scotland should be tasked with the responsibility of making recommendations on the process and conduct of the referendum”.

**Ruth Davidson (Glasgow) (Con):** Will the First Minister give way?

**The First Minister:** When we put forward our proposals on how the referendum should be administered, I am sure that most reasonable people in Scotland will accept the justice of that position. I give way to one of Scotland’s reasonable people.

**Ruth Davidson:** Does the First Minister agree with his minister Stewart Stevenson, who wishes that the Electoral Commission had overseen the 1979 referendum?

**The First Minister:** I certainly wish that that referendum had not been dictated by a Tory-Labour cabal at Westminster, which inserted the 40 per cent rule to try to deny the democratic right of the Scottish people. Winnie Ewing best encapsulated the point when she said that, once upon a time, Britannia ruled the waves, but now it waives the rules. Those of us who have memories of Westminster-organised referenda look askance at Johann Lamont’s idea that, somehow, this Parliament and this country cannot organise a fair and proper referendum.

**Johann Lamont rose—**

**The First Minister:** Let me make a little progress; I might give way to Johann Lamont for a second time later.

Not for the first time, Johann Lamont questioned whether we made clear our ideas about the timing for holding a referendum. Of course, she does not carry with her all the Labour Party—even in this Parliament—in that opinion. I quote:

“Mr Salmond and the SNP clearly stated that any referendum would be held later in the life of this parliament. That’s what many Scots voted for, that’s what gave Mr Salmond his majority and that’s the mandate which the SNP has”.

That was said by Hugh Henry MSP in a letter to *The Scotsman* on 9 May last year.

**Hugh Henry (Renfrewshire South) (Lab):** Will the First Minister take an intervention?

**The First Minister:** Since I mentioned him, I will of course give way to Hugh Henry.

**Hugh Henry:** There is a salutary lesson in that quote not only for me but for others. I believed what the SNP had said and I failed to check the facts, which were that the SNP’s manifesto did not mention the issue. The people of Scotland should be warned never to believe what the SNP says and always to check the facts.

**The First Minister:** What Hugh Henry said in his letter to *The Scotsman*, when he was bidding to be the Presiding Officer, was clearly stated, as the point had been clearly stated. Perhaps the lesson of that exchange is that, when Hugh Henry wrote his letter to *The Scotsman*, he was a back bencher who was free to comment, whereas he has just made his rather apologetic intervention as a front bencher who is constrained in what he can say.

We have a more recent example. In what I think was his valedictory performance at First Minister’s question time just a few weeks ago, Iain Gray said:

“I asked him what the date will be. If it will be ... 2014, 2015 or 2016, that is fine—just tell us what it is.”—[*Official Report*, 24 November 2011; c 3838.]



I have now told the Labour Party what the date is, but Johann Lamont is still complaining that we have not set the date in the correct and proper way.

It is entirely proper for Scotland to move forward on an organised basis to hold the referendum, which will involve the most important decision for Scotland in 300 years. We will certainly do that by consensus and consultation, but consensus and consultation must recognise the overwhelming mandate that the SNP was given in this Parliament from the Scottish people.

**Willie Rennie (Mid Scotland and Fife) (LD):** Will the First Minister give way?

**The First Minister:** No, thank you.

When we publish our consultation document, the consultation will take place not just with political parties—we will not just meet Johann Lamont—but with the people of Scotland. I hope that people listened to the voice of members of civic Scotland as expressed on the radio this morning by John Downie and the Rev Ian Galloway, who told people that civic Scotland did not want options to be constrained and wanted the room to debate with politicians how to move forward. We should not accept the diktats of a Conservative Prime Minister to constrain the debate as we move forward to have the referendum on Scotland's future.

**Willie Rennie:** The First Minister is almost at the end of his speech and we have not heard one legal basis for what he claims. The Secretary of State for Scotland set out the UK's legal case. When will the First Minister set out his?

**The First Minister:** I offer the Liberal Democrat that precise thing—the leading textbook on Scottish constitutional law, "Law and Practice", by Himsworth and O'Neill. Professor Chris Himsworth wrote the commentary on the Scotland Act 1998 itself.

"A recurring ... example with a high political profile is that of a Bill to authorise the holding of a referendum on independence for Scotland. Because its purpose could be interpreted as the testing of opinion rather than the amendment of the constitution, such a Bill would almost certainly be within the Parliament's powers."

I hope that that view—from an independent expert—will satisfy the Liberal Democrats.

Johann Lamont asks for talks with the Government. However, the Labour Party has beaten us to the punch. We know that it has been in consistent talks—in cahoots—with the Conservative Party at Westminster since the election. Just before Christmas, a freedom of information request showed that Scottish secretary Michael Moore, and Labour former shadow Scottish secretary Ann McKechin, met on four

occasions over 18 months to discuss constitutional issues. Yesterday in the House of Commons, the Prime Minister was moved to say to Ed Miliband, "I agree with you 100 per cent." Let me warn the Labour Party—go in with the Tories and they will suck you in and they will spit you out, as they have done to the Liberal Democrats.

Rather than have a cross-party alliance between Labour and Tory at Westminster, let us involve the people of Scotland in a considered and proper way—in the consultation document that we will discuss, debate and take opinion from. Civic Scotland's point of view is that we should move towards having a referendum that is built in Scotland, made in Scotland, produced by this Parliament, and then offered to the people of Scotland to decide, in their wisdom, the future of this nation.

I enjoy a little bit of political bandiage, but I have to say that—

**David McLetchie (Lothian) (Con):** Bandinage?

**The First Minister:** When Johann Lamont suggested that we were not consistent on this issue, I wondered whether that comment could possibly be coming from the party that said, "No referendum," and then said, "Bring it on," and then went back to, "No referendum," and now wants a referendum to be held immediately. I do not think that we can take lessons on consistency from the Labour Party on this particular issue.

Why not accept that this party should go to the Scottish people with a central part of our manifesto? In the election, not only did we gain an overall majority in a Parliament elected by proportional representation, but—in the list or party vote—we gained more votes than the Labour Party, the Liberal party and the Conservatives put together. The people of Scotland spoke in the election and their voice was very clear indeed—for a referendum organised in Scotland, built in Scotland for the Scottish people, discussed with civic Scotland and then brought to the people in 2014 for an historic decision on the future of this nation.

I move amendment S4M-01678.2, to leave out from "that the Scottish Government" to end and insert:

"the mandate given to the Scottish Government by the people of Scotland in the May 2011 Scottish election to hold a referendum offering people the choice to decide their future and agrees that it is the responsibility of the Scottish Parliament to decide the timing and arrangements for the referendum; welcomes the announcement of Autumn 2014 as the date for Scotland's referendum; believes that 16 and 17-year-olds on the electoral roll should have the opportunity to vote, as it is their future along with everyone else's that will be determined by the result; encourages all Scots to take part in the Scottish Government's consultation on the referendum to be launched in the week beginning 23 January 2012, and affirms that constitutional

change is a process and that what ultimately matters is that the people who care most about Scotland, the people who live in Scotland, achieve a parliament with the powers and responsibilities of independence to grow the economy, create jobs, build a strong society and give all of Scotland's people the life chances that they deserve."

09:43

**Ruth Davidson (Glasgow) (Con):** Like the First Minister, I enjoy a bit of political bandage or bandinage myself but, on an issue as important as this one, I prefer information to obfuscation. The First Minister said that he did not want civic Scotland to be constrained in the debate but, as far as I can read from the Labour leader's motion, not constraining civic Scotland is exactly what she is calling for.

One of the few things in the First Minister's speech with which I could agree was when he said that this is the most important decision for 300 years—but the next 1,000 days could decide the destiny of our country for not just the next 300 years but the next 1,000 years. It is that important. The ground on which the debate will rage is not whether Scotland can be independent but whether it would be better off alone. It is not a question of could; it is a question of should. Every opinion poll ever published shows that the people of Scotland agree with me—Scotland is better off in Britain.

We have the best of both worlds: we have control over our own devolved affairs, with more powers on the way, and we are part of the most enduring and successful partnerships in the history of the world. We are a fantastic Scotland in a Great Britain.

In 1,000 days' time, or perhaps even sooner, 4 million people in Scotland will get the chance to reaffirm that they are proud to be both Scottish and British. History is in the making although, for the First Minister, I fear that it is not the history that he is hoping for. This is an epoch in Scotland's story: it is the latest chapter for a proud country that is at ease with who we are. We are optimistic about what we can be, but we are comfortable and content with being in our United Kingdom.

Much of this week, and today's debate, will concentrate on the process that leads to the referendum, but the real debate—the stark choice between unity or separation—is the bigger issue. However, process matters, because the people of Scotland demand and are due a referendum that is clear, fair, decisive and legal. That means a date, and a fair and clear question. It means answers to the big questions about just what independence would mean. It means an honest debate in which differing views can be honestly expressed, and a contest in which people can advance their arguments without being shouted

down just because they do not agree. It means robust debate, not personal abuse.

It means recognising that we all want the best for our country, even if we do not agree on how that can be achieved. It means acknowledging that the debate is about the very future of our country and that both Scotland's Parliaments and both Scotland's Governments have a rightful interest in the matter. However, it also means recognising that a referendum must be legally held in Scotland for Scotland and in the court of Scottish public opinion rather than in the law courts of Scotland.

For my part, I will always make the positive case for Scotland in Britain: that we are better united; that Scots can feel good about their dual identities; and that being Scottish and British is not a contradiction but a plus.

I respect the First Minister's right to hold that vote, and his long-held belief in separation. However, I do not agree with the destiny that he has set for Scotland, and I know that Scotland does not agree with it either.

I had hoped that the spirit of reasonable argument could prevail.

**Joan McAlpine (South Scotland) (SNP):** Will the member take an intervention?

**Ruth Davidson:** On the idea of reasonable argument—yes, absolutely.

**Joan McAlpine:** Since David Cameron's intervention in the referendum debate, 300 people have joined the SNP. How many people have joined the Conservative Party?

**Ruth Davidson:** We are in the middle of a very big membership drive, and I would ask anybody who has an interest in centre-right politics to join the Conservative Party.

Let us talk about that reasonable debate, because there is an ugly side to the argument that has been made in recent days, and it has come not from the Prime Minister but from the very member who has just intervened. I am sad to say—it probably says more about me than it does about anyone else—that I follow Joan McAlpine on Twitter, and I know that she has tweeted that Labour, the Liberal Democrats and the Conservatives are "anti-Scottish". That type of ignorant, petty nationalism is an insult not only to us but to Scots up and down the country.

I know the difference between patriotism and nationalism, and I do not doubt for one moment the desire of all patriots and nationalists to do what they think is best for Scotland. However, the narrow opinion that the only true Scots are those who believe in separation is demeaning to those who peddle it and an insult to the majority of people who live here.

Ms McAlpine's intervention is a sign of how the SNP mask can slip: a sign of SNP members' desire to play the politics of grudge and grievance, to complain when they do not get their own way and to act as if they own the hearts and souls of all Scots and as if only Alex Salmond can speak for Scotland.

**The First Minister:** Will the member give way?

**Ruth Davidson:** I am terribly sorry—I am being advised by the Presiding Officer.

If I am allowed extra time, I will happily take the First Minister's intervention.

**The First Minister:** We are still waiting to find out how many people have joined the Conservative Party, but I point to the views of someone who has just left.

The member is meant to sit down now.

**The Presiding Officer:** Briefly, Mr Salmond.

**The First Minister:** The former legal adviser to the Conservative Party, Paul McBride QC, who left the Conservative Party in disappointment at the result that saw Ruth Davidson elected, said on BBC Scotland yesterday:

"I'm absolutely satisfied the Scottish Government has the power to hold a referendum".

If he had still been her party's legal adviser, would Ruth Davidson be pursuing a different line?

**Ruth Davidson:** As the First Minister well knows, and as he has been told in the chamber by my predecessor on more than one occasion, Paul McBride was never the legal adviser to the Scottish Conservative Party.

I make no secret of our desire to have the referendum sooner rather than later, and we need to ask why the First Minister is ignoring warnings from the Scottish Trades Union Congress, the Confederation of British Industry Scotland and Citigroup about the consequences of not taking forward the referendum more quickly. However, let the consultation take place over when the referendum should be and let the First Minister properly engage for the first time in mature discussions about the legality of the referendum and the reasonable and constructive offer from the United Kingdom Government to remove obstacles and clear the way for a fair, unambiguous and decisive vote. Surely, even Alex Salmond must want that—or is it that, given the frustration of the nationalists this week because their bluff has been called, he secretly wants confusion and legal wrangling? Does he prefer ambiguity, so that he can ask the woolly, soft, back-door question about being given a chance to negotiate possible separation terms rather than having to ask a clear, straightforward in-or-out question?

As the debate unfolds over the coming weeks, there will be a clear dividing line between patriots and nationalists. We want clarity, the SNP wants confusion; we want co-operation, the SNP wants confrontation; we want it settled, the SNP wants to drag it on. Scotland gets the best deal when its two Governments work together. We want to remove obstacles to the referendum to make it legal, fair and decisive. Why would the SNP object to that? The most revealing aspect about today's debate is the fact that the SNP refuses to back the reasonable motion in front of us. That tells us all that we need to know about the SNP. The Scottish Conservatives are happy to support the motion.

**The Presiding Officer:** I remind members that they should press their request-to-speak buttons if they wish to take part in the debate. I also remind them that time is now extremely tight.

09:51

**Linda Fabiani (East Kilbride) (SNP):** It is interesting how the anti-independence parties are generally keen to accuse SNP members of always wanting to discuss the constitutional question—we have heard that again this morning—yet, this week, those parties have shared platforms, radio microphones and television studio couches and have tied themselves in knots over the very question of the legality or illegality of a referendum to decide Scotland's future.

The question of legality is no more than a smokescreen. The section 30 possibility was, after all, recognised by the Scottish Government some time ago. It is a smokescreen to hide the fact that the UK Government—Conservatives and Liberal Democrats, assisted by the Labour Party—is intent on determining the terms of Scotland's referendum. It is determined to pull the strings and thus deny the rights of Scotland's people, through their elected Government, to make decisions on the future of their nation. I had hoped that the Labour Party in Scotland, after joining with the Tories and Lib Dems to stop the referendum in the previous session, would renege on that joint crusade this time round and recognise that, as stated in the 1989 claim of right, while the union may be a reserved matter, the sovereignty of the Scottish people certainly is not.

**Willie Rennie:** I wonder whether the member signed the claim of right.

**Linda Fabiani:** I was not a member of Parliament all that time ago; I do not know whether Mr Rennie was.

I read the consultation document issued by the Secretary of State for Scotland and noted that one possibility mooted is an amendment to the Scotland Bill that is wending its way through Westminster. That prompted me to reread the

exchanges that I had with Mr Moore in November last year. I asked a very straight question:

"I am asking you to ensure that there is nothing in the Scotland Bill that interferes with the right of the Scottish Government, representing the Scottish people, to set the timing and wording of the questions for the referendum."

His answer seemed straight, too:

"Those issues are not part of my bill, nor do I intend to bring them forward."—[*Official Report*, 17 November 2011; c 628-9.]

What a difference two months makes—or perhaps it is the difference that a Tory Prime Minister makes when the secretary of state's party has tied itself to his apron strings.

It is not just the timescale or the question that the secretary of state's party is backsliding on—it is voter eligibility too. The Lib Dems, who have long campaigned for votes for 16 and 17-year-olds, now do not believe that 16 and 17-year-olds on the electoral register should be entitled to vote in the referendum. As well as referring to the Liberal Democrats' 2010 manifesto pledge, I am sure that many of my colleagues taking part today will be able to cite many examples of Lib Dem MPs and MSPs going on record to support this cause—that is, the cause of votes for 16 and 17-year-olds, as opposed to the abolition of tuition fees.

Some Labour members also signed up to the votes at 16 campaign. In addition, as we heard from Mark McDonald and the First Minister, more than 180 Labour MPs supported an amendment to allow votes at 16 on the AV referendum, including Margaret Curran, who is currently on side with Messrs Moore and Mundell. Not many members who are here today have not at some time or other stated, or at least agreed with the statement, that our young people are our future, so why on earth are they trying to deny Scotland's 16 and 17-year-olds the right to vote on that future? There is no logic in that position, and nor is there logic in Scottish Labour's motion, which calls for discussion with all quarters of civic Scotland to ensure a single question. Civic Scotland has called for greater powers for our Parliament over and over again, and that call is due respect from members of the Parliament. Therefore, let us continue the discussion, not dictate the answer.

I believe in independence for my country and believe that Scotland's future will be best served if we rejoin the family of nations, as so many have done over the past decades. I believe that independence can bring us prosperity and a fairer society, which is why I will always campaign for it. I respect the views of others, sincerely held and stated, but I find it difficult to thole the denial that Scotland has the right to make its own decisions through the mandate of its democratically elected Government. The Government in Scotland has

been democratically elected by Scots, but let us not pretend that the current UK Government has been, despite what David Mundell, Scotland's only Conservative MP, insists on repeating.

Scotland has been told for long enough what it cannot do. Sadly, that has too often been by those whom we have elected to represent us. I ask those who have been elected to the Scottish Parliament to think long and hard about why they came to it. We should ask and talk about what Scotland can do and what we can achieve. That starts with Scotland making it clear to the Westminster Government that the referendum is ours and that it is our right to decide its timing and terms. On that basis, the SNP amendment should be supported.

09:57

**Richard Baker (North East Scotland) (Lab):** I am pleased to speak in the debate and pleased that we on the Labour benches have provided members with the opportunity to debate the independence referendum. However, many people might reasonably have expected the debate to have been introduced by the Scottish Government, not only because it says that independence is its most important priority or because it has been the foremost issue in Scottish and UK politics this week, but because the First Minister announced on Tuesday to the media his new proposed timescale for a referendum. It is an important issue for the Parliament.

There are a number of bizarre aspects of the Scottish Government's position, and none more so than its grim determination to delay a referendum for as long as it can. After the election, along with other Opposition parties, we were quick to accept that the SNP had secured a mandate for a referendum. It is therefore bewildering—and it must frustrate many nationalists—that, after more than four years of consultation on the issue, a draft bill and several consultation documents, a majority nationalist Government is stretching every sinew to hold off a vote when for so long it has impressed on us the urgent need for a referendum.

**John Mason (Glasgow Shettleston) (SNP):** Will the member give way?

**Richard Baker:** I will take one intervention and then I will have to finish my speech.

**John Mason:** Does the member accept that we are talking about one of the most important decisions that Scotland has had to make and that it is therefore worth spending time on it and thinking about how we will deal with the economy, defence and all the other issues?

**Richard Baker:** We have had years. We had a draft bill in the previous session of Parliament from the member's Government, which pressed for a referendum as soon as possible. I am afraid that the Scottish Government is in a weak position on the issue. There is simply no compelling objective reason to delay the vote.

As Johann Lamont said, in 1997, it took only months to hold a referendum and, within two years, a Parliament was established. The SNP manifesto did not state that the referendum should be in the second half of the session, although failing to honour election pledges has not troubled the First Minister previously. Many people will believe that the only reason why the First Minister is showing uncharacteristic reticence in bringing forward a vote is that he is scared of what the result would be now and he seeks delay, in the hope of gaining political advantage.

However, the issue is too important to be treated in that way and it is bigger than any single political party or individual. It is about the future of the whole of Scottish society, which is why we are arguing a case—which I believe many Scots will support—that consultation processes by Scottish or UK ministers are not enough and that the debate on the process should be concluded quickly and concluded here in Scotland. That is why we have called on the First Minister to enter into cross-party talks on the format of the referendum and to involve wider Scottish society. That can only help to generate confidence in the referendum process, encourage participation in a vital debate for Scotland and help us to move quickly on to the substantive debate on the issues.

In any discussions, we will make the case for the need for clarity on the legality of the referendum, and on the outcome of the result. That is why, whatever debate rightly takes place on more powers for the Parliament in a devolved settlement, we believe that the referendum must be a straight question on a single choice. It is disappointing that, after the Deputy First Minister signalled that there was consensus on that, the SNP has rafted back from that and we are left with its ludicrous proposition that, even if more people voted for more powers than voted for independence, we would still end up with independence. That will not strike many people as a fair process.

**Mark McDonald:** Will the member give way on that point?

**Richard Baker:** I must make progress because I have only six minutes.

We will continue to ask questions about the franchise, not just on the debate over 16 and 17-year-olds voting but on broader issues of franchise that still require more debate. On such issues, it is

vital to seek advice from the Electoral Commission. It should be self-evident that the Electoral Commission should oversee the running of the referendum. With an independent body already in place for the running of elections and referendums that has experience in ensuring fairness in the democratic process, many people will understandably ask why Scottish ministers wish to create a new body and make new appointments of their own to oversee the referendum.

We will also continue to raise our concerns over the issue of when the referendum is held. We still await a specific date from the Scottish Government. We believe that the continuing uncertainty is damaging to Scotland's economy at a time when unemployment is already rising and economic growth is stalling. Even if the Scottish Government believes that investment in Scotland is not being damaged by such uncertainty, there is clear evidence that, at the very least, casts great doubt on that assertion, so why even risk such an impact on our economy when the referendum could simply be held earlier? That would then allow ministers and the Parliament to firmly focus their undivided attention on creating jobs and restoring growth.

In the past few days—at least until this debate—the First Minister sought to take a more conciliatory tone, and suggested that he will work with UK ministers to resolve the debate over legality and seek a consensus on other aspects of the referendum. I hope that the First Minister's tone persists and that he recalls his words at the beginning of the current parliamentary session, when he said that no party has a monopoly on wisdom, because it is certainly the case that no party has a monopoly on deciding what constitutes a fair referendum. On such a pivotal decision for Scotland, it is vital that all parties and all Scots have confidence that the referendum will be held at a time and in a way that are not for the benefit of one party but are instead in the interests of all Scots and fairness. That drives our motion today and that is why, if the Government truly wants a fair referendum, it should back it.

**The Minister for Environment and Climate Change (Stewart Stevenson):** On a point of order, Presiding Officer. Under section 7.3.1 of standing orders, which relates to courtesy and respect during debate, I invite you to ensure that, in her concluding remarks, Ruth Davidson is given time to apologise to me for an incorrect reference to my having said anything about the Electoral Commission. The only occasion on which I have referred to the Electoral Commission was on 29 December 2005, in relation to funding for the Scottish Socialist Party.

**The Deputy Presiding Officer (Elaine Smith):**

Thank you Mr Stevenson. Your point is on the record. Members are aware that, if any mistakes are made in the chamber, there are opportunities for them to correct the *Official Report* if they so desire.

10:04

**Humza Yousaf (Glasgow) (SNP):** I commend the Scottish Labour Party for bringing up today's debate. What subject could be more important than Scotland's future? Although I cannot support the motion because of its obvious flaws, it is at least an attempt to engage with the debate, which is a refreshing change from the usual apocalyptic, scaremongering and fear-driven negativity that seems to come from Castle Grayskull.

The debate on Scotland's future between those who wish to see it fulfil its self-determination and those who wish to see it remain stagnant has truly begun. Although we have seen furious back-peddalling from our unionist opponents in recent days, one phrase has remained consistent. This is the Scottish people's referendum. What does that really mean? It means that we have to consult, talk and, most important, listen to what people tell us. I listened with interest as the unionist parties said that they had already made up their minds and completely opposed having the devolution max option on the ballot. How can they possibly claim to be listening to the people when, for example, Martin Sime—the chief executive of the Scottish Council for Voluntary Organisations, which represents more than 1,300 member organisations and is the voice of the third sector—said yesterday:

"The polls show that two-thirds of people in Scotland support more powers for the Scottish Parliament, so there is a strong appetite for having a healthy third option question included in the referendum?"

**Kezia Dugdale (Lothian) (Lab):** Is Humza Yousaf aware that our own Deputy First Minister said on the radio on Monday this week that there should be one question on the ballot paper?

**Humza Yousaf:** No, actually she said that that was her preference. [*Laughter.*] It is absolutely our preference to have a straight question, but the point of consultation is to listen to the people of Scotland. However, if the Scottish Labour Party does not want to listen to the people and wants to ignore civic society, it surely must listen to its own back benchers, such as Malcolm Chisholm MSP, with whom I have been tweeting over the past 24 hours. He says:

"I believe that Devo Max in some form is the right position for the good governance of Scotland and the best way of ensuring that Scottish priorities are to the fore in all domestic policy areas ... We need a three question

referendum and Labour has to define what Devo Max means as a matter of urgency."

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** We have had several tweets about the issue. I referred Humza Yousaf to *The Scotsman* article of 24 November in which I talked about devo plus, given the ambiguity of devo max. I also pointed out that support for that option does not necessarily involve a further question in a referendum.

**Humza Yousaf:** I really respect Mr Chisholm and call him an honourable member because many members see him as that. However, he said in October:

"We need a three question referendum and Labour has to define what Devo Max means as a matter of urgency".

To back-pedal on that is not in character for him. He does himself a disservice.

More than anything else, the debate is about the future that we envisage for our nation. It is only logical that we let those who have the most at stake take part in that decision. It is wrong that our young people can fight and die for their country, consent to marriage and have children but cannot decide the direction of their own future.

There is no bigger treachery in politics than signing a pledge and then turning one's back on it the moment that it is politically expedient to do so. The smidgen of contrite Lib Dem MSPs is testament to their party's hypocrisy over tuition fees. What are we to make of the deafening silence of Labour MSPs who signed the votes at 16 pledge—John Park, Kezia Dugdale, Claudia Beamish and Neil Findlay? Every one of them will be accused of being afraid to stand by their principles and convictions unless they make it abundantly clear that they back votes for 16 and 17-year-olds in the independence referendum.

**Drew Smith (Glasgow) (Lab):** Will Humza Yousaf give way?

**Humza Yousaf:** I cannot, because I must make progress.

There is no doubt that the Labour members whom I mentioned are all following the lead of their Westminster colleagues Anas Sarwar, Margaret Curran, Jim Murphy and Douglas Alexander, who all voted to give 16 and 17-year-olds the vote in the AV referendum. However, when they are asked about 16 and 17-year-olds voting in the independence referendum, they squirm and wriggle and they dodge and dive. Our young people deserve much better than that.

I will quote a Labour member for the second time—I am feeling charitable. Chris Bryant MP said:

"You're either in favour of votes at 16 and 17 or you're not, and if you are you should be voting in favour of votes at 16 and 17 ...

Otherwise, it seems to me"

that you

"really are taking to heart the words of Homer Simpson, when he said:

"Weaselling out of things is important to learn. It's what separates us from the animals—except the weasels."—  
[*Official Report, House of Commons*, 18 October 2010; Vol 516, c 705.]

We are geared to take our case for self-determination to the people of Scotland. Independence is not about some arcane notion of flags and anthems or coins and stamps. It is not about shortbread-eating, flag-waving, kilt-wearing nationalism—although I quite enjoy all those things, incidentally, sometimes even at the same time.

Independence is about the ability to make decisions for this nation resting with those who care about it most—the Scottish people, who are always sovereign. I am talking about the decision not to have weapons of mass destruction on our shores, the decision not to send our sons and daughters to die in illegal wars and the decision to have a fair and just welfare system that does not punish our disabled.

I will relish the period ahead and I look forward to the autumn of 2014, when Scotland will look to take her place at the table alongside the global family of nations, which Linda Fabiani referred to. I have no doubt that our campaign will envisage hope. We will drive forward Scotland's aspirations and walk hand in hand with our fellow countrymen, women and children on a journey to deliver the greatest of prizes: the self-determination of our country.

10:10

**Willie Rennie (Mid Scotland and Fife) (LD):** I was struck by the wording of the Government's amendment, which says that what ultimately matters is that we

"achieve a parliament with the powers ... of independence".

Surely what matters most is that the people of Scotland get a referendum that is fair, legal and decisive. Let us remember that the SNP's mandate is for a referendum; it is not for independence. When the Scottish Government says that the most important thing is to achieve independence, that implies that every other consideration is secondary. That is what we are worried about. What will the Government put second so that it can put independence first? That is why it is right to raise concerns about the legal process.

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

**Willie Rennie:** No.

It is right that the Secretary of State for Scotland, Michael Moore, who is a Scot and a Scottish MP, should set out how the UK Government can help. The SNP has known about the problem since Donald Dewar told it in the early days of the Parliament that a referendum would be ultra vires, and it has disregarded it for far too long. It is important because, only around a decade ago, we remember, there were the hanging chads of Florida, which dominated the outcome of the presidential election in 2000 between Al Gore and George Bush. Thousands of lawyers flocked into Florida, argued for 36 days and launched 47 lawsuits before a winner of the election could be declared. The SNP complains about one Supreme Court; the Bush-Gore contest needed two.

**The First Minister** rose—

**Willie Rennie:** I will be generous and give way to the First Minister.

**The First Minister:** I thank Willie Rennie for his generosity.

Willie Rennie mentioned the Secretary of State for Scotland. I offer him a quote from Michael Moore from just a few months ago. He said:

"I firmly believe the Scottish Parliament, if it so decides, can proceed with a referendum".

He said:

"We could, I suppose, try to make a constitutional issue about where the powers lie or don't, but I don't think that would be a sensible use of anybody's time."

So why on earth have the Liberal Democrats and their Tory allies been wasting people's time over the past four days?

**Willie Rennie:** The First Minister knows full well that my friend and colleague Michael Moore is always willing to assist him in meeting his manifesto commitments, and that is exactly what he has done this week. He has helped using a reasonable tone, as the First Minister admitted.

**Chic Brodie:** Will the member give way?

**Willie Rennie:** No.

We should remember that, back in 2000, the United States was paralysed by the legal process. We have been fortunate in the United Kingdom that legal challenges to elections have not dominated the political process, but that could all change.

It is not the specific type of referendum—advisory or binding—that matters; it is the substance of the question that is posed that

counts. That is the problem that we face. Constitutional matters are reserved to Westminster, even though the mandate on the referendum is here. I need to be absolutely clear. The legal challenge would not need to be made by the UK Government; it could come from anywhere at all. That is why it is so important for the two Governments and the Parliaments to work together to sort out the problem. My concern is that the result of the referendum would be determined by the courts, not the people, and that it would plunge Scotland into a pit of humiliation, just like that which was suffered by the United States.

The referendum needs to be fair and decisive so that the settled will of the Scottish people can be expressed through the ballot box. That means that there should be one question on the ballot paper.

**Chic Brodie:** Will the member give way?

**Willie Rennie:** I do not have enough time.

I showed in the autumn that, under the system proposed by the First Minister, a two-question referendum would treat the option of more powers for Scotland—for example, devo max—as a second-class question. Even if the option of devo max were to win by a landslide or 99 per cent, it would still be trumped by independence with only 51 per cent support. No constitutional expert has come forward to defend such a formulation, but the SNP remained wedded to it.

For more than a century from Gladstone through Grimond, the Liberal Democrats have strongly advocated home rule in Scotland. Unlike the SNP, my party has worked constructively with others on the Scottish Constitutional Convention, the claim of right—which members should remember—and the yes campaign in the 1997 referendum. We are now working to deliver additional financial powers through the Scotland Bill.

Of course we can go further than the Scotland Bill—indeed, we want to go further. In broad terms, it would mean Scotland raising more or all of the money that it spends while still remaining part of the UK. We will deliver that home rule by working constructively with others to develop a consensus in a constructive and orderly manner. Slapping devo max in a referendum without any worked-out plan is reckless and we will have no part of it.

I am also puzzled as to why the SNP has rejected an independent expert organisation with an international track record in elections. The Electoral Commission was established with the support of SNP MPs, including, I presume, the First Minister—

**The Deputy Presiding Officer:** You must conclude, Mr Rennie.

**Willie Rennie:** I will, Presiding Officer.

To imply that the commission is somehow politically biased is somewhat disrespectful to commissioners and their staff, not least the SNP's own George Reid.

10:16

**Joan McAlpine (South Scotland) (SNP):**

Richard Baker raised the issue of economic uncertainty as a result of the timing of the referendum. That comes as a surprise, given that such a view has been pretty universally demolished by people such as David Watt from the Institute of Directors and our offshore operators, all of whom say that there is no such uncertainty.

To those voices, I add another that came to my attention this morning—Professor Brian Ashcroft, whose name will not be unknown on this side of the chamber. In the Scottish Economy Watch blog, under the title “Referendum blues, or not”, Professor Ashcroft considers UK ministers’ assertions that

“the Scottish independence referendum is risking business confidence and preventing investment in Scotland”,

asks “Who is correct?” and says:

“The evidence to date favours Alex Salmond.

There is no indication in the aggregate foreign direct investment ... statistics of a downturn in inward investment to Scotland relative to the rest of the UK. The latest *Ernst & Young 2011 UK Attractiveness Survey* shows the number of projects coming into Scotland rising ... Indeed, despite the dominance of London and the South East in terms of projects, Scotland, by far, attracted the most employment”.

I hope that, with people as widely respected as Professor Ashcroft coming into the debate, we can knock that particular argument on the head once and for all.

As for the Conservative group leader’s assertion that those who suggest that what is happening is anti-Scottish are somehow narrow in their politics, I make absolutely no apology for saying that the Liberals, the Labour Party and the Tories are anti-Scottish in coming together to defy the will of the Scottish people and the democratic mandate that they gave us to hold a referendum at a time of our choosing, which, as the First Minister said, would be the latter half of the parliamentary session. The sight of those parties cosyng up on the sofas of various Scottish television studios will really alarm the people of Scotland.

**Neil Findlay (Lothian) (Lab):** I think that the member should seriously consider what she is saying. Given what opinion polls suggest is the view of the vast majority of the Scottish people, is she suggesting that they are not patriotic and do



not love their country? If she is, that is an utter disgrace.

**Joan McAlpine:** I did not address my comments to the people of Scotland; I addressed my comments to the Labour Party, the Conservative Party and the Liberal Democrats, who—thank goodness—do not represent the people of Scotland and were in their entirety outpolled by the SNP last year, as the First Minister said.

The anti-independence parties stood together against Scottish democracy yesterday in Westminster. That will be no surprise to the people of Scotland, because for four years between 2007 and 2011 those parties stood together to stop a referendum. Now they want to dictate the terms of a referendum. They want to exclude the young people of Scotland from choosing their future, but their elderly Labour peers down south say that they should have a say, even though they do not live here. The electorate told Labour what they thought of that strategy last May, but Labour seems to have learned nothing.

On the Labour motion, I gently remind members that they had six months to work collaboratively with the SNP. We reached out to them on the constitution last year and urged them to suggest ways to take Scotland forward. We offered steps that fall far short of our ideal of independence or even devo max.

Members could have brought forward proposals for job-creating powers during discussions in the Scotland Bill Committee. I sat on the committee with Willie Rennie for several months. He talked about wanting more powers for the Scottish Parliament; why did he not make one suggestion on more powers in all the time that he sat on the Scotland Bill Committee? He did not even back the idea of devolving responsibility for the Crown estate to Scotland, even though that is a long-standing Liberal Democrat policy.

**Willie Rennie:** In the development of the constitution, there is a difference between the reckless approach that Joan McAlpine proposes and the orderly approach of the Liberal Democrats and other parties in the Parliament, who delivered the Scottish Parliament and the Scotland Bill without a single bit of support from the SNP.

**Joan McAlpine:** I am not sure what Willie Rennie thinks the Scottish Parliament or its committee system is for, if he does not think that that is the appropriate place in which to raise his stated objective of extending the Parliament's powers.

Willie Rennie did not listen to us, but he could have listened to the Scottish Council for Voluntary Organisations, which asked for welfare to be devolved, to protect the vulnerable. He could have

listened to the Wise Group's sensible suggestion that Jobcentre Plus be devolved, to create a streamlined employment service.

I remind the anti-independence parties—

**Willie Rennie:** You have read the script.

**Joan McAlpine:** So have you, but mine is a bit more inspiring for the people of Scotland.

**The Deputy Presiding Officer:** Speak through the Presiding Officer, please.

**Joan McAlpine:** I remind the anti-independence parties of Scotland's ancient motto. It is, "No one provokes me with impunity"—or "Don't mess with me." We know that David Cameron does not speak that language. He has a tin ear for Scots and it is sad that most of the anti-independence parties in the Parliament also seem to have a tin ear for Scots.

10:23

**Lewis Macdonald (North East Scotland) (Lab):** Johann Lamont said that the process of devolution has been the most radical and significant development in the relationship between Scotland and the rest of the United Kingdom in the past 300 years. If Scotland remains in the union, it has the potential for yet more radical change in future, as a number of members said.

First, we need to establish whether it is the will of the Scottish people to remain in or to leave the British union. That decision is one for the Scottish people to make, but a decision to leave the union would be very different from the choices that we have made to date about devolving power within the union.

Membership of the British union does not define who we are, any more than membership of the European Union is ever likely to do. However, it has a significant influence, not just on our cultural identity but on our scope for economic activity, on our citizenship and on the choices and opportunities that are available to our children. We have enjoyed a relationship with our neighbours of a kind that other European nations are still striving to achieve.

We have fiscal union and a single market that underpins what was the largest free-trade area of its day when it was established. We have monetary union and a single currency that is one of the most successful currencies in history. We have political union, which—let us not forget—ended centuries of wasteful warfare of neighbour against neighbour and freed up Scotland and England to go on to play a hugely influential role in the making of the modern world. We were right to modernise that union. Labour delivered devolution

within months of winning a clear mandate to do so in 1997, but we did so in partnership with other parties and with civic Scotland.

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** The member said that Labour delivered devolution within months. The original Labour mandate for devolution was the October 1974 election. It did not take Labour months; it took it 25 years.

**Lewis Macdonald:** I am sure that Mr Neil, with his extensive memory of these things, will recall that the Labour Government that sought to deliver devolution in 1978 was a minority Government. It had the same defence or excuse as Alex Salmond has had for the past four years, but Alex Salmond no longer has that defence or excuse, and Labour, with a clear—

**The Deputy Presiding Officer:** Mr Macdonald, I ask you to sit down because Mr Neil is making a point of order.

**Alex Neil:** On a point of order, Presiding Officer. The member should stick to the facts. It was not a minority Government.

**The Deputy Presiding Officer:** That is not a point of order.

**Lewis Macdonald:** Within months of achieving a clear parliamentary majority and a clear mandate, Labour delivered devolution. We did so because it was the settled will of the Scottish people and because that will was expressed through our partnership with other parties and with civic Scotland in the Scottish Constitutional Convention. Alex Neil's critique of these matters is wrong. We set about modernising the British union as part of a wider modernisation of the governance of Britain and as part of a redefinition of the relationship of Scotland to the rest of the UK.

Devolution is a process, not an event. Independence, on the other hand, is not part of that process. To leave the United Kingdom is a decision that we as a nation are free to make, but it is not a choice about how best to modernise the union. It is a decision to end it. Therefore, Alex Salmond's amendment, which

"affirms that constitutional change is a process",

conflates two very different things. The SNP manifesto last year said nothing about a process of change. It said:

"We will ... bring forward our Referendum Bill in this next Parliament. A yes vote will mean Scotland becomes an independent nation".

That is clear and unequivocal. It is the basis on which the SNP claims a mandate today, which it asks the rest of us to acknowledge. While we acknowledge it on that basis, the process of

change to which other parties are committed is a process of change of and within the United Kingdom. That process will cease altogether if the SNP succeeds in winning majority support for Scotland to leave the UK. Separation or independence is a direct negative to further devolution of reserved powers or any other adjustment to the devolution settlement.

A yes vote for what the SNP wants is a no vote for devolution of any kind—maximum, minimum or the status quo—and so the further development of devolution requires, first of all, a clear decision in the promised referendum.

That is especially true for any changes that would strengthen or maximise devolution. Federal states, for example, devolve substantial powers to their constituent parts, while retaining sovereignty at the centre, but that model works on the basis of a stable constitutional settlement, in which the constituent parts recognise the sovereignty of the federal Government and renounce the right to leave the union in exchange for extensive powers of internal self-government.

There is an argument that says that Scotland within the union should acquire greater fiscal autonomy, and a different argument that says that there should be federal self-government within a fiscal union. I agree with those who say that we should have that debate, but it can go forward in a meaningful way only if and when the Scottish people have first come to a clear decision to remain within the UK, which is why there needs to be agreement on the question to be asked.

The SNP was elected on a clear commitment that

"A yes vote will mean Scotland becomes an independent nation".

The corollary of that is that a no vote means that it will not. Today the SNP could take the same approach to those choices as Labour took when we won a decisive election victory 14 years ago. The SNP could use its mandate to work with other parties and with civic Scotland to agree how best to address the decision on leaving the union to ensure that the Scottish people are presented with a clear choice. I urge the SNP to do that and to support the Labour motion. A failure to rise to the occasion would be a disappointment for all the people who voted for the SNP last year.

**The Deputy Presiding Officer:** I advise members that we are now extremely tight for time.

10:29

**Mark McDonald (North East Scotland) (SNP):** Willie Rennie seems interested in what members on this side of the chamber did about the claim of right. I can clear that up for him: I was nine when

the claim of right was signed, so I was slightly more interested in playing with Lego than in signing it. [*Interruption.*] I realise that Jackie Baillie's first words might have been "social justice", but some of us had a childhood before we became interested in politics.

Johann Lamont stated that this is the only time and the only issue on which she has agreed with the Tories—apart from trams, minimum pricing, the supermarket levy, the Iraq war, the graduate endowment and the bill on offensive behaviour. Apart from all those things, this is the only issue on which she has ever agreed with the Conservative Party.

The Labour Party has brought us a debate with the headline, "Scotland's Future", so let us refer to Scotland's future and to Scotland's young people. The Scottish National Party's policy is that every 16 and 17-year-old should be entitled to vote in all elections. As the First Minister rightly identified, we do not currently hold the powers in the Parliament to enact that policy. However, if we have the powers here, members can rest assured that those young people will vote in every election that this Government has the opportunity to allow them to vote in.

**Drew Smith:** Will the member give way?

**Mark McDonald:** No.

My colleague Kevin Stewart has been invited to be a champion of the votes at 16 campaign, but he is not the only politician who has agreed with that campaign. Indeed, Pamela Nash—the MP for Airdrie, Shotts and surrounding villages, tweeted on 18 October 2010 that she had

"Just voted for Votes at 16, unfortunately 346 MPs disagreed with me".

I was also struck by a quotation that I came across from 9 June 2011:

"A chance to have a say in who represents them at a local and national level and in making decisions that will affect their lives now and in the future would benefit both of these groups in a ground-breaking way by opening up debates, fostering civic awareness and encouraging political involvement at all levels."

That was John Park MSP supporting the votes at 16 campaign.

When those politicians are given the opportunity categorically to back 16 and 17-year-olds having the vote on an important issue for their and their country's future, they fall silent and into the realms of saying nothing. They are less champions for votes at 16 and more chumps for votes at 16.

Let us touch on the issue of business uncertainty. The challenge has been laid at the door of the unionist parties to name one business—just one—that has stated that independence and the referendum have

dissuaded it from investing in Scotland. They cannot do it. They throw up the notion that somehow that is because the discussions are confidential and therefore they cannot possibly give away the details. They can give away the content of the discussions; they just cannot give away who the discussions were with. It is time for that nonsense to stop.

On the issue of timing, I will listen to experts on constitutional affairs, such as Stephen Tierney, professor of constitutional affairs at the University of Edinburgh. He said:

"one of the standard democratic criticisms of referendums held throughout the world is that they're rushed ... it's fairly strange that a referendum should be criticised because it's too far away."

I will listen to Stephen Tierney and his lessons on the timing of a referendum before I listen to the lessons of the UK parties.

I find particularly interesting the notion that we are somehow being inconsistent on the second question. Let us be as clear as we possibly can—and I agree entirely with the Deputy First Minister on this. Our absolute preference is for an independence question, and I will campaign for independence because that is what I believe in. However, I recognise—we as a party recognise—that there is a body of opinion in civic Scotland, of which Malcolm Chisholm is part, that believes that there should be a focus on other powers below independence.

**Lewis Macdonald:** Will the member give way?

**Mark McDonald:** Just one second—let me develop the point.

Those people would call for this Parliament and this Government to put forward a question that offers the opportunity for further devolution short of independence. I do not believe that we, as politicians, should shut down that debate today and say simply that we should not countenance it. I hope that Lewis Macdonald will agree with me on that.

**Lewis Macdonald:** Indeed. Does Mark McDonald not therefore accept the opportunity offered by the Labour motion to sit down with civic Scotland and discuss exactly those points?

**Mark McDonald:** Lewis Macdonald should be patient: in two weeks' time, the consultation document will be published and we will consult and discuss with civic Scotland. We will do that anyway. We did not need a Labour motion to tell us to do what we were going to do already.

Lewis Macdonald may also want to have a word with some of his colleagues at Westminster, such as Anas Sarwar, who seem to want to shut down the discussion to be simply about one question on the ballot paper. Let us be clear that the Scottish

National Party's firm preference is for a question on independence, but we recognise the body of opinion that may wish to see a further option.

On the point of uncertainty, let us consider the position of the Scottish secretary. We were told that he never stands in the way of anything and is consistent in his approach. First, he did not want a referendum; then he wanted two of them as quickly as possible; then, 24 hours later, it was back to just one, but he always wanted more powers, but not if it had to be put to the vote in a referendum; then he decided that he wanted to set a timescale for the referendum; 24 hours later he did not; and another 24 hours later he was going to consult on the timescale that he did not want to set. However, we are told that all the uncertainty is the fault of everybody else, not Michael Moore. Frankly, it is the biggest example of the constitutional hokey-cokey that I have ever seen in my life.

This Government has the mandate and the right to put the question to the people of Scotland. Let us get on with it.

10:35

**Jackson Carlaw (West Scotland) (Con):** In a point of order, Mr Stevenson claimed that he had not spoken about the Electoral Commission since 2005. However, the *Official Report* of 16 March 2011 shows that Mr Stevenson said:

"We have heard about some of the difficulties in 2007. It is certainly important that the Electoral Commission should report on how elections have gone. An illustration of when a report by the Electoral Commission might have been useful is the referendum that was held on 1 March 1979." —[*Official Report*, 16 March 2011; c 34395.]

That demonstrates something of a collective lack of memory from Mr Stevenson about his contributions in this chamber.

I welcome the referendum. I am one of those Conservatives who has believed for a number of years that a referendum was inevitable and that it was appropriate that we should ask the people of Scotland this question. I should say that I was spared the embarrassment of my convictions in the previous session by the SNP, whose First Minister, front bench and members lacked the courage of theirs to even put the question.

Of course, a lot has been made in this debate about the manifesto commitment. Let us be honest. Those of us who saw the manifesto knew that it was less of a manifesto than a homage to *Hello*, *Chat* and *Nuts* magazines, because it devoted more space to the nuptials of the Deputy First Minister than to the timing of the referendum on independence. The First Minister might like to reflect that, by the time that it was eked out of him on a television programme when the date of the

referendum might be, 400,000 Scots had already voted by post, without knowing that that was the case. As was noted by Johann Lamont—whose motion I commend—given that, in the period in which Labour was in government, we saw both a referendum and the establishment of this Parliament within two years, many Scots will be bewildered that, given that the First Minister believes that all of Scotland's problems will be resolved by his successful delivery of independence, he wishes to wait such a long time before he is prepared to put that question to them.

**The First Minister:** One reason is that, as we said in that debate and in subsequent days, the immediate priority was to put economic teeth into the Scotland Bill in order to get the job-creating powers that we needed.

Mr Carlaw does not like the SNP manifesto and our approach to the election, but what happened when he and his manifesto were judged by the people in that election?

**Jackson Carlaw:** I did not win my seat in Eastwood—that is perfectly correct. However, I lost to someone who thought exactly the same as me in terms of the timing and the nature of any referendum on the future of Scotland.

I believe that a referendum is appropriate because this is the time when we should ask the people of Scotland whether they wish to renew the 300-year-old partnership with the United Kingdom or whether they wish to separate from it. I do so because I believe that a positive vote for the union will be empowering. Just like Lewis Macdonald, I believe that all the discussions about how we move forward will thereafter take place in the context of the authority of a positive vote for the union. Scotland will stand tall and will act with more authority, courage and élan in our governance within a United Kingdom from which we benefit and in which Scotland makes a decisive difference, materially, culturally and morally.

I accept that, in that debate, the arguments of unionists in the previous century will not be sufficient. However, I also accept that our arguments will be made against the corrosive arguments of the Scottish National Party, which has talked about the parcel of rogues who sold the soul of the Scottish nation 300 years ago. This will be the point at which this generation of Scots get their chance to vote positively for the union and to put that lie to rest.

I am a proud Scot and an elected member of this chamber and I have every right to be an active participant in this debate, which is what I intend to be. The claim by the SNP that those who vote SNP have some additional pride or more moral authority, or a birthright to speak on behalf of the

people of Scotland, is offensive. If you spoke against someone who was gay, you would be homophobic. If you spoke against someone who was black, you would be racist. If you say that people are anti-Scottish because they belong to a different political party, that is a form of political racism, which is absolutely disgraceful and has no part in our politics. I suppose that, in the words of the Deputy First Minister, I should be relaxed about that type of remark, because it is what will win the argument for those of us who believe in the union.

I have something to say to Johann Lamont, to Malcolm Chisholm and to other members of the Labour Party, which I hope will not disappoint the First Minister, as I rather got the impression that this was what he hoped would happen in the period ahead. I understand my responsibility as a Scottish Conservative in the referendum debate—it is to get those who vote Scottish Conservative to vote for the union. It is the responsibility of the Labour Party to get those who vote Labour to vote for the union. It is the responsibility of Willie Rennie to get those who vote Liberal Democrat to vote for the union. I do not wish to do anything that makes it any more difficult for any other party to deliver the votes of those who vote for them in support of the union. It matters not a whit to me who sits on what platform. What matters is that the arguments are won and that those of us who represent a political tradition in this country deliver that political tradition in support of the union, and that we tackle those who think differently and encourage them to vote positively for the union as well.

**Alex Neil** *rose—*

**The Deputy Presiding Officer:** I am afraid that the member is in his final seconds—he needs to finish.

**Jackson Carlaw:** I will use those final seconds to say that, together, those of us who feel that way will in our respective ways—this is a nod to the Labour Party—fight, fight and fight again for the country that we love.

**Mark McDonald:** On a point of order, Presiding Officer. Further to the recent comments regarding courtesy to members, will you reflect on whether accusing another member of racism, regardless of the context, is in order in the chamber?

**The Deputy Presiding Officer:** I remind members that they must be courteous to each other in the chamber. That matter can be considered.

10:42

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** When I saw that the topic of

Labour's first debate since it elected a new leader was to be Scotland's future, I thought that we might at last be about to see a transformation and that Labour might have converted to at least recognising and moving towards meeting the aspirations of people in Scotland. An extraordinary transformation has taken place in all the unionist parties, not just Labour, but it seems that it is not one that could be seen as remotely useful for Scotland and its people.

Just a year ago in the previous session of Parliament, the UK parties were adamant that there should be no referendum—no way, no how—yet today they are the ones who are demanding that we stampede towards an early referendum, thereby breaking our commitment and denying the people of Scotland a full opportunity to debate what they wish their future to be. The hypocrisy and cynicism of their position is plain for all to see, and I know that people across Scotland are far from impressed by it.

I say that that is the position of the unionist parties but, under the leadership of David Cameron, their approaches have been nothing if not fluid and constantly shifting. At the start of the week, we were told that Westminster would impose an 18-month time limit on when a referendum should take place. In the event, it was a policy that lasted barely 18 hours before a hasty retreat was made. Still, I am not complaining. As others have said, given that more than 300 new applications for SNP membership were made in the space of the 48 hours following Mr Cameron's intervention, he is the perfect figurehead for the unionist campaign, and I hope that he will make many more similar interventions in the debate on Scottish independence.

A striking aspect of the UK Government's insistence on a single question—a yes or no ballot—has been the lack of dissenting voices in the chamber among those who claim to want more powers for Holyrood, short of independence. That is not an option that we favour, but it is interesting, to say the least, that no party here is giving voice to aims that, as the Labour motion says, a substantial part of civic Scotland has begun to call for. We might expect that silence from the Tories, or at least from those Tories who did not back Murdo Fraser in the recent leadership election, but to have that silence from Labour and Liberal Democrats really is bizarre.

**Willie Rennie:** Will the member take an intervention?

**Maureen Watt:** No. Mr Rennie has had lots of interventions already. He should let me develop the point.

Are their self-descriptions as devolutionists or federalists nothing more than token lip service or

do they really believe that the hearts of the people of Scotland are crying out, “Calman and no further”? Are they really so out of touch that they cannot see that to have substantially more powers for the Scottish Parliament than the Scotland Bill offers is precisely what the people of Scotland want?

If those parties wish to waive their opportunity to put that case, however, so be it. No doubt Ming Campbell will be glad to hear that he can cease work on the Lib Dems’ home rule commission as they apparently have no interest in actually asking the voters about such proposals.

**Sarah Boyack (Lothian) (Lab):** Will the member take an intervention on that point?

**Maureen Watt:** No.

Unlike other parties, we at least have the courage of our convictions and the determination to give the people of Scotland an opportunity to be heard. People have consistently been looking for that opportunity for many years and they will finally get it thanks to the overwhelming endorsement that they gave the SNP in May last year.

**Willie Rennie:** I am glad that the member has paid so much attention to our policy development process. However, does she believe that only the adoption of the SNP’s procedure for securing more powers is legitimate? Surely the SNP’s track record on delivering more powers for Scotland is pretty shameful, and she should be a bit shame-faced herself.

**Maureen Watt:** I am not at all shame-faced about what my party has done for Scotland in the previous and current sessions of Parliament. Now that we have an overwhelming mandate from the people of Scotland, we are going to deliver. Mr Rennie talks the talk but he never delivers on federalism for the United Kingdom.

The issue of independence for Scotland is too important for us to have anything other than a full, wide-ranging and informed discussion across all sections of Scottish society about the future of our country. This is the most important decision that our country will make for 300 years, and the people must have time to consider the matter seriously and weigh up the future that is in front of us. A referendum in autumn 2014 will give people in Scotland, including our young people, time to do that. Like all my colleagues on the SNP benches, I look forward to making the case for an independent Scotland.

10:48

**Kezia Dugdale (Lothian) (Lab):** I welcome the opportunity to contribute to this debate on the forthcoming referendum. Scottish Labour has clearly set out its stall in our motion and in the

strong arguments that we have made so far today. We not only accept but strongly believe that the Scottish Government has a mandate to hold a referendum in the current session of Parliament; we state simply that such a referendum must be legal, fair and decisive. It is with that objective that we add our support to the calls, which the Deputy First Minister has led, for just one question. That is why we believe that the Electoral Commission must be involved and that all parties, civic Scotland and the wider public have as strong a stake in the process that leads up to the referendum as they do in the debate that is at its heart.

We have heard a number of speeches from members who have served the Parliament and the Scottish people since 1999, and we will likely hear many more. I refer to members such as Johann Lamont, Patricia Ferguson and Sarah Boyack, whose politics formed this building and who fought with heart and soul for the very existence of the institution in which we find ourselves. I hope that they will forgive me for saying this but I find myself in a slightly different position because while they were fighting for devolution, debating the detail and making history—and the SNP was sitting on the sidelines—I was still at school.

**Mike MacKenzie (Highlands and Islands) (SNP):** Will the member take an intervention?

**Kezia Dugdale:** No, thank you.

I was just 15 years old when Labour won its historic landslide in 1997, 16 when the referendum took place 134 days later, and 17 when the first elections to the Scottish Parliament took place.

**Humza Yousaf:** Kezia Dugdale mentions being 15 and 16 years old. We have discussed the position of 16 and 17-year-olds. She has signed the pledge. Will she now say unequivocally that she will back votes for 16 and 17-year-olds in the independence referendum? If she fails to do that, will she admit that that is utter political hypocrisy?

**Kezia Dugdale:** I welcome that intervention, because it deals with the basis of the rest of my speech. I hope that I will answer some of Humza Yousaf’s questions.

The politics of my colleagues shaped this building, but this building shaped my politics. I am a child of devolution. For me and many people of my generation, the Parliament is the hub of Scottish politics. Devolution in a strong United Kingdom is the settled will of many people in this country. We have a Parliament for the people with the time, space and political will to focus on the issues that really matter to the people of Scotland—the quality of their schools, the health of their families, rights over land, decent housing and serious powers to address poverty and

inequality. Such issues drove me into my party and into the Parliament.

I was not old enough to participate in previous key democratic moments in the Parliament's creation, as Humza Yousaf has pointed out. I know that many SNP members support lowering the voting age to 16 so that the next generation can have its say in the momentous decisions that lie ahead of us. I fully support the votes at 16 coalition and I am a signed-up member of it. As members have pointed out, I recently reaffirmed my support by signing Kevin Stewart's motion. I will continue to campaign to progress young people's democratic rights, but I cannot bear the crocodile tears and faux indignation of SNP members who have not lifted a finger even to attempt to create the possibility.

Mark McDonald said that votes for 16 and 17-year-olds was SNP policy, so where were the SNP parliamentary debates? When did the SNP and Joan McAlpine on the Scotland Bill Committee ask for rights for 16 and 17-year-olds? Where was the willingness to address the child protection issues that arose from questions on NHS board elections? Where were the righteous calls on our airwaves about this great injustice? They were absolutely nowhere to be seen.

SNP members make a credible case for young people being democratically involved in the most significant decision that our country will take for centuries, but critical decisions that affect young people's livelihoods and life chances and the health and wealth of their families will be taken in council chambers, and the SNP has done nothing to progress the issue in respect of elections to them in a matter of months.

**Joe FitzPatrick (Dundee City West) (SNP):** Will the member give way?

**Dr Allan:** Will the member take an intervention?

**Kezia Dugdale:** I have already taken one intervention. I have addressed the question that was asked and I will continue to do so.

Thousands upon thousands of 15 and 16-year-old children in Scotland today will get a vote in the referendum because they will be 18 by the time that the referendum comes round. At a ripening 57, the First Minister will likely have his bus pass by that point—that is if bus passes are not cut before then. The question of age is subjective, so I am told.

Whatever the date of the referendum, there will be young people who will by accident of birth be disenfranchised. Many people cynically—but perhaps with reason—believe that the SNP's support for votes at 16 extends only to the referendum because some pollster has told it that that would be electorally advantageous.

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

**Kezia Dugdale:** I am in my final minute.

I do not accept the premise of the view that I described, because in every classroom I have visited since my election, young people have been overwhelmingly suspicious of separation. They are bright, aspirational young people who see many greater causes in the world to fight for.

The issue of votes at 16 is not about political expediency on either side of the debate; it is a matter of principle. We either accept or deny that people who can drive cars, marry and die for their country have the capacity to complete a ballot paper. People who accept—like me—that they have that capacity have no right to pick and choose which ballot papers they are presented with.

My party simply seeks a referendum that is fair, legal and decisive. If all political parties come together with civic Scotland to agree on that basic premise, we can all put all the process issues to bed and get on with debating the contentions in relation to separation and the compelling benefits that the union has brought us.

**The Deputy Presiding Officer (John Scott):** You must close, please.

**Kezia Dugdale:** The SNP would rather pick a fight with London than put flesh on the bones of its primary purpose.

**The Deputy Presiding Officer:** You must close, please.

**Kezia Dugdale:** For SNP members, the process is the politics. That is why we lodged the motion.

**The Deputy Presiding Officer:** I call Jamie Hepburn, who has a tight six minutes.

10:54

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I welcome the debate, but it is somewhat unfortunate that we have focused largely on process. The only point on which Ruth Davidson was correct was that it is rather more important to focus on the merits of the arguments that are ahead of us—Kezia Dugdale said much the same.

I look forward to having that debate. When we get to it, I hope that we will hear an end to the tiresome references to separatism—we have heard them again today. I hope that we will come to realise that the separatists in the Parliament are not in the Scottish National Party but in other parties. They are the people who want to keep Scotland voiceless in the world and keep us separate from interacting with the rest of the world.

Independence is about ending Scotland's separatism and ending our voiceless nature.

I hope that in the debate ahead of us, Johann Lamont can clarify that her international solidarity extends further than the white cliffs of Dover. I, too, believe in international solidarity, but I happen to believe that for us to demonstrate international solidarity it is not necessary for Scotland's constitutional position to be to continue as part of the United Kingdom.

Johann Lamont said that the SNP's approach to the debate suggests that the constitution is an end in itself. She referred to the fact that this Parliament, and devolution, were about establishing social justice for the people of Scotland. I have a degree of sympathy with that view and I hope that it will be recognised throughout the chamber and across Scotland that the SNP does not believe in independence as an end in itself. Humza Yousaf made the point that we do not believe in independence for the sake of changing flags; we believe in it for the sake of improving society. We believe that independence is about increasing the likelihood of establishing social justice for the people of Scotland. I hope that that will form part of the debate that is ahead of us.

This week's debate has focused more on process, so let us discuss that a little more.

I agree with the starting point of Labour's motion, which is

"That the Parliament recognises that the Scottish Government has a mandate to call a referendum on the constitutional future of Scotland".

I am glad that we are agreed on that much.

Let us look at what else has been said this week. Michael Moore stood up in the House of Commons and said—Willie Rennie has today manfully tried to back up his colleague's position—that it is illegal for this legislature to legislate for a referendum. Yet Dr Matt Qvortrup said in *The Scotsman* yesterday:

"When Michael Moore stood at the Dispatch Box at Westminster yesterday he had a simple message; Scotland's constitutional settlement rests with Westminster and Scottish independence would require the consent of London. With all due respect, this argument is neither consistent with international law nor is it compatible with the constitutional doctrine of referendums in the United Kingdom ... The basic principle in international law is that the seceding country ... decides whether it wants to become independent."

**Willie Rennie:** Does the member not recognise that Michael Moore is trying to facilitate the process and make it legal? Does he not recognise that Michael Moore is trying to help?

**Jamie Hepburn:** The member over there has rather more faith in Michael Moore than I do. I am

not sure why he thinks that Michael Moore is doing us such a favour.

My colleague Mark McDonald referred to the comments of Stephen Tierney, professor of constitutional affairs at the University of Edinburgh, who said on television yesterday:

"The Scottish Government's ... argument is that referendums are not reserved; the Scottish Parliament can hold referendums—I think that's correct".

Willie Rennie and Michael Moore need to explain why those eminent legal experts are wrong and they are correct.

I also ask any member to point to the restriction in schedule 5 to the Scotland Act 1998 that says that this Parliament cannot legislate for a consultative referendum on a matter of its choosing. I do not think that anyone has been able to point that out.

That said, if the UK Government's position is that it wants to clarify the matter by way of a section 30 order, we will listen to that, but I hope that there will be no restrictions and no strings attached, because that would impinge on the mandate that we apparently now all recognise this Scottish Government has.

The second issue that has been raised this week is the effect of the supposed delay in holding the referendum in causing companies not to invest in Scotland. My colleague Stewart Hosie challenged Michael Moore on the point earlier this week. He asked Michael Moore to name just one company that has chosen not to invest in Scotland. The answer was that there were none. Today, there has again been no mention of a single company that has chosen not to invest during the period in which the referendum has been debated and discussed. It is disingenuous to say that the uncertainty is causing companies not to invest and then not be able to name a single company.

**Ken Macintosh (Eastwood) (Lab):** Will the member give way?

**Jamie Hepburn:** No—I am afraid that I am in my last minute.

Let us look at some of the opinion out there. Grahame Smith, the STUC general secretary, said:

"the evidence—levels of Foreign Direct Investment compared to other UK nations and regions—strongly indicates the referendum is not currently exerting a negative effect on investment."

Mark Little, managing director at Barclays, said:

"Scotland is as good a place as any in the world to open."

That gives the lie to the suggestion that companies are not investing.



I know that socialism stopped being the holy grail of the Labour Party and liberalism that of the Lib Dems some time ago, but why have those parties now raised the preservation of the union to the level of a modern-day ark of the covenant?

I look forward to hearing Johann Lamont—and the Labour Party—explain why she would rather that David Cameron's Tories in London continue to tighten their grip in Scotland than that she, as part of this Parliament, democratically elected by the Scottish people, should have full powers of sovereignty, casting the effects of London Tory Governments in Scotland into the dustbin of history.

**The Deputy Presiding Officer:** The member must close now.

**Jamie Hepburn:** In the words of a former Labour leader, "Bring it on."

11:00

**Patrick Harvie (Glasgow) (Green):** Occasionally, it seems that there is an inverse relationship between the number of MSPs who turn up in the chamber on a Thursday morning and the standard of calm, rational debate that we are able to achieve. There have been notable exceptions to that on both sides, but too often this morning each side of the debate has appeared to gain its satisfaction from barking contempt for the other side rather than from heeding the calls—which have been heard from all sides—for consensus. If we call for consensus, we all really need to start acting like we mean it, and that goes for everybody.

The Labour motion contains one call that I warmly welcome: for a participative, all-party and civic process. The Greens have been calling for that for years now; we feel that neither the Calman process nor the national conversation achieved the inclusive ethos that the Scottish Constitutional Convention tried to embody. We could have done even better than the convention did at the time by closing off none of the options in taking forward a participative approach. Sadly, that did not happen, but an all-party, inclusive, civic process could still be helpful in resolving those matters for which no mandate yet exists.

However, the motion suggests beginning the process with a conclusion, by specifying a single question, despite the evidence that we have heard that in civic Scotland there are a range of views on that matter.

We must be realistic about the aspects that were settled by the election result last year. The fact of the referendum is one such aspect: that has been settled, and all parties now appear to accept that. The form of it has not yet been settled, and

that remains an open question. If we wish to engage with civic Scotland on that matter, we should do so openly.

We should also accept that the timing, which is limited to the extent that it has been said that the referendum will be held in the second half of the session, is settled. I invite members who have complained about that to speculate on the leaders' debate in the run-up to the election, in which Mr Salmond was asked when a referendum would be held and said that it would be in the second half of the session. If he had said that it would be held immediately, do we not imagine that the Labour, Liberal Democrat and Conservative leaders would all have thrown up their hands in full horror and said, "No, not in the middle of a recession—you have to focus on jobs, jobs, jobs"? He was right to say that we should hang off a bit and focus on the country's immediate economic needs, whatever they might be—we have different views on that—and to specify the second half of the session. We should accept that.

The Government has given its preferred timescale as being autumn 2014, and it will consult. The UK Government is consulting too. The opportunity surely exists for both sides to give a wee bit of ground, and for each to try to reach consensus on the aspects of the process on which that can be achieved; it is not too late.

The Scottish Government should accept that there is a legitimate role for the Electoral Commission. If we were to set up a separate body, we would probably end up recruiting people from the Electoral Commission to staff it, because that is where the expertise on these matters lies. The Scottish Government could give ground on that.

Similarly, the UK Government could—and should—give ground on other issues such as votes for 16 and 17-year-olds. Those steps—with each side giving a wee bit of ground—would set a whole new tone, and that is the spirit in which we must go forward if we are to resolve the other matters that have not yet been settled.

On the legal basis, we have a clear choice between the Scottish Government's assertion of an existing legal basis and a section 30 order, which could be brought forward only if there are sufficiently few strings attached to it that it is acceptable to the Scottish Parliament. That consensus will be achieved only if both sides are willing to give a wee bit of ground first.

On the form of the referendum, should there be one question or two? We should remain open minded on that. That is an example of the kind of issue on which a participative, public and civic process could help to achieve a conclusion with far more authority than we, as political parties, can achieve between us.

If we can get both Governments to accept that compromise means giving way a bit on each side, we will be able to move on to the more substantive issues—the competing visions that exist of the country's future. Whether we have devolution, devo plus, devo max or independence, it is what the powers are used for that matters most, and that is what we should be engaging the public on.

This is about a vision of a country that focuses on sustainability and living within our means versus the destructive pursuit of everlasting growth; a vision of economic justice closing the gap between rich and poor versus the idea of Scotland as the tax haven of the north; and a vision of equality and modern, progressive values versus narrow-minded and conservative values. There are also questions about the currency—about how to manage jointly a fiscal union without full political union or whether another option should be chosen—and about the new relationship that we would have with the rest of the UK. For example, could we prohibit any future Scottish Government from agreeing a way of facilitating the continued existence of Trident or other weapons of mass destruction in Scotland? That kind of debate would be inspiring not only for young Scots—the 16 and 17-year-olds who might be voting—but for the many people who became involved in the independence movement because of issues such as Trident. Those are questions about competing visions of the future of Scotland, and that is where the debate ought to be.

11:06

**Sarah Boyack (Lothian) (Lab):** We moved swiftly to set up the Scottish Parliament. We were able to do that because we had a political mandate. Poll after poll had demanded devolution, and we had done our homework with the cross-party consensus through the Constitutional Convention. That is why we say today that we now need to move to a cross-party discussion. This cannot be resolved by megaphone diplomacy between the First Minister and the Prime Minister. Political parties and civic Scotland need to be involved in the process. Given that we have a Government whose single mission is independence, it is astonishing that we still do not have a date for the referendum bill, we are still not clear what the question will be, we still do not know what the rules will be, and we still do not know the answers to the vital questions on independence.

I say to the First Minister that it is precisely because of the experience of the 1970s that we need to be cross-party on this. The referendum cannot be owned by any one party—that is absolutely clear. There is not an expressed will for independence—poll after poll makes that clear—

there is still not a worked-out plan and fundamental questions remain. What about our currency? Would the SNP join the euro? How would our banks be regulated? Would we still have Trident? None of those questions has yet been answered by the SNP. That is not accidental; it is through choice. It is a political strategy designed to win support for independence by avoiding saying what independence would actually mean for the people of Scotland.

That is not good enough. What is the justification—

**The First Minister:** Will the member give way?

**Sarah Boyack:** No, I will not. I tried to intervene repeatedly earlier and my time has already been cut.

What is the justification for the SNP waiting seven years after coming to power before deigning to hold the referendum? We all know the answer. We know that in 2014 we will have the 700th anniversary of Bannockburn, the second homecoming, the Ryder cup and the Commonwealth games. We know the dates of those events, but we do not have the date for the Scottish Parliament referendum.

Constitutional change is not a small thing, it is fundamental; and we, as the people of Scotland, have a right to know what the SNP's proposals are. Will it, for example, change a future tax regime? Will the hated local income tax be back on its agenda? The people of Scotland need to be treated like grown-ups. The SNP needs to lay out its plans properly, and we can do without the FM describing Scotland as a "surly" country. Let us move on from that kind of stupid insult; let us move on to a proper, mature debate.

The view of Labour members is that devolution gives us the best of both worlds—strong powers, law-making powers and government that is closer to home and accountable. Independence means separating from the rest of the UK and would give us no influence over our nearest neighbour. Devolution has worked well for the people of Scotland and has changed in the past 12 years, with stronger powers on railways and marine issues, which were negotiated in partnership.

The purpose of today's debate is to flush out that choice. It is not acceptable for the SNP and its civil service to draw up their plans in secret—in their private space, as we are told. The SNP should be open and transparent. The aim of our demand for cross-party talks now is to ensure that the debate is not conducted simply between David Cameron and Alex Salmond. Everybody must be at the table, because at issue is the future of our country. The past decade has proven that we can move forward and strengthen devolution when there is cross-party consensus, when robust

debate has taken place with civic Scotland and when we agree that we want to move forward.

That goes to the heart of the choice that we face, which is strong devolution versus independence. It sounds as though there is agreement throughout the chamber for a straightforward question, so why cannot we have it? Even the SNP wants a straightforward question, so why cannot we just get on with it? Malcolm Chisholm was absolutely right to say that we do not need a question on stronger powers for the Scottish Parliament versus independence, because that is what the choice will be. It will be yes or no to strong devolution or to independence. That will be the question.

It is up to the SNP to give us a referendum that the people of Scotland want. The SNP has had five years since it came to power to plan for a referendum that is the whole purpose of the SNP's existence. Our motion gives the SNP a way in which to move forward with the people of Scotland and with civic Scotland on a cross-party basis. The SNP amendment shows that it is interested in furthering the interests of its party, not of the people of Scotland. It is not acceptable to refuse to have cross-party talks or to bring in civic Scotland. The SNP Government's approach is all about making everybody wait until it deigns to tell us what it wants. That is not good enough and the people of Scotland deserve better.

11:12

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** The leading article in *The Herald* yesterday, which was entitled "Destiny and the Scottish nation", reminded us that "Devolution is a process." It continued:

"If it were not so, we would not be in these extraordinary times."

That suggests that devolution is a conveyor belt and not a roadblock. *The Herald* went on:

"Scotland's future is up for grabs but should that future be decided on a straight yes/no question?"

Today's Labour motion has the intent of putting on hold, or stopping in their tracks, moves to increase the powers of the Scottish Parliament. *The Herald* suggests:

"Given that support for increased power for 'devolution max' or independence lite, giving Scots that option to consider on a ballot paper deserves full and proper scrutiny."

The SNP wants to do that. Today, the anti-independence parties—or at least their leaderships—have joined up to shelve the debate about increased levers of power for the Scottish Government to build a sustainable nation. That comes in the midst of a global economic crisis.

Since the SNP gained a minority Government in 2007, the anti-independence parties have devised means to divert and limit the options for Scotland's future. Wendy Alexander spent months trying to show that limited borrowing powers would not improve economic growth. The Clegg-Cameron Scotland Bill offered another menu of minor changes that has enmeshed the Parliament since May 2011. Despite the fact that many prominent Labour members have shown their wish for fiscal autonomy, today's motion again seeks to lock down wider debate on the powers that Scotland needs.

In contrast, the SNP Government's consultation "Your Scotland, Your Voice: A National Conversation" set out a raft of possible options—the status quo, devolution max and independence. Civic Scotland knows that it can draw on that work as it seeks to debate Scotland's future. However, that has not stopped the UK Government making policies that can harm Scotland in the meantime and blunt our aspirations. At present, the most vulnerable in our society face being attacked by the Tory-Liberal welfare cuts. We must have the powers to stop those cuts as soon as possible.

The Labour motion is another round of delay and another way in which to shelve the widespread demand for full powers for our Holyrood Parliament.

The Labour leaders always say to us, "Do what you can with the powers that you have," even when the limits are pointed out and the deep cuts in the block grant are revealed. They have a poverty of aspiration for the Scottish people that will come to an end very soon. Their attempts to focus on the referendum process are another way of seeking to preserve Scotland in aspic.

Just as the Labour motion will be defeated today, a proper range of options in a consultative referendum in the autumn of 2014 will give the time and space for the debate on powers for Scotland that the unionists have resisted since the independence movement has gained in stature to achieve its present status as the majority Government of Scotland.

**Richard Baker:** Will the member give way?

**Rob Gibson:** I do not have time.

Our next steps must not be tripped up by Labour's interest in power in London rather than in the powers for Scots in Scotland that our fully empowered Scottish Parliament could have in our lifetime once the debate has taken place. I look forward to the SNP amendment triumphing today. The Scottish people will triumph as a result.

**The Deputy Presiding Officer:** Before we move to closing speeches, I apologise to those members I have been unable to call in the debate.

11:16

**David McLetchie (Lothian) (Con):** One of the key foundations of a democratic society is the concept of losers' consent. Put simply, the losers in a referendum or election must accept the legitimacy of the victory of the winners. In extreme cases, the absence of losers' consent can lead to the destruction of democratic politics and societies, and to civil unrest. In less extreme circumstances, it can lead to a rancour that poisons the body politic. In recent political history, some would argue, as indeed the First Minister did this morning, that there was no losers' consent to the result of the 1979 referendum on a Scottish Parliament because of the 40 per cent rule, and because of a belief that the rules had been rigged.

That illustrates that whatever side we are on, the legitimacy of the outcome is fundamentally important to all participants in an election or referendum. We lose sight of that at our peril, as Willie Rennie reminded us in his reference to the examples of America and Florida in the 2000 presidential election.

Legitimacy in the legal and political sense is at the heart of Her Majesty's Government's proposals. Using the mechanism of a transfer of powers under section 30 of the Scotland Act 1998 would put beyond doubt or question the legality of any referendum. That should be welcomed in every part of the chamber. It deals with the legality issue and it also avoids placing the Presiding Officer of the Parliament and the law officers of both Scotland's Governments in the invidious position whereby decisions or referrals made by them on the legal competence of a bill introduced under the Scotland Act 1998 could be called into question because of their perceived political affiliations. Also, this Parliament has had quite enough controversy surrounding Supreme Court judgments without getting embroiled in what could be the greatest controversy of them all when a relatively simple solution is at hand that would obviate the problem.

The First Minister likes to maintain that he and the SNP have exclusive ownership of the referendum. Well, as Sarah Boyack pointed out, they do not have the right to set all the rules to suit their purposes. It is in the interests of the Scottish National Party as much as in the interests of those of us who want to keep Scotland in the United Kingdom that the referendum rules are widely accepted and judged to be fair.

We hear complaints about the strings that Westminster would attach. What are those strings? The first is that there should be a straightforward question whether people want Scotland to be an independent country. The other day, Nicola Sturgeon said that that is the SNP's preferred option. Well, it is the preferred option of

the Labour Party, the Conservative Party and the Liberal Democrats, so why do we not just agree to proceed on that basis and hold a referendum that will give a decisive answer? Why do we need a third option based on the doodles of a few pamphleteers that simply confuses the fundamental question of in or out of the United Kingdom?

**Mark McDonald:** Will the member give way?

**David McLetchie:** One minute. When standing on the threshold of achieving its ultimate political goal in a legitimate and incontestable referendum, why do some members of the SNP want to diminish their prospects of a successful outcome?

I do not have a problem with people advocating more powers for this Parliament within the United Kingdom based on a properly researched examination of the issues, but that is a fundamentally different question, which should be decided on a different basis. As Lewis Macdonald pointed out in his excellent and perceptive speech, a yes vote for independence is a no vote for devolution in any way, shape or form.

I beg Mark McDonald's pardon and will give way to him now. *[Interruption.]* Okay, we are carrying on.

The second string is that the referendum should be conducted on the same franchise as elections to the Scottish Parliament and that votes should be exercised by everyone whom our law recognises as adult. Some people want to reduce the voting age to 16 or 17. I do not agree with that but, if we reduce the age, we should reduce it for all elections and referenda, not devise a special franchise for the independence referendum alone, which—to be frank—smacks of jiggery-pokery on the part of the SNP.

**Patrick Harvie:** Will David McLetchie give way?

**David McLetchie:** I am sorry, but I need to finish.

The third string is that the conduct of the referendum should be overseen by an independent, experienced body, preferably the Electoral Commission. The commission has extensive experience in the conduct of referenda and elections generally. The SNP supported its establishment and, only last year, the Scottish Parliament approved the extension of its jurisdiction to cover Scottish local elections in an SNP Government bill.

Why the commission is considered unsuitable to oversee the independence referendum defeats me. Perhaps the Scottish Government would like to explain. Why does it want to set up another quango to oversee the referendum when a perfectly good one that is more than capable of doing the job is already in place? I thought that its

policy was to declutter the public sector landscape, not create more quangos in Scotland.

The final string is that a time limit must be set for holding the referendum, following a mature discussion about the date or dates.

There is nothing in any of those proposals to which any reasonable person could take exception. By suggesting otherwise, the First Minister does himself and his Government a disservice. As Patrick Harvie pointed out, both of Scotland's Parliaments and Governments should work together to deliver a fair, clear and decisive referendum, in which the winners' victory will be accepted with good grace by the losers. In a democracy, that is the ultimate test. Only if we have such a consensual result can Scotland move forward as an independent country or as an integral part of the United Kingdom.

11:22

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** I reassure Mr McLetchie that the Scottish Government has every intention of pursuing an extensive consultation and dialogue on the issues connected with holding a referendum on Scottish independence. In the election campaign, that is exactly what we said that we would do, and the Government is honouring its commitment to the people. Honouring one's election promises may surprise some members, but the Government believes in fulfilling the promises that it made to the public.

One of the purposes of that consultation is to address an important point that has run through this debate: to ensure that we maximise the degree of agreement and consensus on our approach to the independence referendum. We want to build agreement throughout the whole country on the mechanisms that we use and the approach that we take.

The Government is interested in the views of civic Scotland. That is why it consulted so extensively on independence in the previous session of Parliament. We do not use expressions such as

"the doodles of a few pamphleteers",

as David McLetchie just did. That is to be contemptuous of civic Scotland, its aspirations and its opinions—the aspirations and opinions that, as the First Minister recounted, we heard on the radio this morning from John Downie of the SCVO and the Rev Ian Galloway of the church and society council of the Church of Scotland.

It is equally contemptuous to rule out the understandable and reasonable aspirations of civic Scotland to express its views in the

consultation. The Government has made it clear, as it always has done, that its preference is for a single question on independence, but it has also made clear its respect for civic Scotland, which must be able to express its aspirations.

**Lewis Macdonald:** Mr Swinney will recognise that it was open to the Government to lodge an amendment that left in the Labour motion's call for cross-party talks and talks with

"all quarters of civic Scotland".

Why did the Government choose to lodge an amendment that removed that part as well as other parts of the Labour motion?

**John Swinney:** The simple reason is that we lodged an amendment that says that we encourage

"all Scots to take part in the Scottish Government's consultation on the referendum to be launched in the week beginning 23 January 2012".

Members are always desperate for timescales. There is a timescale and a consultation process, and we look forward to the participation of civic Scotland in the process.

The timing of the referendum was been a significant issue this week. Mr Harvie made a fair point when he said that, if the Government had brought forward immediate proposals for a referendum on independence, a queue of Opposition parties would have said that it should concentrate on the Scottish economy and the priorities of the Scottish economy. That is exactly what ministers are doing, and that is why there is such a long list of companies that have invested in Scotland since the 2011 election returned a majority SNP Government with a commitment to securing Scottish independence. Those companies include Amazon, State Street, the Bank of New York Mellon Corporation, Dell, INEOS/PetroChina, FMC Technologies, Avaloq, Vion Hall's and TAQA. They are investing in Scotland precisely because the Government is focused on the Scottish economy.

The argument has been deployed that there is no need for a second question in the referendum because stronger powers can already be delivered. Indeed, Mr Carlaw and Mr Macdonald essentially founded their contributions on the proposition that we do not need a referendum to get stronger powers for the Parliament. That is a strange argument from Jackson Carlaw, given that his leader has said that it is thus far and no further in relation to the Scotland Bill. The Conservatives have said that there should be no more powers beyond the Scotland Bill, which we know the deficiencies of. The argument that Mr Carlaw put forward, which was reinforced by Mr Macdonald, has a faint ring of familiarity, of course. The argument is, "Vote no and we'll give you a better

deal.” The last person to say that was that distinguished Scot Lord Home of the Hirsel. We got 18 years of paralysis because of the odious Government that was in power in London, and we are getting more of it, propped up by the Liberal Democrats.

Kezia Dugdale made a courteously expressed speech, as she always does, but it was full of terrible contortions about 16 and 17-year-olds voting. The Scottish Government has repeatedly asked the United Kingdom Government to devolve full responsibility for elections to Scotland, but the UK Government has refused that. The Scotland Bill Committee’s report recommended that the responsibility and powers for all elections in Scotland, except those for the United Kingdom and European Parliaments, should be devolved. We have not had an answer to that from the UK Government. The Scottish Parliament under the Scottish Government has legislated for 16 and 17-year-olds to vote in elections to national health service health boards, and I am delighted to tell members that, on 21 December 2011, the Parliament unanimously passed the Crofting Commission (Elections) (Scotland) Regulations 2011 for elections to the Crofting Commission. Every single member voted in favour of those regulations.

**David McLetchie:** We did not; we did not vote against them.

**John Swinney:** I think that Mr McLetchie and I are in a space that we are frequently in: two bald men fighting over a comb. [*Laughter.*]

**Patrick Harvie** rose—

**John Swinney:** With no disrespect involved, I must give way to Mr Harvie.

**Patrick Harvie:** Is John Swinney as shocked as I am that, on being asked about that point in the House of Commons, Michael Moore was under the impression that the Scottish Parliament could legislate for 16 and 17-year-olds to vote in local government elections? He was unaware that we are unable to do so, and he seemed to think that we should. Will John Swinney ask him to bring forward a section 30 order on that matter as well?

**John Swinney:** On this occasion, I am glad that I gave way to Mr Harvie—it makes up for previous mistakes on my part.

Mr Harvie’s very fair point brings me to the Secretary of State for Scotland who, as the First Minister has already pointed out, said in May 2011:

“I firmly believe the Scottish Parliament, if it so decides, can proceed with a referendum. ... We could, I suppose, try to make a constitutional issue about where the powers lie or don’t, but I don’t think that would be a sensible use of anybody’s time.”

Mr Rennie characterised the offer of the section 30 order as a helpful intervention by the UK Government. Although the First Minister has welcomed the concept in principle, the problem is the strings attached to it. I am sorry that this debate has been dominated by tweeting but I must point out that Tavish Scott himself tweeted that it would not be sensible for any UK Government to specify a timescale for these issues—which is just one of the strings that have been attached.

**The Deputy Presiding Officer:** We have just reached the end of your timescale, Mr Swinney.

**John Swinney:** This Government believes that people in Scotland are best placed to determine their own constitutional future. It does not believe in—and will not accept—any diktat from the UK Government.

11:31

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** When, before Christmas, Scottish Labour decided to use today’s debate to talk about Scotland’s future and the First Minister’s much vaunted referendum, we could not have guessed that the subject would be so timely. Given this week’s events and the First Minister’s announcement to the press—not to the Parliament—it is entirely appropriate for Scottish Labour to devote this debate to the issue.

We have heard much this week about the referendum and the views of Mr Salmond and the Westminster Government on how and when it might be held. Of course that process is important and I will devote a small part of my speech to it. However, what has often been lacking this week has been any kind of debate about the Scotland that we want. As the proponent of separation, the Scottish Government has a particular responsibility to explain why and how it believes that separation is the best option and to tell Scotland what separation will mean for communities and families throughout this land. Process matters, but more important still is the need to identify the policies, the ideas and the vision that each of us has for our country. How power is used is just as important as where it resides and in my speech I plan to talk about the process, consider the contributions of colleagues across the chamber and then focus on the kind of Scotland that we on this side of the chamber want—a Scotland where the policies of Government promote social justice and the elimination of poverty.

I hope that, regardless of our views, as politicians we all want a well-run referendum campaign followed by a well-run referendum vote on, as the Deputy First Minister has indicated, one clear-cut question that leaves no room for dubiety

or confusion. The First Minister referred us to the 40 per cent rule that applied in an earlier referendum, but I say to him that that referendum stands as an example of exactly why we have to be clear, concise, straightforward and transparent with the people of Scotland about what we are seeking to do on their behalf. We should charge the Electoral Commission with overseeing that process as we do with elections to this Parliament, to Westminster and to the European Parliament. Surely no one in this Parliament will question the commission's expertise or, indeed, its impartiality.

**Alex Neil:** Is the main lesson to be learned from the 1979 referendum that we cannot trust Westminster to run a fair referendum on Scotland's constitutional future and that it must be controlled from this chamber?

**Patricia Ferguson:** I simply remind Mr Neil that while in opposition Labour managed to construct a national dialogue to deliver this Parliament. The least that this Government with its majority can do is try to do the same thing by consensus.

During the course of our discussions we also need to talk about the franchise. Members made that point, and Kezia Dugdale gave a good explanation of the difficulties in a particular area, but that is not the only aspect of the franchise that should be discussed. Labour is open to discussions.

In my humble view, Scotland will not easily forgive any politician who allows the issue of the referendum to be mired in court proceedings, who allows the decision to be further delayed, or who makes the issue one about politicians and their beliefs instead of the needs and aspirations of Scotland.

Scottish Labour is not afraid of the verdict of the Scottish people. We relish the opportunity to put the question to the people, just as we did in 1997, when, within four months of taking office, a Labour Government and a Labour Secretary of State for Scotland, Donald Dewar, put the decision on devolution to the Scottish people and then, having won their support, passed the necessary legislation and had the Scottish Parliament up and running within two years.

The current First Minister should be as bold as Donald Dewar was and as determined to work with other parties and civic Scotland to allow the citizens of Scotland to take part in the debate and give their verdict. If he followed Donald Dewar's example, he would seek agreement and, having done so, fight his corner. No doubt a spirited debate would follow, if this morning's debate is anything to go by.

I was slightly concerned by a point that Mr Salmond laboured in his speech, which was echoed by Ms McAlpine and perhaps even by Mr

Swinney, if I understood his point correctly. Mr Salmond and Ms McAlpine laboured long and hard to make the point that the SNP won a majority in the Parliament, not just in the constituencies but in the regional lists. We know that. We knew it in May. However, Scotland did not elect only SNP members to the Parliament. Is Mr Salmond saying that our mandate is less valid than that of members of his party? The implication of his not wanting to include other parties in the Parliament in discussions about the referendum is that that is his party's view. If Mr Salmond reflected on the words that he used in his speech, he would see that my point is valid.

**John Swinney:** I can only think that Patricia Ferguson is referring to the beginning of my closing remarks, when I made the case for the Government's interest in building the widest agreement possible around the approach that we take to the operation and implementation of the referendum. That is an inclusive and welcoming gesture, which I reinforce to the Parliament.

**Patricia Ferguson:** I am afraid that Mr Swinney is guilty by omission. He forgot to mention the other parties in the Parliament in his speech and in his intervention. He will excuse our feeling uncomfortable about that when he considers that the Government is amending our motion to take that aspect out.

I very much respect Linda Fabiani and always enjoy listening to her, but I say gently to her that the Labour Party did not block a referendum—indeed, no party in the Parliament blocked a referendum—in the previous session of the Parliament. The Scottish Government never put the referendum to the test. Many members have reminded us that Wendy Alexander encouraged the First Minister to bring forward the referendum option. I am afraid that he decided not to take her up on the matter.

Mr Mark McDonald was at pains to tell us about his youthfulness. I accept that he would have been too young to sign the claim of right. Members of my party have reminded me that I am perhaps not as youthful as I once was—I am certainly not—

**Mark McDonald:** Shame!

**Patricia Ferguson:** Yes, I know, it's hard to believe, isn't it?

Labour members pointed out to me that Mr Yousaf got his analogy slightly wrong. Castle Grayskull was not some kind of dark, lurking place that people took their inspiration from; it was the place where the good guys got their power. If Labour is being associated with Castle Grayskull we are quite happy to accept that.

The Scottish Labour Party has always supported home rule for Scotland and we are

proud that we delivered it in 1999, working with the Constitutional Convention, the other political parties and, latterly, the SNP. However, for us the constitutional settlement is not the pre-eminent issue; it is not a cause to which every other policy is subservient. In his memorable speech at the Parliament's opening ceremony in 1999, our then First Minister said that a Scottish Parliament—a Parliament, any constitutional settlement—is

“Not an end: a means to greater ends.”

Scottish Labour firmly believes that a progressive devolved system of government within the UK is the best means of achieving the greater ends of equality and social justice. We want a Scotland in which kinship carers are rewarded for their devotion to their task, in which looked-after young people go into the world with an education that prepares them to be the best that they can be, in which our children are free from the blight of poverty and in which the opinions of others are heard and respected.

Devolution will continue to develop—that is its nature—but separation is neither progressive nor the solution to the issues that continue to beset our country.

## Scottish Executive Question Time

### General Questions

11:41

#### Wind Farms

**1. Neil Findlay (Lothian) (Lab):** To ask the Scottish Executive what steps it is taking to prevent an overconcentration of wind farms in particular areas. (S4O-00539)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Scottish planning policy paragraphs 187 to 189 outline the Scottish Government's policy on spatial planning and cumulative impacts. Scottish Natural Heritage will shortly be publishing updated guidance on assessing cumulative effects and has previously published the document “Siting and Designing windfarms in the landscape”, which offers a steer on strategic planning for cumulative effects.

**Neil Findlay:** On Monday I visited the southern border of West Lothian. The council planning officer who accompanied me showed me three operational sites, another with consent and yet another four that are in the planning system. Will the minister visit that area with me to see how the current free-for-all is losing wind farms all credibility in the communities that are affected by overconcentration?

**Fergus Ewing:** When ministers are invited to visit a constituency they do not do so in order to assess the preconceived conclusion of another MSP. They accept a visit in order to hear the views of local people—they do not do so on the basis of preconceptions. I suggest to the member that he carefully examine the Scottish planning policies that I referred to in my original answer, to which he did not allude. Those planning policies have largely been in place since the Labour-Liberal Administration held sway in this place.

**Graeme Pearson (South Scotland) (Lab):** Much has been said this morning about listening to civic Scotland. I have more than 200 letters in my office from communities throughout Scotland expressing disquiet about overconcentration of wind farms and related matters. Will the minister reconsider the situation and consider a moratorium on future developments?

**Fergus Ewing:** I am not sure whether that is the official Labour Party policy from the front bench because if it is, many communities that broadly welcome the creation of renewable energy projects—for example, communities in the Highlands and Islands—will not receive those



projects, nor the benefits that they bring, such as the increased payment of up to £5,000 per megawatt that was announced by Scottish and Southern Energy just a few weeks ago.

In any event, as the member knows from an answer that I gave him in a previous debate and from my original answer to Neil Findlay, SNH is shortly to publish updated guidance on assessing cumulative effects. Such effects are increasingly a factor in determining onshore wind development proposals and, logically, their relevance will continue to grow. Correspondingly, they are a factor that the Scottish Government takes very seriously indeed.

**The Presiding Officer (Tricia Marwick):** I call John Pentland.

**John Pentland (Motherwell and Wishaw) (Lab):** To ask the Scottish Executive when the Minister for Housing and Transport last met the Scottish Housing Regulator—

**The Presiding Officer:** I am sorry, Mr Pentland. I thought that you wanted to ask a supplementary—you pressed your button.

**John Pentland:** Sorry.

**The Presiding Officer:** We will come to your question later.

I call Patrick Harvie.

**Patrick Harvie (Glasgow) (Green):** Does the minister accept that a greater role for public and community ownership of renewable energy developments would help to undermine those who seek to feed and stir up unnecessary resentment and hostility towards wind power developments?

**Fergus Ewing:** I think that I accept that point in principle. Moreover, Mr Harvie makes a point that I understood was accepted by at least the front-bench spokespeople of all parties in the chamber. I work and will continue to work with members in trying successfully to promote community renewable energy schemes.

Perhaps as well as a stake of ownership for communities, the best upshot from such developments—particularly for communities that are off gas grid and which do not have access to the same options as communities elsewhere in Scotland—is that those communities will have access to lower-cost electricity and heating bills and that there will be fuel justice, perhaps for the first time ever, in rural and island communities in Scotland.

This Government will of course work with other members such as Rhoda Grant, who—in my understanding, at least—has been leading on the matter for the Labour Party in an official front-bench capacity. I very much hope that that will continue to be the policy of all parties in the

chamber this year, when the matter will receive great priority from this Government.

**Mary Scanlon (Highlands and Islands) (Con):** Will the minister ensure that the views of local communities and councillors are listened to? There is currently a belief that any wind farm application referred to the Government will be approved despite the strongly held views of many local communities.

**Fergus Ewing:** Of course we will. It is axiomatic to say that every case is dealt with on its merits. Each case is different and turns on its facts, and as the minister I will continue to deal with each case under the law, on the basis of the case and taking regard of all the representations that are made. I therefore think that the point of principle that Mary Scanlon makes is correct and one with which I have no hesitation but to agree.

### Social Housing (Adaptations)

**2. Helen Eadie (Cowdenbeath) (Lab):** To ask the Scottish Executive what sanctions are available to deal with social landlords that do not adhere to the Scottish Housing Regulator's performance standard AS2.4 on adaptations. (S4O-00540)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** I asked Michael Cameron, chief executive of the Scottish Housing Regulator, to respond. His response is as follows:

"The Scottish Housing Regulator has statutory powers under the Housing (Scotland) Act 2001 to intervene if it is of the view that a social landlord is failing to deliver for its tenants and other service users. In so doing, it will have regard to the Performance Standards."

**Helen Eadie:** Can the minister tell me why two constituents of mine are waiting for adaptations in their homes? They are elderly, vulnerable people who need the work to be done. They have been assessed as needing the work, but the social landlords tell me that, due to changes introduced by the minister's Government, they do not have resources available and those vulnerable people will have to wait. Will the minister look into those cases and ensure that the system does not prevent those vulnerable people from getting the help that they need?

**Alex Neil:** If the member writes to me with details of the cases, I will be happy to see what I can do to assist.

### Bankruptcy and Insolvency (Support)

**3. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what assistance it provides to people who are facing the prospect of bankruptcy and insolvency. (S4O-00541)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** We provide funding for advice through the national debtline and local authorities, as well as funding for the training of free sector money advisers throughout Scotland. The Government also provides access to alternative debt management tools such as the debt arrangement scheme.

**Stuart McMillan:** The minister will be aware of the recent report by the accountancy firm PKF, which stated that 20,000 people will be declared insolvent in 2012. What further actions can the Scottish Government take to assist people who are declared insolvent? Does the Scottish Government have the full range of powers at its disposal to deal with both pre and post-insolvency issues?

**Fergus Ewing:** Bankruptcy has always offered individuals who are struggling with their debts the opportunity of a fresh start and therefore a method of relieving the extreme personal tensions and family pressures that can come from extreme debt. Bankruptcy exists in a civilised society for that primary purpose.

We want to encourage those who can pay to pay their debts. That is why the debt arrangement scheme, which is being used by increasing numbers of people, is important.

With regard to the second part of the member's question, it would certainly help us to achieve all those objectives more effectively if this Parliament had all the necessary powers in respect of insolvency, both personal and corporate.

### **Drink Driving and Domestic Violence Campaigns**

**4. Jenny Marra (North East Scotland) (Lab):** To ask the Scottish Executive what its assessment is of how successful campaigns to combat drink driving and domestic violence over the Christmas period were. (S4O-00542)

**The Cabinet Secretary for Justice (Kenny MacAskill):** It is too soon to evaluate the success of those campaigns, but the stark reality is that we have seen hundreds of individuals who are prepared to take a gamble on other people's lives by getting behind the wheel of a vehicle while under the influence of alcohol. Those actions are reckless, totally unacceptable and put lives at risk.

During the campaign, a total of 478 drivers were caught driving while over the legal alcohol limit—the figure is 12 per cent higher than last year. Some of those drivers may now have their vehicles seized as a result of the extension of the vehicle forfeiture scheme.

The consequences of drink driving can be severe and sometimes tragic. People can lose

their licences, risk imprisonment, a criminal record and substantial fines, and may also lose their vehicles for good.

Strathclyde Police has launched its latest domestic abuse campaign, which focuses on urging victims of domestic abuse to report incidents, particularly when children are involved. The violence reduction unit and Children 1st launched their letter to Santa campaign, which encouraged anyone who was concerned about a child experiencing violence in the home to contact parentline Scotland.

It is as yet too soon to evaluate the success of those particular campaigns.

**Jenny Marra:** Because of worrying levels of underage teenage drinking in Dundee, the police have trialled a scheme involving the electronic tagging of bottles, which enables them to be traced back to the retailer who sold them and got them into the hands of those teenagers. Would the cabinet secretary support the extension of that scheme across Scotland?

**Kenny MacAskill:** That is, fundamentally, an operational matter for the police. I do not know as much about the electronic tagging scheme as I do about the bottle marking schemes, which have been used by every force in Scotland and have been part of a concerted campaign to deal with the problems of underage drinking and with those who seek to exploit their right to sell alcohol by allowing it to fall into the hands of underage drinkers.

I would be more than happy to encourage police forces to consider ways of building on the existing non-electronic bottle marking scheme as part of our campaign to deal with the problems that we face as a result of the abuse of alcohol.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Does the cabinet secretary believe that the barriers to securing prosecutions for driving under the influence of drugs must be addressed? Does he join me in welcoming the news that a panel of scientists is to be appointed to consider introducing drug-driving limits across the United Kingdom?

**Kenny MacAskill:** Yes, I do. The member raises an appropriate point. There is a problem with people driving under the influence not only of alcohol but of drugs. Those matters and the powers relating to the law of drink driving are reserved to Westminster. However, we are aware that, on 4 January 2012, the Department for Transport announced that it is establishing an expert panel to consider the technical aspects—I think that that is what the member is referring to.

Although the issues are reserved and are not within our domain or control at present, the issue that the member raises is certainly one on which

we are more than happy to work and co-operate with Westminster, as it has to be addressed. Just like those who drive under the influence of alcohol, those who drive under the influence of drugs put lives at risk.

### **Scottish Housing Regulator (Meetings)**

**5. John Pentland (Motherwell and Wishaw) (Lab):** To ask the Scottish Executive when the Minister for Housing and Transport last met the Scottish Housing Regulator and what was discussed. (S4O-00543)

**The Minister for Housing and Transport (Keith Brown):** I last met the chair of the new Scottish Housing Regulator, Kay Blair, on 22 August 2011. That was our first meeting since the creation of the body and Ms Blair's appointment as its chair. At the meeting, we discussed the body's preparations for assuming on 1 April this year its full responsibilities as regulator of Scotland's social landlords.

**John Pentland:** Is the minister aware that housing associations, tenants organisations and others have expressed great concern about the proposals to restrict people from standing for election and to introduce payments for board members? I am sure that those concerns will have been expressed at the consultation events, although only the regulator's presentations and speeches have been published. Will the minister ensure that a record of the responses that were made at those events will also be published and that all views expressed will be taken into account?

**Keith Brown:** I understand that the publication of information on activities surrounding the consultation will be a matter for the regulator, who, the member will understand, is independent of Government. However, I will be happy to take up that issue to see whether it can be resolved.

I am well aware of some of the concerns that the member has referred to, which have been expressed to the regulator as a result of the consultation. The Scottish Government has made its own response to the consultation and, if the member likes, I will be happy to give him details of that response, some of which reflect the concerns to which he has referred.

### **Housing Standards (Temporary Accommodation)**

**6. Paul Wheelhouse (South Scotland) (SNP):** To ask the Scottish Government what action it is taking to ensure that all temporary accommodation offered to families is of a suitable standard. (S4O-00544)

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** Ensuring

appropriate, good-quality accommodation and support for those who are experiencing homelessness is a priority for the Scottish Government and we have seen great progress. Fewer homeless families are in unsuitable temporary accommodation such as bed and breakfasts than at any time since 2007.

It is clear that councils should not use the least suitable forms of temporary accommodation for children and pregnant women. If they do, they will be in breach of the unsuitable accommodation order. Breaches are very unusual and are one of the measures that the Scottish Housing Regulator considers when it reviews local authority performance.

The Scottish Government is not complacent about the issue and will continue to support local authorities and to work with stakeholders in ensuring that all temporary accommodation is of a suitable standard.

**Paul Wheelhouse:** As I am sure that the cabinet secretary is aware, regrettably Shelter Scotland estimated that around 6,000 children in Scotland had to spend Christmas in temporary accommodation. Does he believe that there is scope to introduce consistent standards across the board to ensure that all temporary accommodation is suitable?

**Alex Neil:** The most recent figures that are available from the Scottish Government, which are used by Shelter, are not from Christmas, but from 31 March 2011. They reveal that progress is being made on what is an important issue. There were 4,988 children in temporary good-quality social rented housing, while a small number—51 in total—were in bed and breakfasts. That is 51 children too many, but it amounts to less than 1 per cent of children in temporary accommodation. Back in 2006, the figure was 3 per cent. We will continue to improve the situation to the best of our ability.

### **Ferries Strategy**

**7. David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Executive when it will announce its ferry strategy. (S4O-00545)

**The Minister for Housing and Transport (Keith Brown):** Ministers published "Scottish Ferry Services: Draft Plan for Consultation" on 21 December 2011. The closing date for responses is 30 March 2012, which means that there will be a consultation period of 14 weeks. Following consideration of responses to the consultation, the final ferries plan will be published later in 2012.

**David Stewart:** The test for any strategy is not what looks good in the ivory tower of the ministerial office but what happens when strategy meets reality.

Will the minister fully fund a replacement ferry for the northern isles during NorthLink's dry-dock period? Ferry connections to Orkney and Shetland are lifeline services, and the local communities are rightly concerned about the prospect of a nine-week reduction in service. Will he intervene and speak today to the conveners of Orkney Islands Council and Shetland Islands Council to allay their fears?

**Keith Brown:** I acknowledge that situation and have been in discussions with Shetland Islands Council and others about it, but it is not part of the ferry services plan. It is worth mentioning that the lengthy dry-dock period of nine weeks is a direct result of the tender process that was overseen by the previous Scottish Executive. I have undertaken to ensure that that does not happen again in the next tender period. We will continue to have conversations with people in the northern isles to see how we can get round that legacy of the previous tender process.

**Liam McArthur (Orkney Islands) (LD):** As part of the consultation on the strategy, the minister has indicated that the road equivalent tariff might be rolled out to cover services to the Orkney Islands some time after 2016. Why is it that, in the interim, while all the islands that are served on the west coast will benefit from the RET as part of a pilot, Orkney must wait until after 2016 to do so?

**Keith Brown:** That is because that is what we said in our manifesto we would do. We will go further. The member will see in the ferries plan that we intend to base all ferry fares across Scotland on the RET. Although it is the case that there could be substantial benefits to people in Orkney from the inclusion of the Orkney Islands in the RET scheme, depending on the form that it takes, it is also true that inclusion in the scheme could result in increases in fares to Shetland. That issue is worth considering. We are following through on our manifesto commitment, which I think is the right thing to do.

### **Blue Badge Renewal**

**8. Nanette Milne (North East Scotland) (Con):** To ask the Scottish Executive what advice it has given to local authorities in the past year regarding the renewal of blue badges. (S4O-00546)

**The Minister for Housing and Transport (Keith Brown):** We have been working with local authorities on blue badge reform since 2009. Last year, we held various workshops and issued a detailed code of practice. Legislation does not allow automatic renewal of blue badges. Badge holders have to apply for a new badge on expiry of their existing badge.

**Nanette Milne:** A number of residents in the north-east have complained that, on applying for

renewal of their blue badge, they have been told that the badge will not be renewed based on the fact that they have personally noted their limited ability to walk a short distance. In some cases, doctors' supporting notes that state that limited ability have not been taken into account. Will the minister agree to write to local authorities to ensure that assessment does not leave elderly and disabled residents disadvantaged and isolated?

**Keith Brown:** I am happy to look into the situation that the member describes, although the move that we have made is consistent with that which is being made in England and Wales, and with trying to get some consistency and uniformity into the process. As I said, however, I am happy to look into the issue.

**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 of Denmark, Her Excellency Anne Steffensen. [Applause.]

## First Minister's Question Time

12:00

**The Presiding Officer (Tricia Marwick):** We now move to First Minister's question time. I call Johann Lamont.

**Johann Lamont (Glasgow Pollok) (Lab):** This feels like a double shift—*[Interruption.]*

**The Presiding Officer:** Can we have Ms Lamont's microphone on? *[Interruption.]* Your card is not in, Ms Lamont.

**Johann Lamont:** You can see that this is a well-oiled machine.

### Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00390)

**The First Minister (Alex Salmond):** I will have meetings to take forward the Government's programme for Scotland.

**Johann Lamont:** We now know that the First Minister's preference is that the people of Scotland will be asked to decide on Scotland's constitutional future some time in the autumn in 2014. Nobody can be in any doubt about what a momentous decision that will be for the people of Scotland. What will the First Minister do to ensure that we and all of Scotland will have confidence in the timing, governance and scrutiny of the referendum?

**The First Minister:** I refer Johann Lamont to the amendment that we lodged to her motion for this morning's debate, which states that in a couple of weeks we will publish a consultation paper for all Scotland—that includes political parties, voluntary organisations, the third sector, and all the people of Scotland—to make known their views. It will set out the terms, the procedures and the timetable for the referendum that we propose—the referendum, of course, for which we received an overwhelming mandate in the recent Scottish elections.

**Johann Lamont:** I noted the amendment that the First Minister lodged, and I have to say that I was disturbed by its tone and its prescriptive nature, and by the rejection of the genuinely made offer to come together to build consensus.

Last May, the First Minister told the Parliament that, despite the SNP's majority in the Parliament, he does not have a monopoly of wisdom. Let me humbly offer him some of my wisdom. The fact of the matter is that his being able to drive something through the process does not mean that it is in his or in Scotland's interests for him to do so. It would

not be wise, in my view, for Parliament to go ahead with a referendum process that was underlined by a concern—even if it was a misconception—that it was somehow fixed. He must surely understand that he must dispel the perception that he is acting in the interests of the SNP and not those of Scotland.

I repeat my offer from earlier this week and this morning: will the First Minister not just meet party leaders to talk, but work with them to achieve consensus on the way forward for a referendum process that is fair and beyond question?

**The First Minister:** I think that Johann Lamont might well, in certain respects at least, be pleasantly surprised when she sees the consultation document. It will be in the interests not just of the governing party, but of the Parliament and Scotland—as I think will be clear from our consultation document—that the process is clear and transparent, and that it does this nation proud. When she sees the document, she will be reasonably surprised and perhaps encouraged—certainly by its tone.

I disagree with Johann Lamont in that it is extraordinary to talk about the Government being “prescriptive”. I heard representatives of the third sector—John Downie of the Scottish Council for Voluntary Organisations and Ian Galloway of the Church of Scotland—say explicitly on the radio this morning that they do not want politicians to foreclose on the options to be put before the people. However, Johann Lamont's motion did exactly that in relation to the questions that should be asked.

I assure Johann Lamont that the Government is aware of its responsibility not just to the Parliament but to the people of Scotland. We will bring forward a genuine consultation document. It will certainly put forward our views, but the consultation will be prepared to listen not just to the political parties in the Parliament but to people across the spectrum of Scottish society, so that we can have a referendum of which we can be proud and a debate of which we can be proud. All people will know that they have had their full opportunity to contribute to the process on the most important decision that has faced the nation for 300 years.

**Johann Lamont:** The difficulty is that the First Minister does not know how to build consensus. As the leader of the Opposition, I ought not to be pleasantly surprised in a fortnight's time; I ought to be part of the process of shaping the thinking on what the referendum will say.

I accept that the First Minister might not put a high price on the wisdom of the Labour Party's leader, but I reflect on the wisdom of others. On the prospect of a multi-option ballot, Professor Qvortrup told us that

"Two questions on a ballot where people are asked to vote on both options is simply not feasible. There is a good chance that you would end up not knowing what people really want."

Those who argue for a change to the devolution settlement want the union to work, whereas the First Minister wants to break it up. Surely he agrees that we need clarity on the result. Instead of resisting the United Kingdom Government's offer to give legal clarity, surely he should agree with his fellow nationalist Jim Sillars, who said:

"If the Scotland Act, as it does, refuses to give Holyrood powers over the constitution it cannot, therefore, lawfully hold a referendum on independence."

Surely the First Minister agrees that we can resolve this without rancour. We should recognise the consensus that has been built and reinforced by his Deputy First Minister, Nicola Sturgeon, who said:

"The SNP, as it happens, has always said that our preferred option is a straight question, yes or no to independence."

We seem to have agreement on that. We do not need to muddy the waters—all four parties agree that it should be a yes or no question. The First Minister has said that he will consult, but will he listen to and act on what he hears?

**The First Minister:** The Deputy First Minister said exactly what the SNP has said for a number of years—of course we prefer the independence question, which will be on the ballot paper. However, as I said after re-election, we do not have a monopoly on wisdom, which is precisely why we will listen to civic Scotland's point of view. That contrasts markedly with the Labour motion, which referred to wanting to talk to civic Scotland but rejected one of the arguments that civic Scotland makes. We will listen and we will not prejudge what people have to say.

One of my problems with the words that Johann Lamont says in the chamber—I have no doubt that they are said genuinely—is the extent to which Labour is in cahoots with the Conservative Government at Westminster, which is now clear. I am a great student of body language. In the earlier debate, I watched Labour members every time the Conservatives said that they are standing shoulder to shoulder with them, and I saw a lot of discomfiture. There will be a lot more of that as we see the extent of the claims of Labour members' Westminster colleagues about how they have worked hand in hand with the Tory Government to issue diktats to this Parliament and the people of Scotland.

I say to Johann Lamont that there is no difficulty whatever with a section 30 order. The difficulty is in the strings that the Prime Minister wants to attach to the order. Surely members of this Parliament—of all places—should agree that the

referendum must be built here in Scotland. It must be led by this Parliament and produced in dialogue with civic Scotland, and the process must go forward to give us a debate and, I hope, a conclusion of which the nation can be proud.

**Johann Lamont:** The problem with the First Minister is that he offers a false prospectus: he says that the choice is independence or the Tories. Neither of those is something that Scotland particularly wants. The debate has to be conducted in terms that recognise that Scottish Labour has a positive vision for Scotland inside the United Kingdom.

I will offer the First Minister some advice. A signal of his recognition that he does not have a monopoly of wisdom would be not simply to find people who agree with him, and welcome the fact that they agree with him; it is to work with people who do not agree with him. That is the challenge to which he must rise.

When the decision is made, depending on the will of the Scottish people, Scotland will separate from, or remain within, the United Kingdom. The day after the referendum, all of us in this chamber—indeed, every Scot—will have a responsibility to unite and to work together to make Scotland the best that it can be, whatever the constitutional arrangement. Will the First Minister accept his responsibility to be a national leader on the calls for us to come together on the process of the referendum, and to ensure that he is not operating simply as a party leader? Will he deliver and play a part in a free and fair referendum that everyone in this country can trust and will accept the day after the vote?

**The First Minister:** I welcome part of that question, because it contained sentiments of which I very much approve. Our amendment to Johann Lamont's motion today talks about consultation of all the people of Scotland: I assure Labour members that that absolutely includes the Labour Party. When we publish the consultation document, some of the fears that Johann Lamont has expressed will be seen not to be strongly based.

There is another issue on which I agree with Johann Lamont. As we agree the process, I look forward to our getting on to the arguments that matter. I do not agree with the view that was expressed the Labour Party today that independence and devolution of powers to this Parliament are opposites. I campaigned with the late Donald Dewar in 1997 on the prospectus of increasing power for Scotland. The two issues are not opposites; they are part of a continuum. The decision of the people of Scotland was over how far to go in accruing powers to the Parliament. Powers affect what we can and cannot do in Scotland.

I have absolutely no doubt that Johann Lamont is as fiercely concerned as I am with levels of child poverty and the statistics that we have seen this week, but she must acknowledge that welfare reform at Westminster right now threatens to undo all the recent progress on child poverty. How on earth can we reconcile that acknowledgement with not realising that we require the powers?

Earlier in the debate, I heard the question asked about what the SNP is going to do about nuclear weapons in Scotland. I say to Sarah Boyack that the only basis on which the people of Scotland will be able to remove weapons of mass destruction from our soil will be our having the powers that an independent Parliament will bring.

I have every interest in ensuring that we have consensus on the process, and I will make every effort for us to achieve it. As is, I hope, every other member in the chamber, I am anxious to get to the nub of the arguments and to let the Scottish people decide their own future. The future will involve powers for this Parliament to create a prosperous economy and a just society.

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

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-00381)

**The First Minister (Alex Salmond):** I have no immediate plans to meet him, but I spoke to him on Tuesday.

**Ruth Davidson:** The First Minister spoke this morning about his desire for consensus on the referendum process, but in the next breath said that that consensus had to bow to his majority. In an answer to Ms Lamont, he said that he had no problem with a section 30 order—but without any strings attached.

Let us look at one of the strings to which he so objects. The First Minister has cast doubt on the integrity and impartiality of those who serve on the Electoral Commission, and he now wants to hand-pick his own team to oversee the separation referendum. He might like to think that he is the team captain, but that does not mean that he also gets to pick the referee.

Does the First Minister want to repeat the comments that were made in his name by his official spokesman to the press this week? Does he want to stand up now and impugn the reputation, impartiality and neutrality of the commissioners and the Electoral Commission?

**The First Minister:** I am not impugning the integrity of anyone in the chamber or outside it. I have two things to say. First, I read out this morning the feelings of the Scottish Trades Union Congress on that very matter and said that I

approved of what it had to say. I know that Ruth Davidson does not always take to heart what the STUC has to say, but perhaps she should read those wise words.

Secondly, this Government has involved the Electoral Commission in, for example, the local government elections in Scotland, so it is clear that we are not impugning its integrity. I ask Ruth Davidson to wait until the consultation paper comes out. If she is dissatisfied with what it says, we will give the representations that she—like the Labour Party—will be able to make to the Government a full and frank hearing. I think that many of the difficulties that she thinks are apparent will not be as difficult as she feels them to be.

On the strings attached, it is a question of principle. There is certainly no objection to a section 30 order on a legally binding referendum—I think that we have pointed out in one of our documents that that route could be pursued.

However, there is a great difficulty with the idea that we can have a section 30 order only if we meet certain criteria. The difficulty is, of course, that if any of us in this Parliament were to concede the principle of somebody else, another Parliament, dictating when an election is to be held, who votes in that election and how it is organised, we would surely nullify the whole point of the democracy of the Scottish people and their ability to select in this Parliament, as they have done, parties that have a mandate—it is not just the SNP that supported the referendum process in the election; the Greens do, too—to pursue that opinion.

That does not exclude the opinion of everybody else in Scotland: on the contrary, we will have a process that is open and transparent, and deeply consultative. However, that means that the decision must lie in Scotland and not elsewhere.

**Ruth Davidson:** I suggest that much of that ground was given when the SNP voted for the Scotland Act 1998, which reserved the constitutional issue in its entirety.

I would like to get back to the question that I originally asked the First Minister. It was reported in the press on Wednesday—I quote from *The Press and Journal*—that

“First Minister Alex Salmond’s official spokesman said the organisation”

—the Electoral Commission—

“should be barred because it has political appointees on its board”.

I am glad that the First Minister acknowledged in his answer to me that he voted to extend the Electoral Commission’s role in Scotland and that the SNP voted to set it up.

The SNP has also bemoaned the fact that the commission was not around to report on the referendum in 1979. I believe that the SNP was delighted when its former MP and MSP, and our former Presiding Officer, was appointed as a commissioner, so why does the First Minister not trust the Electoral Commission now? His accusations raise serious doubts about whether he really wants a legal, fair and decisive referendum. If he has any real evidence against the impartiality of the Electoral Commission or its commissioners, will he produce it?

**The First Minister:** It is always best to listen to the first answer before asking the second question. I repeat that I am not impugning the integrity of the Electoral Commission or anyone else.

I really think that Ruth Davidson should consult the STUC's statement yesterday, in which it said that it wants

"an independent body in Scotland ... tasked with the responsibility of making recommendations on the process and conduct of the referendum".

The crucial point that Ruth Davidson seems to miss is that when we involved the Electoral Commission in the process of local government in Scotland, it became accountable in that sense to this Parliament. If she pursues that line of accountability and holds that thought, and waits for the consultation document in which she will get a full chance to participate along with everyone else, perhaps she will find that her fears on the matter can be somewhat lessened.

Lastly, I say gently—some ageist remarks were made in the earlier debate—that not everybody has as clear a recollection of the 1979 referendum as, unfortunately, I have. I do not think that, in citing the 1979 referendum, which was rigged by Westminster, any of the anti-independence parties is on the strongest ground on which they could stand.

**Michael McMahon (Uddingston and Bellshill) (Lab):** Is the First Minister aware that, on Monday, more than 700 employees of the W J Harte construction company in Bothwell, in my constituency, discovered that the company had gone into administration, putting all those vital jobs at risk? It appears that the company, which has a long and successful history, was taken over a few years ago by a venture capitalist and that, since that time, the company has gone from being in healthy profit with a turnover of more than £100 million a year to going into receivership without warning, with the bank refusing to extend its credit although the company directors left at the end of last year with substantial pay-offs. Does the First Minister recognise the devastating impact that the situation will have on my constituency? Will he agree to arrange a meeting with an

appropriate Government minister for me and my Westminster colleague, Jim Hood MP, to discuss what avenues are available to protect the workforce who are affected by this horrendous situation?

**The First Minister:** Yes. I am aware of the situation and its serious nature, and I agree to have such a meeting. I also advise Michael McMahon that Fergus Ewing, who is the relevant minister, will meet the administrators at 12.45 today to discuss the situation in detail. I see from Michael McMahon's comments that he may have more information to bring to the discussions. We would welcome that and I will ensure that that ministerial meeting is held as early as possible.

### Independence Referendum

**3. Joe FitzPatrick (Dundee City West) (SNP):** To ask the First Minister whether it remains the Scottish Government's position to hold a referendum on independence in the second half of the current parliamentary session. (S4F-00387)

**The First Minister (Alex Salmond):** When Joe FitzPatrick lodged his question, little did he think that events would have moved on in terms of the debate over the past few days—so the answer to the question can only be, "Yes."

**Joe FitzPatrick:** I thank the First Minister for his answer. I am glad that he is following the wishes of the Scottish people rather than the demands of a group of old Etonians in London.

Today's papers report that David Cameron and Ed Miliband are in 100 per cent agreement on the issue of stopping equality for Scotland. This Tory-Labour alliance has been busy conspiring in Westminster to gerrymander the vote, with Lord Foulkes seeming to suggest that supporting a Scottish football team is a good enough reason to be allowed to vote in the referendum. Does the First Minister agree with the words of the late Bashir Ahmad, that

"it isn't important where you come from, what matters is where we are going together as a nation"?

Does the First Minister agree that the attitude of the Labour-Tory alliance in London is a perfect example of why Scotland needs the full powers of an independent nation, so that decisions about the future of our country can be taken by those—the people of Scotland—who care most about our country?

**The First Minister:** Joe FitzPatrick did well to mention Bashir Ahmad, who was one of the finest men I have ever known. The phrase—his phrase—which was deployed many times, but was deeply felt, is one of the finest phrases:

"it isn't important where you come from, what matters is where we are going together as a nation".



I know how uncomfortable this makes Labour members in this Parliament, so I will not belabour the point, except to say that a Labour leader at Westminster who gets a response from a Conservative Prime Minister saying that he is 100 per cent in agreement probably has a reasonably short timeframe for his term in office.

### **Double Jeopardy**

**4. Humza Yousaf (Glasgow) (SNP):** To ask the First Minister what action the Crown Office has taken in response to legislative changes relating to double jeopardy. (S4F-00392)

**The First Minister (Alex Salmond):** The Scottish Government and this Parliament brought into force exceptions to the rule on double jeopardy in late November. The Lord Advocate has asked the Solicitor General for Scotland to review cases that may be prosecuted under those newly established exceptions to the rule. That review is on-going. Once it is completed, contact will be made with the victims or families of victims in the cases that have been reviewed.

**Humza Yousaf:** Following the conviction and jailing of two men for the murder of Stephen Lawrence in 1993, I want to raise the case of Surjit Singh Chhokar, who was brutally stabbed to death while visiting his girlfriend. No one has ever been jailed for his murder and the family still awaits any form of justice. The Stephen Lawrence case shows the impact that new evidence and technology can have in delivering justice. I have no doubt that the Crown Office will re-examine cases such as that of Surjit Singh Chhokar, but will the First Minister do what is in his power to ensure that no stone is left unturned in the search for justice for the Chhokar family?

**The First Minister:** That is a serious issue for Scotland. Obviously, every member has huge sympathy for Mr Chhokar's family. The Scottish Government has brought into force exemptions to the rule against double jeopardy; the Double Jeopardy (Scotland) Act 2011 provides that it is possible to retry acquitted persons in very serious cases if there is new and compelling evidence. Consideration of specific cases that might meet the criteria under the 2011 act is, and must be, a matter for the Crown. At the time of the announcement of the setting up of the cold case unit, the Solicitor General for Scotland, whom the Lord Advocate has asked to review and prioritise cases that might be prosecuted under the act, stated that

"The prosecution service is committed to the pursuit of criminals who have avoided detection for murder."

The member will understand that, as a politician, I must be extremely careful in what I say on such matters. All of us should have faith in the ability of

Scotland's independent prosecutors to ensure that investigations and prosecutions are progressed in appropriate cases.

**Lewis Macdonald (North East Scotland) (Lab):** When it is in the interests of justice to reopen such cases, that is clearly the right thing to do, but it requires time and effort to do it properly. What resource has been made available to the Crown Office to examine any new evidence? Can the First Minister reassure potential new witnesses that such evidence will be considered fully and investigated properly?

**The First Minister:** I assure Lewis Macdonald that the Lord Advocate and prosecutors have all the resources that they require to pursue cases from the cold case unit. Although it is not my function as a politician to interfere in the process, we have absolute assurance that the prosecutors have the resources that they require to pursue those cases. Every member should trust our independent prosecutors. They have the resources to do the job and they shall do what is in the interests of justice, given the new powers that the Parliament has given them.

### **Breast Implants**

**5. Jackie Baillie (Dumbarton) (Lab):** To ask the First Minister what the Scottish Government's most recent estimate is of the number of women in Scotland who have received breast implants manufactured by PIP. (S4F-00391)

**The First Minister (Alex Salmond):** Where we have records, there is no record of PIP silicone breast implants having been used by the national health service in Scotland, but NHS boards are doing thorough checks to make absolutely sure and to give confirmation of that. The Scottish Government does not hold information about the number of Scottish women who could have received PIP implants in the independent healthcare sector in Scotland or elsewhere. However, my officials estimate that in the region of 2,500 to perhaps 4,000 Scottish women might have those implants, although that estimate does not include women who might have travelled outwith the United Kingdom to receive implants.

I understand that this is an extraordinarily worrying time for women who have had breast implants, which is why we have made arrangements for the NHS inform helpline and website to provide additional support. If anyone is concerned about PIP silicone breast implants, they should seek advice from their general practitioner or the clinic that performed the implant.

**Jackie Baillie:** I thank the First Minister for his helpful response. He will be aware that many private clinics refuse to accept any responsibility and are intent on charging thousands of pounds

for removal of implants. How will the First Minister ensure that private clinics, which should not be let off the hook, meet their responsibility to their patients? In the event that he cannot do so, will he outline what safety net the NHS will provide for those women? Finally, will he agree to meet me and women who are affected to discuss their concerns?

**The First Minister:** The Deputy First Minister has indicated that she will be glad to meet to pursue the concerns. We expect private providers to offer the same level of service to their patients without cost. In cases in which a private provider no longer exists or will not provide the service, we will not leave any woman in Scotland without support—the national health service will step in. The presumption will be that that will cover only removal of implants, but if the clinical opinion is that replacement is required and that is what the woman wants, that would also be covered by our national health service.

#### **Scottish Ambulance Service (Rest Breaks)**

**6. Nigel Don (Angus North and Mearns)**  
**(SNP):** To ask the First Minister what progress has been made towards securing an agreement with ambulance staff on emergency interruption of rest breaks. (S4F-00386)

**The First Minister (Alex Salmond):** The Scottish Government is doing everything it can to bring the issue to a swift conclusion. Rest periods have been a contentious issue in the ambulance service since the introduction of the agenda for change in 2004. Urgent meetings have taken place this week and all parties are seeking a resolution that safeguards patient safety. The Cabinet Secretary for Health, Wellbeing and Cities Strategy will update the Scottish Parliament on progress in a statement on 18 January.

**Nigel Don:** I thank the First Minister for his response. While negotiations are on-going, it would be inappropriate for me to say very much other than to emphasise to any member who has constituents in rural communities, as I do, the importance of the issue to those who find that their ambulances are widely spread out. I am therefore grateful to the First Minister for his response and I hope that those negotiations will be concluded swiftly.

**The First Minister:** I acknowledge the important work of the Scottish Ambulance Service in saving lives and providing medical assistance day in and day out in Scotland. As First Minister, I look forward—as I am sure everyone in Parliament does—to a solution on rest breaks that addresses patient safety and protects the wellbeing of ambulance staff.

**Dr Richard Simpson (Mid Scotland and Fife)**  
**(Lab):** I thank the First Minister for his comments. Will he welcome the unions' agreement to extend for a short period the interim agreement to allow negotiations to conclude? Does he agree that it is time to reclassify front-line ambulance workers as emergency workers under the European Union directive as applied to police, firefighters and the armed forces in order fully to ensure the safety of the public and the workers?

**The First Minister:** Talks are on-going on the issue and on other aspects of Dr Simpson's question, so he will forgive me if I go no further at present. However, he can be certain that the Scottish Government is doing its utmost to resolve the dispute as quickly as possible.

12:31

*Meeting suspended.*

14:15

*On resuming—*

## Scottish Executive Question Time

### Health, Wellbeing and Cities Strategy

#### Healthy Diet

**1. George Adam (Paisley) (SNP):** To ask the Scottish Government what it is doing to promote a healthy and balanced diet among young people. (S4O-00549)

**The Minister for Public Health (Michael Matheson):** The Schools (Health Promotion and Nutrition) (Scotland) Act 2007, backed by the health promotion guidance for local authorities and schools, outlines the Government's expectations of individuals, schools and local authorities in promoting the health and wellbeing of children and young people. In addition, the Government has a number of initiatives to promote a healthy and balanced diet to young people.

**George Adam:** Does the minister agree that a healthy and balanced diet is key to giving Scotland's young people the best possible start and chance in life? Does he therefore agree that it contributes to the Scottish Government's preventative spending approach to health?

**Michael Matheson:** Yes, I agree. Indeed, I would go further and say that our approach to trying to improve the diet of people across Scotland is part of our overall preventative approach to healthcare. To support that, we are providing some £7.5 million over the next three years to promote a healthy diet across our population and in particular among young people. In addition, we have three new change funds worth some £500 million over the next three years, and we intend that they will ensure decisive action in delivering more in the way of preventative approaches.

#### Home Care (Needs Assessment)

**2. Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** To ask the Scottish Government what guidance is provided to local authorities on assessing the needs of home care service users. (S4O-00550)

**The Minister for Public Health (Michael Matheson):** Current policy and professional practice is that any individual who approaches or is referred to a local authority is entitled to a generic assessment of their needs. There is no presumption about a particular service requirement until a holistic review of a person's

needs and circumstances has been undertaken. Any unpaid carer involved is also entitled to a carers assessment.

A great deal of professional guidance and good practice material is available to local authority practitioners from improvement bodies such as the joint improvement team. There are continual improvements in professional practice as it develops in line with our policy objectives of focusing on outcomes rather than services and ensuring greater personalisation and choice for those who require care and support.

**Jamie Hepburn:** Constituents have approached me to say that there appears to be a process in North Lanarkshire Council by which those who receive a care package that is switched to direct payments are having the financial support in the package cut. Does the minister agree that a switch to direct payments should be about empowering the individual and should not be used as cover for cost cutting?

**Michael Matheson:** I agree with the member. Our whole approach to self-directed support in the strategy that we launched last year is about trying to ensure that people get greater ownership of how their care arrangements are taken forward. In the next month, I intend to publish the self-directed support bill, which will underpin the way in which we intend to take the agenda forward.

It is right to recognise that there are occasions when, after someone goes through the self-directed support process and starts to receive a direct payment, the overall cost of their care is lower than it was for their previous care package. However, that will not always be the case, and local authorities must be sure that the resources that they allocate are sufficient to meet the needs of the person following the assessment that is carried out.

**Helen Eadie (Cowdenbeath) (Lab):** I would be very grateful if the minister investigated a case in my constituency—I will write to him with the details. He just referred to a generic assessment, and the trouble is that, in the case in question, the generic assessment was done after the person was presented with a bill for £4,000. I do not think that that is right—does the minister think that it is right? A generic assessment should surely be done before a person is placed in a residential home. The person in question wanted to be at home rather than in a residential home. Does the minister agree that there is an issue and that the assessment should be done as early as possible?

**Michael Matheson:** It is difficult to comment on whether what was done was correct until I know the details of the case. If the member writes to me with the details, I will be more than happy to look into the matter.

**Fiona McLeod (Strathkelvin and Bearsden)**

**(SNP):** Does the minister agree that the decision by the Labour-Conservative coalition in East Dunbartonshire Council to provide care only for those whose needs are assessed as substantial or critical not only is dangerous but defeats the preventative agenda?

**Michael Matheson:** It is important that local authorities take the most appropriate course to deliver the range of services that people in their communities require. I recognise that local authority budgets are under pressure as a result of the cuts that have come from the Tory-Liberal Democrat Government in Westminster, but I encourage local authorities to ensure that they provide a range of services to meet the needs of their local population and to help to support people to remain in their own homes in an independent way that is most appropriate to their needs.

### **Dermatology Services**

**3. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government whether consideration is being given to producing national guidance on dermatology services. (S4O-00551)

**The Minister for Public Health (Michael Matheson):** In March 2010, the Government issued the report of the dermatology task and finish group, which included dermatology referral and management pathways to support work to improve and streamline the patient journey. In October 2010, the Scottish intercollegiate guidelines network published guideline 121 on the diagnosis and management of psoriasis and psoriatic arthritis in adults. There are no plans at this stage to issue any additional national guidance.

**Linda Fabiani:** I thank the minister for that answer and I also thank the organisations and individuals who share their expertise on the cross-party group on psoriasis and psoriatic arthritis. The consensus of those experts is that there should be either national guidance on dermatology services or, perhaps, the creation of a national framework for skin disease and the development of a national managed clinical network for skin disease, to complement the regional managed clinical networks for skin cancer. Often, it is felt that the service is not given the attention that it requires to benefit those who suffer great distress as a result of psoriatic arthritis and other dermatological conditions. Will the minister please give the matter further consideration?

**Michael Matheson:** I am more than happy to engage with the member and the cross-party group to consider how we can further improve the way in which those services are delivered overall.

As I am sure that the member would recognise, boards have made considerable progress in improving the way in which services are delivered for people who live with a skin condition. Those efforts have been largely reinforced by the report that was produced by the dermatology task and finish group, which has helped us to consider how we can improve the referral process and the managed pathway for patients in the national health service. We also expect NHS boards and general practitioners to implement SIGN guideline 121 in order to continue to improve the way in which services are delivered to patients with psoriasis and psoriatic arthritis.

As I said, I would be happy to engage with the member and the cross-party group to find ways in which we can continue to build on the improvements that have been made in recent years and to improve the overall level of care that is provided to those with a skin condition.

### **Multiple Sclerosis**

**4. Margaret McDougall (West Scotland) (Lab):** To ask the Scottish Executive how it supports people with multiple sclerosis. (S4O-00552)

**The Minister for Public Health (Michael Matheson):** Our top priority for people with MS is to ensure that the neurological standards that were published by Healthcare Improvement Scotland are implemented. They offer the best mechanism for achieving safe, effective and person-centred care.

The standards will help to ensure that people get the earliest and most appropriate treatment locally, with access to specialist services when needed. That is why we have provided boards with £1.2 million to develop improvement groups as the main vehicles to take the standards forward. Through its two-year improvement programme, Healthcare Improvement Scotland has been instrumental in ensuring that that happens effectively.

**Margaret McDougall:** What plans are in place for measuring health boards' performance against the clinical standards for neurological health services after the implementation programme ends in March 2012?

**Michael Matheson:** Some of that work is going on right now. This month and next month, all health boards will carry out an assessment to evaluate what progress they have made over the past 18 months to two years. That will be followed by a peer review by Healthcare Improvement Scotland, which will look at and compare the progress that different boards have made. We expect the findings of that peer review to be published by the summer of this year. Those

findings will inform boards in taking forward local improvement plans to make further progress in the implementation of the standards.

### **NHS Orkney (Meetings)**

**5. Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Executive when it will next meet the chair or chief executive of NHS Orkney and what issues will be discussed. (S4O-00553)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** I will next meet the chair of NHS Orkney on 23 January during my routine monthly meeting with NHS board chairs. Ministers and Government officials meet representatives of all NHS boards on a regular basis. Forthcoming meetings with representatives of NHS Orkney will cover a wide range of matters of current interest to the NHS in general and to NHS Orkney in particular.

**Liam McArthur:** At that meeting, I urge the cabinet secretary to look into the tragic circumstances surrounding the death of one of my constituents on the small island of Shapinsay at the end of last year, which has caused profound concern among island residents about the ability of emergency services to deal with such incidents. Although NHS Orkney's own investigations suggest that, even had the delays in responding been avoided, the life of the woman in question might not have been saved, the incident has reinforced in the most powerful way possible the need for a locally based back-up for the air ambulance.

A new contract should be in place from next year, which I hope will include provision of a locally based aircraft. In the meantime, will the cabinet secretary impress upon NHS Orkney and the Scottish Ambulance Service the need to take urgent steps to put in place interim arrangements that will provide the reassurance and cover that my constituents expect and deserve?

**Nicola Sturgeon:** I am aware of the incident on Shapinsay to which Liam McArthur refers, and I put on record my condolences to those who have been affected by it.

The member will understand that it would not be appropriate for me to comment on the details of that case, but I discussed the more general issues on Shapinsay when I was in Orkney last year to conduct the annual review of NHS Orkney, so I am well aware of the situation there. I am also aware of the efforts that NHS Orkney is making to deal with local concerns.

I will convey Liam McArthur's comments to NHS Orkney and the Scottish Ambulance Service, and I am sure that both organisations would be happy to meet him to discuss his concerns. In particular, I

am sure that the Ambulance Service would be willing to discuss the work that is being done on the air ambulance service and how his concerns might be addressed.

### **Rural Maternity Services**

**6. Dennis Robertson (Aberdeenshire West) (SNP):** First, I apologise to the Presiding Officer and members in the chamber for not being here at the start of questions.

To ask the Scottish Government what its position is on the provision of maternity services in rural areas. (S4O-00554)

**The Minister for Public Health (Michael Matheson):** The Scottish Government launched "A Refreshed Framework for Maternity Care in Scotland" in January 2011. The refreshed framework contains a set of principles for NHS boards to apply in implementing local planning and delivery of a person-centred, safe and effective maternity service for women, wherever they live.

**Dennis Robertson:** The minister is probably aware that NHS Grampian is carrying out a consultation on its maternity services. It carried out a similar consultation in 2006, when the then health minister, Andy Kerr, prevented it from closing the maternity unit at Aboyne, which I believe is now under threat again. Will the minister reassure constituents in my area of Aberdeenshire West that the Government will look at the position of the Aboyne unit and that, if the unit is under threat, it will come to the same conclusion as Andy Kerr did and prevent its closure?

**Michael Matheson:** I am aware of the review of services that NHS Grampian is undertaking, to which the member refers. I can inform him that NHS Grampian's maternity service proposals have been designated as a major service change, so they will, ultimately, be subject to ministerial approval. It is important that we do not pre-empt the board's consideration.

I encourage everyone who has an interest in those services to engage in the consultation process. I understand that, throughout January and February, the board will conduct a number of public meetings in a number of locations, including Aboyne. I have no doubt that those who have such an interest will wish to express their views during those public meetings.

The Scottish Government has always made it clear that any case for change must be evidence based and must be assessed by NHS boards against the key areas of patient safety and quality of care. All relevant factors, including the public consultation element, will be taken into consideration in the event that NHS Grampian reaches a final decision and submits it to ministers for consideration.

**Nanette Milne (North East Scotland) (Con):** I appreciate that the consultation on the future of maternity services in Grampian is in its early stages, but I anticipate that, if the proposal to close the birthing unit in Aboyne is taken forward, there will be concerns in upper Deeside about the adequacy of emergency ambulance cover for mothers who require admission to Aberdeen maternity hospital, particularly out of hours, given the continuing issues with ambulance cover in the Braemar area, of which the minister is well aware. Will he insist that any proposals from NHS Grampian take that issue into account?

**Michael Matheson:** It is extremely important that, during the consultation exercise in which the board is engaging, it listens to all the views and concerns that are expressed about any changes that it proposes to make, including those on the potential knock-on effect on other services in the area and particularly the potential impact on transport provision. We expect the board to undertake that engagement and to look at the different factors before it reaches a final decision on the matter and submits proposals to ministers.

As has always been the case when the cabinet secretary has been presented with such proposals, they will be thoroughly considered to ensure that the process has been in line with what the guidelines state health boards should do in undertaking such consultation exercises. We will ensure at that point that all factors have been considered.

#### **National Health Service Boards (Meetings)**

**7. Mary Scanlon (Highlands and Islands) (Con):** To ask the Scottish Executive when the Cabinet Secretary for Health, Wellbeing and Cities Strategy last met the chairs of NHS boards. (S4O-00555)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Our last meeting was on 19 December 2011.

**Mary Scanlon:** When the issue of emergency cover and a new district nurse in west Ardnamurchan was raised in the Parliament last year, the health secretary rightly said that it is crucial that the NHS and the Scottish Ambulance Service

“come up with a model of service provision that is deliverable and which satisfies the community’s concerns about safety and sustainability.”—[*Official Report*, 24 November 2011; c 3864.]

From the responses that I have received this week, I know that the community is not satisfied, as it has a nurse for the whole of west Lochaber and not just west Ardnamurchan, and no local

emergency cover. Will the health secretary now intervene in the matter?

**Nicola Sturgeon:** I said previously and I say again to Mary Scanlon that I absolutely understand the concerns of local people. I believe strongly that people who live in the remotest parts of Scotland have a right to high-quality health services but, as I have said before in the chamber, how those are delivered in some of our more remote communities will sometimes differ from how they are delivered in urban Scotland.

I remain firmly of the view that dialogue must continue so that we get to a position at which the people of the community feel that their health service cover is adequate and safe. I will continue to ensure that both the local health board and the Ambulance Service, which is a key player, continue to strive for that. I am happy to meet Mary Scanlon and local constituents if that would be helpful but, fundamentally, the issue is for the local community, working with the health services, to resolve to its satisfaction.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** In her future meetings with the chairman of NHS Lanarkshire, will the cabinet secretary raise the concerns of people in Cumbernauld and Kilsyth about the removal from the area of services such as radiology, which is being centralised elsewhere in NHS Lanarkshire’s area? For all the board’s capital investment programme, not a lot seems to be spent in Cumbernauld and Kilsyth. Is it not right that money should be spent across the entirety of an area that an NHS board covers?

**Nicola Sturgeon:** I have spoken in the chamber before about radiology services in Lanarkshire. I understand the member’s concern. I have repeatedly said that, where possible, the Government wants services to be delivered locally. That is the presumption on which we fought and won the 2007 election and I remain committed to it. However, where boards can make a quality case for the redesign of services, they are right to do so. I have spoken in the chamber before about the quality reasons that lie behind some of the proposals that affect radiology.

On capital spending, we know that, because of proposals of the previous Labour Government that are now being implemented by the Tory and Liberal coalition at the United Kingdom level, capital resources are under severe constraint in Scotland. Our capital budget has been radically reduced. However, that does not alter the fact that boards have a responsibility to prioritise the capital resources that they have available and ensure that they are spent as fairly and equitably as possible. That obligation applies to NHS Lanarkshire as it applies to every health board in the country. Given the Scottish Government’s role in approving

projects that are above the designated limit, we pay close attention to the priorities that boards set for their capital resources.

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

**(Lab):** I thank the cabinet secretary for requiring a report from NHS Lothian on waiting times management. Now that she has received the report, is she satisfied with it, in the light of the fact that no one from the public participation forum was on the group that investigated the problem; that not a single patient who had refused an offer that was regarded as inappropriate of treatment in England for minor illnesses was looked at, although that was the original source of the complaint that I placed before her in the chamber; and that nobody knows the cause of 330 out of the 1,150 suspensions, so the tracking system has not operated effectively?

**Nicola Sturgeon:** As the member will know, Sarah Boyack has a question specifically on the issue, so we will come back to it later in question time.

It is an important issue. I tell members who are not aware of it that I placed the report in the Scottish Parliament information centre a few days ago. The information in the report gives transparency about the issue that the report was commissioned to investigate, which is the circumstances in which patients were being offered, at very short notice, appointments in England.

The investigation shows that there was no intention on the part of NHS Lothian to manipulate waiting times. However, I am clear that it was not acceptable for the health board to offer patients treatment in England at short notice. The practice had been taking place for more than a year and about 1,200 patients had been offered treatment in England. I am pleased to say that most of those patients have now been offered treatment locally. As of today, 91 of the 100 patients identified in the report as still waiting for treatment have been offered an appointment for treatment.

I will now address the wider issues that the report touches on. My officials will review NHS Lothian's demand and capacity planning to ensure that adequate activities are available as locally as possible to deliver on waiting times standards.

We have spoken about waiting times on many occasions and I have acknowledged the previous Administration's role in reducing waiting times. I hope that Labour members acknowledge our efforts to ensure that waiting times continue to reduce. I will not tolerate any attempts to get round the waiting times target. It is vital that patients are treated as quickly as possible.

## Air Pollution

**8. Alison Johnstone (Lothian) (Green):** To ask the Scottish Executive what action the Cabinet Secretary for Health, Wellbeing and Cities Strategy is taking to reduce the health impact of air pollution in cities. (S4O-00556)

**The Minister for Public Health (Michael Matheson):** The Scottish Government supports a number of measures, both local and national, to tackle air pollution successfully. Those include the establishment of a statutory framework and clear strategic aims for both air quality and transport; supporting the development of renewable energy; providing grant funding for local authority actions; and providing advice and information through the Scottish air quality website and Scotland's environment web.

**Alison Johnstone:** The minister will be aware that in Edinburgh and Glasgow the reach of the air quality management zones is being extended as a result of continued breaches of air pollution objectives. In Glasgow, the entire city will be such a zone due to numerous breaches of pollution targets for particulates.

Air pollution reduces life expectancy and exacerbates breathing and heart conditions in thousands of people. We know that roads are the source of up to 70 per cent of the air pollution that affects people in urban areas. Has the Scottish Government assessed the costs to the health budget of poor air quality? Does the minister agree that a shift in the transport budget from road building to higher spending on cycling and walking would reduce that further burden on health budgets and is therefore highly preventative spend?

**Michael Matheson:** The member referred to the areas in the central belt that continue to exceed the limit levels. She should be aware that the Scottish Government, in partnership with Transport Scotland, the Scottish Environment Protection Agency, local authorities and the United Kingdom Government, is working on a range of measures to ensure full compliance as soon as possible.

Based on a combination of current and planned measures, the whole of Scotland is expected to comply with the limit values by 2015, with the exception of one road system—largely that involving the M8—and we expect to meet the limit values once the extension has been completed. The Government recognises the progress that is being made and we continue to implement measures now and plan measures for the future to ensure that we comply with the limit values.

## Weight Reduction Programmes

**9. Nigel Don (Angus North and Mearns) (SNP):** To ask the Scottish Government what assessment it has made of the effectiveness of both national health service and commercial weight reduction programmes. (S4O-00557)

I, too, apologise for being a few moments late for this session.

**The Minister for Commonwealth Games and Sport (Shona Robison):** All NHS boards are required to deliver effective weight management services that are consistent with the available evidence and subject to on-going monitoring of their impact. We expect that to include nationally a mix of NHS and commercial weight reduction programmes.

**Nigel Don:** The minister will be aware of research that was published in the *British Medical Journal* last year that indicated from extensive work that was done in Birmingham that commercial weight reduction programmes were significantly more effective than their public service counterparts. Has the minister a mind to encourage the NHS to take up commercial programmes, where appropriate, and so enable the NHS to concentrate on patients who may be more difficult to deal with in that regard?

**Shona Robison:** We are certainly aware of the study to which the member refers, which provided useful data that will help to inform the healthy weight management strategies in Scotland. However, we need to be careful about applying the study's findings to alternative interventions that were not directly considered in the study. As I said earlier, we are committed to ensuring that health boards have the choice of which services they wish to develop. We have, of course, backed that up with a substantial commitment of £1.5 million a year to boards for the period 2012 to 2015. It is therefore up to boards how they use that money and which services they choose to purchase.

## High Blood Pressure (Awareness)

**10. Annabelle Ewing (Mid Scotland and Fife) (SNP):** To ask the Scottish Government what plans it has to raise awareness of the links between high blood pressure and other medical conditions. (S4O-00558)

**The Minister for Public Health (Michael Matheson):** The Scottish Government will continue to raise awareness of the risks associated with high blood pressure through its work to prevent ill health and to improve the health of the population. The quality and outcomes framework of the general medical services contract encourages general practitioners to assess the cardiovascular risk of all newly diagnosed patients with high blood pressure, as

well as to ensure that people with certain diseases have their blood pressure checked on an annual basis. Checking blood pressure is also a core component of the keep well programme of inequalities-targeted health checks.

**Annabelle Ewing:** The minister may be aware of the Stroke Association Scotland's excellent know your blood pressure campaign. In the village in which I live—Comrie, in Perthshire—the local first response team recently got together with fire service volunteers and held an extremely successful event in which 36 villagers took part and had their blood pressure checked, with three referrals being suggested to local GPs. What can the Scottish Government do to facilitate a wider roll-out of such excellent preventative initiatives?

**Michael Matheson:** I am aware of that scheme, and I encourage the Stroke Association Scotland to continue with its know your blood pressure campaign because of the particular benefits that can be gained from it, to which the member referred.

Strokes remain a clinical priority for the Government and NHS Scotland. Between 1995 and 2010 the number of premature deaths from strokes was cut by some 59 per cent, which was a significant achievement over the period. However, we can clearly do more in that area, and much of it is around lifestyle. Eating better, being more active, stopping smoking and drinking more sensibly can all play a part in reducing someone's risk of developing high blood pressure.

We want to encourage people to look at their lifestyles in order to address their potential risk factors for developing high blood pressure. The Government is taking forward the mainstreaming of the keep well programme that will see some £11 million invested over the next three years in a way that targets people in the most vulnerable groups in deprived communities, who may be at greatest risk of the conditions that are associated with high blood pressure.

## Cities Strategy

**11. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government what progress has been made in developing the cities strategy and what role towns and villages can play in this. (S4O-00559)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The agenda for cities—"Scotland's Cities: Delivering for Scotland"—was published on 16 December 2011. It established the Scottish cities alliance—a partnership of Scotland's six cities and me as cities minister—to optimise the contribution that



our cities and their regions can make to driving economic growth.

Our cities recognise that they have an obligation to build and strengthen effective partnerships with their neighbours. This year, the cities alliance will begin a programme of fuller engagement with key partners. As part of that, the Convention of Scottish Local Authorities has offered to host a conference to help the alliance to engage with other local authorities on how they can contribute and on what the cities agenda means for them.

**Willie Coffey:** Will the cabinet secretary ensure that our towns and villages are not disadvantaged by any leverage effect that the funding that is given to cities in support of the strategy may introduce?

**Nicola Sturgeon:** There is absolutely no intention in any of the cities work to disadvantage other areas. As Willie Coffey will be aware, when I published the agenda for cities I also announced a £5 million cities investment fund. That is designed to accelerate the pace of investment in cities by developing programmes that can lever in other funding to support collaborative programmes between cities and develop programmes that allow for wider city region investment, which will be of particular interest to Willie Coffey.

The fund will help cities and their regions to attract investment, which contributes to sustainable economic growth. We intend to finalise the detailed criteria for the fund after consultation with the six city local authorities and COSLA. I would be happy to hear suggestions from any member about how that fund can have the maximum possible impact.

### **Sporting Facilities (Young People)**

**12. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Executive what value it places on access to sporting facilities in relation to improving young people's health and fitness. (S4O-00560)

**The Minister for Commonwealth Games and Sport (Shona Robison):** The Scottish Government believes that access to quality facilities is important if young people are to enjoy the benefits of leading healthier, more active lifestyles. That is why we are committed to supporting the development of quality facilities throughout the whole of Scotland and why, over and above the £33 million that we have invested since 2007, we are developing 150 community sport hubs by 2016.

**Neil Bibby:** Does the minister agree that increasing charges for sporting facilities is a barrier to access? If so, would she discourage providers of sporting facilities from increasing charges?

**Shona Robison:** The level of charge is down to the local authority. I would certainly encourage local authorities to view the community sport hub as a way of opening up the school estate in particular in a very affordable manner. One of the considerations that is uppermost for sportscotland in any bid for community sport hub funding is that access is affordable.

I hope that a number of new facilities will be opened to the community. Some of our best facilities are in the school estate, and opening those schools after hours and at weekends is a way to open up opportunities to take part in physical activity and sport in communities at an affordable cost.

### **Waiting Lists (Lothian)**

**13. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Executive when it will publish its response to the investigation by NHS Lothian of so-called hidden waiting lists. (S4O-00561)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The response to the report is contained in a letter that I sent to the convener of the Health and Sport Committee on 9 January. A copy of that letter, along with a copy of the report, was placed in the Scottish Parliament information centre earlier this week.

**Sarah Boyack:** I thank the minister for the copy of the report and the letter, and for her response to Dr Richard Simpson earlier today.

I welcome the minister's specific commitment earlier this year to review the guidance to provide clarity on the implementation of the guidelines, which will be helpful. I draw her attention to the report's finding that elective surgery in Lothian has risen by 20 per cent since 2008, and to its statement that

"The inescapable fact is that more elective capacity must be found locally".

Is the minister being kept up to speed by NHS Lothian on its plans to deliver new beds, theatres and staff? Is she satisfied with the level of provision that it has identified is now required?

**Nicola Sturgeon:** I thank Sarah Boyack for her interest in the issue. As I said in response to Dr Simpson, my officials are reviewing NHS Lothian's demand and capacity planning to ensure that there is adequate activity available as locally as possible. I will be kept closely informed about that work, and we will work with NHS Lothian to ensure that any implications from it can be taken forward.

I am well aware of NHS Lothian's NHS Scotland resource allocation committee position—we have worked hard to make progress towards NRAC parity for NHS Lothian—and of the rising demand.

It is slightly off the subject, but yesterday, for example, I was pleased to open the birthing centre at Edinburgh royal infirmary. That is a recognition of the rising birth rate, which is just one element of the rising demand for services in NHS Lothian. My officials and I will continue to work closely with NHS Lothian to ensure that it is in the best possible position to meet that demand as locally as possible.

#### **NHS Greater Glasgow and Clyde (Meetings)**

**14. Duncan McNeil (Greenock and Inverclyde) (Lab):** To ask the Scottish Government when the Cabinet Secretary for Health, Wellbeing and Cities Strategy last met the chief executive of NHS Greater Glasgow and Clyde. (S4O-00562)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Yesterday afternoon.

**Duncan McNeil:** At that meeting, did the cabinet secretary discuss with the chief executive, Robert Calderwood, his view that the Scottish Government's criteria for the provision of certain drugs for those with rare conditions have created a cross-border split in access to those medications? The cabinet secretary recently met my constituent, Joyce Juszczak, who is a case in point. Although the recently announced review involving the chief medical officer, Harry Burns, and the chief pharmaceutical officer, Bill Scott, which is to examine the existing process, is welcome, will the cabinet secretary give an assurance that the review will also examine the wider and more immediate issues relating to Scottish patients accessing treatment for very rare conditions?

**Nicola Sturgeon:** I am well aware of the constituency case to which Duncan McNeil refers, but I will not go into the details of that. I ask Duncan McNeil to pass on my best wishes to his constituent, whom I met on a previous occasion.

I do not entirely accept Duncan McNeil's point about a cross-border split, although he makes some other, valid points on the issue. I cannot go into detail about particular cases, but I understand that the medicine in question has been prescribed in NHS Greater Glasgow and Clyde on an exceptional basis. That underlines the point that such provision is and should be considered on a case-by-case basis. We have robust, independent arrangements for the approval of drugs and for what happens when drugs are not routinely approved in Scotland. Nevertheless, as I have said repeatedly in the chamber, I will never take the view that nothing more could be done to improve those arrangements. That is why we set up the short-life working group, which is convened by the chief pharmaceutical officer and the chief

medical officer, whose recommendations we will take forward.

We will continue to assess what we can do to improve access to drugs, as I am firmly of the view that that is the right thing to do. However, we must do that on the basis of the good foundation that we have, through the Scottish Medicines Consortium, and continue to build on that.

#### **Telehealth**

**15. Roderick Campbell (North East Fife) (SNP):** To ask the Scottish Government whether it is evaluating the capacity for telehealth to aid mainstream health provision following the recommendation by Audit Scotland in its report, "A Review of Telehealth in Scotland". (S4O-00563)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The Government welcomes the recommendations that are contained in the Audit Scotland report. Although the report made no specific recommendations for Government, we have taken steps, and will continue to take steps, to encourage the use of telehealth across Scotland.

In particular, following a Government review of telehealth in 2009, management responsibility for the Scottish centre for telehealth and telecare was transferred to NHS 24. That move was intended to achieve greater buy-in by NHS boards into telehealth and to ensure that boards are engaged in the 2010 to 2012 telehealth strategy. That integration of the SCTT and NHS 24 has provided a focus for the further development of telehealth across the NHS, and it offers a framework for the continued mainstreaming of telehealth. NHS 24 is currently developing a three-year integrated strategic framework for telehealth and telecare, which we expect to be published in April this year.

**Roderick Campbell:** I thank the cabinet secretary for her answer. Does she agree, however, that more needs to be done to raise awareness of telehealth possibilities and initiatives within NHS boards? In particular, does she agree that NHS boards should have a dedicated clinical lead for telehealth to co-ordinate activity and development in the area?

**Nicola Sturgeon:** Yes, I agree with the thrust of Rod Campbell's question. I believe very strongly in the potential of telehealth to improve healthcare for patients and service users, but also radically to change and redesign how we deliver healthcare services. The Scottish centre for telehealth and telecare, which, as I said, is part of NHS 24, is actively engaging with all health boards across Scotland to support them in the development, planning and delivery of telehealth services. NHS boards have also been asked to identify a

strategic lead for telehealth to support and co-ordinate activities within each health board. We rightly want to do better than we have done on telehealth to ensure that it is mainstreamed and that we take advantage of its potential. However, we are seen across Europe as something of a European leader in telehealth, and that should give us the confidence and the ambition to go even further.

### Vitamin D Deficiency

**16. Clare Adamson (Central Scotland) (SNP):** To ask the Scottish Government what impact the 2010 guidelines issued to general practitioners on recommended vitamin D levels have had on tackling vitamin D deficiency. (S4O-00564)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The leaflets and covering letter from the chief medical officer that were sent to health professionals and the general public in 2010 and again in 2011 were an awareness-raising campaign on the present recommended vitamin D levels for at-risk groups. No formal evaluation of the impact has been carried out, as the cost of doing so would be disproportionate.

**Clare Adamson:** Has the Government considered the calls for vitamin D to be added to food products, given its proven health benefits and Scotland's history of deficiency of the vitamin because of our latitudinal position?

**Nicola Sturgeon:** Clare Adamson raises an important issue. I pay close attention to the debate and I do not take lightly the demands and calls that have been made recently. At present, we have no plans for fortification with vitamin D beyond the already mandatory fortification of margarine. The debate is important and should continue, and we welcome contributions to it from a variety of sources, but there would need to be broader scientific consensus than exists at present in favour of a new approach before any change could be considered. However, I am sure that the matter will remain under consideration and that we will return to it in the Parliament.

## Young People (Improving Learning Outcomes)

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-01677, in the name of Michael Russell, on improving learning outcomes for all young people in 2012.

14:57

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** This is the second education debate in two days. I am glad to have strong parliamentary engagement in and scrutiny of education, as that is crucial in building a better and independent Scotland. I congratulate Hugh Henry on his new post as education spokesperson for Labour and welcome his team. I look forward to their contribution to education in the coming months. Hugh Henry's return to the education brief after four and a half years is a clear example of education being a long-term endeavour. The work in which all colleagues in Scotland's education system are engaged today builds on the work of their predecessors. In turn, we are delivering the foundations for those who will have the privilege of and responsibility for improvement in future.

I visited Finland in March 2010 and Ontario later that spring. Both of them have world-class education systems that are based on high-quality teaching and a consensus on the purpose of overall education policy. Those are the hallmarks of a world-class system. In Scotland, there has been a remarkable degree of consensus in the Parliament and the Scottish education community on the purposes of education and the way forward for this country. The development of curriculum for excellence is the prime example of that. Despite differences on specific details and the timing of development, that consensus has lasted for four sessions of Parliament and almost 10 years. The Parliament has maintained a shared vision of Scotland's learning system that is based on the values that are on the mace in the chamber: wisdom, justice, integrity and compassion. That consensus is a considerable achievement and we need to keep it.

I commend the work of tens of thousands of professional and dedicated teachers and hundreds of thousands of hard-working pupils across Scotland. We should all welcome their work and the progress that is being made, because it means that we are continuing to improve the life chances of all children and young people. That is a continuous process—it is never done and things can always be improved.

The subject of the debate, which is improving learning outcomes, is vital. We are all responsible for continuing to ensure that our children experience and benefit from high-quality pre-school and school environments. That is particularly important in supporting children from challenging and disadvantaged backgrounds.

Improving learning outcomes means that all our children enter an education system that supports and nurtures their development and enables them to make sustained progress. I am pleased, for example, that the number of exclusions has reduced by 40 per cent during the Government's term of office.

Improving learning outcomes also means that learning has breadth, depth and challenge, that knowledge is aligned to the development and application of skills and that our young people leave school ready and able to fulfil their ambitions.

It means improving achievement and qualifications, and our young people should be congratulated on the improvements that we have seen year after year in the breadth and level of qualifications that they have obtained.

It means helping more of our young people to enter education, training or work on leaving school. In such difficult economic times, it is good to see that almost 89 per cent of recent school leavers were going on to positive destinations, and 63 per cent were entering further or higher education. I will say more about the key issue of employability later.

It means having an education system that is recognised and respected around the globe. International evidence from the Organisation for Economic Co-operation and Development confirms that Scotland has a good education system and that, after the drop in performance that we saw between 2000 and 2006, the decline has stopped.

I take this opportunity to confirm to Parliament that around 3,000 of our 15-year-olds will be taking part in the next OECD assessment survey—the programme for international student assessment, or PISA—in early spring this year. I offer my thanks to schools and pupils for agreeing to represent Scotland in such an important international survey, and I wish them well.

Such assessment should not be seen as the sole measure of the success of our system. It provides a useful international comparison when placed alongside other evidence, and it provides compelling evidence that our young people's performance is improving. It also confirms that we have the skills, ambition and ability to deliver improvement and to go on improving. It proves that the majority of our children and young people

can and do experience learning that enables them to fulfil their ambitions. It also confirms, however, that we must continue to work harder to deliver for all our children and young people. The international evidence and our understanding of who has succeeded and is succeeding in Scotland tell us that our challenge is to continue to deliver improved learning and outcomes for all, and that we must do more for those who are not benefiting.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Does the cabinet secretary agree that attainment should not just be judged by a high place in the exam league tables? Schools must also have ambitions for those who have additional support needs and should see that they get the most out of education, particularly in numeracy and literacy, and, where possible, move back into mainstream education. A school that is high in the league tables but has an additional support department as its largest department is not really achieving the most for all its pupils.

**Michael Russell:** I certainly agree with the member that we should look for rich attainment, which is the widest possible attainment. That is not judged simply by examination results or league tables; it relates to the individual child.

In the coming year, we must continue to emphasise an ethos of continued improvement. Raising attainment is central to improving outcomes. Parliament will know that I recently asked five successful head teachers and ex-head teachers to draw on their experience and provide advice on improving attainment in our schools. I also welcome the work that the Association of Directors of Education in Scotland is doing on how to raise attainment and improve life chances, all within the context of curriculum for excellence. Those complementary pieces of work will be valuable in driving and supporting improvement.

In March, I intend to send the key messages on raising attainment that those groups have discerned to all teachers. It will be important that schools use the advice and issues raised by those valuable pieces of work to focus their improvement planning for the coming year and subsequent years.

That type of idea sharing is indicative of an education system that is keen to improve. It is important that experiences and ideas are received into an environment that is characterised by a can-do spirit that recognises that our education system serves the needs of all our children. It is only through a culture of collegiality and capacity building that improvement can and will be made, and we will see improved attainment and outcomes for all our young people. That culture also needs to be ambitious. Our teachers and education leaders must focus on improving attainment and outcomes for all pupils.

The Canadian educator Avis Glaze memorably said "Poverty is not destiny". All pupils need to be supported. All pupils can attain. All pupils need to be encouraged to aspire to and gain some sort of qualification.

Qualifications are a major focus in considering attainment. New qualifications are being developed to better reflect the balance of knowledge and skills under curriculum for excellence. Those qualifications will simplify the current system and offer increased flexibility with a greater focus on skills and applying learning to real-life situations. That will better prepare learners for progression from the senior phase to a college, university, other learning, or employment opportunity. The development work around the new national qualifications is continuing and is on track for the final arrangements to be published in April this year.

The child is at the heart of education, but there is also the teacher to consider. The crucial importance of the teacher is clearly borne out by research and was recently confirmed in Graham Donaldson's report. We all know the vital role that teachers play, so it was welcome when Professor Gerry McCormac's independent review of teacher employment confirmed that the quality of teachers and teaching in Scotland was high and that the continuous improvement of the profession was a key strand in improving outcomes.

It is important that Scottish education gives due consideration to that report's recommendations. I will provide Parliament with a more detailed statement on the way forward for the McCormac review in the near future. Rightfully, many of its recommendations are the business of the Scottish negotiating committee for teachers. I am pleased that the SNCT is now taking that work forward.

The heart of a great education system is not structures or processes but the ambition, dedication and skills of those who deliver learning day in and day out to the hundreds of thousands of pupils in Scotland. Of course, there is another crucial part of our education system: the contribution that parents make to supporting and enabling improved outcomes for children and young people.

I am pleased that work is under way on developing a national parenting strategy and the early years framework. My colleague Aileen Campbell spoke about the importance of parenting in yesterday's good and productive debate. I will continue strongly to encourage schools to promote parental involvement in the curriculum for excellence. Improvement in attainment, health, wellbeing and key skills can be and are strongly influenced and supported by positive parental attitudes and good home learning environments.

On the relationship between education and employability, I am committed to ensuring that all our young people are equipped with the knowledge and skills that they need to progress through education into sustained jobs. A successful education is clearly defined by the oft-quoted four capacities of the curriculum for excellence: it should ensure successful learners, confident individuals, responsible citizens and effective contributors. Therefore, it is important that our young people have the core, basic skills such as numeracy and literacy; that they develop effective approaches to learning and applying their learning; and that they achieve a range of relevant qualifications.

It is also important that education maximises the opportunities for a young person to access rewarding employment. Although record numbers of young people are entering further and higher education, too many continue to leave school at the earliest possible point without a stable or long-term destination, although the figures for positive destinations have improved year on year under this Government.

I am clear that staying and learning after age 16 is undoubtedly the best way of improving one's long-term job prospects. The senior phase of curriculum for excellence is vital to achieving that. It is about ensuring that young people are able to access a wide range of learning in a place and at a time that suits them and that they get the support that they need to enable them to participate in the option that is right for them.

Through the Government's reform of post-16 education, we will continue to build on and improve post-16 progression pathways for our learners. Through the opportunities for all programme, we have given a specific commitment to all our 16 to 19-year-olds who are currently not in a job, learning or training to a place in post-16 education and training. That also means support for those who are at risk of disengaging, support for those who have already done so and a much greater focus in the post-16 education system on meeting the needs of every person.

I have outlined some of the strengths of the Scottish education system as well as where and how improvement must be made. It is not complacent to celebrate our success. Complacency is failing to learn from others, believing that our achievements are good enough or accepting poor outcomes for some of our young people. I will never accept those poor outcomes, and I am sure that no one else in the Parliament will.

We have a broad and shared agreement on how improvement can be enabled. We now have good advice and guidance from last year's work by Professor Donaldson and Professor McCormac.

Further valuable material will come out of the work of the attainment group and ADES. That will be placed directly into the hands of classroom teachers.

Our challenge for 2012 is to enable and support Scottish education so that it builds on its strengths within an environment of continuous improvement, which leads to better outcomes for every child and young person.

I move,

That the Parliament commends Scotland's tens of thousands of professional and dedicated teachers and hundreds of thousands of hard-working pupils; recognises the importance of the Curriculum for Excellence as the principal vehicle for improving learning and teaching and raising ambition; believes that a high-performing early years and schools system is the single greatest tool in improving the employability and life chances of young people, and commits to support efforts that increase attainment for all young people from nursery through to post-16 education.

15:09

**Hugh Henry (Renfrewshire South) (Lab):** I thank the cabinet secretary for his kind words.

There is no doubt that there is much that we can all agree on. We all accept that education plays a fundamental role in developing a young person's life chances and opportunities, and we know about the significance of education in building a successful and vibrant society. We all take it as a given that our dedicated, professional and well-trained teachers and nursery staff are the foundation on which we build and, of course, we recognise that the vast majority of Scotland's pupils and students are a credit to themselves and their families.

It was for those reasons that, during the first eight years of devolution, the Labour-led Administration placed such significance on education being a priority. That is why we invested in improving teachers' pay and conditions. We did that so that we would have a highly motivated and committed teaching profession. That is also why we invested so heavily in building new schools throughout Scotland and why, in developing the curriculum for excellence, we decided to create a modern learning environment that was suited to the demands of 21st century Scotland.

It is right that the Scottish Government should focus on raising attainment. We owe it to each and every young person to support them to reach their full potential in life. In raising attainment, we enable our young people not only to fulfil their potential, but to contribute to the wellbeing of our society. I fully support the Scottish Government's aspiration to build on excellence in the early years and fully subscribe to early intervention as a strategy to support and develop individuals and

provide a better and more effective use of scarce resources. However, if we truly believe that the early years of a child's life are critical and if we believe in early intervention when children are vulnerable for whatever reason, we need a comprehensive, integrated and properly funded early years strategy.

The Scottish Government has placed great emphasis on single outcome agreements. What has it done when local authorities have targeted for cuts the very early years services that it has said are vital? The Scottish Government said that access to pre-school education would be increased to 15 hours per week. Will the cabinet secretary tell me exactly which authorities, other than Glasgow City Council and East Renfrewshire Council, have met that target?

The cabinet secretary has quite rightly made great play of the significance of teachers. They should be especially important in the early years, if we truly mean what we say about the early years. The Scottish Government's commitment to access to a teacher in the early years has led to confused and erratic staffing arrangements. Just what does access mean? How frequent is it? In some authority areas, there are peripatetic teachers who travel around early years establishments like wandering minstrels. They are unable to support staff properly or establish relationships with pupils that could help to identify problems. We have a stated recognition of the importance of the early years and warm words of support, but there is confusion and a failure to support in an effective and consistent manner.

I support the development and implementation of the curriculum for excellence, which has the capacity to transform the way in which education in Scotland is delivered—indeed, it is already in practice in large areas of Scottish education, particularly in the early years and primary schools—but it would be foolish and irresponsible for us to ignore the real concerns that exist in many schools in Scotland. Many teachers feel that they are underprepared. Teachers are already under pressure because of falling teacher numbers, increasing class sizes and budget cuts. Classroom assistants have been cut, and teachers are having to cope with more and more non-professional tasks. Training and continuous professional development are being pared back. To be frank, there has been complacency and a failure to invest properly to make the curriculum for excellence a reality and a success. That needs to be addressed now. The cabinet secretary needs to listen to what classroom teachers are saying.

The problem is most obvious in respect of the new exam system. Many teachers are confused, anxious and worried. They are unable to explain clearly to parents what exactly will happen and

whether the exams will be delivered with certainty and to acceptable standards. Parents are rightly becoming fearful about the consequences for their children. This week, I spoke to a parent who is an academic; his wife is a healthcare professional. He told me that they are worried that their 13-year-old son and his friends are being treated as guinea pigs for a change that is unclear to them and to teachers. I have spoken to teachers, and they are bewildered and anxious. They understand the concept, but it is far from clear to them what the process is and how it links to exams and qualifications. More worrying, teachers are unsure about whether the exam system can be delivered on time.

**Michael Russell:** I draw the member's attention to his last education debate as education minister, during which he said:

"there is a tendency to dwell on the negative and to talk ourselves down. The Scottish National Party's glass is always half empty, never half full. It moans, it groans, it is full of despair and it never has anything positive to say. It does not sing about our achievements or highlight the positive things that are happening. It looks for failure, it seeks to criticise and it tries at every turn to be negative.

Just for once, the nationalists should try to be a bit more positive, because there is much to celebrate in Scottish education."—[*Official Report*, 22 March 2007; c 33542-3.]

The six minutes of Mr Henry's speech that we have had have entirely fulfilled what has turned out to be a prophecy. I am afraid that it is Labour now that has nothing positive to say and which refuses to celebrate the success of Scottish education.

**Hugh Henry:** If the cabinet secretary had actually listened to my opening remarks, he would have heard me celebrating Scottish education's positive aspects. Frankly, though, I think that it would be irresponsible of me as an individual MSP, never mind an education spokesperson, to ignore the growing problems in and real concerns about Scottish education. If the cabinet secretary does not address these matters, he will be failing in his duties. We need urgent action to ensure that the new exams will be delivered as promised, with all schools fully ready for implementation. If that cannot be guaranteed, there should be a delay to ensure that no pupil is disadvantaged by confusion and chaos. Any damage to a pupil at this stage could have consequences for the rest of their life. We have seen examples of that in the past and we should not subject another generation of children to it.

**Maureen Watt:** Will the member give way?

**Hugh Henry:** No.

Equally, we need to address the increasing lack of subject choice available to senior pupils in schools. That is becoming a problem and it is denying pupils access to proper career choices

and university courses. Indeed, the most acute impact is being felt by those in lower-income communities whose life chances are already limited.

Earlier, I outlined why the previous Labour-led administration had invested in teachers. The fact is that teachers are becoming disillusioned and demoralised by falling teacher numbers, increasing class sizes and budget cuts, and the investment in improving teacher morale is being frittered away. The anger that is being expressed relates most frequently to the current situation with supply teachers, which is unsustainable, and no doubt the cabinet secretary has received the same complaints that I have received about supply teachers being employed on the cheap. The attempt to dilute pay in the teaching profession is a throwback to the 1930s.

A recent *Times* article suggested supply teachers were earning half of what permanent staff were being paid and the *Times Educational Supplement Scotland* reported on a case of a qualified Scottish teacher who is now having to work as a bus driver in Birmingham.

**Michael Russell:** Will the member give way?

**Hugh Henry:** No.

TESS also reported that 92 per cent of short-term supply requests in West Lothian were not being filled. The situation cannot go on: it is fair neither to pupils who have to face a succession of different faces nor to teachers who worked hard for their qualification and deserve a fair day's pay for a fair day's work. This unfair and unjust pay agreement needs to be scrapped now.

In his motion, the cabinet secretary refers—quite rightly—to "post-16 education". We all recognise the outstanding contribution being made by Scotland's colleges, and they will be crucial if we are to avoid the same waste of a generation that we had in the 1980s.

However, although I understand the need to ensure that 16 to 19-year-olds are not abandoned by society, what about the 20 to 24-year-olds? After all, youth unemployment, which is rising, is measured from 18 to 24. We need to address that issue. Moreover, colleges are being hit hard by budget cuts. This is not just about staffing levels and jobs for lecturers, but about colleges' ability to deliver for a section of our society that otherwise will have no opportunity to develop its skills and potential. We cannot expect colleges to raise attainment if they are being deprived of the means to achieve that aim.

None of us will argue against the desirability of raising attainment for all young people. However, we must also recognise that the positive improvements that have previously been made in

Scottish education are being put at real risk, and warm words will not change the reality for pupils, parents or teachers.

I move amendment S4M-01677.3, to leave out from “believes” to end and insert:

“notes the concerns being expressed by teachers about the implementation of the Curriculum for Excellence and believes that these concerns must be addressed; believes that urgent action is needed to address problems in the availability of supply teachers caused by the changes to pay and conditions; believes that a high-performing early years and schools system is the single greatest tool in improving the employability and life chances of young people; commits to support efforts that increase attainment for all young people from nursery through to post-16 education, and believes that budget cuts to Scotland’s colleges are hindering their ability to raise attainment in post-16 education.”

15:19

**Liz Smith (Mid Scotland and Fife) (Con):** I welcome Hugh Henry and his new team. We wonder and wait with interest to see whether their appointment will change the dynamics between the Scottish National Party and Labour in education debates.

We last debated raising attainment on 27 October. I am happy to do so again, because we should never relax our efforts to do everything possible to secure better attainment levels for all our pupils. However, if we are to debate the topic regularly, and particularly if we are to debate it twice in such a short timescale, it is important that we take stock of the progress that has been made on Government commitments. I will therefore consider the commitments that the Scottish Government made just three months ago and where we are with them.

On the early years, progress has generally been pretty good, notwithstanding the concerns that Hugh Henry rightly raised. There is determination in all parties in the Parliament to ensure that we make the greatest impact in that area of policy making, such is the crucial influence of early years development on a person’s life chances. On that point, we welcome the Scottish Government’s commitment to be more focused with public spending when it comes to care for disadvantaged children.

In the October debate, the Scottish Government made much of the need for a much more effective parenting strategy. The issue was referred to over and over again in yesterday’s excellent debate on looked-after children. There can be no differences across the political spectrum on the essential need for an effective strategy, but can the Scottish Government update the Parliament on what it has done in the intervening three months to set out the key principles of the strategy? How will discussions with relevant stakeholders and the

cross-party discussions that were promised take place? Can the Government give us some idea of the timescale? In yesterday’s debate, concern was expressed that despite consensus and good will in so many quarters we must admit to a corporate failure to improve attainment levels for looked-after children. We need to ensure that the same malaise does not affect the parenting strategy.

On preventative spend, the need to ensure the principles of the getting it right for every child agenda and the need for much more effective organisation of local authority departments, we cannot be too critical of Scottish Government policy.

I turn to aspects of the Scottish Government’s contribution to the October debate that caused concern and, in some cases, were rather worrying. Labour is right to express concern about the curriculum for excellence, but we should be specific in our critical analysis of the situation and we should not suggest that there is widespread difficulty in every area, which is not particularly accurate.

Crucial to the success of curriculum for excellence is improving literacy, which deserves just as much attention as the early years and parenting strategies deserve. I was rather taken aback in October when the Scottish Government omitted to say much about literacy, given that it had set so much store by the issue at an earlier stage. The cabinet secretary has given a little more insight into the matter today, but it would be helpful if he told us more about the focus of the group of successful head teachers, which I presume is considering approaches to literacy that have had an impact. We can also learn from some local authorities, which have had better results than others have had.

As I said at the time, I was astonished that in October’s debate the Scottish Government managed just one sentence on the Donaldson, McCormac and Cameron reviews, which the Scottish Government itself set up and which all had as their underlying principles improving schools and raising attainment. We heard a little more this afternoon, but we have not heard enough.

What has been the Scottish Government’s response to Graham Donaldson’s finding that too many teachers are uncomfortable about teaching basic literacy and numeracy and indeed that many teachers might have problems in that respect themselves? What has been the Scottish Government’s response to concerns that academic rigour is being lost in some secondary school subjects and indeed that subjects are being lost, as Hugh Henry said, because teachers do not have enough time to read up on subject areas, given all the burdensome paperwork that they



encounter? What has been the Scottish Government's response to the recommendation in all three reports that we need much greater flexibility in our schools and greater devolution of power to schools and away from local authorities?

Curriculum for excellence might be the greatest change to our schools in a generation, but those reports recommend fundamental changes to our school system, and it seems more than likely that the commission on school reform will say exactly the same thing. The review panels include highly respected professional men and women from different backgrounds, and from different political parties and none, and they all urge the Scottish Parliament to make radical changes to our education system so that it becomes much more responsive to the individual needs of pupils, teachers and parents. One of the most important messages, that of increasing the flexibility of staffing, is exactly the one that the Scottish Government needs to take on board.

Finally, I turn to the crucial issue of colleges and what I see as the most blatant contradiction in any area of the Scottish Government's education policy. How is it logical to trumpet a flagship policy on 16 to 19-year-olds while making swingeing cuts to college budgets and asking colleges to dig deep into their reserves to make the changes—

**Michael Russell:** Will the member give way?

**The Deputy Presiding Officer (Elaine Smith):** I am afraid that the member is about to finish.

**Liz Smith:** I ask the cabinet secretary, when he sums up, to give us a categorical assurance that he will review his strategy on colleges, particularly in time for the forthcoming budget.

I move amendment S4M-01677.1, to insert at end:

“, and notes with interest the current deliberations of the Commission on School Reform under the chairmanship of Keir Bloomer, which, along with important recommendations contained in the recent Donaldson, McCormac and Cameron reports, confirm that raising attainment levels is also dependent on the delivery of a school system that is much more responsive to the demands of pupils, parents and teachers.”

15:26

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I rise to declare how proud I am of the SNP Government's work, energy and vision and its commitment to looking at learning across people's lifespan. The cabinet secretary gave us many examples of the good work and results that are being achieved; I will highlight a few.

In the pre-school years, there has been a 20 per cent increase in free nursery provision. I must say, however, as the member for Strathkelvin and

Bearsden, that it is regrettable that East Dunbartonshire Council has chosen to put restrictions on parental choice in access to that free nursery provision.

In primary schools, 99 per cent of primary 1 classes are of 25 pupils or fewer, and in secondary schools we find that, since 2007, 358 schools are new or have been refurbished. Those are achievements of which we can be proud. We have made commitments and we have a vision, and we can be proud of that.

The cabinet secretary will not be surprised that I want to talk about my pride in the role of libraries and librarians in the pursuit of lifelong learning. I should make two declarations of interest: I am a member of the Chartered Institute of Library and Information Professionals, and I am now the chair of the Scottish Library and Information Council.

Libraries are natural places of learning. They are local, hospitable, trusted and well-used social institutions in the communities that they serve, and 45 per cent of people in Scotland use their public libraries for learning opportunities. We can support school learning not just through public libraries but through school libraries. Scotland is unique in that its secondary schools have qualified school librarians. I love the phrase that the cabinet secretary used; “rich attainment” sums up the contribution that libraries and librarians can make to pupils' learning experience. We also work in partnership with public libraries, college libraries, university libraries and the National Library of Scotland.

I want to concentrate on libraries' and librarians' speciality, which is information literacy. Information literacy is about ensuring that everybody understands how to access information, how to evaluate that information and how to apply that information in a way that brings the results and solutions that a person has set out to achieve. We could say that an information literate person is a super-googler. I use that phrase deliberately because one of the problems that we have nowadays is that people sometimes attempt to devalue the role of libraries and librarians in access to information simply because they think that through the internet we have access to everything there is to know about in the world. I turn back to the fact that it is information literacy that we have to pursue. It is a skill for life and it is a skill that all of us need throughout our lives.

**Liam McArthur (Orkney Islands) (LD):** Will Fiona McLeod join me in congratulating the Orkney library and archive on demonstrating the value of social media, not least Twitter and Facebook, in expanding the opportunities for people to engage with the library? People who traditionally did not cross the doors of the library are now engaging positively.

**Fiona McLeod:** I am delighted to support Liam McArthur's intervention. I was also delighted to sign his motion on the topic.

It is interesting that Mr McArthur has used the example of tweeting to bring folk into libraries. When I talk about information literacy, I am doing it in the traditional librarian sense, but information literacy leads us into what is now called digital and media literacy. A few years ago, I sat on the Scottish advisory committee on media literacy of the Office of Communications. The modern digital media are perhaps one reason why folk do not understand that libraries are part of the 21st century. We can use the 21st century media to bring in more folk to the essential learning function that a library can support.

In conclusion, I commend the work of libraries and librarians. I know that I do not have to commend them to the cabinet secretary and that they have his full support, so I commend them to all members across the chamber. I also say again how proud I am of the Scottish National Party Government's vision and commitment. If nothing else, education is about Scotland's future—and Scotland's future is safe in this SNP Government's hands.

15:31

**Kezia Dugdale (Lothian) (Lab):** I welcome the opportunity to contribute to the debate. I was taken with Fiona McLeod's speech—in particular, the points that she made about information literacy and the processes that we use to find information, evaluate it and apply what we know to what we do. There are lessons for the cabinet secretary and—I will be generous—for us all in how we use the information that we learn in debates such as this one.

As I said, I welcome the opportunity to contribute and I intend to focus my efforts on aspiration and the college system. However, I will start by passing comment on the school league tables that came out just before Christmas.

I was shocked to discover that there are three schools in Edinburgh in which not a single child in either 2010 or 2011 achieved more than three highers. I find that to be an utterly shocking statistic. I accept that there are all sorts of caveats around league tables, and I will come on to them in a second, but I cannot tolerate a culture in which the aspiration for our kids reaches different levels and heights in different schools in different towns. That is not what equality of opportunity is about or what we should seek to progress in this chamber.

If our system limits ambition by lowering the ceiling, we cannot blame anybody other than ourselves for kids' inability to touch that ceiling.

The expectations are set by schools, family and society. We need movement away from comments such as, "You'll always be trouble" by parents or people in schools, towards the teacher who lifts a kid up by believing in them and giving opportunities. As a Parliament and Government, we need constantly to remind ourselves of those key facts.

There are legitimate caveats to use of school league tables. They are a very blunt measure, and they suggest that there are de facto bad schools, when many of the schools that perform badly in the league tables are good schools, often because they lead the way by doing things differently or use alternative and creative approaches in how they deliver the curriculum. Many such schools place greater emphasis on vocational courses and pathways for progression. They also tend to have earlier and stronger links with business. They have people in the classroom who use their capacity to empower kids with pathways into work straight from school that are not necessarily through the education system. That is very important.

We know that the skills needs of our economy are ever changing, but the one consistent fact is that we need skills—we need a highly skilled and highly educated workforce. Our colleges play a pivotal role in delivering that. That is why it is with utter dismay that Labour considers the SNP Government's £17 million-worth of cuts to further education budgets. As Liz Smith said earlier, that is blatantly illogical, given the Government's wider aspirations. I worry very much about the decisions that college principals are facing at the moment with regard to the budgets on their desks and the choices that they have to make between cutting places or courses, and about incorporating the needs of the economy with the desires of learners. For example, refitting and mechanical engineering courses are expensive to run and, by cutting those courses, college principals can save a lot of money per head and maintain places on a wider level.

**Michael Russell:** I understand Kezia Dugdale's concern for college principals. She will therefore welcome the letter that was issued to them yesterday about places. I will quote the response from John Birt, the principal of Angus College. He said:

"It does seem likely now that Angus College, working collaboratively with local and regional partners, will be able to deliver the same number of funded student places as in previous years and this will assist us in meeting the Scottish Government's commitment to young people."

Given the positive nature of that response, and the positive nature of the letter that was issued, I am sure that the member's attitude will move on from where she was to where we are now.

**Kezia Dugdale:** I am thrilled to hear that. If the approach bears fruit, we will welcome that and congratulate the Government. My point was that if we choose to cut courses or places that are hugely expensive in order to limit the damage that could be done by the cuts, we might steer away from the needs of our economy and do a disservice to people in the education system.

The Government's response to the £17 million of cuts was to announce a transition fund worth £15 million to help colleges merge. We in the Labour Party accept the economic challenges that we face, but there are obvious concerns about the impact that the Government's approach will have in communities. Kids in Craigmillar are understandably concerned about being asked to travel to Sighthill or to Telford College to study, if they do not have the financial mechanisms to deal with the travel costs. However, the changes mean that they might have to make those journeys, as we might have courses only in one part of Edinburgh rather than right across it.

For a wee while before I came to work in this building, I worked for the National Union of Students and I was involved in drafting its policies in the run-up to the 2007 Scottish Parliament elections. During that process, we talked about a guaranteed minimum income for students of £7,000, and it was great to see many political parties adopting that as a policy. However, we also expressed a wider concern and made a philosophical request for Governments and political parties to lead a cultural change around parity of esteem. I am still concerned that Scottish culture and society view college places as being secondary to university places and do not view apprenticeships as being as worthy as academic degrees. I would welcome a philosophical retort from the cabinet secretary about how he plans to challenge the culture around the weight that we give to the various qualifications and educational opportunities that we offer Scotland's young people.

**Michael Russell:** We do that by ensuring that we lean heavily on the Scottish credit and qualifications framework, so that learning is seen to be a continuous process in which people move forward in a way that is clearly identifiable, and that each part of that pathway is equally justifiable. The SCQF is vital to Scotland. The more we use it, the better we will be.

**The Deputy Presiding Officer:** You are over time, Ms Dugdale. Could you conclude your speech?

**Kezia Dugdale:** I am happy to leave it there, Presiding Officer.

15:38

**Marco Biagi (Edinburgh Central) (SNP):** I begin by wishing everyone a happy new year, as I have not got around to doing so in person yet. I hope that the last of the festive spirit continues in the chamber today.

Before Christmas, the December statistics that Kezia Dugdale referred to were a good Christmas present for Scottish education. The report card was very good; of 54,000 leavers, 89 per cent were going to positive destinations. More are going into higher education, further education and training, and even more are going directly into employment. That percentage is up not only on the previous year but on 2007-08, before we were hit by the storm of London's recession. The number of pupils staying on for sixth year rose by 45 per cent to 54 per cent.

With regard to qualifications, whatever measurement we choose to use—the number of standard grades or their equivalent achieved at secondary 4 or later; the number of pupils achieving one, three or five highers in secondary 5; or the number of advanced highers and baccalaureates awarded—we can see that the results are going up. There are two things that we can rely on every August—the Edinburgh festival and endless news stories about A-level grade inflation, in which regard no one has ever criticised the quality of Scotland's qualifications. The motion gets it right in putting pupils and teachers squarely at the centre for recognition of all that—they deserve due congratulation for all their achievements in delivering those progressive moves in the statistics.

However, I would like to mention one challenge that is implicit in the motion's reference to increasing attainment "for all young people". In Scotland, we have a democratic tradition that includes the belief that questions of family background should be left behind at the school gate. Our schools are comprehensive and universal; they are never bog standard. That is not unique to Scotland, but for our nation it is a valuable and crucial principle.

However, a great deal happens beyond the school gate. Growing up in a family that is struggling by on a lower income does not make a child a better or worse person, but it presents many more obstacles that the child must overcome. In its investigation into the attainment of looked-after children—the subject of yesterday's debate, in which I did not get to speak—the Education and Culture Committee has found that not only does being looked after have a great many effects on children and their education, but that simply facing the challenges of poverty does, too.

In this Parliament, we talk a great deal about the decisions that a young person makes at 16, but those decisions emerge from the lifetime of experience that they have already accumulated. The experience of the early years, of school and, alongside it, of the family environment will influence the answers to the question about self-worth and self-belief that is posed to every young person who, at 16, is asked by a careers adviser what they want to do with their life.

It is not just the bottom 20 per cent who face challenges. London's recession has made life for families up and down the country like running on an ever-quickenning treadmill, which involves running harder and harder just to stand still. The lesson that is taught to a young person who sees family members work hard all their lives only to be laid off in the vague and far-off name of something called deficit reduction can be far more powerful than any lesson that is taught in the classroom.

The motion states that

"a high-performing early years and schools system is the single greatest tool in improving the ... life chances of young people".

I agree. Education broadens horizons, provides empowerment and breaks down barriers, but it is not the only tool, and I worry that in the face of today's great social problems the position of education might be like that of the person running on the ever-quickenning treadmill, as the social problems become more and more challenging. I have concerns, given that we are dealing with an economy and a welfare system that are in the hands of a Government whose priorities are manifestly a world away from the challenges that ordinary families face in their day-to-day lives as they raise their children and send them to school.

However, it is not all bad. To return to where I started, the growth of all those challenges and difficulties just makes the achievements of our education system and our teachers all the more laudable. In these difficult times, they are achieving not just the same, but more. The teachers who work in the most deprived parts of my constituency are nothing short of amazing. For me, there is only one measure in education that matters—the outcomes for young people. Every other measure is a means to that end.

This is a time of great change in schools, as it is in society. Curriculum for excellence corresponds well with the educational principles of other nations that have similar democratic education traditions, and whose higher and more equal attainment we seek to emulate. I cannot help but notice that they have also been able to tackle many of the chronic underlying social factors that make educational attainment so much harder.

Curriculum for excellence emerged from a great consultation and development process that saw the political parties in the Parliament working hand in hand. Great hopes are invested in it; it is not hyperbole to call it the greatest education reform in a generation. This will be a crucial year for it. The details of curriculum for excellence's implementation are important, but let us not have our eyes drawn away from its grand ambition—which must go further than just education—of making the Scottish education system one that delivers for every child in the country.

15:44

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** There was a time when education was considered to be the cure for the great ailment of society—poverty. That ill remains with us in too many places, including in my constituency of Midlothian North and Musselburgh, but I believe that it remains true, to this day, that education defeats poverty, so improving learning outcomes for our young people should be one of our highest priorities.

Youth unemployment is a serious by-product of the current recession. In Midlothian, some 20 per cent of under-25s are unemployed. That is not an acceptable outcome, so I welcome the appointment of Angela Constance as Minister for Youth Employment, which will bring to bear a more intense focus on the problem.

Likewise, I fully support the Scottish Government's emphasis on early intervention linked to preventative spending. That adoption of a long-term view and a policy of investment must have a significant impact on outcomes for our young people.

In the past year, despite the recession, there has been a marginal but important increase in the proportion of school leavers going on to positive initial destinations. The figure has gone up from 87 per cent to 89 per cent.

However, everything that the Scottish Government might seek to achieve would fail if not for the army of dedicated and effective teachers who guide our young people towards positive personal outcomes when they come to leave school. When I visit schools in my constituency, I am always impressed by the quality of what I see, whether it is achievements in sport, visual and performing arts, music or the many other subjects that challenge and develop our young people, in addition to the more traditional academic subjects. Curriculum for excellence has certainly played its part. Professionals to whom I speak seem to be pleased with its flexibility and the outcomes that are made possible through it. I expect even greater outcomes to be achieved as it develops.

Less is said about the environment in which education takes place, but it, too, is vital. Looking at some of the statistics, specifically those that relate to my constituency, I note that there is some evidence that young people in good-quality schools that have a modern, bright and light environment perform better than their counterparts in older and more run-down schools. It is human nature that people respond to their environment.

At this point, I come to an unashamed plug for the Midlothian part of my constituency. The cabinet secretary has said that there will be an announcement shortly on the criteria and timeframe for bidding for some 30 new schools. In Midlothian, Newbattle community high school occupies a rather decrepit 1960s-style building and considerable work and huge expenditure are required to bring it up to a modern standard. It serves two of the most socially deprived communities in Scotland, but it has shown over a period of years that it can raise the learning outcomes of the young people who attend it. Those raised learning outcomes have come from a very low level.

Let me give an example. Scotland-wide, the proportion of students who achieve five qualifications at SCQF level 5 by the end of S4 is 35 per cent. In Midlothian, the figure is 31 per cent, and at Newbattle high school, it is 20 per cent—although that represents a steady 33 per cent improvement between 2008 and 2011 while the wider average figures have remained static. Schools such as that, which are helping themselves and making good progress, are deserving of support. I am impressed by the quality of staff and the huge improvement in outcomes across the board, but more work needs to be done.

I ask the cabinet secretary to consider seriously the application that will be made for Newbattle community high school to be replaced. There is cross-party support for the project on Midlothian Council. Midlothian is up for it and the students at the school deserve a quality and fit-for-purpose learning environment. I will continue to lobby for a new school facility at every opportunity.

In turning again to the more positive trends, I note that 99 per cent of P1 pupils are now in classes of 21 or fewer. In 2006, the average figure was 23.1, but by 2011 it had improved to 20.5. Since 2007, the Scottish Government has provided almost 300,000 training opportunities, and a further 25,000 modern apprenticeships are planned for every year of the current session of Parliament. In the past four years, £110 million has been allocated to improve our social services workforce. We should remember those trends and many more.

What has been achieved so far has resulted in a huge improvement in Scotland's educational performance. We are above the national average in reading and science, we are at the international average in maths, and overall we are now at the same level as England and Northern Ireland and better than Wales. It is clear that we are moving in the right direction and I commend the cabinet secretary and the Scottish Government on the progress that has been made.

15:50

**Margaret McCulloch (Central Scotland) (Lab):** I welcome the opportunity to speak about education and learning because, as I have said before, subjects around young people, their training and their broader education are very important to me. They were a big part of my professional life before I entered Parliament and I am grateful for the chance to speak about them.

I will focus on education as it relates to employment, but before I do so I will comment on the early years. I remind the Scottish Government of its commitment to preventative spending and early intervention, which I am happy to endorse. A proven and increasing body of evidence strongly suggests that predictors of a child's education and health outcomes are established in the early years.

I hope that in 2012 the Scottish Government will translate its promises on access to nursery teachers and childcare into action. I also hope that it will look at the transition from nursery education to primary school and support for parents with children aged nought to three.

Parents have a crucial role in their child's education and that is most apparent in the early years. Reading to very young children, playing with very young children and ensuring that a child's lifestyle and diet support their development can make a positive difference to their attainment and their life chances in later years.

I now turn my attention to the later years. Figures that have been provided to me by Jobcentre Plus in South Lanarkshire show that there has been a severe increase in the number of jobseekers allowance claimants from 2008 onwards. Eighteen to 24-year olds account for more than 30 per cent of that rising number of claimants but account for only 16 per cent of the local population. Scotland's struggle with youth unemployment is well documented and the problem is particularly acute in areas that I represent in central Scotland, such as South Lanarkshire.

When the First Minister announced the appointment of a new Minister for Youth Employment, he said:

"No young person should go through school only to become an unemployment statistic at the age of 16. The £30 million announced today will be invested in helping Scotland's young people into training, work or education".

I welcome every penny of investment that goes towards ensuring better destinations for young people in the formative years after they leave school. It is no future jobs fund, but it is a start.

The appointment of a Minister for Youth Employment is a welcome step. I impress upon her the need for Government and its agencies to work with schools and employers to help youngsters to access opportunities.

I have spoken to employers who are concerned about the job-ready status of school leavers. It is not necessarily the case that the young people lack qualifications, but often they could benefit from skills-based training and better work experience. Work experience has to be more relevant to the modern workplace. When schools develop placements, they should make much better use of local employers and bodies such as business gateway and Scottish Enterprise.

I feel from my experience in training that too many young people are unprepared for the realities of job seeking. We should ensure that young people who are looking for work know how to perform in an interview. For example, they should know how to present themselves and how to research the vacancy beforehand. It is unfortunate that so many young people, especially those who are hardest to reach, do not learn those lessons until after they have been rejected for a post.

I repeat to the Scottish Government the suggestion from employers and industry leaders that Skills Development Scotland could be more responsive to the changing needs of school leavers and prospective employers in the changing economic environment.

The get ready for work programme for 16 to 19-year-olds is a welcome part of the changing landscape that helps young people, including those who are hard to reach. However, many of those youngsters can be identified and assisted at an early stage, and I ask the Scottish Government to bear that in mind.

I hope that the Scottish Government will be forthcoming with the details of the national training programme in its entirety in 2012. The First Minister announced that Skills Development Scotland has fully contracted for 25,000 modern apprenticeship places for this year, but he has not explained how many of those places he expects will be filled by March or how many of them will go to school leavers aged 16 to 19.

I remind the Scottish Government of its relatively positive response to Scottish Labour's

literacy commission. In that regard, figures that have been published by the Organisation for Economic Co-operation and Development show that 16 per cent of 15-year-olds in Scotland struggle with reading, compared with just 8 per cent in Finland. The Institute of Directors urged action on that issue in its manifesto for last year's Scottish Parliament elections, pointing again to the importance of early intervention as a way of preventing problems in later life. We know from the experience of West Dunbartonshire Council that it is possible to tackle illiteracy, and I urge the Scottish Government to take that agenda forward in 2012.

The debate has covered a wide range of subjects relating to the entire learner journey, but I hope that the areas that I have drawn attention to will be given the priority that they deserve by the Scottish Government in the year ahead.

15:56

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** The primary 5 and primary 6 pupils at St Elizabeth's primary school in Eddlewood in Hamilton in my constituency know something about ambition in learning. They are taught by Christine Emmett, who last year received both the Scottish and the United Kingdom teacher of the year awards. I have seen Christine's teaching methods and the response that she draws from her pupils at first hand, because the Minister for Learning, Science and Scotland's Languages, Alasdair Allan, and I were lucky enough to visit St Elizabeth's late last year after Christine won her award. We joined in with a Scots language version of heads, shoulders, knees and toes, singing it as heids, shooders, knaps and taes. It was a very good day.

More than that, we saw how Christine's emphasis on pastoral care in her teaching—knowing and valuing each child as a whole person with individual strengths and weaknesses—results in a class of happy, confident children who come to school every day to learn and who are eager to achieve. Christine believes that, ultimately, knowing that you are respected and cared for is far more important for a child than being able to do the times tables. However, the fact is that a child who feels secure and cared for is also a child who is getting the kind of start in life that will help them to learn and to get the most out of their education in a way that works best for them so that they can go on to realise their full potential.

Believe me, Christine Emmett is an inspirational teacher who in many ways embodies the hopes and ambitions that we have for Scotland's education system. We want every school in Scotland to be a place where children are secure in the knowledge that they are respected and

cared for and can as a consequence take pleasure in learning and have the confidence and the self-belief to expect and have an educational experience that maximises their individual life chances.

That is our ambition for every child, but it is particularly crucial for children who do not feel adequately respected or cared for at home, whether that is because there is parental neglectful—sorry, parental neglect; I think that I put somebody else's false teeth in this morning, Presiding Officer—or because their home lives are chaotic and disrupted, or simply because their parents lack the knowledge and ability to impart self-confidence to their child, perhaps because they themselves were never taught that.

For all vulnerable children like those, schools and nurseries are, as the motion says, the “single greatest tool” that we have in the fight to break that cycle and to ensure that no child is condemned to live out some kind of pre-ordained narrative of failure. That is why early intervention and preventative services are such crucial policy themes for the Scottish National Party Government. They are threads that run through every aspect of the Government's programme, for which education, high-performing schools and improving learning outcomes are absolutely central.

Early intervention is undoubtedly the key to improving outcomes for the children who start off with the fewest chances in life. However, it is also crucial for the children who have problems that are fewer and perhaps less overwhelming on the surface, but which, if they are left unaddressed, can still blight potential in the longer term. Those problems might include mild learning problems, a condition such as Asperger's syndrome, dyslexia or dyspraxia, a physical impairment or simply shyness and lack of confidence.

Teachers who know the child well and as an individual can identify such issues early and work to address them in a way that compensates for areas of weakness while drawing out and building on the strengths that those children have. Indeed, that sounds like a template for successful learning for any child—after all, every human being has unique strengths and weaknesses.

Last week, I had a discussion with some teachers, who told me that having some awareness of the challenges that young people face—not only in learning—is vital. One teacher told me about a young boy in primary 7 who got detention over and over again for lateness. It turned out that he was caring for a mother who had an addiction, and the fact that he got himself and his two younger siblings up in the morning, fed and dressed and to school was a major

achievement on its own. That young man needed support, not detention.

Intervening early to identify actual or potential problems and prevent them from holding children back means teaching the whole child. Curriculum for excellence allows teachers to do just that in a way that perhaps was not available to them before.

Christine Emmett says:

“Curriculum for Excellence is hard work; to make it work, you have to be on the pulse and you have to be aware of any new initiatives. You have to put a lot of energy into the activities to make them purposeful. You have to take an experience and make it into a learning outcome”,

and goodness me, has Christine Emmett got energy. She admits the challenges of curriculum for excellence but, like teachers throughout Scotland, she is meeting them head-on and grasping the opportunities that the new curriculum gives a teacher such as her. Members should listen to the positive words that she uses—such as energy, purpose and determination—and compare them with Labour's continued negativity about curriculum for excellence, harping on the same old tune for virtually the whole of the previous session of Parliament. Labour has learned nothing from the rejection of its negative politics at the ballot box last year, and it is apparently determined to be forever the glass-half-empty party when it comes to Scottish education. One would have hoped that, after sitting through so many education debates in the previous session, Labour might finally have grasped the concept of constructive opposition, but it is not to be.

I will finish on a positive note. Christine Emmett says:

“Now it's about actually starting with the child, making use of their community and trying to get them ready for life tomorrow”.

I could not agree more. I commend Christine Emmett and all Scotland's teachers—and of course the Scottish Government—for taking exactly that direction.

16:03

**Liam McArthur (Orkney Islands) (LD):** We education spokespeople are on a roll, fresh from yesterday's debate on how, as corporate parents, we must raise the unacceptably low attainment levels of far too many looked-after children and young people in Scotland. Today we turn our attention to a broader canvas. Yesterday's debate was characterised by an unshakeable consensus, which has sadly failed so far to deliver the sort of progress that we all wish for looked-after children in this country.

Today's exchanges—perhaps predictably—have been a little different in tone. It would be entirely unfair to put that down to the involvement of the cabinet secretary, who was the embodiment of conciliation—that is a new year's resolution that I hope that he keeps—nor does it suggest any disagreement on my part with what is in Mr Russell's motion, as I agree with every aspect of it. Again, however, the Parliament is being asked to debate a motion that fails even to acknowledge that concerns exist. Yes, we should celebrate the many successes and strengths of our education system, but to highlight where problems exist is not to talk down our schools, pupils, staff or indeed anyone else who is connected with education in Scotland. It is precisely what is required to ensure that we deliver on the ambition that we all have for our young people.

As I said, I agree entirely with the sentiments that are expressed in the Government's motion, and I commend staff and pupils in Scotland's schools for their hard work and dedication. Curriculum for excellence is absolutely the right approach to improving teaching and learning. Investment in early years—including the pre-birth phase—is, while not a silver bullet, the single most important tool for improving the life chances of all our young people, particularly those from more challenging backgrounds. That is a perfectly acceptable prospectus; however, both amendments highlight areas where, in fairness, ministers should have cause to reflect on how they are delivering that vision.

I will start with the early years. As I said yesterday, the evidence supporting the need for an ever-greater focus on the pre-birth and early-years phase is now incontrovertible. Children in Scotland is just one of the organisations that have been highlighting the dramatic impact on cognitive behaviour and learning outcomes of the interventions that are made or not made in that period. Stewart Maxwell yesterday and Liz Smith today rightly pointed to the rock-solid political consensus that exists on that, and I believe that the Government is building on—indeed, accelerating, in some instances—the work that was done by the previous Executive. Nowhere is the notion of preventative spend better illustrated, and that has been the focus of the Finance Committee's scrutiny of the current budget. During that process, questions have been asked about the early years change fund—an initiative that I fully support—and the extent to which it is all new money. The committee is seeking clarification of a number of issues, including the level of funding that ministers expect to be contributed by local authorities.

As I said in the debate in October, although I support ministers' intentions in that area and the national parenting strategy, I am concerned that

the Government risks funding being spread too thinly across too many initiatives. That could be addressed were ministers to heed the advice of Jeremy Peat and their own economic advisers about, for example, the future of Scottish Water. Without compromising public accountability, around £1.5 billion in savings could be achieved by moving Scottish Water to a public trust. I ask members to think what a proportion of that money could help to achieve in making the progress that we all want in the early years.

I turn to pre-school education, in which there is growing evidence that Scotland is lagging behind England. Whereas all three to four-year-olds in Scotland are entitled to 12.5 hours of free pre-school education a week, the figure in England is 15 hours. With the announcement that that provision is to be extended to 250,000 two-year-olds from deprived backgrounds in England, the Scottish ministers must urgently consider how we can avoid falling behind in that critical phase of a child's development.

Ministers should also think again about the pupil premium, even if only on a pilot basis. The pupil premium tackles educational disadvantage caused by poverty—disadvantage that starts very young and widens later. By the age of seven, children in poverty are, on average, two years behind their counterparts from better-off backgrounds, and they never catch up. In support of the pupil premium, Douglas Hamilton of Children 1st states:

“to break this cycle of underachievement, children from the poorest homes must be given high-quality additional support”.

Of more general significance for school education is the marked reduction in overall teacher numbers in our schools. The latest statistics published last month were the usual mixed bag, but they showed some worrying trends in relation to increased pupil-teacher ratios, increased average class sizes in P1 to P3, and a significant reduction in the percentage of pupils in classes of 18 or fewer. Those are not figures that the cabinet secretary can brush aside. They are not the fault of previous Administrations or factors beyond his ken or control. They also fly in the face of solemn promises that he has given in this chamber time and again since taking office.

Finally, let me say a word about post-16 education—specifically, the needs of the college sector. During the last budget, Liberal Democrats worked with ministers to secure additional funding for Scottish colleges and students, and I hope that a similar outcome can still be achieved this time round. As Kezia Dugdale and Liz Smith emphasised, it is difficult to square the ambition of improving learning outcomes for all young people with the deep cuts the Government proposes to make to college budgets. Colleges warn of the



effects on available places and courses—including those relating to Mr Russell's guarantee for all 16 to 19-year-olds—in terms of the quality of provision, staffing levels, and so on. Those effects will fall disproportionately on young people from more deprived backgrounds.

There is no dispute about the need and scope for reform of the sector, but the Government has misjudged this issue, and I detect that such misgivings are shared across the chamber. With additional funds available, ministers still have a chance to right this wrong, despite last night's announcement. At the very least, as John Spencer made clear yesterday, individual colleges need certainty to allow them to plan for the exceptionally challenging period ahead.

**Michael Russell:** Will the member give way?

**Liam McArthur:** I am about to conclude—I am sorry.

I have no difficulty in supporting the vision set out in the Government's motion. Unamended, however, the motion risks sending out a message of complacency that, while it may be misleading, could erode confidence that Ministers—or, indeed, this Parliament—have the will to do what is necessary to deliver this laudable vision.

16:09

**Clare Adamson (Central Scotland) (SNP):** I am very grateful to be speaking in this debate. As Mike Russell said, it is the second education debate in the chamber this week. Yesterday, we invited contributions from across the chamber to examine problems of attainment, particularly for looked-after children. As a member of the Education and Culture Committee, I found our investigations on that issue to be challenging and sometimes humbling. It was somewhat frustrating to examine an identified problem on which little progress has been made. Following that process, many of the points that were raised in the debate yesterday highlighted that, if we are to tackle and improve attainment levels, it is imperative to solve problems of social injustice.

My family has strong education connections. I am married to a teacher and my father was a university lecturer, but possibly the greatest influence on me was an uncle who spent his working life as a teacher and headmaster in the Calton in Glasgow. I remember him telling stories of appalling deprivation and post-war poverty that I could only imagine as a child in the 1970s. As Colin Beattie said, it was believed in the post-war period that education was a route out of poverty, and my uncle passionately believed that. Perhaps it is now an even more important route, given that other routes, such as apprenticeships in heavy

industry, no longer exist in areas such as Glasgow.

I was therefore dismayed this week when the child poverty statistics that were published by End Child Poverty showed that the Calton remains one of the poorest areas in Scotland, 40-odd years after my uncle's teaching career ended. We must break the culture of poverty being the determining factor in people's outcomes in life. That is why I welcome the Government's early years strategy, which provides an opportunity to tackle some of the most challenging circumstances for children and sets the expectation that health care, social care and education services will come together collaboratively to deliver on care plans and ensure the best start for children, particularly those in challenging circumstances.

One issue that emerged from the committee's investigation was that, although we have a corporate responsibility for looked-after children, many children are on the verge of being looked after and many live in poverty but are not necessarily in the ken of social services and therefore do not receive their support. Part of the evidence from the centre of excellence for looked-after children in Scotland was that children need to be able to approach a person in their school to get the support that they need. Recommendation 39 of the Donaldson report states:

"All teachers should see themselves as teacher educators and be trained in mentoring."

Christina McKelvie's comments about the wonderful work that has been done in Hamilton showed that it is important for children's development for teachers to support them and to be more than just a person who stands in front of them in a class. The Donaldson report states:

"Mentoring is central to professional development at all stages in a teacher's career and all teachers should see themselves as mentors not just of students and newly qualified teachers but more generally."

It goes on to state that young people should expect

"the high quality of personal support to which they are entitled as part of Curriculum for Excellence."

It is important that we consider those challenges as we move forward. There are many changes and issues for teachers at present, but our education process must move forward.

The SNP Government has demonstrated its commitment to all Scotland's young people in a programme for government that will transform outcomes for them. Much has been said about the early years framework, the parenting strategy and reading and learning support in family environments, but no one has mentioned the legislation relating to the United Nations Convention on the Rights of the Child that the

Government seeks to introduce. That will place an obligation on the Government to include the rights of the child in everything that it does and will be a marker to the rest of Scotland that safety, security and equal opportunities for all our children must come to the fore in what we do.

Hugh Henry said that there seems to be a huge issue to do with having peripatetic teachers, particularly in the early years, but his point is in direct contradiction to recommendations in the McCormac report. In the section on "Development of the Profession", recommendation 9 is for

"greater mobility of all teachers, including headteachers, between schools and more widely within the educational sector as a component of CPD to enhance professional development and improve understanding of issues related to the learner journey."

We must reach consensus on how to move forward. There is an expectation that that mobility should happen in future.

Liz Smith mentioned swingeing cuts to colleges. All that I can say is that I am glad that I am not south of the border, where her party is in control and where the cuts are much more significant.

I will finish by talking about the principle of free education, which is something that I and the Parliament are passionate about and to which the Scottish National Party has made a huge commitment. If we are truly to break the cycle of poverty and give all our young people an equal advantage, it is important that we continue to support the education maintenance allowance—we have continued to support it—and the right to access free education on the basis of learning and not the ability to pay. They are vital to what our country does.

16:15

**Margaret McDougall (West Scotland) (Lab):** I welcome the opportunity to speak in the debate. During the past few months, I have received more than 1,000 e-mails from students and lecturers across the west of Scotland about cuts to colleges. NUS Scotland has been direct in its "our future, our fight" campaign to stop cuts to the further education sector. My staff and I have been doing our best to reply to every e-mail that has come in. I wonder whether the cabinet secretary could tell the chamber whether he has received such e-mails and whether he has replied to them. I am also interested to know exactly what his response has been and whether he could provide the chamber with a copy of it.

Improving outcomes for all young people is possible only if they are fully equipped, and I am afraid that they are not. Cuts to college budgets, teachers being made redundant, broken promises on class sizes and on delivering access to a fully

qualified nursery teacher for every child are just some of the barriers that result from the Government's failures.

Colleges in Scotland provide services to some of the most disadvantaged and deprived areas in Scotland. During the past few years, the SNP Government's failure to protect college funding has resulted in mergers, cuts in the number of lecturers and courses, cuts in student services, and a lower number of applicants for further and higher education in Scotland. *[Interruption.]* I am sorry if I am boring Mr Russell.

Colleges are a means of widening access to education for those who need further vocational skills or who are not ready to take the step up to university.

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Is the member saying that no colleges or universities were merged under previous Governments?

**Margaret McDougall:** We are talking about what is happening now.

If Mike Russell wishes Scotland to be a world leader in education, why is he making it more difficult for young people to get to college? Yes, the education is free and I fully support that, but there is no point in having free education if someone cannot get a place on the course of their choice in the area of their choice as a result of the 20 per cent cuts to college funding.

**Michael Russell:** Will the member give way? I have a point of information.

**Margaret McDougall:** I have to make progress.

It is not only future students who will suffer. Current students have seen student services, such as counselling, withdrawn. Many students who require counselling services have to wait longer to speak to someone about the stresses of college life, money worries, or family-related problems, or to someone who will support them through their course. Students who need such a service often end up dropping out of college at a greater cost to themselves and the education system.

**Michael Russell:** The member is presenting a travesty of the situation. One particular point, however, is that at no time has any Government in Scotland guaranteed absolutely that a student will get the place that they want in the location that they want. That has never happened. It did not happen under our predecessors and it cannot happen now. Our guarantee under opportunities for all is the best guarantee that has ever been given. I am sure that the member will pay no attention to that, however, because she wishes to continue with her fantasy about what is happening in colleges.

**Margaret McDougall:** I am afraid that I am not dreaming; I am talking about reality.

We have seen college attainment figures drop during the past few years and that is no surprise, when students no longer receive the necessary support for the duration of their courses.

The SNP has failed not only college students. School pupils are being let down, and have been since 2007. Teachers in Scotland, as in all countries around the world, play a pivotal role in the future of young people. They are not only educators, but mentors, role models and carers. Why have teacher numbers fallen over the past five years? Why are 80 per cent of post-probationer teachers without full-time employment?

We have talked about improving outcomes for learners. Surely everyone can see that we are even failing newly qualified teachers. The outcome of their learning has been unemployment or work in a non-teaching post, such as stacking shelves in a supermarket.

The Scottish Government must take not only the appropriate action to improve outcomes for learners, but more action to improve chances for children before they enter primary school. To its credit, it has identified the early years as an important area that needs more investment. I fully support it in that but, this week, child poverty statistics showed how much more needs to be done.

I acknowledge that it will take many initiatives to rid Scotland of child poverty. One that relates to early years and learning and can be implemented concerns nursery places. More free nursery places with fully trained teachers and staff are needed for young children in disadvantaged areas. In parts of North Ayrshire, one child in three lives below the poverty line. Two council wards have child poverty rates of more than 30 per cent: Irvine East with 33 per cent and Saltcoats and Stevenson with 35 per cent. That is unacceptable in modern Scotland.

The Parliament must take more action on those issues to improve the life chances of our children.

16:21

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I welcome the debate. The fact that we have had two education debates in two days is a reflection of the importance that we place on the issue. I am sure that we all agree on the need to improve learning outcomes for all young people in 2012. I am also sure that that commitment will be renewed in 2013, 2014 and every year to come.

Education is vital for the individual. It broadens their horizons, as Marco Biagi said, and improves their life chances. It is also vital for the country as

a whole. If we want to attract investment, want to be a positive destination and want things to happen here, we need a well-educated population.

It is important to set today's debate in a little context: education is safe in the hands of the SNP Administration.

Much has been said about class sizes over the past few years. In 2006, the average size for primary 1 to primary 3 classes was 23.6 children; today, it is 22.5. The average class size for primary 1 in particular has reduced from 23.1 to 20.5 over the same period. That is a new record low.

I was interested to see the Conservative Party claim recently that levels of truancy had risen by more than 50 per cent. Unfortunately, it got its maths completely wrong, as I am sure the cabinet secretary will confirm. In the most recent year for which we have full figures, virtually the same level of overall absence was recorded as in 2006-07. The overall rate of attendance in 2010-11 was 93 per cent; in 2009-10, it was 93 per cent. It is beyond me where the Conservative Party got its figures for a 50 per cent increase in truancy.

**Joe FitzPatrick (Dundee City West) (SNP):** It was the same place that Margaret McDougall got her figures from.

**Jamie Hepburn:** I will not respond to Mr FitzPatrick's sedentary intervention for fear of running into trouble.

In 2010-11, 89.9 per cent of pupils who left school took up a positive destination—higher education, further education, training or employment. That is an increase on the previous year and reflects a growing trend over recent years.

On pupil retention, the UK Government is abolishing EMA, but the Scottish Government is protecting it.

The number of applications for further and higher education has increased.

It is clear that there is much to welcome in Scottish education. We can all think of good, positive examples in our own areas. I look forward to welcoming the cabinet secretary to my constituency next month to see Kildrum and Whitelees primary schools. Our colleague Tom Johnston and I invited him, and he graciously accepted. He will see the good work that is going on in those two excellent primary schools, particularly in Whitelees primary school, which was the first school to receive five outstanding awards under the inspection arrangements. That suggests that many good things are happening in education.

That is not to say, of course, that there are no specific concerns. Marco Biagi was quite right to point to issues relating to the attainment of our poorest youngsters in Scotland. Save the Children sent us a very good briefing, for which I thank it. It was able to demonstrate that there is an educational achievement gap throughout the years, which reflects a trend that has existed for a long time. If we look at the outcomes for pupils from the most deprived areas when they leave school, we see that their attainment level is some 65 per cent below the Scottish average and a huge 137 per cent below that of the richest pupils. That is to say nothing, of course, of the challenges that poverty brings outwith the specific confines of education, which can impact on the educational experience. Christina McKelvie's anecdote about the young pupil who had to care for his family and the impact that that had on his education was telling. Thankfully, it seems that, in that case, things were sorted in the end.

It was interesting to read in press coverage at the weekend the suggestion—members should forgive me, but I cannot remember which newspaper it was in—that poverty is no excuse for low attainment, as there are examples of good work being done in many deprived communities. I whole-heartedly accept that good work is being done in deprived communities, and I accept that some schools are doing particularly well and that there will always be pupils who come out of those deprived communities and achieve in their education. My mother, who was a teacher in the Gorbals and Drumchapel in her career, and my stepfather, who was a teacher in Possilpark, will testify that that can happen, but there can be no denying that a correlation between poverty and educational outcomes exists. That needs to be focused on, and I know that the Administration is doing that. Margaret McDougall said that the work that is going on in the early years to tackle some of those issues is welcome, and I look forward to hearing what the minister says about that at the end of the debate.

I hoped to speak a little about the curriculum for excellence but, as ever, I do not have enough time. Actually, the Presiding Officer is indicating that I do have time—you are very generous—so I will talk a little bit about it.

I am not an expert on the curriculum for excellence but, from my understanding of it, I think that it is to be hugely welcomed. Members can think back to their own school experiences, as I do. There was much that I enjoyed about my school experience, but I sometimes felt that I did not have too much control over the process. I accept that there will be only so much control that a pupil can ever have over their school experience, but the fact that the curriculum for excellence allows for greater pupil involvement in

what they want to get out of their school experience is very positive. The curriculum for excellence is one reason among many why I am confident that the future of Scotland's education system is safe in the hands of the SNP.

**The Deputy Presiding Officer (John Scott):** I remind all members that those who have taken part in the debate should be in the chamber.

16:29

**Graeme Pearson (South Scotland) (Lab):** I begin by responding to Christina McKelvie's perception of negativity among Labour members. Most Labour members have acknowledged first and foremost the hard work of teachers throughout the sector in Scotland and of the pupils whom they teach, their parents and the support workers in schools, who are vital to the good work that schools do. As someone whose household is occupied by secondary school teachers, I am loth not to add my commendation to such comments. However, it is important that, when given the opportunity, members of the Opposition should bring to the attention of the cabinet secretary areas of concern and shortcomings that we identify.

**Michael Russell:** The member is correct—that is exactly what members should do. However, I hope that Mr Pearson will accept that it is hard to respond to detailed criticisms—although they are always needed—when there is a litany of complaints containing nothing positive at all. That is what we heard from Margaret McDougall and what we largely heard from Hugh Henry. I would be very happy to respond to individual complaints, and to set them right.

**Graeme Pearson:** I hear what the cabinet secretary says, but he must acknowledge that, in the few minutes in which an opportunity presents itself to members to make their views heard, there is sometimes enthusiasm to spread their knowledge and share it with him.

There is no doubt that the curriculum for excellence has been haunted this year by financial cuts in the provision of post-16 opportunities in further education. Cuts are also intended for next year. Teacher numbers reduced by 3,657 between 2007 and 2011 and, in 2012, the numbers will reduce by a further 561. Although classroom numbers have been in decline, the reduction in the number of teachers has, proportionally, overtaken that decline.

The Smith group began its work in the knowledge that official Government figures identified that 40 per cent of the lowest-attaining pupils came from the 10 per cent of communities that are the most deprived. The group acknowledged that the curriculum should

personalise learning to meet individual aspirations and competencies; should provide mentoring from a trusted adult role model; and should apply appropriate support in the context of the young person's life—for instance, by providing day care or transport facilities. It will be interesting to hear the extent to which the Government is delivering on those outcomes. Is the Government effectively targeting that 40 per cent group from the 10 per cent most deprived communities? Some of those communities are in the south of Scotland.

An abundance of reports outline the costs to public services that arise as a result of failures—in unemployment, ill health and substance abuse, to name just a few. In effect, those failures emanate from a fall from the education system. The current policy of early intervention is therefore entirely right—not solely because of a moral responsibility to lift people out of poverty and deprivation but because it makes sense in terms of saving public funds.

Cuts in public budgets—whether disguised by freezes in council tax or by budget allocations in a concordat—will in all cases impact on service provision in education. Much effort goes on disguising such figures and, thereafter, much effort from Opposition parties goes on trying to reveal them again. Little time is left in which to hold the Government to account for its decisions. In that context, real questions remain—as raised by the Smith group. Has the Scottish Government ensured that local authority funding for pre-school education is safeguarded in the coming years in real terms? Is the importance of pre-school education strengthened as part of the early years policy? In addition, has the Government taken steps to ensure that education authorities re-examine how the transition by young people from primary to secondary school is handled? In particular, it has to be identified why some young people become unsettled and disengaged by the move.

If the minister's response is positive to all those questions, why, for instance, have active schools budgets—funds designed to enable pupil participation in sport outwith the school day and often away from the school premises—been cut in many authorities? In at least one, it has been cut from £8 per pupil to £3 per pupil. Why is it impossible, in light of the forthcoming Olympic and Commonwealth games, to enhance the time that is allocated to physical education in secondary schools to the promised two hours a week? Why has the Government allowed a widening range of higher and further education bodies to offer courses leading to a career in physical education, given the downturn in available places for teachers in that sector?

If education is to be relevant, it should fit the needs of its customers—the very young people who would seek physical education as well as other core subject opportunities. A sporting Scot offers balance to the academic life and a promise for a healthy future. I support the amendment in Hugh Henry's name.

16:35

**Murdo Fraser (Mid Scotland and Fife) (Con):** I join other members in welcoming Hugh Henry to his new role on the Labour front bench. I was Hugh's wing man on the Public Audit Committee for many years and I pay tribute to the robust scrutiny that he brings to his roles. I look forward to him undertaking such scrutiny in his education brief, as he did in his award-winning role in audit—you can buy me that pint you promised me later, Mr Henry.

Given that the debate has been scheduled to take place less than three months after the previous one on the subject, we might have expected the Scottish Government to propose a new initiative or make an announcement. It is a little disappointing that there was nothing particularly new in what the minister had to say. Nevertheless, let us not carp. The debate has given us a useful opportunity to discuss the state of Scottish education and consider where we are going. I agree with the call in the motion to commend the work of teachers throughout Scotland—I would say that, because I am married to a teacher—and hard-working pupils up and down the land.

That does not mean that we should be complacent or that we should not accept that there are problems, as members said. International comparisons show that, although Scotland is doing well in many areas, in recent years we have not been doing as well as many of our competitors are doing. Our results are flatlining in many cases, while others are overtaking us. The PISA tables show that whereas in 2000 only two countries were ahead of us in mathematics, today 12 countries are ahead of us. In science, four countries were ahead of us in 2000; today, the number is seven. In reading, one country was ahead of us in 2000; today, six countries are ahead of us. That is despite our having more than doubled spending on education since 1999. Another appalling statistic is that one in six youngsters who leave primary school is functionally illiterate.

As Liam McArthur fairly pointed out, to highlight legitimate areas of concern is not to talk Scotland down or to be anti-Scottish, as was suggested during this morning's debate. The cabinet secretary protests a little too much when he objects to Opposition members raising concerns

about education. In the first session of the Parliament, when he was a shadow education spokesman, I recall that he was no shrinking violet when it came to pointing out problems with the Administration at that time.

**Michael Russell:** I said at the beginning of the debate that I welcome scrutiny. However, discussions should be based on fact and I object when they lack fact. For example, I have taken two major steps to change the developed programme for curriculum for excellence, in the light of criticism. I would be happy to do so again and I am happy to listen to criticism in the Parliament. However, when we hear a litany of complaints that are not based on fact, it is right that we challenge them. Of course, I know that the member would never make such complaints.

**Murdo Fraser:** I am grateful to the cabinet secretary for his clarification. I will highlight more issues of concern and perhaps, when Dr Allan winds up for the Scottish Government, he will respond in the spirit that the cabinet secretary has just demonstrated.

Graeme Pearson and Hugh Henry talked about teacher unemployment. It is all very well to praise the work of teachers, but a serious problem with unemployment, especially of newly qualified teachers, must be addressed. The most recent figures, in December, showed that only 16 per cent of teachers who qualified last summer have full-time, permanent jobs. Many have temporary employment and many are on part-time or supply contracts, but they are seeking full-time, permanent work, which is not currently available. Members of all parties will be aware of the situation from their mailbags. As Mr Pearson said, the number of teachers in Scotland has been falling steadily year on year since 2007 and pupil teacher ratios are creeping up. Teachers do not just want to be told how well they are doing; they want action on those vital issues.

There is good work going on in early years. Liz Smith mentioned the emphasis on parenting. Liam McArthur made a very fair point about childcare—Ruth Davidson made a similar point a few weeks ago—and the need to match what is being done south of the border. Of course, the Government once promised to reduce class sizes to no more than 18 in primary 1 to 3, which is a flagship policy that has not been delivered.

I will be positive in the time remaining. We welcome the fact that the debate has opened up. Our amendment refers to the commission on school reform that has been set up by Reform Scotland and the Centre for Scottish Public Policy. I commend to the cabinet secretary the excellent article in *The Scotsman* today by Ross Martin and Geoff Mawdsley about the need to learn from other countries. There is a growing view that one

size does not fit all—a view acknowledged by no less a person than the cabinet secretary in his famous polemic, “Grasping the Thistle”, which I dip into regularly for entertainment, in which he accepted that choice and diversity were important.

Of course, we already have some diversity. We have Gaelic medium education, which we all support. We have faith schools, which I hope we all support. We have schools developing specialisms. There is no ideological opposition to diversity but, increasingly, there is the view that we should go further. It was not so long ago that the Labour Party proposed skills academies—an idea that seems to have gone off the radar. Perhaps Mr Henry will revive the idea, because it is very timely.

We cannot discuss education without touching on the important issue of college funding, which was mentioned by a number of members, including Liz Smith, Kezia Dugdale and Margaret McDougall. There has been a £70 million cut in colleges’ revenue spend in the current year, with the result that courses are being cut and staff are being made redundant. At a time of economic difficulty and rising unemployment, it is a false economy to cut spending on colleges.

**Joe FitzPatrick:** Will the member take an intervention?

**Murdo Fraser:** I am afraid that I am in my final minute—indeed, I may be over time.

If we want to drive up attainment in post-16 education, which is what the Government tells us it wants to do and what is in its motion, we have to reverse those cuts. If there is one message that should come out of the debate, it should be a message to the Government to reverse its cuts in college funding because the young people of Scotland depend on colleges.

16:42

**Neil Findlay (Lothian) (Lab):** Many issues have been raised in the debate. Liam McArthur and Murdo Fraser were correct when they said that raising concerns does not mean that we are talking down education; it means that we are representing the concerns that have been expressed by parents, pupils and teachers.

Let me burst with positivity first so as not to disappoint Mr Russell—at least for a few brief moments. Fantastic things are going on in Scotland in education. Over the past eight years I have worked with some magnificent people and parents in primary and secondary schools, but they have serious concerns that cannot be wished or blustered away. The commitment to ensure that all 16 to 19-year-olds have a place in education or training is commendable, but there are serious

concerns about that agenda, not least because we are witnessing reform in the midst of unprecedented and disproportionately large cuts to the college sector, which were highlighted ably by Liz Smith, Kezia Dugdale and, despite what Mr Russell said, Margaret McDougall.

As Hugh Henry highlighted, the minister's focus is on 16 to 19-year-olds, but 20 to 24-year-olds have as much need as their younger friends. Youth unemployment, which is rising, is measured by employment among 20 to 24-year-olds. Why are we prioritising only 16 to 19-year-olds when it is clear that there are major problems up to 24 and well beyond?

During a time of unemployment and redundancies, college education often provides a platform for retraining and access to higher education for adults returning to education or looking to change career direction. Will those needy groups be among the casualties of Mr Russell's cuts?

On students with additional needs, college principals to whom I have spoken have questioned the adequacy of equality impact assessments in considering those protected groups.

We are now in January. Colleges are planning courses and designing their prospectus, yet they still have had no confirmation of the funding levels to be allocated for next year. When will the minister provide that information?

**Michael Russell:** We have done that.

**Neil Findlay:** The Government has not given the colleges their figures, and the minister knows it.

**Michael Russell:** I am sorry that the member is not up to speed. The indicative letter went yesterday, and colleges have received it. They now know the envelope that exists. They have also known for some time that there will be further details after the regionalisation decisions are made with them in February. Most college principals described yesterday's letter as helpful and have been positive about it. The member should reflect that in his comments.

**Neil Findlay:** Can the minister tell West Lothian College, which is in my area, exactly what its budget will be for next year? No, he cannot, and he knows that he cannot.

Why did the minister not mention in his speech the thousands of e-mails that members across the chamber have received from members of the NUS and students across Scotland? That is one of the biggest campaigns in this country on any issue, yet in an education debate the minister did not even mention it.

The curriculum for excellence was broadly welcomed when the idea was developed by the previous Labour-led Executive. Liz Smith, Colin Beattie and many other members referred to it in their speeches. However, there are serious concerns and confusion about how it is being taken forward. The Educational Institute of Scotland is clear that the introduction of CFE

"could hardly be less promising"

in the current context of mounting pressure on its members, with teaching assistants cut, teaching numbers down, larger class sizes, pay and conditions under attack, and the crisis in supply teaching. Again, I am surprised that the education minister has not mentioned the crisis in supply teaching.

Ronnie Smith said recently:

"The pace of change must be linked to the capacity of the system to cope with it."

The EIS has been calling for some time for a one-year delay in the implementation of curriculum for excellence and, given the concerns and parental worry and confusion about exams, the Government should consider that.

It is not a revelation to say that good education needs good-quality, well-trained and motivated staff. Christina McKelvie, Graeme Pearson and others mentioned the quality of teaching that they have observed. I am sure that, when the cabinet secretary reflects on the matter, in all honesty, he will accept that the handling of teacher numbers and related matters has been rather poor.

The Scottish Government must make youth unemployment one of its top priorities. I hope that the appointment of a dedicated minister, which Labour called for immediately after the election, will make a difference. Time will tell. The contradiction of wanting to deal with youth unemployment while savaging college budgets defies logic—a number of members mentioned that.

In recent years, we have witnessed the development of many programmes for young people, such as more choices, more chances, targeted pathways to apprenticeships, get ready for work, and many more. It is essential that the money spent on those courses delivers jobs, a future and hope for the young people involved.

How many young people on the courses find themselves shuffled from one course to another, their hopes raised only for nothing to emerge at the other end? In the words of one professional in the skills sector,

"many of these schemes appear to be used as holding corrals for the young unemployed."

We constantly hear about 25,000 modern apprenticeships being created each year, but how many of those are new employees and how many on targeted pathway courses have gone into full apprenticeships? I am advised that it is very few. Does the minister also accept that, by lowering the qualification for apprenticeships from level 3 to level 2, we have seen an illusory inflation in the figures?

Marco Biagi mentioned careers advisers. We have seen major changes at Skills Development Scotland. A deliberate strategy of moving away from front-line face-to-face careers guidance to a web-based service has thrown up concerns among careers practitioners. Indeed, a recent survey of front-line staff at SDS showed that more than 90 per cent have little faith in the Scottish Government's approach to careers guidance.

Hugh Henry, Christina McKelvie and others spoke about improving the learning outcomes of young people, and how the process starts from birth. I agree. The best way in which to improve people's life chances is by providing their families and communities with good homes, a decent income and improved confidence and self-esteem. When the Scottish Government takes actions to deliver those, it will have our full support. However, when it fails, we will hold it to account.

16:50

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** In winding up the debate, I welcome the members of the Labour front-bench team to their posts.

The ambition of this Government is to support and enable improved learning outcomes for all our young people. I would like to think that that goal is shared across the chamber—it has certainly been evident during the debate. Many children and young people across Scotland have a successful, rewarding and enjoyable education that enables them to enter their adult life ready and able to take full advantage of an increasing range of exciting opportunities. We must celebrate that success. More than that, I acknowledge that we must ensure that, across our education system, the professionals that lead learning are willing and able to develop their own practice to the benefit of all. In that regard, Christina McKelvie, Clare Adamson, Kezia Dugdale and Colin Beattie all rightly emphasised the need to ensure that the particular obstacles to education that face children from backgrounds of poverty and deprivation are at the heart of our thinking as a Parliament and a Government.

There is much success in the system to build on, but we will achieve our ambitions only if we fully embrace a culture of continuous improvement

in the quality of teaching and learning and in our expectations for our young people. The improvement of all our schools is possible and is necessary if we are to provide the future for our children and young people that they and Scotland deserve and require.

On that much, we can probably all agree. However, before I say much else, I must turn to Hugh Henry's speech. Six minutes into that speech, my colleague, Mike Russell, mentioned that he had not heard any positivity. I patiently waited another five minutes, but I have to say that it was a speech that rivalled the famous speeches of I M Jolly, Droopy and Margaret McDougall.

**Hugh Henry:** Will the member give way?

**Dr Allan:** I will happily take an intervention.

**Hugh Henry:** Given that the theme of this debate is education, learning and improvement, if the minister can help me to learn, improve and change, I am more than willing to listen to him. Therefore, so that I may change, can he explain why it is negative to express concerns about the unfairness and injustice of what is happening to supply teachers; why it is negative to explain the worries and fears of parents and teachers in relation to exams; and why it is negative to express the concerns of lecturers and students in colleges across Scotland?

**Dr Allan:** I was just about to turn to Mr Henry's comments on some of those issues. Although his comments about the exam system are interesting, I feel that to describe first and second-year pupils in our schools as "guinea pigs" and to raise in the minds of parents the idea that they are the subject of an experiment by the Scottish Government is not only unhelpful but pointing in the direction of an entirely unreasonable request, which is that we indefinitely delay the new exam system and never implement it, regardless of all its benefits.

**Neil Findlay:** Will the member give way?

**Dr Allan:** No, thank you.

**Hugh Henry:** Could I clarify what the minister accused me of saying?

**Dr Allan:** No.

In a much more considered contribution, Margaret McCulloch talked of the needs of young people leaving school. This Government takes seriously the need to invest in employability and has demonstrated that through its £30 million investment in that area, as well as in our guarantee of opportunities for all, with the priority that is being given to 16 to 19-year-olds and the provision of 25,000 apprenticeships a year.

Liam McArthur rightly emphasised the importance of the early years. This Government is committed to funding additional early learning and



childcare to the tune of £1.5 million, which will be made available to local authorities from April. I would view Mr McArthur's comments on college funding in a slightly different light, were it not for the fact that, as others have pointed out, the cuts in funding for colleges in England under a Government of which his party is a part are dramatically deeper than they are in Scotland.

Looking forward to the year ahead, I am confident that we will make significant further progress over the coming 12 months as we begin to reap the benefit of the implementation of the key reports that the Government has commissioned and the work of the past few years.

In April, the General Teaching Council for Scotland will become the first independent teachers regulatory body in the world. That is a major milestone for teaching in Scotland and, in many ways, it reflects the core strengths of trust and integrity that are present in our education system.

A further 67 schools at least are to be delivered under the schools for the future programme, which is certainly proving to be a success, and we will continue to see successful progress with the implementation of the curriculum for excellence.

We have brought a stronger focus on performance and on raising attainment and ambition levels among our young people. The curriculum for excellence is the vehicle that will enable the school journey and the journey beyond to be innovative, ambitious and relevant to and supportive of each child's talents.

To respond to Mr Fraser's point about teacher employment, this Government is far from complacent about the situation. However, we must dwell on two facts. First, teacher employment is higher in Scotland than it is in England. Secondly, this year the Government has exceeded by 155 the teacher employment numbers that the Convention of Scottish Local Authorities, the unions and the Government had agreed.

The programme for the coming year will allow schools to focus on the individual learner and to develop skills in the classroom that will be of future benefit to the learner and to the Scottish economy.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** Neither the cabinet secretary nor the minister has said anything about supply teachers. I know from my constituency mailbag that there are serious problems with the lack of availability of supply teachers in Edinburgh, and I am sure that that is the case elsewhere. What will the Government do about that?

**Dr Allan:** The unions and the Government reached an agreement on that, but it is an issue

that we are alive to and one that we will continue to monitor.

The skills that Scotland needs will be greatly furthered by, among other things, the provision of good libraries, on which we heard from Fiona McLeod. She pointed out that libraries must not simply be replaced by Google. With that in mind, one of my colleagues mischievously googled the word "library". As if to prove Ms McLeod's point, it came up with a quote from Stephen Sommers's film "The Mummy", which includes the line, "I may not be an explorer or a treasure seeker, but I am a librarian and I'm going to kiss you." That possibly makes the case for libraries over Google.

We will continue to see schools working to provide their pupils with a variety of options to suit the needs of the learner rather than treating pupils in the senior phase as a uniform cohort.

**The Presiding Officer (Tricia Marwick):** You have one minute left, minister. I ask members to settle down a bit, as there is a bit too much noise.

**Dr Allan:** The Government will, of course, listen to teachers' views on the implementation of the curriculum for excellence, but the Parliament must give teachers and the country the confidence that the curriculum for excellence is the right way to proceed. In that context, Liz Smith rightly emphasised the importance of literacy and learning, and Marco Biagi, Jamie Hepburn, Graeme Pearson and others rightly stressed that we must not allow any of our young people to have their chances blighted by poverty.

I think that one of the most telling contributions to the debate was that of Christina McKelvie, who pointed out that whatever actions Governments take and whatever money they put into the education system, ultimately the teaching experience is dependent on good, enthusiastic and confident teachers. I heartily agree with her comments about teacher of the year Christine Emmett, who is a worthy winner of that award and an exemplar for a teaching profession that does a great job for Scotland.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** I remind members that, if they wish to take part in the votes, they must put their cards in the consoles.

There are five questions to be put as a result of today's business. The first question is, that amendment S4M-01678.2, in the name of Alex Salmond, which seeks to amendment motion S4M-01678, in the name of Johann Lamont, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

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

### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 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)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 67, Against 56, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01678, in the name of Johann Lamont, on Scotland's future, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 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)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Helen (Cowdenbeath) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 67, Against 56, Abstentions 0.

*Motion, as amended, agreed to,*

That the Parliament recognises the mandate given to the Scottish Government by the people of Scotland in the May 2011 Scottish election to hold a referendum offering people the choice to decide their future and agrees that it is the responsibility of the Scottish Parliament to decide the timing and arrangements for the referendum; welcomes the announcement of Autumn 2014 as the date for Scotland's referendum; believes that 16 and 17-year-olds on the electoral roll should have the opportunity to vote, as it is their future along with everyone else's that will be determined by the result; encourages all Scots to take part in the Scottish Government's consultation on the referendum to be launched in the week beginning 23 January 2012, and affirms that constitutional change is a process and that what ultimately matters is that the people who care most about Scotland, the people who live in Scotland, achieve a parliament with the powers and responsibilities of independence to grow the economy, create jobs, build a strong society and give all of Scotland's people the life chances that they deserve.

**The Presiding Officer:** The next question is, that amendment S4M-01677.3, in the name of Hugh Henry, which seeks to amend motion S4M-01677, in the name of Michael Russell, on improving learning outcomes for all young people in 2012, be agreed to. Are we agreed?

**Members:** No.

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

**For**

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

Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 58, Against 65, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-01677.1, in the name of Liz Smith, which seeks to amend motion S4M-01677, in the name of Michael Russell, on improving learning outcomes for all young people in 2012, be agreed to. Are we agreed?

**Members:** No.

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

#### For

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

Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 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)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Abstentions

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

**The Presiding Officer:** The result of the division is: For 56, Against 65, Abstentions 2.

*Amendment disagreed to.*

**The Presiding Officer:** The question is, that motion S4M-01677, in the name of Michael Russell, on improving learning outcomes for all young people in 2012, be agreed to.

*Motion agreed to.*

That the Parliament commends Scotland's tens of thousands of professional and dedicated teachers and hundreds of thousands of hard-working pupils; recognises the importance of the Curriculum for Excellence as the principal vehicle for improving learning and teaching and raising ambition; believes that a high-performing early years and schools system is the single greatest tool in improving the employability and life chances of young people, and commits to support efforts that increase attainment for all young people from nursery through to post-16 education.

## High-interest Pay Day Loans

### **The Deputy Presiding Officer (Elaine Smith):**

The final item of business is a members' business debate on motion S4M-01558, in the name of Margaret Burgess, on high-interest pay day loans. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes with concern the recent report from R3, the trade body for insolvency professionals, regarding high-interest payday loans; understands that the report suggests that there is a likelihood that many people have turned to such loans as a last resort in the run-up to the Christmas period; highlights that the report also claims that the interest rates on such loans can be up to 5,000% per year and that the payday loan sector is worth £2 billion; notes that the UK Government could introduce stronger crisis loan regulation to protect consumers, especially vulnerable people, and that it could tackle the issue of dishonest and irresponsible lending; further notes that those in need of assistance can seek advice from National Debt Line Scotland or their local citizens advice bureau or money advice centre before taking out such loans, and welcomes the development of credit unions such as the Kilwinning-based 1st Alliance, which, it understands, offers affordable credit and encourages saving.

17:07

**Margaret Burgess (Cunninghame South) (SNP):** I thank all the members who have supported my motion on high-interest pay day lending, particularly those from the Labour Party and the Green Party, whose support helped secure the debate.

I am aware that consumer credit is a reserved matter, but the impact of debt on individuals and their families and debt solutions are the responsibility of this Parliament, so I am pleased to have the opportunity to bring the matter to the chamber.

What is pay day lending? It has been described as a form of credit whereby the borrower gives the lender authorisation to make an automatic withdrawal from their bank account as security for a supposedly short-term loan, which has to be repaid in full, plus interest, on the borrower's next pay day. That seems fairly straightforward and it looks like an easy way to access money, until we look at how it operates in practice—therein lies the problem.

We should not forget that the proliferation of pay day lenders on our high streets and now online came about because states in Canada and the USA, where pay day lending originated, started to regulate the industry, which made it less profitable. What did the lenders do? They moved into Scotland and the rest of the United Kingdom and have grown exponentially here ever since. It is almost unbelievable that nothing was learned from

the US experience, where it was found that the cost of borrowing was so high that more than 70 per cent of borrowers could not pay back the loan and loans were rolled over time and again, with increasing penalties and punitive interest charges. It was also found that borrowers typically had loans from more than one pay day lender and that there were clear links between the growth of pay day lending and personal insolvency levels. Significantly, the experience in the US was that, despite arguments to the contrary, the pay day loan industry targeted lower-income and minority groups.

Does all that sound depressingly familiar? It should, because that is exactly what is happening here. Successive UK governments have ignored the problem, as they did with the banks and the sub-prime lenders until it was too late, and they have still not learned.

We all know that the companies target the vulnerable and low-paid. You only need to walk down the main street of any of our towns, such as Irvine in my constituency, to see that. Irvine is a town in which personal debt levels are already high. When I walk the short distance from my constituency office to the station, I pass four pay day lending shops. On Tuesday, two on opposite sides of the road had billboards outside saying, "Got a job? Got a debit card? Get a loan." That enrages me and it should concern all of us because it is people who are already in debt who are being targeted. The loans are given without regard to the borrower's ability to pay. The borrower signs a payment authority as security and, worryingly, that type of agreement can be cancelled only by the lender, so the lender has it every way and the borrower is trapped.

Let me give you an example from my time with the citizens advice bureau. I had a couple who were in financial difficulties and had borrowed £400 from a pay day lender. By the time they came to me, they were getting £400 every month before pay day from the lender to pay essential bills, then on every pay day the lender got £479 straight back from their bank account. The loan was being rolled over every month, and that had been going on for over nine months before we intervened. It had already cost the couple over £700 to borrow £400, and they still had an outstanding payment. That is the problem: the original loan just keeps getting rolled over again and again and the interest and costs just keep increasing. In my view, that is usury and exploitation of vulnerable people, and it has to stop.

It is not hard to see how people in circumstances such as I have outlined are then forced into taking out a further loan from another high street lender as they get deeper and deeper

into debt. That view is supported by evidence from Citizens Advice Scotland, which tells us that clients with pay day loans have an average of three debts more than those without pay day loans, suggesting that people in long-term financial difficulty are much more likely to take out a pay day loan. We cannot allow people to be trapped in a system that offers them little protection and inadequate access to affordable credit. Regulation is needed and it is needed now. We should ask the UK Government to consider capping interest rates, restricting the number of times that a loan can be rolled over, encouraging data sharing between lenders to ensure people's ability to pay and referring borrowers to money advice services when it is clear that they are in financial difficulty.

**Mark McDonald (North East Scotland) (SNP):**

This is January, when the time that people's pay has to last is extended because they were paid early in December. I have a motion on an early January pay date for which I hope to secure a members' business debate. However, does Margaret Burgess agree that moving the January pay date would particularly help low-income families who have to make the December pay last for six weeks?

**Margaret Burgess:** Yes, I think that that would assist people with a short-term financial shortfall, which pay day loans clearly do not do. The advice to people thinking of a pay day loan is this: do not take it out.

Our citizens need to have access to good financial and money advice and, importantly, to credit that is affordable. We need to ensure that credit unions become the money shops of first resort in our high streets. I give the example of the 1st Alliance (Ayrshire) Credit Union in my constituency which, like other credit unions, encourages saving and offers a range of services including current accounts, bill paying, low-cost credit and emergency loans. It also works innovatively with the local authority and money advice services in tackling rent and mortgage arrears, thus preventing eviction and homelessness. That is genuine financial support, which we should support and promote.

To summarise, we need to protect financially vulnerable people from this type of high-interest borrowing and unmanageable debt, while at the same time ensuring that they have access to good money advice and affordable credit.

17:14

**Neil Findlay (Lothian) (Lab):** I thank Margaret Burgess for lodging the motion and securing this very important debate. I also apologise as I will have to leave soon after making this contribution.

From the first week of entering the Parliament, I have been working with Margo MacDonald, who, unfortunately, cannot make it to the debate, on the very issue that we are debating. Margo and her staff have been focusing on the cost of pay day loans, and developing ideas with Mike Dailly of the Govan Law Centre to see whether the Parliament can curb the scandalous and exploitative practices of pay day loans companies.

To develop our understanding of the issue, I took Ms MacDonald to the annual general meeting of the West Lothian credit union forum, where we heard at first hand about the activities and practices of the legalised robbers who run the likes of Provident, Greenwood, Wonga and the rest. We also heard about the pressing need of the credit unions to take on those rogue companies, and what would allow them to do that. The credit unions asked for our help to improve their great work, which often takes place in our most needy communities. Following on from that, in December I presented a list of proposals to the Cabinet Secretary for Finance and Sustainable Growth at a meeting in his office, and I look forward to his reply early in the new year.

In my brief contribution, I will discuss pay day loans and loans companies, the work of credit unions and the help that the Scottish Government could and should provide. However, before doing so, I feel that we need to mention briefly the elephant in the room: the reason why people end up using pay day loans companies in the first place. In the present climate of constitutional debate, we should not forget Scotland's real shame, which is poverty and social inequality. Earlier this week, the campaign to end child poverty showed that nearly half of Scottish local authorities now have wards in which more than 30 per cent of children live in poverty. In a modern, high-tech, wealthy country, that is a national embarrassment. It is in that environment that the pay day lenders thrive.

It is poverty that means that 46 per cent of all pay day loans are issued to people who earn less than £15,500 a year, and which allows companies such as the Loan Store to operate a system that charges £1,500 in interest for a £500 loan over 12 months with the original balance still outstanding at the end. It is poverty that has Wonga carrying out direct advertising to students on very low incomes to try to lure them into its clutches.

Of course, there is a clear alternative to pay day loans companies. Credit unions, as we all know, do a fantastic job and all parties and the Scottish Government have stated their support for them, but they need practical help now. Many are constantly facing an uphill struggle to overcome barriers to progress.

Credit unions, especially the smaller ones, are toiling to keep financially afloat, and there are issues about preferred creditor status, corporation tax and use of reserves. We need to help them to get people through the doors—that would be the best help that we could give them—and they need greater visibility.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Does Neil Findlay agree with the recent call from the Association of British Credit Unions Limited that credit unions should be situated in post offices so that people have much better access to them?

**The Deputy Presiding Officer:** I ask Neil Findlay to come to a conclusion.

**Neil Findlay:** Yes, I will do.

In seeking better visibility for credit unions, we think that they should work with post offices and local authorities—and even high street businesses, which could use their social responsibility policies to accommodate credit unions. We need to place credit unions at the heart of any anti-poverty strategy, and we should be helping to advertise them so that they become a normal place where people borrow and save. If there is no money in the budget for such a campaign, there should, as ABCUL suggests, be a levy on the high-cost lenders—some of which Margaret Burgess mentioned—that are operating on our high streets.

There is much more that I could say, but I think that there is broad consensus on the matter, and I hope that we can move forward on it early in the new year.

17:18

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** I congratulate Margaret Burgess on bringing the debate to the chamber. I have a particular interest in the subject, having set up Highland Council's money advice services more than 20 years ago.

In two clicks of a computer mouse, you could be £1,000 richer: just visit [christmascashloans.co.uk](http://christmascashloans.co.uk), fill in the form and pay off your Christmas bills in half an hour. Alternatively, there is Wonga.com, Mr Buck or the Money Shop. All those pay day loan companies promise to pour plentiful pennies into your bank account without asking many questions. It matters not whether you have a good credit rating or any real ability to pay, so for the 9 million people in the UK who do not have access to mainstream credit, it seems like the perfect solution. What could you want in your Christmas stocking more than a quick and easy loan?

Of course, Christmas has come and gone, but for many people the repercussions of buying



Christmas presents on a pay day loan will continue indefinitely as extortionate interest rates make repayments impossible. The interest on loans from Christmascashloans.com is a conservative 1,940.5 per cent. Wonga.com, on the other hand, has a representative APR of 4,214 per cent.

The recent report from R3, which is mentioned in Margaret Burgess's motion, highlights the rapid increase in pay day loans. The report states that 45 per cent of those who were questioned struggled to make it to pay day. As a result, pay day lenders are attracting higher numbers of customers, but short-term relief fades quickly. In my constituency, more and more desperate constituents are drowning in the deep sea of debt. One young lady on the Isle of Skye owes money to no fewer than five pay day lenders and the interest on her loans is escalating out of control. Unable to pay, she is being harassed by threats and demands for payment. It is ironic that she resides in an area where there are no pay day loan shops.

A local independent debt advice service called Christians Against Poverty told me that very few of the debt disasters that it witnesses are caused by irresponsible or negligent behaviour by the customer. Often, people are struggling to pay for life's necessities. Recently, Citizens Advice Scotland joined Shelter in expressing concern at the number of people who are taking out pay day loans to avoid homelessness. Last week, Shelter published evidence showing that 2 per cent of the UK population admitted to paying their rent or mortgage using a pay day loan, and Shelter Scotland confirmed that trend in Scotland. Pay day loans are a dream today but a nightmare tomorrow for my constituents who find themselves in dire straits.

There is an alternative to pay day lenders, which Margaret Burgess mentioned: credit unions. The Lochaber, Inverness and HI-Scot credit unions operate across Skye, Lochaber and Badenoch. I encourage everyone to join, as I have done myself. Credit unions are not just for people who have poor wages—they are for everyone in society, because we can all help each other by using them.

**Clare Adamson (Central Scotland) (SNP):** Does Dave Thompson welcome initiatives in my council ward of Wishaw, where Wishaw Credit Union has formed a partnership with one of the local primary schools and offers the children initial savings accounts and advice about financial matters?

**Dave Thompson:** Yes. That is an excellent initiative that reminds me of the old Trustee Savings Bank initiative in schools. If we can encourage youngsters to start the saving habit

early on, that can only lead to good things in future.

17:22

**Kenneth Gibson (Cunninghame North) (SNP):** I thank my colleague, Margaret Burgess, for introducing this debate about a rapidly growing concern. I have taken an interest in the matter for some time; indeed, on 29 March 2010 I lodged a motion on it.

During this time of high unemployment, increased taxes, inflated food and energy prices, and—for many people—a reduction in working and real-terms wages, there can be no doubt that people are finding it increasingly difficult to make ends meet. The solutions to the problems are a source of continual heated debate across the chamber, but I am sure that we have very little disagreement about trying to assist those who are most in need.

Many people find themselves sucked into a debt spiral from which they find it almost impossible to escape. In manageable form, debt can be perfectly acceptable. I am sure that thousands of people throughout the country—and perhaps not a few in this chamber—spent more than could be afforded on gifts for loved ones at Christmas. However, it is a sad fact that many people face hardship that forces them to borrow in order to pay not for Christmas goodies but for basic necessities.

That quandary has led to a boom in the establishment of high street pay day loan companies, many of which no doubt recognise the market that exists to be exploited—and exploitation it most certainly is. We have already heard about how such companies exploit people who are among the most poorly paid in our society and cannot access credit through mainstream sources. During the recession, according to Citizens Advice Scotland, debt levels in Scotland have increased by some 50 per cent. The expansion of the pay day loan market has been quite remarkable. In 2006, before the recession, the industry in the UK was valued at £350 million. Last year that figure had increased to an estimated £1.9 billion.

The tactics and practices of such companies have been called into question on numerous occasions. For example, in 2008, the debt charity Credit Action made a complaint to the Office of Fair Trading regarding the use of Facebook by pay day loan companies to advertise their services. That was viewed as a deliberate attempt by pay day lenders to target young people, and many of the adverts contravened UK credit advertising rules by failing to give details of interest rates. That is perhaps unsurprising, if we consider that

the annual percentage rate from pay day lenders can be as high as an astonishing 4,214 per cent. Hundreds of members of Parliament have backed a series of early day motions that have described the practice as “legal loan sharking”.

As members will know from the briefing paper by Citizens Advice Scotland, there are tragic instances of people who have taken pay day loans and who are simply unable to find a way out of rising debt. It is a spiral that can lead to family breakdown, homelessness, and in not a few instances, suicide.

It is surely sensible to impose a cap on the exorbitant rates of interest that pay day loan companies charge. Some countries in Europe, including France and Austria, have interest rate caps. Sadly, the Scottish Parliament—for the moment, at least—does not have the power to impose such a cap and it is for Westminster to legislate on such matters. In July last year, the House of Commons voted against proposals to impose a cap on interest rates that are charged by pay day loan companies, despite considerable and wide-ranging support for the proposals. That is deeply disappointing, given the impact that loan defaults have on some of the poorest and most vulnerable people and communities in Scotland and throughout the UK.

The UK Government should follow the idea of Australian legislators, who imposed a maximum APR for loans of 48 per cent. In Canada, interest above 60 per cent per annum is illegal. As Margaret Burgess pointed out, that is why American companies are moving over here. Opportunistic companies who seek to exploit the less well-off should not be allowed to continue to charge exorbitant interest rates that trap people in the debt cycle. Westminster must act now to prevent more people from finding themselves in that awful situation. If it does not act, we certainly will, once we have won the independence referendum.

17:27

**Gavin Brown (Lothian) (Con):** I, too, congratulate Margaret Burgess on securing the debate, which is timely for the reasons that Kenneth Gibson outlined. In 2006, the high-interest pay day loans industry was worth hundreds of millions of pounds, but it is now worth the best part of £2 billion a year, and probably more. There has been pretty rapid growth. According to the R3 research, which prompted Margaret Burgess’s motion, concern over debt levels is the highest ever recorded, with 60 per cent of the population concerned, and there has been an enormous increase in what are known as zombie debtors, who are those who pay only the interest on the debt and none of the principal sum.

For people in such situations, any slight change in circumstances can plunge them into insolvency.

We also have fairly depressing research from YouGov, which shows that the average adult in Scotland racked up almost £900 of debt in 2011 alone. Accountants PKF produced a paper this week and predict that, sadly, about 400 people in Scotland will go bankrupt every week in 2012 and estimate that, in total, about 20,000 people went bankrupt last year. The situation could get demonstrably worse if interest rates increase.

The debate is timely and I agree with much of what members have said, but the solutions are probably a little more complex than some of the solutions that have been outlined so far. The R3 research considered why people turn to high-interest pay day loans. Of those who did so, 39 per cent said that it was because they had been refused bank loans and 68 per cent said that they could not get credit anywhere else. For those people, there were no alternatives. As members have said, some people have the alternative of a credit union.

The high-cost credit sector across the UK is worth about £35 billion per year, according to the Office for Fair Trading. At that magnitude, even the advances that we have seen in credit unions during the past couple of years will not come close to compensating for the size of the high-cost credit sector. Yes—credit unions are a part of the solution, and I hope that they are a growing part, but given the current size of the sector, it is not realistic to suggest that credit unions can take up all the slack.

Liverpool John Moores University recently published a paper that contains a quote that has stuck with me:

“The demand for credit is perennial and inelastic and unlikely to go away any time soon.”

The concern that was expressed in that report was that, depending on what it is, the danger of a rate ceiling is that all high-cost lenders will depart from the market, and the poorest and most vulnerable customers will lose any access to legal credit. As Kenneth Gibson said, those people are not borrowing money to spend it on glitzy presents but to spend it on their vital needs, and if they cannot access credit legally, the danger is that we will see a dramatic rise in illegal lending and an increase in loan sharks. I therefore caution slightly against some of the solutions that have been proposed, while agreeing entirely with the sentiment.

17:31

**James Dornan (Glasgow Cathcart) (SNP):** I start by thanking Margaret Burgess for bringing the debate to the chamber. I also offer my apologies because I will have to leave once I have

spoken. I have already explained to Margaret Burgess that I have a prior engagement.

Following on from what Gavin Brown said, there is no doubt that there is a place for companies who serve those who are unable to get credit in the normal way. I remember every summer going to a large store next to Glasgow Cross to get my school uniform, which was paid for by a fixed sum every week over the course of the year. I have no doubt that my mum paid much more for that uniform and those of my two brothers than she would have if she could have paid cash, but the extra cost was literally a price worth paying for her to see her three boys dressed well.

I also remember a cool 16-year-old—use your imagination—buying his first pair of hipsters at Dee of Trongate with his shopping cheque. It was more expensive but members should have seen those hipsters. We shopped like that because, back then, access to credit was high on impossible and ready money was tight. For me, that is the more acceptable face of higher-interest credit. It is more expensive but the cost is payable.

What is not acceptable is the surge in outrageous pay day loans. It comes as no surprise to learn that the R3 report found that 68 per cent of the people who were polled who had taken a high-interest pay day loan had done so because they could not get access to credit elsewhere. That information should form the basis of any debate on regulating such loans. Lack of appropriate identification, having a court judgment, being on benefits or even having a part-time job are all factors that can exclude people from accessing mainstream loans and, coupled with economic depression, are leading to a huge increase in the number of people who apply for pay day loans.

It is true that most of the people who take out such loans know what the interest rate is, but the accessibility of the loans often gives people a last chance to access credit that would be denied to them anywhere else. Of course, problems arise when the high-interest pay day loans cannot be paid back. Threats and worry start to hit families and we see the repercussions that Kenneth Gibson talked about earlier.

Scottish Financial Inclusion Services highlights the case of one 34-year-old from Castlemilk, in my constituency, who borrowed £493 from one of these creditors. He paid back £400 but only £60 of that counted towards the principal sum. The other £370 paid the interest. That client will remain in the debt trap because of the extortionate interest rates and the unwillingness of the lender to freeze or waive the interest.

However, help is out there for people who find themselves in that sort of financial trouble. Again

in my constituency, Castlemilk Budgeting Service supports individuals in making payments to their creditors and supports vulnerable people in paying their on-going debts while, as far as possible, preventing legal action and eviction. I know that there are similar services elsewhere across Glasgow and, I imagine, across the rest of the country.

The citizens advice bureau is also an important point of contact for those who are burdened with debt. It can offer advice on the range of choices that are available to help people to cope with their debt burden.

Of course, there are also organisations out there that offer affordable and responsible lending opportunities. Margaret Burgess has already mentioned the 1st Alliance (Ayrshire) Credit Union in Kilwinning. In my constituency, the Castlemilk Credit Union has 4,000 members and gives out loans totalling between £3 million and £4 million a year. Those loans, regulated by the Financial Services Authority, have their interest rates curbed at 24 per cent per annum, compared with the 4,000-plus per cent interest rates that high-interest pay day loans sometimes offer. Credit unions definitely offer a better way to borrow money. Unfortunately, despite all the problems that accompany them, such high-interest loans have become a popular way for people who have been denied more mainstream, responsible loans to access money quickly.

As long as such lenders continue to exist, parliamentarians have a responsibility to regulate them as best they can. The Westminster Government could—and probably should—start by curbing the level of interest that any creditor can charge. It should also do all that it can to encourage the formation of more credit unions and responsible lenders who will help those who are in financial need, and we should do more to publicise the alternatives to high-interest pay day loans.

Affordable credit for all is a difficult aim, but we should all strive to achieve it.

17:35

**Margaret McDougall (West Scotland) (Lab):** I, too, thank Margaret Burgess for highlighting this incredibly important issue.

The recent R3 report that is mentioned in the motion found that 45 per cent of the population struggled to make it to pay day without running out of money and that 3.5 million adults have considered using a pay day loan, particularly around this time of year.

Such loans are marketed as a quick fix but come at a high cost. Far from being a quick fix, they trap a person in debt so that they can afford

to pay off only the interest rather than the debt itself. People turn to such loans in times of need, only to find that they are unsustainable. The debt starts to spiral out of control, and debtors often face homelessness when they cannot pay their rent or mortgage.

As the motion states, some interest rates on pay day loans can be 5,000 per cent APR. Unlike other countries, the UK currently has no cap on how high such rates can be. The pay day loan industry, which is worth more than £2 billion, seems to be concerned only with profits and shows no concern for people's lives or for the pressures that it inflicts.

Is it any wonder that such companies are banned in the USA and some other countries? They target the vulnerable. As Labour MP Stella Creasy said when she introduced the Consumer Credit (Regulation and Advice) Bill, those legal loan sharks circle our communities smelling blood. With even tougher cuts and threats to the welfare system on the way, we need to start doing more to tackle this important issue.

I support the motion, which urges the UK Government to introduce tougher regulation for pay day loan companies by capping interest rates and re-examining the system of crisis loans, as there is clearly a flaw in the present system. Alternatively, it could ban such companies outright, as the USA did.

Although it is difficult for the Scottish Parliament to act on the issue—as it is a complex and mainly reserved matter—we still have tools at our disposal. Pay day loans should come with a Government health warning that dispels the myth that they are a quick fix. We also need to inform people of alternative sources of affordable credit, such as credit unions, which will be the key to tackling the issue.

Alternative sources are not well publicised, and many pay day loan companies would prefer that it remained that way, as any alternative would threaten their profits. We must not forget that pay day loans are a business, but they are a nasty business that preys on peoples' misfortune.

A reliable source has told me that pay day loan companies make it difficult for debtors to have a credit union settle the debt and that they do not like third-party interference. However, giving credit unions more powers and increasing their involvement would benefit everyone involved.

As has been mentioned, 1st Alliance (Ayrshire) Credit Union has a lot of experience in dealing with the issue, having consolidated numerous pay day loans that range from £400 to more than £3,000. That cuts down payments and interest rates considerably.

Credit unions have been instrumental in ridding our communities of loan sharks. Now, we need their support to tackle the legal loan sharks. It is unbelievable that there is more regulation and red tape around the business of credit unions than around the business of these exploitative companies.

I am happy to work with the Scottish Government to help credit unions to explore and develop solutions, because the situation demands action now.

**The Deputy Presiding Officer:** To allow me to call the two members who still wish to speak, I am minded to accept a motion under rule 8.14.3 that the debate be extended by up to 10 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by 10 minutes.—[*Kenneth Gibson.*]

*Motion agreed to.*

17:40

**Roderick Campbell (North East Fife) (SNP):** Like other members, I welcome this debate, and I thank Margaret Burgess for bringing it forward.

Pay day loans are not the wisest idea. However, although we criticise pay day lending, we should not forget that, in many cases, the major high street banks have charging structures that can cause distress to borrowers throughout the country. The OFT report that was published in June 2010 said:

"While the rates charged by payday lenders are high, they can be lower than for some mainstream alternatives such as unarranged overdrafts."

One of the major problems is that, for many folk, there are, of course, few alternatives to pay day loans for short-term finance, but the need for information on loans and ways to restructure debt must be paramount. Alternatives to pay day loans and places where customers can find support and assistance for managing debts are essential, and clear advice on the problems that ensue if the loan is allowed to escalate must be available. That is where the role of the CABx and other organisations can be vital.

Inevitably, debt is a trap that companies can exploit and regulation therefore remains a necessity. For that reason, I welcome attempts to improve regulation in the industry, but they are not enough. As the OFT seems to suggest, a minimum adherence to good codes of practice is rather lukewarm. The OFT has, of course, suggested codes that cover complaints processes and advice to customers. That is all right as far as it goes, but it does not go nearly far enough.

The OFT is against price control remedies because it believes that the supply of high-cost credit is already constrained and that any reduction in access would have a detrimental effect on some customers who use the loans for non-discretionary spending. It is clear that there are some risks there, and obviously we have to accept that argument. Perhaps there is an argument that it would be appropriate simply to have a substantial maximum interest rate, but we know the problems with that—other members have outlined them. The difficulty, of course, lies in assessing what that rate should be. However, it goes without saying that, as a minimum, consumers should have as much information as possible, and some form of compulsion to record interest rates on a price comparison website, for example, in return for obtaining a credit licence in the first place might be a sensible move.

As other members have suggested, there is a substantial role for credit unions. In my constituency, we have the North East Fife Credit Union, which does a very worthwhile job. I welcome the Scottish Government's service approval scheme for credit unions, but more needs to be done. We need to encourage the buddy system for credit unions that we can see elsewhere in the world. In that system, financial assistance and—perhaps more important—expertise are shared between mature credit unions and newcomers.

Whatever support we can give to credit unions, we must accept that they are unlikely at the present time to fill the substantial need for credit. That is why it is essential that a proper form of regulation is in place.

As Gavin Brown has already indicated, loan sharks are one risk in the area. The infamous loan shark is not just a character from television soaps; loan sharks present a real risk to individuals and families who need cash to cover the cost of their daily duties and essentials.

Finally, there is one group that is especially vulnerable to debt: the young. I cannot think of anything worse in the present time than a young section of the population being burdened by such debts and their experience of the financial system at an early age. Members should, please, bear in mind the effect of policies on the young.

17:44

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** I join other members in thanking Margaret Burgess for securing this important members' business debate on a matter that is of increasing concern to many of us inside and outside the chamber. That is evidenced by the number of members who have contributed to the

debate. More important, the issue is seriously affecting the lives of more and more of our constituents.

For a long time, there was a deep-seated taboo against usury—the practice of charging excessive, unreasonably high interest rates on loans. That taboo was common to societies around the world. The Christian Bible, the Qur'an and the Torah all contain strong words against usury, and the Romans would punish usurers by putting them in a sack with two ferrets—hence the phrase "ferrets fighting in a sack". Although most of us would accept that international financial practices have by necessity changed a lot since those ancient days, I believe that there is still a widespread sense of disgust at those who entrap and exploit the poor, the weak and the vulnerable through the mechanism of debt. However, as is so often the case when it comes to the financial industry, ethical and moral concerns do not hold a candle to the demands of the money markets, which seem to regard it as their God-given right to take what they can from people, regardless of the cost to individuals and society.

If pay day loans are not a prime example of usury, then I do not know what is, but the taboo has now faded to the extent that, in any given ad break on TV, we are almost guaranteed to see at least one shameless attempt by a pay day loan company to present its products as a quick and easy solution to a short-term financial shortfall. I would also highlight those furniture and appliance stores that advertise the chance to buy a new sofa or dishwasher for small weekly payments over a period of years—the catch being that a person can end up paying thousands of pounds for a washer-dryer that should have cost only a few hundred pounds. What those adverts full of cheery, satisfied punters do not tell us, of course, is that—far from being a quick fix—the exorbitant interest rates on the loans are just as likely to lead to a spiral of debt that can snowball out of control and leave many people in a much worse situation than they were in to begin with.

It is easy to understand why increasing numbers of people still fall into the pay day loans trap. Times are hard for many, and with the high street banks—including those owned by the taxpayer—having all but withdrawn lending and other financial assistance for ordinary families and businesses, the quick fix can seem like the only available option. Although these companies might like to present themselves as a friend when people are in a financial bind, no one should be fooled into thinking that they have any friendly intentions at heart. Their only aim is to extort as much as possible out of their customers.

I saw a particularly distressing example of these companies' methods recently when I helped a

vulnerable person—a gentleman with learning disabilities who had bought a washer from one of the well-known appliance stores. He fell behind in his payments and was being not just pursued but relentlessly harassed by the lending company. He ended up paying thousands of pounds for a £300 washer. I do not think that anyone will be surprised that the UK's regulatory framework for pay day loans is one of the most relaxed—perhaps we should say “irresponsible”—in the world. Other countries have caps on interest rates. In Canada, it is 60 per cent, and many regional Governments in Canada are now passing legislation that limits rates even further. We need regulation of that kind to be adopted in the UK, and soon. Let us restore that old taboo against usury and put a stop to exploitation and extortion by lenders.

17:48

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** This has been an extremely useful debate. By and large, contributions have been positive; in many cases, they have been extremely thoughtful and useful. However, I would like to pay a special tribute to Margaret Burgess for bringing the debate to the chamber. I know that it is customary to do so—it is part of the procedure that we all adopt—but, in this case, we would all acknowledge that not only has Margaret Burgess brought to the chamber a matter of current and great concern to society in Scotland and south of the border, she has spent a large part of a lifetime working in this field and therefore speaks with passion, as we have heard, and with the authority of a person who has helped people who are the most vulnerable and the most at risk of pay day loans. She speaks with real knowledge, and we are grateful to her for today's debate.

It would be tempting to adopt a party-political or partisan approach to this speech, and it would be easy to do so and to score points about the lack of powers of this Parliament—of course, I would like this Parliament to have the powers of a normal nation to deal with this matter—but I do not want to adopt such an approach, because this is an extremely serious issue. The debate that Margaret Burgess has initiated today will not be over tomorrow. She has raised the topic in the Parliament for the first time in this session and it will be pursued, because throughout the Parliament there is a genuine and concerted desire for action. If we need to persuade another place to support us in that regard, so be it and so will we do.

To that end and with a view to examining pay day loans more closely, I advise members that, earlier this year, I arranged to convene a meeting with chief executives from Citizens Advice

Scotland, Money Advice Scotland and Scotwest Credit Union, which will take place next week, on 17 January. Following that meeting we will engage more widely—with civic society in Scotland, with the Convention of Scottish Local Authorities and with others. We will report back and we will involve all members who want to get involved and make positive suggestions in the work that we take forward.

Margaret Burgess talked about the personal impact of debt. Before I became an MSP, I worked as a solicitor and acted in insolvency cases, almost always for the debtor. In the course of my work, I was struck that debt is not an abstract problem but a horrible reality, the consequences of which are often not appreciated. The consequences of debt for human existence in Scotland are truly dire, in every respect. They are dire because of the effect on individuals and their families, especially children. Debt leads to breakdown of relationships and marriages. It leads to ill health. It leads to the creation or exacerbation of addiction problems. It is a scourge on our society. People who charge usurious rates of interest in Scotland are perpetrating a practice that is simply not acceptable.

Gavin Brown made a thoughtful and considered speech. He noted that two thirds of the people who were sampled in the R3 study said that they went to a pay day loan company because there was no alternative, and he made the perfectly valid point that, if they had not done so, they might have gone to loan sharks and faced even worse personal reprisals, including the physical reprisals that are sadly still a feature of the activity of the loan sharks who prey on the vulnerable in Scotland. That is a fair point, and we cannot ignore such commonsense points.

However, Gavin Brown also said that a cap on interest rates might not work, depending on the rate. It is relevant to point out that there are caps on interest in the United States of America. I am advised that, in the District of Columbia and Arizona, rates are capped at 24 per cent and 36 per cent respectively. There is evidence that many pay day loan companies in DC and Arizona have shut down. That is surely to be welcomed, but only if the gap can be filled by another means.

It is also relevant to point out that, although there appears to be no cap on the interest that can be charged by pay day loan companies, credit unions are capped. Credit unions are restricted by law to lending at a maximum rate of 2 per cent a month, or 26.8 per cent APR, which is modest compared with the APRs of more than 4,000 per cent that Mr Thompson, Mr Gibson and Labour members mentioned. It seems to me that there is a wee hint of double standards in that regard. If there is a cap for credit unions, why is there no

cap for other lenders? I do not know the answer to that question, but I am going to find out.

*Meeting closed at 17:54.*

There is a chance for the Scottish Parliament to follow up the debate and tackle an issue that has lurked in the shadows for far too long. I am committed to the task, as I think are members from all parties. To that task we shall turn our attention, thanks to Margaret Burgess.





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