



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 2 February 2012

Session 4

---

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.scottish.parliament.uk](http://www.scottish.parliament.uk) or by contacting Public Information on 0131 348 5000

---

Thursday 2 February 2012

CONTENTS

	<b>Col.</b>
<b>COLLEGES (FUNDING)</b> .....	5977
<i>Motion moved—[Liz Smith].</i>	
<i>Amendment moved—[Michael Russell].</i>	
Liz Smith (Mid Scotland and Fife) (Con) .....	5977
The Cabinet Secretary for Education and Lifelong Learning (Michael Russell).....	5981
Hugh Henry (Renfrewshire South) (Lab) .....	5984
Marco Biagi (Edinburgh Central) (SNP) .....	5986
Anne McTaggart (Glasgow) (Lab) .....	5987
Stuart McMillan (West Scotland) (SNP) .....	5988
Gavin Brown (Lothian) (Con).....	5990
Clare Adamson (Central Scotland) (SNP).....	5991
Michael McMahon (Uddingston and Bellshill) (Lab) .....	5993
Liam McArthur (Orkney Islands) (LD).....	5994
Roderick Campbell (North East Fife) (SNP).....	5996
Neil Findlay (Lothian) (Lab) .....	5998
Michael Russell.....	5999
Murdo Fraser (Mid Scotland and Fife) (Con).....	6001
<b>PRISON VISITING COMMITTEES</b> .....	6005
<i>Motion moved—[Annabel Goldie].</i>	
<i>Amendment moved—[Kenny MacAskill].</i>	
Annabel Goldie (West Scotland) (Con) .....	6005
The Cabinet Secretary for Justice (Kenny MacAskill) .....	6009
Lewis Macdonald (North East Scotland) (Lab).....	6012
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP) .....	6014
Mary Fee (West Scotland) (Lab) .....	6016
Stuart McMillan (West Scotland) (SNP) .....	6017
Margaret Mitchell (Central Scotland) (Con).....	6019
Margaret Burgess (Cunninghame South) (SNP).....	6021
Graeme Pearson (South Scotland) (Lab).....	6022
Jamie Hepburn (Cumbernauld and Kilsyth) (SNP).....	6023
Patrick Harvie (Glasgow) (Green) .....	6025
Jenny Marra (North East Scotland) (Lab).....	6026
Kenny MacAskill .....	6027
David McLetchie (Lothian) (Con).....	6029
<b>SCOTTISH EXECUTIVE QUESTION TIME</b> .....	6033
<b>GENERAL QUESTIONS</b> .....	6033
Common Repairs.....	6033
Scottish Road Works Commissioner .....	6034
NHS Greater Glasgow and Clyde (Meetings) .....	6034
Whistleblowers (National Health Service) .....	6036
Edinburgh Tram Project.....	6037
Agri-environment Budget.....	6038
Single Fire and Rescue Service .....	6039
Prison Visiting Committees.....	6040
<b>FIRST MINISTER'S QUESTION TIME</b> .....	6042
Engagements.....	6042
Prime Minister (Meetings).....	6046
Higher Education (Scotland-based Students) .....	6050
Youth Unemployment .....	6051
Prison Visiting Committees.....	6052
Green Investment Bank.....	6054
<b>SCOTTISH EXECUTIVE QUESTION TIME</b> .....	6056
<b>FINANCE, EMPLOYMENT AND SUSTAINABLE GROWTH</b> .....	6056
Central Unallocated Provision 2006-07 .....	6056

Supported Employment .....	6057
Scottish Retail Consortium (Meetings) .....	6059
Employment Initiatives.....	6060
Public Health Levy .....	6061
Construction Job Losses .....	6062
Convention of Scottish Local Authorities (Meetings) .....	6063
Enterprise Areas .....	6064
Small Business Bonus Scheme (Glasgow Shettleston) .....	6065
Remploy Employees.....	6066
Scottish Retail Consortium (Meetings) .....	6068
Employment (Clydebank and Milngavie) .....	6068
Post Office Branches (Council Counters).....	6069
Budget Priorities (Glasgow) .....	6070
<b>BROADBAND</b> .....	6072
<i>Motion moved—[Alex Neil].</i>	
<i>Amendment moved—[Richard Baker].</i>	
<i>Amendment moved—[Mary Scanlon].</i>	
The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil) .....	6072
Richard Baker (North East Scotland) (Lab) .....	6077
Mary Scanlon (Highlands and Islands) (Con).....	6081
Aileen McLeod (South Scotland) (SNP) .....	6083
David Stewart (Highlands and Islands) (Lab).....	6085
Willie Coffey (Kilmarnock and Irvine Valley) (SNP) .....	6088
Rhoda Grant (Highlands and Islands) (Lab).....	6090
Dave Thompson (Skye, Lochaber and Badenoch) (SNP) .....	6093
Jim Hume (South Scotland) (LD).....	6095
Nigel Don (Angus North and Mearns) (SNP) .....	6097
Margaret McDougall (West Scotland) (Lab) .....	6099
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP) .....	6101
Mark Griffin (Central Scotland) (Lab).....	6103
Mike MacKenzie (Highlands and Islands) (SNP) .....	6106
Alex Johnstone (North East Scotland) (Con) .....	6107
Elaine Murray (Dumfriesshire) (Lab) .....	6110
Alex Neil.....	6113
<b>PARLIAMENTARY BUREAU MOTION</b> .....	6116
<i>Motion moved—[Bruce Crawford].</i>	
<b>DECISION TIME</b> .....	6117
<b>ASSISTANCE DOGS</b> .....	6131
<i>Motion debated—[Linda Fabiani].</i>	
Linda Fabiani (East Kilbride) (SNP).....	6131
Dennis Robertson (Aberdeenshire West) (SNP) .....	6133
Jamie McGrigor (Highlands and Islands) (Con) .....	6134
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP) .....	6135
Stuart McMillan (West Scotland) (SNP) .....	6137
The Minister for Energy, Enterprise and Tourism (Fergus Ewing) .....	6138

---

## Scottish Parliament

Thursday 2 February 2012

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

### Colleges (Funding)

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is a debate on motion S4M-01876, in the name of Liz Smith, on college funding.

I invite members who wish to take part in the debate to press their request-to-speak buttons now. I remind all members that time is very tight, so they will get their allocated time and not a second more.

09:15

**Liz Smith (Mid Scotland and Fife) (Con):** The sector in Scottish education that has made the most substantial progress in recent years is further education. It has delivered excellence in so many aspects of its institutions, transformed the quality of college courses and widened access to many students of all ages who in previous times would not have been able to take advantage of further education.

Lately, it has responded effectively to the need for reform and to the need to develop new structures that combine cost-effective models with the specialisation that is described in the Griggs report, which was published yesterday.

It was a Conservative Government that granted the colleges their independence in 1992, as a result of which they have enjoyed much greater autonomy and flexibility, and have been able to drive up standards, which I very much hope will not be threatened in the future.

As a Parliament, we pay tribute to that work and to the manner in which the colleges have coped with some very difficult challenges. Given that success, however, why have we each received thousands of e-mails from students, staff and trade union members expressing concerns about the future of our college sector and seen several question times in the Parliament and numerous column inches devoted to exactly the same issue?

At last Thursday's education questions, the issue of college funding was raised in no fewer than seven out of 18 questions, but the Cabinet Secretary for Education and Lifelong Learning—with his usual modesty—did not appear to be in the least bit concerned. Indeed, he even accused the Opposition parties of not accepting the truth about spending on Scottish education, of always

looking back rather than forward and of not listening to what he was saying.

I am in a relatively charitable mood this morning. The Scottish Conservatives want to debate the truth about spending on Scottish education; we are happy to look forward rather than back, and we are even happy to listen to the cabinet secretary, however painful that may be.

We have before us the Budget (Scotland) Bill and the worthy supporting document over which I am sure Mr Swinney has expended—and, I hope, is still expending—much time and energy. If the cabinet secretary would like to have a look at page 24 of the supporting document, he will see what has happened to college funding.

I know that Mr Swinney will want me to put that in the factual context, so I will do just that. He has faced some tough choices: fact. He produced an extra £15 million transformation fund to help with college rationalisation and reform: fact. That £15 million therefore reduces year 1 of the budget cuts from £38 million to £23 million: fact.

However, let us dig a little deeper and pursue some of the other facts, which I suspect the SNP does not like quite so much. The consequences of the tough United Kingdom situation have resulted in a real-terms cut of 1.3 per cent—that is the Scottish National Party's own figure—so it would be unfair of me to stand here and argue if Mr Russell had asked Mr Swinney to make similar savings in the Scottish FE budget.

However, what no one can understand—however hard they try—is why, at a time when there are no fewer than 88,000 young people aged 18 to 24 unemployed in Scotland, and when the Scottish Government has a flagship policy to provide a training opportunity, education or work for all 16 to 19-year-olds, the college sector is being asked to cope with cuts of 8.5 per cent in teaching grants on top of all the cuts that it faced last year. The colleges are being asked to cope with a cut in funding from £544 million to £470 million. There will be progressive cuts of £38 million in year 1—less £15 million—£50 million in year 2, and £74 million in year 3, so that by 2015 there is an annual cut of £74 million. They wonder what on earth they have done wrong.

At last week's education questions, Mr Russell said that he would prefer politicians to listen to the experts in the college sector rather than deal in their own spin, so let us do that. John Spencer, convener of Scotland's Colleges, has said twice that it is inconceivable that colleges will be able to absorb more cuts without harm being done to student places, staffing or the quality of courses. We now know that those cuts could amount to over 20 per cent in real terms, assuming that student support is maintained at a flat cash level.

That view is echoed by Miles Dibsdall, principal of Edinburgh's Telford College, who has said:

"To think that the sector could operate or indeed maintain provision after having our budget slashed by 10 per cent last year was challenging, but to have them reduced again over the next three years is just baffling. This is an incredibly difficult feat and I dread to think of what the sector will look like in a few years' time when these new cuts are felt."

Robin Parker of the National Union of Students has said that the SNP was absolutely right in May to promise to protect college budgets but "absolutely wrong" to be proposing such extensive cuts at a time of such large-scale youth unemployment—a view shared by Andy Willox of the Federation of Small Businesses.

Why has the Scottish Government chosen to punish the colleges so hard, particularly in the current economic circumstances?

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The member asks about punishing colleges. Perhaps she can answer this simple question: why has the UK Government decided to punish Scotland so hard in its budget arrangement for the forthcoming three years ?

**Liz Smith:** It is perfectly true that there are cuts south of the border, but the Scottish Government is responsible for the cuts north of the border, and that is what we are debating.

The Scottish Government simply cannot get away from the fact that 1,000 staff were shed in the FE sector last year and that several colleges have warned the cabinet secretary that more are likely to go this year. They are telling him very bluntly that many of the savings and efficiencies have already been made and that there is less and less scope for cuts without paring down some of the most essential parts of the sector. Colleges are looking at their budgets for 2012-13 and having to focus on the more expensive end of the scale, which is the 16 to 19 age group, since the higher costs of student support are to be found in that age group. That is on top of the real-terms cut of £11 million in student support. Many of those students are on national certificate courses at the start of the learning process and need more support, so there is surely a potential impact on some of our more vulnerable students.

What will happen to provision for part-time students, mature students and students with disabilities, who could, according to the Scottish Consortium on Learning Disabilities, lose up to 34 per cent of part-time places? Those groups are all essential to ensuring that we have a more mobile and flexible workforce across the economy.

The Scottish Government cannot claim any longer that there cannot be greater flexibility in its

budget decisions about higher education and FE. It is nonsense to say that the college cuts are all the fault of the Westminster Government. The Scottish Government had a choice to make and got it wrong—and I think that it knows it has got it wrong. It was a political choice, and the responsibility for it must lie firmly with the cabinet secretary.

I return to where I began by praising the outstanding work that has been done by those in the college sector over recent years. They have coped admirably with the challenges placed on them, and they are undoubtedly a hugely important part of the post-16 reforms in building a more flexible and stronger economy. They should be congratulated rather than punished by a Government that has muddled its priorities and ended up with a total lack of coherence in FE and HE policy. They are fearful of further cuts and fearful of cutbacks in student places—or, if the places can be maintained, cutbacks in teaching time. They are fearful about whether exciting new projects will ever see the light of day, and they wonder just what mergers will mean to them. In short, there is considerable doubt that the college sector, which has made such outstanding progress, will emerge anything other than weaker at the end of the day.

Mr Russell told us last week that his Government is second to none when it comes to supporting student finances—far better than any previous Government north or south of the border and probably better than any arc of prosperity in the world, if Mr Russell had his way. He said that his budget figures are "impeccable" and that the budget settlement is "fair, full and final". Well, I invite him to accept the seriousness of the situation that he has created, to swallow his pride and to cut through all the shameful bombast of the past few months. Colleges deserve our support, and I suspect that the vast majority of members in the chamber—even within the ranks of the SNP—believe that it is time for Mr Russell to ask Mr Swinney to reconsider his budget proposals.

I move,

That the Parliament warmly congratulates Scotland's colleges in terms of the outstanding contribution that they have made to improving educational opportunities for a wide range of learners, improving the alignment between available skills and local employment opportunities and in embracing the need for structural reform; condemns the Scottish Government for forcing on the sector deeply damaging financial cuts for the period 2012-15, which are disproportionately greater in 2012-13, and which will inevitably have a detrimental impact on staffing, student places and support for students from more disadvantaged backgrounds; fails to understand how these financial cuts can be reconciled with the Scottish Government's flagship 16 to 19 policy and the need to address the very worrying youth unemployment statistics that have revealed that 88,000 young people aged 18 to 24 are now out of work, and calls on the Scottish Government to urgently

reconsider the proposed budget settlement for the further education sector.

09:25

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** We see something interesting this morning. The Tory press release that was issued moments ago includes this quote from Liz Smith:

“There is an overwhelming opinion across Scotland that the proposed cuts to the further education sector are excessive and will be deeply damaging when it comes to maintaining college places and staff numbers.”

I am interested in her opening phrase. I do not think that the Tories are in a position to talk about overwhelming opinions across Scotland because I do not think that they know them. I will tell members what the overwhelming opinion in Scotland is.

**Liz Smith:** Will the cabinet secretary take an intervention?

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

The overwhelming opinion in Scotland is in three parts. The first part is against the Tory-Liberal coalition and its cuts—that is the overwhelming opinion in Scotland. The overwhelming opinion in Scotland is also against paying for education. It was incredibly disingenuous of the Tory spokesperson this morning not to talk about raising money by raising student fees, which is her prescription for paying for education in Scotland. She has talked of it before, but she would not talk of it today. Why? Because she is in alliance with Labour, and Labour is edging towards that Tory policy as well. Maybe she wants to give Labour the advantage of it.

**Liz Smith:** Will the cabinet secretary give way?

**Michael Russell:** I will make a third point before I take Liz Smith's intervention.

The overwhelming opinion across Scotland is also against hypocrisy and scaremongering about colleges, and we have heard more scaremongering this morning. I have regular meetings with the college principals and we are working together to ensure that we get the best out of the situation. Exploitation of them and of students is taking place in the chamber today—we have heard it from one side and we will hear it from the other shortly.

**Liz Smith:** What more bombast can we have from the cabinet secretary on this? If the Conservatives had their way, there would be extra money in the HE sector that we would not have to put back into the college sector. That is exactly what the SNP policy has led to. The Government

is punishing the colleges because it has not had enough money for the HE sector.

**Michael Russell:** Let the vice speak its name. Is the member suggesting that the Tories would raise fees from students in Scotland? Yes or no?

**Liz Smith:** Yes, absolutely.

**Michael Russell:** Ah! There we are. Out of her own mouth she is condemned. Liz Smith is talking about raising fees in Scotland in order to pay for education. The people of Scotland rejected that absolutely in May and they would reject it again. It will be interesting to see whether Labour has the courage to continue with its policy against people paying for education or whether it is moving on to that dreadful, anti-Scottish, anti-educational track. *[Interruption.]* No—the Scottish tradition is free education and I stand proudly for it. I recommend that members read Iain Macwhirter's column in today's *The Herald*, in which he writes of a Scottish educational tradition that is, unfortunately, foreign to the Tory benches, which explains why the Tories languish where they do.

**Gavin Brown (Lothian) (Con):** Will the cabinet secretary give way?

**Michael Russell:** No, I will not. I want to talk about the reality, not the fiction that the Tories have been involved in.

Let me give Parliament some facts. From 2007 until the end of the current spending review period, we will have invested £4.7 billion in colleges alone—40 per cent more, in cash terms, than the investment made under the two terms of the previous Administration. Although the spending review has been tough for colleges—the result of the unholy coalition that is trying to destroy Scottish education, among other things—we will continue to make a significant investment in the sector of more than £500 million in 2012-13.

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

**Michael Russell:** No, I want to make progress. I will let the member in in a moment.

By comparison, the UK Government is reducing its investment in English further education by £1.1 billion from £4.3 billion to £3.2 billion. That is a 25 per cent reduction in cash terms, which is 7 per cent higher than the reduction in Scottish sector funding over the same period. In other words, further education in England is having a real-terms cut of 32.3 per cent. That is a fact.

With regard to capital investment, non-profit-distributing investment in colleges represents an additional capital investment of £300 million. Through NPD, we will invest £200 million to build a new City of Glasgow College and are making a

combined investment of £100 million to build new colleges in Inverness and Kilmarnock.

**Gavin Brown:** Will the cabinet secretary give way?

**Michael Russell:** The investment that we are making in 2012-13 and 2014-15 will be larger than in any single year of the previous Administration.

Moreover, I have listened closely to the sector's views on the pace of reform. After all, this is reform; we need reform and the colleges know that. In response, I announced a £15 million college transformation fund, which has been welcomed by the NUS and Scotland's Colleges.

In last year's manifesto, we said that we would maintain student numbers—and that is what we will do. On 11 January, I wrote to colleges to confirm that no college will have a funding reduction of more than 8.5 per cent; indeed, I made it clear in that letter that the delivery of the commitments is based on published Scottish Further and Higher Education Funding Council baselines. Moreover, not only was I able to identify the 96 per cent of target numbers that we would maintain in a traditional way but, working with the sector and consistent with its suggestions, we are now moving to a different and more flexible provision for 4 per cent of places.

Our record on student support is second to none. As has been made clear in various letters, there is no reduction in the baseline for college student support. Baseline student support budgets have increased every year under the Scottish National Party—

**Neil Findlay (Lothian) (Lab):** Will the cabinet secretary give way?

**Michael Russell:** I will take Mr Findlay when I have finished this fact. Since 2006-07, we have increased college student support by 25 per cent from £67.3 million to £84.2 million whereas, in the previous four years, the previous Administration increased student support by just 8 per cent.

I give way to Mr Findlay.

**The Presiding Officer:** You are in your last minute, cabinet secretary.

**Michael Russell:** I am happy to take the member's intervention.

**Neil Findlay:** Carry on.

**Michael Russell:** That is very good of you, Mr Findlay. I am looking forward to your speech as part of the Tory-Labour alliance on this matter.

As part of our review on post-16 education, we are reviewing college student support to ensure that the balance between national policy and local discretion is right. That is why I met the NUS

yesterday to discuss this issue. We have agreed to ensure that we move quickly to find a better way of paying FE student support that takes away some of the discretionary problems that were put in place by the Tories—of course.

We must ensure that, with the sector, we move forward on radical reform to get the best we can from the investment we make. That is our responsibility in this chamber. It is a great pity that only the SNP recognises that.

I move amendment S4M-01876.1, to leave out from "condemns" to end and insert:

"acknowledges the difficulties resulting from the UK Government's cuts of over £3 billion to the Scottish block and the inescapable pressures that this creates for college budgets; welcomes the fact that the Scottish Government is ensuring that £265 million of capital investment in colleges is made over the spending review period, including through the non-profit distributing programme; further recognises that the support is in place to maintain student numbers in the coming year; commends the hard work and commitment of college staff and students at all levels, both to improve learner outcomes and to take forward the progressive programme of reform set in train by the Scottish Government, including its plans for a regional structure in which learning provision is better matched to need, and reiterates its support for the creation of 125,000 modern apprenticeships over the current parliamentary session and for the introduction of the Opportunities for All programme, which will provide a suitable place in learning or training for all 16 to 19-year-olds who require it."

09:32

**Hugh Henry (Renfrewshire South) (Lab):** Labour disagrees with the Tories and the Liberal Democrats on many issues. However, it is arrogant to suggest that people elected to the Parliament who are doing their job and listening to concerns from staff and students across the country have no right to come to the chamber and raise those concerns.

What we have heard from the cabinet secretary this morning is another unfortunate example of what has happened since the election. There is an arrogance, an intolerance and a view among those now in government that no one—except them—has the right to speak for anyone in Scotland. That creeping intolerance will at some point lead to their saying that freedom of speech for the Opposition should no longer exist and that everything should be articulated only through them.

It is a given fact that Scotland's colleges have an outstanding record of service delivery and success. No one can quibble with, for example, the 350,000 learners per year and the fact that 55 per cent of attendees are women who want to develop their skills and potential; that 30 per cent of students come from Scotland's most deprived areas; and that 70 per cent of students who go into FE gain employment.



Now, with an unemployment crisis in this country, we need Scotland's colleges more than ever. We need their expertise, their delivery and their success. Now, more than ever, is the time to invest in Scotland's colleges.

In the past few months, we have heard a lot about preventative spending and the idea that spending now will mean that we will need to spend less on solving problems in the future. If that is the case, what better preventative spending could there be than investment in Scotland's colleges, given the record that they have demonstrated? In Liz Smith's motion, which I am happy to support, she clearly outlines some of the issues and, in her excellent speech, she detailed the scale of the problem that is looming. Some 88,000 18 to 24-year olds in Scotland are unemployed. Now, more than ever, we need to give that generation our support, and it is the colleges that will make the difference. If we fail them and do not give them the resources that they need, they will be unable to respond to the crisis that is confronting us.

Scotland's Colleges has said that the cuts will make it increasingly difficult to protect the quality of college education and keep access to courses local and fair. We hear about choices that need to be made, and this is a choice. The SNP Government has chosen to allocate a certain amount to the education budget, and Mike Russell has chosen how to use his money within that budget. He has made the choice to deprive Scotland's colleges—he and no one else. If he is not prepared to stand up for Scotland's colleges, who else in the Government can we look to to defend those who have a proven record of success?

The Government is prepared to fund redundancy and unemployment, but it is not prepared to invest in creating opportunities for those who need education the most. It is not prepared to support young people from deprived areas, women who want to develop their skills and potential, or people with disabilities. Courses are being cut, choices are being limited, and workload is increasing. The Educational Institute of Scotland has described the reduction in staff numbers as a matter of significant concern.

What we are doing as an Opposition in the Parliament is telling the cabinet secretary to listen to the worries and concerns of the people who elected him and us because, frankly, they are the people who matter.

**The Presiding Officer:** We move to the open debate. I am sure that members will take lessons from the front bench and keep to time.

09:38

**Marco Biagi (Edinburgh Central) (SNP):** In the stage 1 budget debate, the Cabinet Secretary for Finance, Employment and Sustainable Growth was told by the Opposition to find extra resources for local government, housing, colleges, the air discount scheme, fuel poverty and road equivalent tariffs. In other debates in this session, it has been parts of the protected national health service, that hardy perennial the Glasgow airport rail link, active travel, police, roads and business rates cuts.

As the Tories were once so fond of telling us, we cannot spend what we do not have. If members want to sit there and wring their hands, that is their right. Members have a right to be heard in the chamber. However, unless they present solutions, they simply will not be taken seriously. This is familiar territory for the Labour Party, which always opposes as old Labour and governs as new, but it is unusual for the Conservatives, who have never tired of telling us about Labour's deficit and, to paraphrase their favourite Prime Minister, the impossibility of spending other people's money. That turnaround is the only new thing in the motion. We only have to look at it closely to see the real Conservative Party solutions.

Let me turn to a brief positive note. The Conservative Party manifesto was thin on colleges as it contained just one paragraph on the subject, but next to it we saw a welcome suggestion that universities could be encouraged to share administration on a regional basis. That was interesting. I take it that regionalisation is one thing that we can agree on.

The Conservative Party's flagship policy for all tertiary education, of course, was to put a price tag of at least £6,000 on going to university. That initiative has been so successful that there has been a 10 per cent drop in numbers in England in just one year.

Perhaps the answer is to abolish the education maintenance allowance, as the Conservatives have done in England, and use that money to fund colleges. That really would be taking with one hand and giving with the other. EMA payments of £30 a week may seem small to a Tory MSP, but they can make all the difference to 14,000 college students.

If the Conservatives think that we should raise taxes to provide more funding to the public service that we are discussing, that really would be a turn-up for the books.

I could continue, but I could not discuss Tory hypocrisy on tertiary education in four hours, let alone four minutes.

Yesterday, Jim Eadie and I met students from colleges and universities throughout Edinburgh. We had a very worthwhile session. We talked about opportunities for all, which will give every young person aged 16 to 19 a place in education or training if they are not employed.

**Gavin Brown:** Will the member give way?

**Marco Biagi:** I am almost in my final minute.

We went over the Scottish National Party's proud record. There has been record capital investment in the long-neglected college estate and an unprecedented expansion of student support. We explored the financial situation in depth, how places are protected, how the need for a transformation fund had been recognised, what the pressures are, and what the reality is. There is a fixed budget that has been set by another Government, with which the Conservative Party has more than a passing familiarity.

All members recognise the importance of colleges, the challenges that they face, and the difference that they can make. We have all seen that. However, when organisations come to us, it is not our role to pass a tissue and feel their pain. Rather, it is our role as MSPs to govern, make difficult choices and find solutions.

The Conservative motion is bandwagon politics of the worst kind. Many areas have a case for additional resources.

**The Presiding Officer:** I am sorry, Mr Biagi, but you need to finish now.

**Marco Biagi:** If the Conservatives want us to spend more, they should realise that they are the problem.

09:42

**Anne McTaggart (Glasgow) (Lab):** I, too, thank Liz Smith for bringing this important debate to the chamber. I am glad that the motion

"congratulates Scotland's colleges in terms of the outstanding contribution that they have made to improving educational opportunities for a wide range of learners".

The importance of access to further education should not be underestimated at any time, least of all in times such as these, with youth unemployment at an all-time high.

This week, like every other week for the past few months, I have received e-mails from constituents who support NUS Scotland's our future, our fight campaign. Over that time, I have met and actively listened to lecturers, principals and students, who share strong fears about the future of further education colleges in Scotland.

Members often hear that our young people are Scotland's future. Nobody knows that more than

the lecturers and support staff who work with young people every day in our colleges. However, those lecturers are also Scotland's future. Many staff who have contacted me have many working years ahead of them. However, that is in theory, because between now and 2015, those staff stand to lose out in the same way as current and prospective students from a 20 per cent real-terms cut. With class contact time already down and class sizes being increased, the long-term consequences of those cuts are deeply worrying.

The people whom I have met also have concerns about the knock-on effects that could damage their educational opportunities—for example, students are concerned about being unable to afford travel to different campuses if the course that they want to do is withdrawn from the local college. The uncertainty about what courses colleges will be able to run is an issue that I regularly hear about from people who contact me. The cuts have already created that issue.

In addition, students and staff need to know about the future of their local community campuses. That is a particular worry for young parents I have met, many of whom wish to take FE courses. They have told me that they are worried that they will have an ultimatum to stretch their own finances further for the additional travel and childcare if community campus closures force them to go further afield.

I have touched on the concerns of students and lecturers. It would be folly of me not also to point out the importance of maintaining the employment of all the other staff who also contribute to the running of Scotland's colleges—the maintenance and support staff are also concerned about the possibility that, as the lowest-paid workers, they will be the first to be squeezed as the budget cuts hit. We must remember the people who play a vital role in making sure that the campuses are clean and maintained for use and who also help students—particularly new students—to find their way around a new environment and engage with the college in general. Those members of our community worry that the future of their jobs is at risk. They, like the students and teaching staff, deserve to have full support in helping to build Scotland's future, and do not deserve to lose their jobs as a result of what are clearly cuts to the FE sector.

09:45

**Stuart McMillan (West Scotland) (SNP):** Once again, the Conservatives come to the chamber claiming to be the guardians of students in the college sector but I am sure that, at 5 pm, they will once again be found wanting.

Not one person in the chamber this morning would wish to reduce the budgets for our further education establishments, but the Government needs to make tough decisions because the budget of the Parliament has been slashed by the UK coalition of the Conservatives and the Liberal Democrats.

**Gavin Brown:** Will the member give way?

**Stuart McMillan:** Normally, I would, but I have only four minutes.

The Conservative and Liberal Democrat members of the Scottish Parliament will, of course, defend their colleagues in Westminster by saying that this reduction is necessary as a result of the shambles of the UK public finances that was inherited from the previous Labour Government. Listening to Liz Smith this morning, the message that I received was that the FE cuts in Scotland should be proportionate. She later mentioned the fear of future cuts. We also heard from her that the way to ensure that there are no further cuts is for students to pay instead of having free education in Scotland.

I looked at the funding figures for the college sector going back to 1999. Then, £213 million and £4 million was spent on the resource and capital allocations respectively. In 2006-07, that had increased to £510 million and £88 million. Since 2007-08, the figures have increased until this year. However, as we all know, even though there were increases, that was never going to be enough for some in the chamber. Year after year, we heard and read of the complaints from some parties that the college sector was being short-changed, even though its funding allocation was increasing.

The commitment to maintain student numbers should be welcomed across the chamber.

The economic conditions in Scotland, across the UK and around the world, are difficult and, as a result, it is imperative that students who wish to attend colleges have that opportunity to improve their education, skills and employability.

At the same time as maintaining student places, we have a welcome opportunity for college reform. I understand that change can be frightening to some, as they are unsure of what will happen. However, the current college sector was established some 30 years ago, under the then Conservative Government with the aim of creating more competition within the sector. That had the inevitable effect of creating duplication. It also created institutions where there has been a level of strife between management and the lecturers, with the result being that students do not always obtain the level of education that they deserve. The history of James Watt College in Greenock over the past 10 years bears that out.

I remember taking part in a march and rally prior to the 2005 election in support of James Watt College and its students. Things settled down when the principal at that time left but, in recent weeks, lecturers have once again been on the picket lines and students have suffered. The strike has been suspended for two weeks for further talks, but the situation is one of great confusion and apprehension.

I am conscious of time, Presiding Officer.

The students and lecturers who have contacted me are raising issues not about the funding to the college but about how their college is being managed.

James Watt College is one of the colleges that have reached a no compulsory redundancy agreement, as was mentioned by Anne McTaggart. That was signed last May and is due to expire in June. I have been informed that management sent out a letter in October, indicating that 29 senior lecturers will lose their positions, with 15 learning enhancement lecturer positions being created instead, obviously on reduced terms.

Whether the issue is the funds that are going to colleges' budgets or the money that colleges have themselves, we in the chamber should agree on how that money is managed. It should be managed efficiently and it should—

**The Presiding Officer:** Your time has ended. I call Gavin Brown.

09:50

**Gavin Brown (Lothian) (Con):** I have listened carefully to the SNP Government's response. It is interesting to note its interpretation of matters. The SNP describes a 1.3 per cent real-terms cut to the overall Scottish budget as a slashing, burning and savage cut, but an 8.5 per cent cut to the college budget is described as fair and generous and as having resulted from tough choices.

In a speech that was, as ever, bombastic, Mr Russell said that he does not like hypocrisy. I have tried to intervene on every SNP member so far—I tried to intervene on him a number of times—but none of them accepted an intervention. I ask any SNP member to explain why a 1.3 per cent real-terms cut to the Scottish budget results in an 8.5 per cent cut to college funding.

We must look at the facts. Conservative members accept entirely that the Scottish Government will have less money in real terms next year than it has this year, but we point out that it will have more money in cash terms—£250 million more—than it has this year.

The reason why the issue is important and why the Labour Party, the Liberal Democrats and the Greens have joined in with the Conservative Party today is the terrifying youth unemployment figures. As Elizabeth Smith said, 88,000 people between the ages of 18 and 24 are unemployed. That figure goes to well over 100,000 when 16 to 24-year-olds are considered. That number is particularly bad because it has increased by 20,000 in the past nine months. Since the draft budget and the SNP manifesto were pulled together with the aim of maintaining student numbers, the youth unemployment situation has deteriorated. That is why we need action on colleges.

We have heard about the magnitude of the cuts. In year 1, the cut will be £38 million, but we admit and accept that that is negated by £15 million from the transformation fund. However, that fund is for one year only. The cut will be £50 million in year 2 and will go up to £74 million in year 3. We ask the Scottish Government to explain why Scottish colleges will get such a large cut in their budget in comparison with the size of the overall cut. That is about political choices from the SNP; it should not blame the Westminster Government for cutting the budget as a whole.

We welcome the moves on youth unemployment that the Scottish Government announced yesterday in its draft strategy and we support the appointment of Angela Constance as the Minister for Youth Employment, but we need a bit of joined-up government. When we are trying to tackle youth unemployment, what is the point in giving Angela Constance a budget of £30 million while at exactly the same time taking away £40 million from the college budget?

I note that college funding will not decline in next year's Welsh budget. That comes back to the point that the Scottish Government must explain why it thinks that the college budget deserves such a large cut next year in comparison with other parts of the Scottish budget.

We have heard that a multitude of organisations and people across Scotland are fighting for the colleges. The Conservative Party, the Labour Party, the Liberals and the Greens are all telling the cabinet secretary in advance of stage 3 that the budget should provide more money for colleges. Will he—

**The Presiding Officer:** I am afraid that your time is up.

09:54

**Clare Adamson (Central Scotland) (SNP):** Last year, the Government published "Putting Learners at the Centre: Delivering our Ambitions for Post-16 Education". The ministerial foreword to that document quotes John F Kennedy, who said:

"our progress as a nation can be no swifter than our progress in education."

The foreword also says:

"Education ... plays a central role in improving ... chances for those from disadvantaged backgrounds and learning in all its forms and settings has a wide reach."

The SNP Government is absolutely committed to education and to improving outcomes for all our young people, especially those from the most disadvantaged backgrounds, whether it be through early years intervention and the preventative spend agenda, extending nursery places to those from disadvantaged backgrounds, giving people the opportunity to gain further education, or the appointment of a minister who is dedicated to tackling youth unemployment and ensuring that all our 16 to 19-year-olds get opportunities from the programme. That means all our 16 to 19-year-olds, including people who have disabilities and women.

The draft strategy that was published yesterday sets out a clear and targeted approach to supporting young people as they are looking for employment and fulfilling their ambitions in life. It focuses on opportunities in the apprenticeship programme, which our colleges will support, and it targets support on helping young people in our new and emerging commercial opportunities, especially in the area of the low-carbon economy. It also looks to Skills Development Scotland working in partnership with our colleges and employers, and changing the way in which we deliver our further education programme to ensure that it meets the needs of our employers and improves the life chances of our young people.

We have also included an early years action fund, run by Inspiring Scotland, to improve outcomes for our vulnerable young people. I am delighted that, in one of her first announcements as the Minister for Youth Employment, Angela Constance targeted her support at young carers and those who are leaving the care system so that further education opportunities are made available to them.

I listened to members' speeches. I agreed with the start and end of Liz Smith's speech and her wonderful praise for our further education colleges. That is absolutely right, but establishing the independence of our colleges caused problems. Their charitable status is flawed because of the possibility of Government influence and direction on how the colleges should proceed, and it sets up competition between the colleges.

Many things in our colleges need to be looked at, especially student support. When they go to college, students should be able to expect that there will be no discretionary element to their support. The regionalisation and pulling together

of resource should enable us to tackle some of those issues.

**The Deputy Presiding Officer (Elaine Smith):** You have only a few seconds left. Please conclude.

**Clare Adamson:** I am convinced that the regionalisation model will give the opportunity to reform and improve our college sector.

09:58

**Michael McMahon (Uddingston and Bellshill) (Lab):** We have heard a lot recently about Scotland being progressive and a beacon for others. Like most SNP soundbites, that claim is more about self-serving and rhetorical trumpet blowing than factual analysis of its policies. Child poverty in Scotland is increasing while the SNP Government is giving handouts to millionaire bus owners through the council tax freeze. It takes the biggest of brass necks to proclaim that that is progressive. Add to that the funding proposals that prefer the university sector to our colleges and the propensity to look after the already better-off shines through yet again. Once more, the haves are looked after at the expense of those for whom university education is too often an unrealisable aspiration, even for those who have the ability to go on to higher education. What sort of progressive budget is it that cuts college funding while protecting the share of the likes of Mr Russell's alma mater?

While Mr Russell was enjoying the benefits of University of Edinburgh tutelage, as a lesser mortal I was leaving school at the age of 15 to take up an apprenticeship as a welder. I wanted to go to university and my teachers tried to convince me stay on to achieve that aim but, for me and the majority of my peers, getting a good trade was the level of aspiration set for us by the financial reality of the family income.

My education continued through day release at Motherwell College. I was able to achieve the highest level possible in City and Guilds, and I am eternally grateful for the solid grounding that the college gave me. Fifteen years later, with manufacturing going through the floor under the Thatcher regime, I began to look for an alternative career path and was fortunate to obtain a place at Cambuslang College on a higher national certificate course in social sciences that was made available through a partnership with the University of Paisley and Glasgow Caledonian University. Completion of the HNC guaranteed access to second year on the social sciences course at either of the two higher education institutions and in 1996, 19 years after leaving school, I graduated with honours in politics and sociology at Glasgow

Caledonian University. I know at first hand the value of both college and university education.

Recently, the Finance Committee has discussed the sustainability of funding. It came as no surprise that someone such as Jim Gallagher said:

“if we do one thing, what else are we not doing?”—  
[*Official Report, Finance Committee, 25 January 2012; c 579.*]

It is clear that this Government has chosen to fund universities and not colleges but, for me, one cannot be protected at the expense of the other. That is why, when the SNP was bragging about its progressiveness, I was standing in the forecourt of Motherwell College with the staff and students, who had come together to protest at the funding cuts that will inevitably lead to staff cuts, cuts to courses and hardship for students.

Their choosing colleges as the subject of this morning's debate shows that even the Tories can see the need for equitable treatment. Yes, there are budgetary restraints, but we cannot allow ourselves to be forced into agreeing with a Government that, because of populist decisions, looks after its own and forgets those who might be left behind. It is not too late for the cabinet secretary to see the error of his ways and become a genuine progressive. I ask him to give our colleges a fair funding settlement and to give everyone a chance to be what they can be.

10:02

**Liam McArthur (Orkney Islands) (LD):** I congratulate Liz Smith on bringing the motion to the Parliament and helping to maintain the focus on an issue on which I genuinely believe that there is a consensus across the parties, which includes some SNP back benchers. Although this further opportunity to scrutinise the Government's planned cuts to the funding of Scotland's colleges is welcome, I am increasingly perplexed by the cabinet secretary's approach.

During last week's stage 1 debate on the Budget (Scotland) Bill, Mr Swinney assured the Parliament that he was open to further discussion on how the budget might be improved. In response, the consistent message to Mr Swinney was that housing and colleges should be the principal beneficiaries of the substantial additional resources that the UK Government had made available since the publication of the budget but, despite Mr Swinney's offer and cross-party support for the needs of his portfolio, 24 hours later, Mr Russell told the chamber that he thought that the £40 million cut to college budgets over the next three years was

“a fair, full and final settlement”.—[*Official Report, 26 January 2012; c 5795.*]

That seemed to be a remarkable admission of defeat.

As well as the evidence from Scotland's Colleges about the effect that the cuts will have on the quality, accessibility and affordability of college provision across Scotland, and the warning from NUS Scotland that

"colleges may be forced to close their doors to new students ... and cut support to existing students",

Mr Russell could pray in aid the support of the Parliament's Education and Culture Committee in making the case to Mr Swinney for a rethink, yet the more he is pressed, the more Mr Russell digs in his heels.

Of course, Mr Russell chooses to blame Westminster, but ignores the fact that, according to the Scottish Parliament information centre, the Scottish ministers have an additional £850 million at their disposal since the 20 per cent real-terms cut to college budgets was first announced. In addition, Mr Russell represents those who challenge him as being anti-reform. That is untrue—the need for reform is accepted, and colleges have stressed their willingness to work constructively to that end.

However, as Scotland's Colleges points out, that "should not come at the expense of the quality or breadth of provision for college students."

In return, colleges require a fair deal, which recognises that cost savings take time to realise, that success in reforming the sector depends on the way in which reform is introduced and that the array of commitments that ministers have made cannot be achieved on the cheap. It is wholly unreasonable for ministers to make commitments and set priorities without willing the means to achieve those ends.

On the proposed cuts, which follow last year's 10 per cent cut, Scotland's Colleges has warned that

"The impact on the quality of provision, the availability of student support services, and the loss to expertise, capacity and morale present in the sector through losing staff cannot be overstated."

It is not hard to see why, given that evidence is emerging that the value of weighted student units of measurement is likely to fall dramatically between 2009-10 and 2012-13. While Mr Russell emphasises a commitment to maintain college places, colleges question how on earth quality can be maintained under such circumstances.

Meanwhile, NUS Scotland expresses similar concerns about what amounts to an £11 million cut in student support budgets. Mr Russell disputes those figures but, as NUS Scotland points out, the SNP manifesto pledge was

unequivocal and Angela Constance confirmed that the SNP would

"guarantee the additional funding for bursaries, not just for next year, but for the full four-year parliament."

To make matters worse, uncertainty over individual allocations makes planning difficult, if not impossible, for colleges and students alike. Mr Russell must clarify when colleges will be told their final budgets, including any strategic allocation from the funding council and how the additional funds from SDS will be allocated.

Scotland's colleges are critical to addressing the issues that were highlighted at yesterday's timely summit on youth unemployment. They improve the life chances of thousands of people of all ages in all parts of the country. They provide students with the skills that they need to get up and get on and they deserve a fairer deal from the budget.

On that basis, I am happy to support the motion.

10:06

**Roderick Campbell (North East Fife) (SNP):** I remind members that the Scottish Government has managed to maintain in Scotland a truly progressive approach to further and higher education, which is based not on the ability to pay, but the ability to learn. In doing so, it has managed to preserve student numbers and maintain the education maintenance allowance, and will provide £265 million of capital spending over the next spending review period.

That progressive approach has served Scotland well since the days of the enlightenment and is all the more important today, when we seek to reindustrialise Scotland with emerging technologies. I accept that we need skilled people to drive that forward and our commitment to colleges must be one of the most important investments that we make. However, the achievements that I mentioned—EMA, student numbers and the additional capital investment—have been made despite the fact that we face a falling block grant from the Government at Westminster, with its emphasis on austerity and a reduction of about one third in the capital budget.

**Neil Findlay:** Will Roderick Campbell give way?

**Roderick Campbell:** No, I have only four minutes.

This is a Conservative debate. I read the Conservatives' manifesto from last year's election, "Common Sense for Scotland". It is a 36-page document but has a short paragraph at the bottom of page 14 that outlines the Conservatives' plans for colleges:

"We want to encourage greater scope for colleges to work with local schools, universities and businesses to

enhance their economic and social contribution and to open up new opportunities to students through better integrated learner pathways.”

I hope that members did not blink, because that appears to be the Conservatives’ plan for Scotland’s colleges.

As I said, one of the defining characteristics of the Scottish Government is its progressive vision of Scotland, which stands in stark contrast to the miserable mix that the Conservative-Liberal Democrat coalition proffers the people of England.

Let us remember that the SNP is investing in excess of £500 million in colleges in 2012-13. From the day that the SNP Government came to office in 2007 up until the end of the spending review period, it will have invested £4.7 billion in further education.

Meanwhile, the UK Government is directing a 25 per cent real-terms cut at further education in England between 2010 and 2015. That is massive, disproportionate and twice the size of the cut in Scotland. Couple that with the trebling of tuition fees in England and I am sure that Scotland’s college students share my relief that the days of direct Tory control over further and higher education in Scotland are a distant memory.

However, events do not stand still. The plans for regionalisation that are detailed in “Putting Learners at the Centre” and in Russel Griggs’s report, which was announced yesterday, will change the nature of the FE sector in Scotland. Those plans will, I hope, make the sector more responsive to skills demands, particularly in the green sector. They will also help to ensure that colleges are in the best position to deal with the difficult public finances that the country faces.

In my constituency, which is served by Elmwood College, there will be regionalisation of the non-land-based provision while the college pools its resources with the Scottish Agricultural College and others to provide a land-based specialism. There may be a paradox between the two approaches, as the Cabinet Secretary for Education and Lifelong Learning said yesterday, but it is geared towards delivering a modern and efficient further education system. There is, of course, no threat to the campus at Elmwood.

We have spoken a lot about college funding. I sensed a touch of confusion between price and value. We have also spoken about youth unemployment. Of course youth unemployment is too high. That is why we established a Minister for Youth Employment and the opportunities for all programme. We need to look at matters in context—

**The Deputy Presiding Officer:** I am afraid that I must ask you to conclude.

**Roderick Campbell:** We will be preserving the total number of college places.

**The Deputy Presiding Officer:** I call Neil Findlay. You have a maximum of four minutes.

10:10

**Neil Findlay (Lothian) (Lab):** Michael McMahon, Liz Smith and Anne McTaggart set out well the terrific work that colleges do and the need for the services that colleges provide. I am a product of West Lothian College, where, like Michael McMahon, I was taught craft skills when I was an apprentice and where I studied at night school to gain the qualifications that I needed to go to university. Later, I undertook leisure classes at the college.

We need colleges at all times and especially at times of significant and rising unemployment, as Gavin Brown said. Yet here we are, discussing serious and disproportionate cuts to the colleges budget that will have far-reaching consequences for institutions’ ability to deliver the courses of which we have been speaking so highly. It is completely illogical to cut college funding at such a time. We have been told time and again that it will be impossible to maintain courses and places.

I thought that the Government would pull the consequential rabbit out of the hat and ensure that colleges got additional funding. I honestly thought that the Government had got the message. We know that the cabinet secretary likes nothing more than the sound of his own voice, but I thought that he would have heard very clearly the voices of the 70,000 students who have contacted members of this Parliament, and the voice of the NUS, beside whose representatives he was glad to be photographed signing the NUS pledge before the election.

**Graeme Dey (Angus South) (SNP):** Will the member give way?

**Neil Findlay:** No chance. I have four minutes.

It appears that the cabinet secretary has not heard those voices. His ears are closed. Let us be clear: he has taken a deliberate political choice on the matter and he cannot blame anyone else.

The cabinet secretary has made much of his £15 million transformation fund, but what is the money for? It is not a transformation fund; it is a redundancy fund. It is a sacking fund and a job-losses fund. The only thing that will be transformed is people’s status; they will go from being employed to being unemployed. That is the cabinet secretary’s transformation fund.

Despite cuts of 8.5 per cent or 10 per cent—depending on the figures that we look at—we are told that colleges have been instructed to maintain

student numbers at 96 per cent and that SDS will make up the 4 per cent shortfall. Presiding Officer, I do not know whether you are an economist or a mathematician; perhaps you can help me out. It strikes me that a college that loses 18.5 per cent of its teaching grant over two years will find it somewhat difficult to retain courses, places and staff. Liam McArthur exposed the issue well.

It is appalling that college principals still do not know what their budgets will be for next year, even though it is February. They were promised the news in December. Perhaps someone will tell us today when they will get the news of their budget allocations.

In November the cabinet secretary attended a seminar at Dunblane Hydro. As a result of a freedom of information request we received information about what was said. These are comments from the people whom the cabinet secretary charges with delivering the changes:

"The reform program is not being pursued on the basis of evidence. There seems to be no concrete evidence that a regional model will deliver better results. This invites the view that the reforms are about saving money alone".

"The pace of the reform is far too quick."

"Considering cuts to funding, Government has unreasonable expectations of the sector."

The cabinet secretary tries to kid us on that it will all be fine. We know that that simply does not stack up.

10:14

**Michael Russell:** Let me start with the one area of agreement in the Parliament today—with the exception of the personal abuse, which I will not get involved in—[*Interruption.*]

**The Deputy Presiding Officer:** Order, please.

**Michael Russell:** It was interesting to hear personal abuse, because I know—and other politicians, such as the Conservatives, know—that when the argument is thin the abuse always comes out, which is what happened.

Our one area of agreement is that colleges in Scotland are very much needed and very much valued. However, that does not mean that they are immune from the cold winds that are circulating in the entire economy, which were fanned first by Labour and then by the Tories and Liberal Democrats. The kindest thing to say about Mr Findlay is that he lacks understanding of public finances. He believes that there is some "consequential rabbit". Well, there is no consequential rabbit, okay? Labour shot it and the Tories have eaten it. If Mr Findlay is looking for a consequential rabbit, he will spend a lot of time looking into black holes, because it is not there. We are faced with the reality of financing.

**Gavin Brown:** Will the cabinet secretary give way?

**Michael Russell:** No, I will not give way to Mr Brown. I have heard too much from him this morning, and it has all been nonsense.

The fault lies in the UK economy, the funding of the Parliament and the unnatural nature of the constitutional settlement. If we had a constitutional settlement that allowed the Scottish Government and Parliament to spend and raise money in a normal way, we would not be having this debate. However, we do not have such a settlement. The extraordinary situation is that the Opposition parties know that, but cannot admit it to themselves.

There has been no answer whatever on where the money will come from. We have simply had constant complaint. I want more money for all education.

**Gavin Brown:** No, you do not.

**Michael Russell:** Yes, I do. Unfortunately, we are going to have a pantomime, because I will simply reply: "Yes, I do."

**The Deputy Presiding Officer:** No, we are not.

**Michael Russell:** No, indeed. Probably, Mr Brown will see the consequential rabbit hopping across the chamber somewhere.

The reality is that there has been not one indication of where the money will come from. We are facing the reality. It is the college sector, not the Opposition, that is rising to the occasion and taking forward a difficult programme professionally and well to ensure that the places and quality continue.

As I have only a short time to speak, I will simply set out 10 facts that indicate the reality. First, from 2007 to the end of the current spending review, we will have invested £4.7 billion in colleges, which is 40 per cent more in cash terms than the investment that was made under the two terms of the previous Administration. Secondly, south of the border, in England, there is a 25 per cent reduction to further education in cash terms and a 32.3 per cent cut in real terms, which is coming from the Tories and Liberals. Thirdly, the Scottish Government's NPD investment in colleges represents additional capital investment of £300 million at a time when the resources that are available to us are declining. Fourthly, those planned developments, together with our on-going capital spending, will ensure that the value of our capital investment each year will be larger than that in any single year of the previous Administration.

Fifthly, in our manifesto last year, we said that we would maintain student numbers and college



student support, and that is exactly what we are doing. Sixthly, there is no reduction in the baseline for college student support. We have written to all college principals to make it clear that the student support budget will be maintained at the record baseline level that the Scottish funding council published in December 2010.

**Neil Findlay:** Will the cabinet secretary take an intervention on that point?

**Michael Russell:** No.

Seventhly, we have increased college student support by 25 per cent since 2006-07, from £67.3 million to £84.2 million, whereas in the four years prior to that, the previous Administration increased student support by just 8 per cent. Point 8 is that we have protected the education maintenance allowance, when the UK Government has scrapped the scheme for students in England, which has a direct effect on colleges. Ninthly, we will ensure that every single 16 to 19-year-old has a place in learning and we will prioritise college places for 20 to 24-year-olds. Finally, recent figures show that 88.9 per cent of school leavers are going to positive destinations, such as work, training or education, which is a 2 per cent increase on last year and an overall increase of nearly 5 per cent.

I am strongly behind the college sector. *[Interruption.]* The difference between me and the empty vessels that are cackling away among the Tories is that I am working with the sector to ensure productive and positive change. I am not indulging in the class war that we heard about this morning, and nor am I doing the dangerous thing that we heard from Mr McMahan, who actually talked down the achievement of our universities. I am solidly in favour of colleges and universities and the progress of education in Scotland, and I am proud to be a member of a Government that is driving that forward. We will drive it forward successfully and we will see the results.

10:19

**Murdo Fraser (Mid Scotland and Fife) (Con):** I am grateful to all members who have contributed to the debate. Its level and intensity reflect the public interest in and concern about the subject, which is demonstrated, as many members said, by the thousands of communications that each of us have received from across Scotland.

**Graeme Dey:** Will the member take an intervention?

**Murdo Fraser:** I will make some progress first, if I may.

We have become used to debating the SNP's broken promises in the chamber. As Neil Findlay just reminded us, every SNP MSP in the run-up to

the election signed up to NUS Scotland's reclaim your voice campaign, pledging to protect graduate numbers and college places, to improve student support and to rule out tuition fees. It is arguable that the SNP has failed even on that third point, due to the hike in fees for students coming to Scottish universities from the rest of the UK. There can be no dispute, however, that the SNP is breaking its promise on the first two points.

We have seen a typically robust defence from the cabinet secretary this morning. The word "bombastic" has been a bit overused in the debate, but it came straight from the Michael Russell textbook: the first line of defence is to accuse your opponents of distortion and scaremongering. There are tens of thousands of e-mails that tell a different story. That is not distortion and scaremongering; it is a reflection of genuine concerns.

We have only to listen to those in the sector, such as Hugh Logan from Motherwell College, who talked about the "deeply disturbing" cuts, or John Burt from Angus College, who talked about a "severely impaired ability to deliver for future learners";

or NUS Scotland, which has said that it is "deeply concerned" by the situation. I say to the cabinet secretary that that is not scaremongering. That is representing people's concerns, which is what we are paid to do in this chamber.

**Neil Findlay:** Given the volume of contact that members have had with people on the issue, does Mr Fraser not find it astonishing that in a debate as emotive as this we have not heard a single utterance of criticism from any SNP back benches? Is that not astonishing?

**Murdo Fraser:** I am long past the point of being astonished by the meekness of the SNP back benches. I hope that one day they may find their collective backbone.

I will move on to the second line of the Michael Russell textbook defence: blame somebody else. In this case, he blames the UK Government for the budget settlement. However, as we heard from Gavin Brown and others, the Scottish Government's budget has been cut by 1.3 per cent in real terms, but Mr Russell's cut to colleges is 8.5 per cent. That is a choice that the SNP and no one else has made.

John Swinney told members in the chamber last week that the consequentials were £130 million. The only rabbit in sight is the cabinet secretary caught in the headlights of this debate.

The third, final and desperate line of defence from the Michael Russell textbook is that if all else fails, you descend to the gutter and accuse your opponents of being anti-Scottish. We have heard that from SNP back benches before, but to my

knowledge this is the first time that we have heard that particular line from an SNP cabinet secretary. The mask has slipped this morning and the true, ugly face of the SNP has been exposed. I say in all seriousness to the cabinet secretary, for whom I had a great deal of respect, that I expected better from him. I hope that in a moment of quiet reflection he will realise that to call into question the patriotism of his political opponents just because they take a different view on a political issue is unworthy of him and his party.

**Michael Russell:** Of course, that is a typical tactic of the Tories. The point to which Mr Fraser refers is my allegation that the Scottish tradition of free education is so important that to put it in jeopardy risks the whole of Scottish education. I have said that repeatedly and I will go on saying it, because it happens to be true. If the member is proposing fees he should say so, because that is against the Scottish tradition of higher education.

**Murdo Fraser:** That is a pathetic attempt to wriggle out of the expression of abuse in the chamber. Accusing his opponents of being unpatriotic is beneath him. I had hoped that he might apologise, but it says much about the man that he missed that opportunity.

Hugh Henry was absolutely right that it is not just the SNP that speaks for Scotland. Its overwhelming mandate in May last year represents less than 23 per cent of the population. There are other voices in Scotland that should be heard and not dismissed.

Far from improving student support—Liam McArthur made a fair point about this—we are seeing cuts to bursary funding. The cabinet secretary uses weasel words when he talks about the baseline. The facts are simple: we are seeing an £11 million real-terms cut in bursary funding. I remember working on a cross-party basis in the previous Parliament with NUS Scotland to deliver an additional £15 million of bursary funding, but that is now being reversed. That breaks a clear promise in the SNP manifesto, which says:

“For the future, we will protect the advances already made.”

As Liam McArthur reminded us, in February 2011, Angela Constance, the then Minister for Skills and Lifelong Learning, said in a press release:

“I can confirm we will guarantee the additional funding for bursaries, not just for next year, but for the full four-year parliament.”

Nothing could be clearer than that; it is yet another SNP broken promise.

It is no excuse to say that those promises have been broken because of a difficult budget settlement. The SNP was well aware, going into the election in May, exactly what the funding

settlement was. The SNP made the choice to cut student support—no one else did that for them. We know why that choice was made. The money that could have gone into colleges has been diverted into higher education because of the SNP’s dogmatic opposition to a graduate contribution. Despite everything that we have heard from the cabinet secretary, the Scottish social attitudes survey in December could not have been clearer. Only 20 per cent of people in Scotland support the proposition that students should have to pay no fees. Every choice has a consequence, and we are seeing the consequences for college funding of that choice by the Scottish Government.

As we heard from Hugh Henry and other members, there could not be a worse time to cut college places. Youth unemployment has doubled since the SNP came to power in 2007. Young people do not want to sit at home doing nothing if they cannot find jobs, as is the case, sadly, for all too many of them. They want the opportunity to take up college and training places, which is why it is so short-sighted to cut back on college funding now. Unless the SNP is prepared to change its ways, the consequences of its actions will be with us for many years, with a lost generation of young people.

In the budget next week, the SNP has the opportunity to put matters right. I hope that despite all the noise and bombast that we have heard in the debate this morning, in a moment of quiet reflection in the few days that remain before the budget is finalised, the SNP will listen to the voices in the debate and take the right steps to restore funding to our colleges and support our young people.

## Prison Visiting Committees

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

The next item of business is a debate on motion S4M-01878, in the name of Annabel Goldie, on prison visiting committees. This debate is every bit as tight as the previous one, so I ask members to keep strictly to their times.

10:28

**Annabel Goldie (West Scotland) (Con):** I am pleased that we have the opportunity to debate prison visiting committees this morning. I thank Patrick Harvie for lodging a motion on 17 January that encapsulated admirably why this issue is so important. I had no hesitation in supporting the motion and I was not alone in doing so. To preserve that consensus, I have repeated the motion verbatim—I could not improve on it. I look forward to Patrick Harvie's contribution to the debate.

I use the word "debate" advisedly. The Scottish Government's approach to this matter is less than perfect; indeed it is manifestly flawed. However, I have noticed since last May that although the First Minister and I disagree on many things, he has not regarded his majority as a mandate to steamroller through any Scottish National Party pet project. Indeed, where reasoned argument has been deployed and the possibility has emerged that the Scottish Government might not have got something right, he has deferred to the Parliament and shown a willingness to listen. I very much hope that this debate may allow that precedent to be observed today.

I shall comment briefly on the role of our Scottish prison visiting committees and, in doing so, thank and pay tribute to the dedicated volunteers who organise and carry out those visits. They do something unique. In a captive situation, which is what a prison is, no matter how well intended the Scottish Prison Service and prison officers are, for prisoners they are part of the system—part of officialdom. Many prisoners feel unable to trust them or confide in them.

The prison visitor, on the other hand, is something very different: a person who is independent, who has no axe to grind and who is not part of the system. It is no surprise, therefore, that prison visitors can establish a positive relationship with the prisoner in a way that is impossible for many prison officers. That is not a comment on the prison officer; it is simply a consequence of what prison is.

There is ample evidence to suggest that a prisoner may speak to a prison visitor when they will speak to no one else. That is not supposition on my part: the HMP Addiewell prison visiting

committee's response to the 2011 consultation notes a variety of ways in which the prison visitor was able to intervene in important issues in an important way.

The other aspect of prison visitors is that they do not inspect; they independently monitor, and they do so consistently. It is also acknowledged that they may be far better able to identify a potential suicide risk.

It is not surprising, therefore, that prison visitors are regarded as helping and supporting the prison service in a very positive manner. That is certainly the private view of a number of governors and prison officers. Indeed, it would be bizarre for a prison officer to hold a different view, unless to such a prison officer a conscientious prison visitor was a tiresome inconvenience.

Prison visitors enjoy an attribute that I would have thought would be irresistible to any Government: they are free, because they volunteer their services. The cost of training and operating the VC scheme annually is approximately £75,000, and the services that visitors volunteer for that modest outlay are impressive.

I have mentioned the Addiewell example, but there is also the visiting committee for young offenders in Cornton Vale. According to its 2010-11 report, seven visitors made 205 visits in that period. I understand that each visit is six hours long.

Interestingly, for pretty obvious reasons, the prison visitation scheme has never needed anyone to plead its case. The virtues have been self-evident, as was recognised in the 2005 review. The "Report on the review of prison visiting committees 2005" stated:

"At the outset, the group tackled in depth the fundamental question of whether there was still a need for VCs paying particular attention to the existence of the Prisons Inspectorate and the Scottish Prisons Complaints Commissioner ... Discussions took place with the Chief Inspector of Prisons and the Complaints Commissioner who agreed that there was a distinctive and important albeit complementary role for visiting committees. Principally, the distinctiveness arose from VCs being representative of local communities, being independent of the prison service and in the sustaining of a continuing regular relationship with a particular prison."

Importantly, that review group concluded that visiting committees "should be retained".

Following that review, the then Labour-Liberal Democrat Scottish Executive accepted 32 of the 39 recommendations. In 2007, the incoming SNP Government endorsed that position.

The Scottish Government then—for reasons that were at best opaque, because it had already endorsed the 2005 report—decided to undertake a

further consultation last year. I say “opaque”, because normally a consultation is instigated when something is no longer working or is no longer relevant, or when external circumstances have dictated change.

However, that was not stated to be the case in the consultation document. Tellingly, it said that the key driver for the consultation was the Scottish Government’s commitment to simplify the landscape of public sector organisations in Scotland. It was nothing to do with prisoners or prisons, with trying to replace a very good service with a better one or with the most basic of human rights. I support the principle of public sector reform, but not if that means trampling all over people’s human rights, and not if a very good service is replaced with a less good one at far greater cost to the taxpayer.

Nonetheless, the consultation proceeded, and the results are most informative. Overwhelmingly, respondents voted and believed that the visiting committees should remain, and that they should complement Her Majesty’s inspectorate of prisons. The respondents overwhelmingly endorsed the 2005 review and overwhelmingly rejected integration of visiting committees with the Scottish Prison Service.

Any view that the work of prison visitors could be undertaken by HM inspectorate of prisons was blown out of the water by HMIP itself, whose submission recognised

“the importance of local and regular monitoring of individual prisons. The individual Visiting Committees carry out this role, which also includes dealing with complaints. HMIP does not deal with prisoners’ complaints.”

To me, the most intriguing response came from the Scottish Prison Service, which was the only organisation to oppose the continuation of visiting committees. Its response is that prisons have changed and that more people from outside enter them in a variety of capacities. Well, what has changed so dramatically since 2005? The answer is nothing. So, overwhelmingly—indeed, one might say crushingly—

**John Finnie (Highlands and Islands) (SNP):** Much has changed. There is more collaborative work between councils and the health service. Organisations dealing with harm reduction and with dependency and substance abuse are now present in prisons. That is certainly the case in Inverness.

**Annabel Goldie:** I accept the point that Mr Finnie makes about the ancillary activity that takes place, but nothing has changed about the fundamental character of a captive prisoner being looked after by a prison service and the complete conflict of interest if the prisoner has an issue with the prison service.

The reek of self-interest from the Scottish Prison Service’s submission is overpowering. I do not think that the SPS likes independent prison visitors or their monitoring prisoners, establishing relationships that the SPS cannot emulate or investigating complaints, all of which are probably about as welcome to the SPS as a thistle in the backside. If I were the SPS, I probably would not like it either. But this is not about the SPS; it is about prisoners who, whatever they have done, are entitled to independent—

**The Cabinet Secretary for Justice (Kenny MacAskill):** Will the member give way?

**Annabel Goldie:** I am very tight for time, Mr MacAskill. Please forgive me if I continue with my argument.

The Scottish Government may be inclined towards a narrower view of the SPS and the position of prisoners within it, but my concern is that prisoners must have access to independent help, support and advice, because that may well be needed at times when they are making a complaint against the prison service or against the Scottish Government. On the whole issue of human rights, I think that everyone in the chamber will have received a letter from the Scottish Human Rights Commission in which it says explicitly that it shares my concerns and fully supports my motion. So this is not solely my interpretation of the matter.

I urge the Scottish Government to consider this very carefully. Why abolish the much admired provision of independent support to prisoners carried out by committed and able volunteers? Why replace it with a contracted service that will be liable for VAT and cost the public purse an estimated £1.2 million; will be unable to replicate the depth and extent of the service provided by prison visitors; will result in greater pressure on prison officers; will almost certainly contravene international law and invite legal challenge; and, most important, will leave that most vulnerable section of our society—a captive prison population—without resort to truly independent support and help?

I have pleasure in asking the cabinet secretary to listen carefully to the views advanced in the debate. We will not be supporting the amendment.

I move,

That the Parliament notes with concern the Scottish Government’s proposals to abolish prison visiting committees and replace them with a prisoner advocacy service; considers that the independent scrutiny of prison conditions through regular, unannounced inspections and the independent examination of prisoner complaints is an important check and balance for the prison system; believes that, as they provide regular external scrutiny, are appointed from the local community and are independent from the Scottish Prison Service, prison visiting committees

provide a distinct but complementary role to Her Majesty's Inspectorate of Prisons; notes that the Scottish Government's consultation on the independent monitoring of prisons, which was carried out in 2011, did not include proposals for an advocacy service to replace the committees and that 59 out of 60 respondents to the consultation wanted to retain the independent oversight role that it considers the committees fulfil; further notes that, in 2005, a review of the committees recommended that they be re-established as independent monitoring boards and that there should be changes to improve their impact and consistency; understands that, on 22 December 2011, the Cabinet Secretary for Justice said that the cost of running the committees was less than that anticipated for the proposed advocacy service, and believes that prison visiting committees offer excellent value for money, that they should be retained and that the proposed prisoner advocacy service should complement, but not replace, their role.

10:38

**The Cabinet Secretary for Justice (Kenny MacAskill):** Let me first put on record my thanks to Annabel Goldie for the constructive manner in which she has articulated her case on the radio and in the chamber. While we disagree on various matters, including the legal advice, we are more than happy to enter into discussion with her and other parties. We have already put on record the fact that we will be entering into discussions with stakeholders about how we ensure that we continue to provide the services that are necessary for prisoners and that those services are fit for purpose in the 21st century. I echo her by taking this opportunity to put on record my thanks to all those who have worked as volunteers in prison visiting committees for their service over the years. I appreciate their efforts and the dedication that led them to work in this field.

Visiting committees were first created for Scottish penal establishments in 1877. Obviously, our prisons during the Victorian age were very different places from prisons in the 21st century. Times have changed and it is right that support for prisoners also changes. Prison visiting committees were originally intended to serve two key purposes: first, to resolve complaints and issues from prisoners; and, secondly, to provide independent monitoring of prisons. We undertook a consultation exercise on the first of those purposes last year, seeking views about the current role of the prison visiting committee system.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Why were no focus groups undertaken in the women's prison as part of that consultation? Having worked there for 19 years and having been a justice minister, I know that the visiting committee at Cornton Vale has had a profound influence on that institution and on maintaining it. Now that women are dispersed to Saughton and Greenock, it is even more necessary that women

prisoners—who are different—should have their rights sustained by PVCs.

**Kenny MacAskill:** The consultation that was carried out was meant to be limited, which is why we are carrying out further consultation as we are statutorily required to do, although we also seek to do it as a virtue. I will be happy to engage with Richard Simpson on that. We recognise that there are specific problems in women's prisons and I look forward to working with Richard Simpson and Annabel Goldie when we receive the report of the Angiolini commission. It is welcome that we are united in the chamber in ensuring that we address the difficulties that prisoners face and in looking for a solution. I look forward to a more constructive debate in Parliament in future years—I welcome the fact that Dr Simpson is nodding—to address the particular problems that afflict those who are in female prisons.

In addition to carrying out that written consultation, we met several prisoner focus groups. The majority of prisoners to whom we spoke were not aware of visiting committees and the fact that they could resolve complaints and issues.

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** The cabinet secretary will also know that those prisoners who had experience of visiting committees had a very positive attitude towards them.

I ask the cabinet secretary to solve a mystery for me. How can it be sensible or logical for him to introduce legislation to ensure that there is visiting of police cells to fulfil our obligations under international law while, at the same time, he is removing visits from prisons? People are genuinely puzzled by that contradiction.

**Kenny MacAskill:** That proposal is in the Police and Fire Reform (Scotland) Bill because the visiting committees for police cells are not currently compliant with the optional protocol to the convention against torture—OPCAT. They are not on a statutory basis and we are putting them on a statutory basis. The same does not apply to prison visiting committees. In respect of prisoners, we have Her Majesty's inspectorate of prisons for Scotland and we are subject to challenges under the European convention on human rights—a matter that sometimes vexes the Conservatives, although I welcome the transformation there—with legal aid and litigation lawyers. The difference is the statutory basis.

The recent HMP Barlinnie inspection report by HM inspectorate of prisons told us that, in 2010-11, only 14 prisoners asked to see a visiting committee member. Given the fact that, in 2011, Barlinnie had more than 6,400 admissions, that strongly supports the view that visiting committees

are not well known among prisoners and that prisoners make little use of them. There is an unmet need.

**Lewis Macdonald (North East Scotland) (Lab):** Will the cabinet secretary take an intervention?

**Kenny MacAskill:** I have to make some progress.

The second purpose of visiting committees—to provide independent monitoring—also needed to be revisited. Prisons today are more accountable, transparent and open than they were in 1877. Nowadays, the Scottish Prison Service, headed by the chief executive, is fully accountable for all that goes on within prison walls. HMIP carries out a full programme of routine and follow-up inspections, and a range of service providers regularly visit and work in prisons.

We know that there are two things that we need to do. First, we must independently monitor prisons. Secondly, we must provide a service that supports prisoners with complex needs, such as those who abuse alcohol or drugs or who have mental health problems. The time is right to ask some questions. Are we providing the right service to meet the complex needs of prisoners today? Are visiting committees still the best way of meeting those needs?

**Patrick Harvie (Glasgow) (Green):** Will the cabinet secretary give way?

**Kenny MacAskill:** I am afraid to say that I do not have the time.

Do visiting committees have the right set of skills to meet the challenges or do we instead need to develop a service that brings increased expertise?

We need to safeguard prisoners who are vulnerable and discriminated against; empower prisoners who need a stronger voice; enable prisoners to gain access to information and whatever help they need; and represent prisoners who are unable to represent themselves. I want a service that has a professional and effective approach to helping prisoners to make decisions and take control of their lives, that will modernise our approach to supporting offenders and that will complement all that we are doing.

A further public consultation will start in May. We will use that opportunity to seek a broad range of views on what a new service fit for purpose in the 21st century might look like. I am happy to engage with representatives of Opposition parties on that work and look forward to reflecting on the issues and ideas that are raised in the consultation. My officials will continue to work in collaboration with the Convention of Scottish Local Authorities and other partners to help to shape

thinking about how we modernise our approach and services to meet prisoners' needs.

**The Deputy Presiding Officer:** Please conclude, cabinet secretary.

**Kenny MacAskill:** I look forward to the consultation. I do not believe that a status quo that was established in the 1870s is credible in the 21st century. We need an advocacy service that provides for prisoners' needs but we are happy to work with members and people elsewhere to ensure that we deal with needs and wants, that we are compliant and that we meet prisoners' rights through independent monitoring.

I move amendment S4M-01878.1, to leave out from "notes with concern" to end and insert:

"recognises the dedication and commitment of volunteer members of prison visiting committees but considers that, since the role and remit of the committees were designed in the 19th century, it is necessary now to develop an appropriate service fit for the 21st century; further notes that complaints by prisoners are now dealt with by the Scottish Prison Service (SPS) in line with best practice as set out by the Scottish Public Services Ombudsman's Complaints Standards Authority; notes that, on monitoring, the chief executive of the SPS is accountable to the Scottish Ministers for compliance with legislation on the management and treatment of prisoners and that inspection of prisons is being delivered efficiently and effectively by HM Inspectorate of Prisons; further notes that research has identified that prisoners need a dedicated advocacy service that could provide them with independent advice and support; notes that the Scottish Government is considering how to build on the role performed presently by visiting committees by introducing a dedicated independent prisoner advocacy service to support prisoners in ways that match modern needs, and notes that the Scottish Government intends to carry out a further public consultation on these proposals in 2012 and will discuss the proposed timetable with stakeholders in developing the best way forward."

10:46

**Lewis Macdonald (North East Scotland) (Lab):** I very much welcome today's debate and the cross-party approach that has been taken by both Annabel Goldie and Patrick Harvie and which will attract very widespread support across this Parliament and beyond.

Equally, concern is widespread about Kenny MacAskill's announcement in December that he favoured the abolition of visiting committees. That decision, which I hope he will genuinely review, appeared, as Annabel Goldie pointed out, to pay heed only to the views of Scottish Prison Service senior management and not to the views of the many others who responded to last year's consultation. For example, Alec Spencer, the convener of the Scottish Consortium of Crime and Criminal Justice, which comprises many outside bodies with knowledge and experience of the prison service, spoke for many this week when he said:

“the system is in need of modernisation. But that is a different proposition to their abolition ... Visiting committees”

need

“to be made effective and relevant to the current Criminal Justice landscape.”

**John Finnie:** In 2009-10, visiting committee visits in Aberdeen totalled 20, with two applications made. Does the member acknowledge that that does not suggest any growing demand among the clientele?

**Lewis Macdonald:** Quite the contrary. I would put forward Aberdeen prison visiting committee as a model of exactly the kind of independent local voice that will speak out on behalf of those serving time in prison. Indeed, on Tuesday, Councillor Jim Kiddie, the convener of Aberdeen prison visiting committee, told the *Evening Express*:

“There are SNP councillors on prison visiting committees who are extremely dismayed at the Justice Secretary’s decision.”

Of course, Mr Kiddie is an SNP councillor and member of Aberdeen City Council administration. I am sure that his concerns are shared by many in all parties who give time and effort to support prison visiting committees.

Annabel Goldie mentioned the SHRC, which, although it

“welcomes”

the cabinet secretary’s proposal to create

“a new advocacy service for prisons ... considers that this should run alongside the human rights protections that are currently provided by prison visiting committees.”

Moreover, the cabinet secretary did not answer at all Malcolm Chisholm’s point on the Government seeking to strengthen statutory protection for those in custody in police cells while weakening the position of those who provide such protection to people in prison.

**Alison McInnes (North East Scotland) (LD):** As we know, an advocacy service will visit prisons on a very planned basis. Does Lewis Macdonald agree that one of the huge strengths of visiting committees is that their visits are frequent and unplanned?

**The Deputy Presiding Officer:** You have two minutes left, Mr Macdonald.

**Lewis Macdonald:** That is indeed one of their many significant strengths. Indeed, it is worth emphasising that the members of visiting committees are local volunteers, often local elected representatives, who are unpaid and give freely of their time and effort.

The cabinet secretary and Mr Finnie referred to the low number of people who take matters up

with visiting committees. I am sure that they both, and indeed members across the chamber, know ex-offenders who will vouch for the difference that prison visitors make to their ability to deal with and change their offending behaviour.

**Kenny MacAskill:** Is the member not aware of the support for the Government’s position of providing an advocacy service from Tom Halpin, the chief executive of Sacro, which is precisely the organisation that deals with the care and resettlement of offenders and interacts with them? Does the member agree that Mr Halpin, who was on the radio along with Ms Goldie, has knowledge and should be listened to?

**The Deputy Presiding Officer:** Mr Macdonald, you are going into your last minute.

**Lewis Macdonald:** I heard Mr Halpin. There are now two people who support Kenny MacAskill’s position. That is clearly a lot better than one, but Mr MacAskill must listen to all the other voices and all the other people with knowledge and interest in the area, including members of his party in local government and, I suspect, on the back benches.

If the timetable is to consult on his proposals in the spring, will the cabinet secretary not merely meet the statutory requirement and the letter of the law, but consider the spirit of the Public Services Reform (Scotland) Act 2010, under which he seeks to take the action that he proposes? Its spirit is to challenge costly and inefficient delivery of public services. Will he recognise that the service that prison visiting committees deliver is neither costly nor inefficient but is successful because it takes the best possible advantage of the enthusiasm and commitment of prison visiting committee members? Before he seeks to pursue the abolition agenda, will he please take those concerns away and think again?

**The Deputy Presiding Officer:** We turn to the open debate. Speeches should be a maximum of four minutes, but if members can make their points in less than that, we might fit everyone into the debate.

10:51

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I, too, welcome the debate, and I welcome the amendment. Many have been concerned about what seemed—I stress the word “seemed”—to be a fait accompli on the question of the continuation of prison visiting committees. I ask Annabel Goldie to look again at the amendment, which does not use the word “abolish”, I am delighted to say. It leaves the door open by stating:

“the Scottish Government is considering how to build on the role performed presently by visiting committees”.

As we all know, the cabinet secretary is—how can I put it?—a robust reformer. That is no bad thing in itself, but he is a man in a bit of a hurry. Some of us end up saying, “Hold on a wee minute. What’s happening here? What is proposed?” He is not in reverse at the moment, but I am glad that he has put the brakes on things for the time being.

We heard a reference to the statutory process from the Labour benches. I am delighted that we are taking that route, but I should say to members that the Justice Committee has been concerned about prison visiting committees and considered the evidence that should be put before us, and it might look into the matter, perhaps in tandem with the statutory process or before it. It is up to the committee to decide on that in considering its work programme. I stress that I am not speaking as convener of that committee today, but as a back bencher.

The Parliament, and back benchers of the Government party in particular, have a duty to ensure good governance, but it is also appropriate that that duty is embodied in the committee structure. We must all remember that, regardless of whether a majority Government comes from a single party or, as we had in the first eight years of the Scottish Parliament, a coalition—that was also a majority Government. The Parliament should now be mature enough to debate matters that deliver the better governance of Scotland.

As for the substance of the issue, the process has been delineated in a letter from the deputy director of community justice to the Association of Visiting Committees. A draft order will be laid by 30 April and there will be a 60-day sitting and public consultation process. Thereafter, there can be further consultation. We at least have that as a backstop. As I said, the Justice Committee might do other things.

I want to look at the continuing role of prison visiting committees. I quote from a letter from Neil Powrie about the committees:

“Of 60 responses to the consultation, 59 wanted to retain VCs and only one, the SPS - the very body which VCs are set up to monitor - was in favour of abolition.”

The independence of the prison visiting committees is terribly important.

The issue of independent advocacy is also extremely important. The cabinet secretary is right to say that times have changed and prisoners have complex problems. Those of us who have been here for 12 years are well aware of the great difficulties: mental health problems; drug and alcohol problems; literacy problems, and so on. The move towards independent advocacy is much to be welcomed because it will give us the link to throughcare. Those of us who have been on the relevant committees in the Parliament know that,

when prisoners walk out of prison, that is sometimes the end of the care.

**Malcolm Chisholm:** Will the member take an intervention?

**Christine Grahame:** I am terribly sorry. I have exactly one minute to say the rest of what I want to say.

For me, the jury is out. I tend towards the position of supporting prison visiting committees. I see, for instance, that they have made 246 visits to Cornton Vale, and I know that Alison McInnes has drawn the Justice Committee’s attention to the real issues there. Her Majesty’s chief inspector of prisons could not have made those 246 visits, and that point is terribly important. Perhaps the figure is not as good for other prisons, but the visits to Cornton Vale are important. However, we also require to consider independent advocacy.

I look forward to the debate opening up. I am pleased that the motion was lodged, as I know that prison visiting committees have been an issue for members across the political parties, and I am glad to see that the amendment does not use the word “abolish”. It leaves the door open to debate. I would like members to consider the terms of the amendment before they vote tonight.

10:55

**Mary Fee (West Scotland) (Lab):** I register my concern at the Cabinet Secretary for Justice’s plans to abolish prison visiting committees, which have a vital role in our prison system. The service model is envied throughout the United Kingdom and Europe.

The decision to abolish the prison visiting committees seems to have been taken solely by the Cabinet Secretary for Justice, with a push by the SPS. That was the only body that called for their abolition in the consultation. The voices of the majority of the other correspondents are being ignored. Fifty-nine out of 60 favour keeping the prison visiting committees. The majority of those who are in favour of keeping them are, like me, not opposed to an advocacy service, on two conditions: first, that it works in parallel with the prison visiting committees; and, secondly, that any new body is independent of the Scottish Prison Service.

The work of those who volunteer for prison visiting committees is being undermined and the removal of the statutory protection of prisoners’ human rights is further punishment for those who are serving any length of sentence. Independent inspections ensure the wellbeing of prisoners and highlight areas of concern that prisons and staff must address. Prison visiting committees have a statutory right to visit prisons at any time to



address issues that affect prisoners and their wellbeing. An advocacy service would have no such role. That adds to the gap that was left by the abolition of the Scottish Prisons Complaints Commission in 2010.

The proposals make no economic sense. The advocacy service would cost an extra third of the cost of the prison visiting committees. There is also the human aspect. Families of prisoners need peace of mind that their loved ones are safe and are being looked after in prison. The prison visiting committees help to give such clarity to families. They know that the prisoner can highlight any complaint and that prison visiting committees can detect any abuse in the prison system.

Prisoners can be confident that the issues that they raise with prison visiting committees, regardless of their nature, will be dealt with appropriately. Prisoners with mental health issues can speak in confidence to prison visiting committees, and their families can be assured that the support that they need is being provided. Governors regularly meet members of prison visiting committees and they give comprehensive reports on a number of issues. The independence of the prison visiting committees gives them their strength. Their loss is at odds with the Government's commitment to fairness, compassion and social justice.

Over the past few weeks, I have received many letters of concern about the proposal to abolish the prison visiting committees not just from prisoners' relatives, but from volunteers. Some are concerned that the proposal is being seen as an attempt to abolish public bodies. There are 16 independent prison visiting committees; there is not one umbrella organisation, as some members have suggested.

In the Hugo Young lecture last week, the First Minister emphasised his commitment to Scotland being a "beacon for progressive opinion" and a more socially just and tolerant society. In August last year, a Russian delegation came to Scotland to find out more about prison visiting committees and what they do. They found an independent service that protects prisoners' human rights. As I stated earlier, the service is envied throughout the world, and it must be protected. If the decision is what the First Minister and his party claim to be a "beacon for progressive opinion", they are clearly misguided.

10:59

**Stuart McMillan (West Scotland) (SNP):** A couple of weeks ago, I met up with three representatives from a prison visiting committee, and was greatly interested in their comments and their passion and commitment to what they do. I

appreciated their honesty when they said that they knew that the prison visiting committees system needed to be updated. There was a slight—I emphasise the word "slight"—touch of, "If it ain't broke, why fix it?", but in the main there was an understanding that an organisation that was created in the 19th century should be brought into the 21st century. They were not against change and were more than happy to play their part in it.

Another point that they raised was their welcome of the introduction of an advocacy service. They said that it should have happened many years ago and they warmly welcome the cabinet secretary's determination to introduce it. They accepted that professionalising assistance in prisons can only be a positive step forward.

I do not mind saying that I was extremely heartened by the generosity of spirit and time from the individuals I met, and by their determination to provide the best possible service. As the cabinet secretary knows, as a result, I wrote to him about the issues that were raised.

I have had to consider what the right way forward is for the service and for services to prisons as a whole. I have had to ask myself whether the visiting committees should be scrapped. After all, they were established in the 19th century, and life today is different from then.

**Annabel Goldie:** I realise that amnesia can be alluring and attractive for politicians, but I remind the member that something has happened since the 19th century, namely the intensive review of 2005, the findings of which were endorsed by the SNP.

**Stuart McMillan:** I will come to that point later in my speech.

Life is different now from how it was in the 19th century. Prisons are different, inspection services are different, the services available to prisons are vastly improved and there is even more scrutiny of the situation for the returning prisoner.

I am not so naive as to think that we will never need prisons or that any Government of any hue will solve the problem of the revolving-door prison population—that is, repeat offenders. If we, as a society, had the answers to those problems, we would have introduced them some time ago—obviously, we have not. As a result, we need to consider the range of services that are provided and think about who receives public money.

Across the chamber this morning, we have been unanimous in our appreciation of the work that the prison visiting committees undertake. The cabinet secretary could not have been clearer in his comments or in his amendment. However, the amendment also states that there is a clear procedure for prisoners to utilise if they wish to

complain—they can do so through the SPS complaints system. Further, the chief executive of the SPS is accountable to Scottish Ministers for the treatment of prisoners.

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

**Stuart McMillan:** I am in the last minute of what is only a four-minute speech.

Her Majesty's chief inspector of prisons also carries out inspections. I do not think that any MSP, irrespective of the side of the chamber on which they sit, could argue that the HMIP reports are a sop to the Government of the day. The independence of HMIP and the reports it publishes may not always be welcomed by the cabinet secretary or his predecessors, but that is a strength of our system.

I welcome the introduction of a further public consultation on the proposals, and discussing the timetable with the stakeholders is a positive step forward.

I acknowledge what has been said about the 2005 report. However, to be honest, if it will take only a couple of months to get a longer-term system in place, I welcome that. I do not think that a delay of a couple of months should concern the chamber.

I urge the Parliament to work to get this right for the future and I hope that there is regular scrutiny of whatever is implemented as a result of the consultation.

11:03

**Margaret Mitchell (Central Scotland) (Con):**

On 5 December last year, members of the prison visiting committees—who are unpaid volunteers—received a letter from the Cabinet Secretary for Justice, informing them of the outcome of the consultation on the independent monitoring of prisons, which stated that

“the time is now right to replace the current function of the Visiting Committees”

and that, consequently,

“the current service would be replaced by a dedicated independent advocacy service.”

That is the general background to the decision.

From that, the following points are evident. First, in deciding on that course of action, the cabinet secretary dismissed the fact that a majority of respondents—98 per cent—are in favour of the retention of visiting committees. He said that that is because the majority of the respondents—55 per cent—were visiting committee members. If that approach is taken to its logical conclusion, we can confidently predict that if, in the Scottish Government's forthcoming consultation on

separation—which is more commonly referred to as the independence referendum—a majority of people decide in favour of Scotland remaining within the United Kingdom, their views will be dismissed on the basis that they are unionists. How ridiculous.

Section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003 creates a legal requirement that

“Every person with a mental disorder shall have a right of access to independent advocacy”.

That includes prisoners with mental health issues. However, despite that requirement, the evidence that the Scottish Independent Advocacy Alliance presented to the Equal Opportunities Committee when it carried out post-legislative scrutiny of the 2003 act confirmed that

“Access to independent advocacy by prisoners is generally non-existent”.—[*Official Report, Equal Opportunities Committee*, 16 March 2010; c 1480.]

Independent advocacy is a legal requirement and should already be available to prisoners who have mental health issues, and to other vulnerable prisoners who have complex needs. To that extent, the new independent dedicated service is welcome. The nub of the issue is that the advocacy function—under the 2003 act, for example—is intended to provide more specialised independent support to deal with complex issues for vulnerable people who do not have the capacity to speak or advocate for themselves. That is entirely different from visiting committees' functions and role.

Rather than duplicating services that are proposed or are in place, visiting committees provide complementary services which—crucially—include truly independent and objective monitoring of prison conditions, operations and services, and the handling of prisoner complaints, through regular unannounced visits. Visiting committees provide invaluable information—often at variance with the official SPS line—for parliamentary committees that are taking evidence on prison conditions and issues that face prisoners. That might well explain why the SPS was the only consultation respondent that is in favour of abolishing visiting committees.

Given the Scottish Government's stated commitment to open, transparent and accountable government, it is astounding that that principle is not being applied to monitoring of the SPS, which is an agency of the Government. Visiting committees have a proven track record and are a source of unique and virtually daily in-depth, immediate and independent intelligence about prisoners and how prisons are working.

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

**Margaret Mitchell:** Consequently, the visiting committees should be retained as an integral part of any improvements.

11:07

**Margaret Burgess (Cunninghame South) (SNP):** It is clear that members across the chamber agree about the valuable role that prison visiting committees have played over the years in monitoring and improving prisoner conditions, but we must accept that prisons today are more accountable and transparent than they were when the visiting committees scheme was established. I welcome the cabinet secretary's announcement that consultation will take place on how best to meet our prison population's complex and varied needs. The focus of a modernised service must be on rehabilitation and on ending the revolving prison door.

In my previous job, I was involved in delivering an advice and information service for prisoners in HMP Kilmarnock. That started with an information day that involved prisoners, prison officers and representatives of local statutory and voluntary sector organisations. The object was to find out from prisoners what services they felt would help them to prepare to be resettled in the community. When I spoke to the prisoners, I was struck that many of their concerns were similar to those that people brought to the local citizens advice bureau, although prisoners' problems related to the impact of their prison sentences on matters such as their bank accounts, benefits, housing and pets. Some such issues can be sorted out relatively easily by third-party intervention, but if they are left they can become a problem for the prisoner later down the line.

**Dr Simpson:** What Margaret Burgess says is crucial, but is not of much relevance to prison visitors. I commend the Government for having introduced a new system for dealing with complaints, concerns and comments in the national health service. Prison visitors deal with comments and concerns before they become complaints—that is the system that is being abolished.

**Margaret Burgess:** The cabinet secretary has said that he is going to consult on the service that he feels is best for our prison population. I am saying that I think that the advocacy service is the best service.

**Malcolm Chisholm:** Will the member give way?

**Margaret Burgess:** No. I have used up half my time by giving way.

Many prisoners also have mental health issues and addiction and literacy problems. They require intensive support and mentoring to help to build

confidence and skills and to develop links with the community. That does not happen through the prison visiting service.

I was also struck by the number of agencies in prisons providing services to prisoners. Lots of good work has been going on but it has not been fully co-ordinated. Any prisoner support service will undoubtedly involve a range of agencies, and it might well involve some of those who are involved with prison visiting, but the service needs to be simplified, co-ordinated and, above all, effective for prisoners and their families. We need a holistic service that is tailored to the needs of individual prisoners to ensure that every prisoner who needs it gets effective and responsive advocacy that will give them the opportunity to improve their situation and access mainstream services.

Any new service should be standardised throughout the prison estate, and should have the prisoner and their family at the centre. The same quality and depth of service should be provided in every prison, thereby allowing support to continue seamlessly should the prisoner be moved to another prison—which is not uncommon—or be released to somewhere other than their home area. It is essential that community links that are established be maintained.

I believe that this modernised approach to our penal system that focuses on breaking the cycle of reoffending is the right way forward. I encourage all interested agencies and individuals to take part in the consultation. I support the amendment in the name of Kenny MacAskill.

11:11

**Graeme Pearson (South Scotland) (Lab):** In the light of the Government's consultation, any fair-minded person would question the wisdom of a Government proposal that is partly justified by the view that there are too many public bodies and a measure that would get rid of 17 of them in one go.

Prison visiting committees have more than 100 years of experience of visiting prisons and dealing with prisoners' concerns. Staffed as they are by local, unpaid, independent-minded, concerned and motivated people, the committees are not Government-paid service providers who are mindful of the next contract round. The current proposals remind me of an earlier debate about the abolition of the police complaints commissioner—an option that was equally rushed but was, thankfully, later abandoned in the light of members' concerns.

People in our prisons, some of whom have been convicted and some of whom are innocent but are being held on remand, are in a particularly

vulnerable position. Many are weak, poorly educated, mentally ill or confused because of language difficulties. All prisoners need to know that prison visiting committees exist not because it is a paid job and the visitors are beholden to the state, but because they are locally based, fair-minded and committed to ensuring an independent assessment of prisoners' circumstances with a view to delivering—this is the important element—fair and decent treatment.

I have no reservations about supporting SPS staff. Their efforts are there for us all to see. Long gone are the violent decades of prison disruptions. However, the high standards in our current system are in no small part due to the efforts of independent visiting committees that exist to safeguard proper treatment and humane standards. The Government's proposals to abandon the work of those volunteers look mean spirited and short-sighted. The idea that some agency, or even the current committees, could tender and win the contracts and administer them more effectively by spending a small amount of money on training staff is perverse and without the support of evidence.

The Government should invest in the current prison visiting committees so that they can reorganise and ensure that appropriate training standards are maintained. The history and commitment of prison visiting committees, acknowledged by the minister in his "cheerio" letter of 5 December, deserve better. Prison visiting committees merit our support. Without doubt, much is still to be done to improve prison policy and service, but the proposal seems to me to be tinkering at the margins. I support Annabel Goldie's motion.

11:15

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** It is important to say at the outset that, despite the concern that exists that the Government does not recognise the role of prison visiting committees, that is far from the case. In his speech, the cabinet restated his thanks to the members of prison visiting committees for their work, just as he had done in a letter to the Justice Committee. It is important to put that on the record.

**Malcolm Chisholm:** As one of my colleagues said, it is a case of, "Thanks and goodbye." Does Jamie Hepburn not realise that, although its amendment talks about building on the role of visiting committees, the Government wants to abolish that role and to create a completely different service that is highly desirable, but which will not in any way perform the role of the visiting committees?

**Jamie Hepburn:** I can only imagine that Mr Chisholm was asleep during the cabinet secretary's opening remarks, when he said quite clearly that the process that he was talking about was one of open consultation. That process will continue, so it will be possible for such views to be heard. I do not think that the cabinet secretary has had anything but good words to say about the work that visiting committees have done in the past, and he has made the important point that the role should continue.

**Lewis Macdonald:** Will the member take an intervention?

**Jamie Hepburn:** I think not: we back benchers do not have as much time as those who sit on the front benches. I will continue, if Mr Macdonald does not mind.

It is important to recognise the reality of the situation. I understand the point that Annabel Goldie made when she said that things have not changed since the consultation that was undertaken in 2005, but I do not think that it is entirely correct. John Finnie was clear in stating that things have changed in our prisons since 2005. I will say no more than that, because his words speak for themselves.

The environment in prisons in the 21st century is dramatically different from the age when visiting committees were first established. In the modern era, we have an independent inspectorate. We have a higher standard of facilities, although there is still work to be done in that regard. In addition, we have human rights legislation that did not exist back in the 19th century. It was interesting that Annabel Goldie referred to political "amnesia" in an intervention on my colleague Stuart McMillan; I remind her that it is her party alone that wants to withdraw from the European convention on human rights and to abolish the Human Rights Act 1998. We should face the fact that, in the modern age, we are in a very different set of circumstances from the circumstances that existed when visiting committees were first established.

**Dr Simpson:** Will the member give way?

**Jamie Hepburn:** I am afraid that I will not, because I have only just over a minute left.

It has been suggested that there will be a gaping hole if the proposed changes are made. There has been a failure to recognise—although not across the board, because Margaret Mitchell recognised this—that there is, potentially, a gaping hole at the moment. The cabinet secretary's remark that very few prisoners are aware of visiting committees or engage with them was well made. We should remember all the prisoners who have serious issues such as mental health and substance addiction issues, to which Margaret Burgess referred. Let us think about the gaping

hole that exists in current arrangements for those prisoners. That must be the flipside of the argument.

It has been suggested that it is the prison establishment—prison governors—that supports the Government's position. That is partly true, but it is also the case that Tom Halpin, the chief executive of Sacro, has said that he supports the Government's position, so it is hardly just an establishment view.

It is correct that we examine the current arrangements to see whether they are fit for the 21st century. We should remember that we are talking about an open consultation that will continue.

11:19

**Patrick Harvie (Glasgow) (Green):** These are strange days. This morning, not just one, but two Tory motions that I can whole-heartedly endorse have been brought to the chamber. Indeed, one of them is so well drafted that I could almost have written it myself. [*Laughter.*] Last night, a member was heard to refer to Annabel Goldie as "comradely". These are strange days for all of us.

These are also strange days because the SNP Government, which is normally never done congratulating itself for its surefootedness, has such a confused and unclear position on the issue.

The Government's amendment talks about building on the valuable role of visiting committees, as did the cabinet secretary in his speech, but only on Monday this week, the Government sent a letter setting out a timetable, the last line of which ends "disbandment of VCs". If the Government wanted to begin a consultation and—as the cabinet secretary said—to ask questions about whether visiting committees are the right structure for the future, most of us would be perfectly open to that discussion and to considering the options. However, the Government has begun the process with its conclusion that prison visiting committees should be disbanded. I ask the cabinet secretary to say—if the Government is serious about having that consultation and that discussion—in his closing speech that he will withdraw the letter of Monday this week that specifies a timetable for the disbandment of visiting committees, because that is not an honest and open consultation.

The position on prison visiting committees is puzzling and unclear also when we compare it with the Police and Fire Reform (Scotland) Bill, chapter 16 of which will put on a statutory footing an independent visiting service for custody. If the right approach for custody is not only to continue current practice but to put it on a statutory footing, why is it the wrong approach to endorse the

independent visiting service for prisons? The Government advances a completely contradictory position. I ask the Government not only to clarify the confusion between the arrangements that it proposes for custody visiting and those for prison visiting but, if it is serious about a consultation, to withdraw Monday's letter and the timetable that specifies the outcome of that consultation before it even gets under way.

11:21

**Jenny Marra (North East Scotland) (Lab):** I echo the point that my colleague Graeme Pearson made about the imperative for the reform. The cabinet secretary set out his imperative for the reform in a letter that he wrote to the convener of the Justice Committee. He said:

"We have reduced the number of public bodies ... The SNP's election manifesto makes clear commitments in this regard.

In this context, since taking office in 2007, the current administration has been considering the role and function of prison visiting committees."

The reduction of the number of public bodies is not really the context in which we should consider abolishing the important independent scrutiny role of prison visiting committees.

In his opening speech, the cabinet secretary pointed out that visiting committees are not well known among prisoners. Well, in that case why does he want to reinvent the wheel? It is clear from the evidence that the committees are doing an effective and invaluable job, so he should promote them more in our prisons.

The cabinet secretary said that an advocacy service has to be fit for 21st century prisons. There is a role for more advocacy in our prisons, but the cabinet secretary is not replacing like with like and the need for an advocacy service does not override the need for independent scrutiny.

The cabinet secretary also doubts the principle of visiting committees because they were established in 1877. I am of the opinion that many principles of law do not become irrelevant with the passage of time. Indeed, principles such as independent scrutiny, backed up by European law and international protocols on torture, should never become outdated just because the cabinet secretary wants to reduce the number of public bodies.

He also cites Sacro as one of the two supporters of his proposals. That comes as no surprise to me because, only last week, in answer to a question in the chamber, he cited Sacro as one of the potential contractors for his proposed new advocacy service. It is no surprise that it has joined the Scottish Prison Service to support his proposals.

Stuart McMillan said that complaints can be referred to the chief executive of the Scottish Prison Service. I met the chief executive of the Scottish Prison Service at Polmont prison on Monday afternoon: I can assure Mr McMillan that the chief executive is a busy man. There are 8,000 prisoners in the Scottish prison estate—that is one of the highest proportions of any country in the world. The Scottish Prison Service's chief executive cannot have eyes and ears everywhere. Indeed, even if he did have, the elephant in the room would be the inherent conflict of interests.

Stuart McMillan and Margaret Burgess talked about the revolving prison door. I do not think that any member disagrees that we must reduce reoffending in Scotland, but that is not the point. The cabinet secretary is not replacing like with like and he is not even touching on reoffending. We need more advocacy, but the independent scrutiny that visiting committees provide is a completely different function.

The cabinet secretary's proposals are opposed by the chief inspector of prisons, the community justice authorities, the Howard League for Penal Reform, the Association of Visiting Committees, 59 out of 60 consultees so far and all parties in the Parliament except the party of the Government.

11:26

**Kenny MacAskill:** Let me kill a canard that Jenny Marra and Graeme Pearson have put forward. Visiting committees are collectively treated as one, so it is not about clearing the landscape by culling numerous bodies, as has been suggested.

I welcome the tone of the debate. Members have acknowledged that there is an issue and that the Government has made a commitment to engage constructively. I look forward to hearing from Mr McLetchie, because on 4 December he said:

"It seems too many prisoners are wasting valuable staff time by making complaints about anything and everything."

I look forward to hearing from a reconstructed Tory party and, as we move towards having Elish Angiolini's report, I look forward to constructive commitments from members of all parties on how we will deal with the rights of the most vulnerable prisoners.

Many members, in particular Margaret Burgess, flagged up the problems that we face. Prisons have moved on—prison visiting committees were set up in 1871, not 1877, but I do not want to argue semantic points. Prisons have changed dramatically and there is unmet need. Some 50 per cent of prisoners do not even know of the existence of visiting committees and 50 per cent do not know what the committees do. As John

Finnie said, there were two requests in Aberdeen and there were seven in Inverness. Out of 6,400 admissions to Barlinnie prison, 14 prisoners asked to see the visiting committee in 2010-11 and in the previous year the number was 29.

**Annabel Goldie:** Will the cabinet secretary take an intervention?

**Kenny MacAskill:** I will let the member in shortly.

There is unmet need, which we must address. That is to be welcomed. As members said, matters can be dealt with in a variety of ways, because there are two issues: monitoring and advocacy. I welcome the acknowledgement that advocacy services are required. Advocacy services cannot properly be provided by visiting committees, which do not have the resources, the knowledge, the skills or the expertise to do that. The people on visiting committees are good people who care immensely and do many good individual actions, but they are not trained or qualified, which is why we need a specialist advocacy service.

There is an argument about monitoring, which we must consider.

**Patrick Harvie:** Will the cabinet secretary be clear? He talked about beginning a consultation, but on Monday his Government set out a timetable that leads to disbandment. Has he already decided to disband visiting committees, or has the proposal been dropped?

**Kenny MacAskill:** It is clear that under the status quo the system is not functioning properly, as the visiting committees themselves accept. We must address the matter. I have undertaken to consider not just the statutory consultation but the spirit of the debate.

We require a specialist advocacy service. I acknowledge that there are issues to do with monitoring, and I am happy to enter into not just debate but discussion with Mr Harvie and other members.

On the issue that Mr Harvie raised in his speech, police cell visiting is not on a statutory basis, which is why it is in the Police and Fire Reform (Scotland) Bill. The OPCAT issue is clear. We are OPCAT compliant not because we have visiting committees but because of an array of other matters. As Mr McLetchie knows, the Government is subject to the ECHR and we have an independent inspector of prisons who deals with such matters and who has staff who are not simply a secretariat, but people who carry out investigations. Not only does the inspector carry out set and routine inspections of the prison service, but he can and does make spot checks—one at Cornton Vale has been mentioned.

We also have the Scottish Human Rights Commission, which has been mentioned, and we have legal aid and lawyers. As Miss Goldie will know, challenges to this and previous Governments relating to prisoners' rights have been of great concern. The cost to the Government in relation to stopping out and other matters did not arise because of challenges that were brought by visiting committees; it arose through challenges that were based on the ECHR and which in many instances were brought by legal-aided lawyers or by lawyers who were working speculatively. Therefore, the Government is held to account by those who pursue prisoners' rights. As I said, that comes at great cost. On that basis, we are already OPCAT compliant.

I recognise the arguments that the role of HM inspectorate of prisons is different and distinct from that of visiting committees. On that basis, I am more than happy to enter into debate and discussion to consider how we can ensure that we are compliant on monitoring.

**Lewis Macdonald:** Given that the cabinet secretary has said that he wants to hold a consultation, debate and discussion with all interested parties, will he confirm for the benefit of local authorities that he anticipates that they will follow the usual procedures by replacing or renewing the membership of prison visiting committees following the local government elections in May?

**Kenny MacAskill:** On those matters, I will enter discussion with the Convention of Scottish Local Authorities. COSLA has not expressed opposition to the proposal, but I will again discuss the issue with it. With prison visiting committees and police and fire committees, we must ensure that matters continue to run.

In summary, the status quo is not tenable, given that the system was set up in 1871 and particularly given the unmet need that Margaret Burgess, among others, mentioned. We must have an advocacy service, but there are understandable and legitimate concerns about monitoring. I give an assurance that the Government will discuss that with members of Parliament and other stakeholders. I look forward to a similar commitment across the chamber when we deal with other matters, such as the Angiolini report.

11:32

**David McLetchie (Lothian) (Con):** Earlier this week, we heard about the phantom support of 11 SNP back benchers for the motion that was originally lodged by Patrick Harvie and which is replicated in the motion in the name of Annabel Goldie that we are debating today. That turned out to be a human error, rather than a political

conspiracy, although one wonders how it took the SNP so long to wake up to what was going on. No doubt questions are being asked in that respect. However, the fact is that SNP back benchers should have signed up in support of the motion, because they should be joining the rest of us in trying to persuade the cabinet secretary to drop his ill-conceived proposals to abolish prison visiting committees.

It has been maintained that prison visiting committees are being abolished so that they can be replaced by a Government-funded independent advocacy service, whether it is to be run by Sacro or A N Other. However, it is not an either/or situation. The new advocacy service will not deal with prisoners' complaints, nor will it monitor their welfare and conditions or the administration of prisons, which is what the visiting committees do. That is an entirely different role from that of the advocacy service that is envisaged, as Margaret Mitchell and Malcolm Chisholm pointed out. However, the Government has wilfully misrepresented the situation as being an either/or one.

The Government, in talking about the support that it claims to have for its proposals, has misrepresented the views of the chief inspector of prisons and of prison governors. In fact, the only view that has not been misrepresented, and the only view to which the cabinet secretary has paid any attention—not for the first time—is that of the Scottish Prison Service. However, even then, it is only the view of the executive members of the SPS board; the non-executive board members were never consulted.

**Kenny MacAskill:** Is David McLetchie not aware of the statement that was issued by Rod MacCowan of the Prison Governors Association, who says,

"Nevertheless, VCs were established in the 19th century",

and who goes on to say that "much has changed" and then to welcome the proposed changes? Bill McKinlay, the respected former prison governor of Barlinnie, who recently retired, talked about "the passing of time" and went on to say that we need

"A truly independent advocacy service expressly for the use and benefit of all prisoners but especially directed toward the most vulnerable".

Does Mr McLetchie not wish to listen to the practitioners?

**David McLetchie:** No one disputes the value of an independent advocacy service. The issue is whether it is an either/or situation or whether it is complementary. There was nothing in the cabinet secretary's remarks that contradicted that.

It is a great pity that Cathy Jamieson is no longer a member of Parliament, because in her

time as Minister for Justice in the Scottish Executive a review of visiting committees was undertaken that concluded in its first recommendation that

“Visiting Committees continue to serve a valuable function distinctive from other players and should be retained and their specific features capitalised on to contribute to the wider reforms taking place in the criminal justice system.”

Mr MacAskill endorsed that recommendation in December 2007 but, barely four years later, he is intent on the abolition of visiting committees. Indeed, he is trying to airbrush the Jamieson review out of history as if it never took place. Why? His pandering yet again to the SPS is no doubt part of the reason but, as Jenny Marra pointed out, he is in essence playing a crude numbers game to reduce the number of public bodies as part of the so-called decluttering of the landscape. The abolition of visiting committees will serve a useful purpose in that respect; indeed, it was the key driver behind the Scottish Government’s consultation, as its own summary admits and acknowledges.

The fact that visiting committees cost a mere £75,000 a year to run and involve 230 informed and committed volunteers in the independent and frequent inspection of our prisons and in safeguarding the welfare of prisoners, is apparently of no account—they are all to be sacrificed for this trivial purpose.

As we have heard, the UK is a signatory to United Nations and European conventions on the prevention of torture that aim to protect prisoners against ill-treatment. Independent inspection and monitoring is part and parcel of ensuring that our prisons comply with the highest international standards. No civilised society should treat the deprivation of liberty and the incarceration of prisoners lightly. The care that we take in that regard distinguishes our free society from oppressive regimes and criminal justice systems that have scant regard for human rights and due process, and in which mistreatment and inhumane conditions are all too commonplace. Accordingly, the support, to which Lewis Macdonald referred, that the Scottish Human Rights Commission has given for the retention of visiting committees comes as no surprise. However, like Patrick Harvie, I am astonished to find that the Government that is putting the role of independent custody visitors of police cells on to a statutory basis in order to comply with international conventions is also proposing to abolish independent prison visitors. Where is the logic in that?

Members from other parties know very well that Conservative members are no dewy-eyed softies when it comes to prison. We believe that prison works. For us, it is no mere coincidence that in

Scotland today we have a high prison population and the lowest crime rate for over 30 years. That is a simple equation that seems to be lost on the cabinet secretary.

However, even though we believe in the value of prison, that does not imply on our part a disregard for or indifference to the rights of prisoners and their welfare. I have been impressed by the commitment of many Conservative friends and colleagues who serve, and who have served, on visiting committees, to their work and their belief in its worth and value. I am sure that there are many MSPs of all parties who have received similar testimony in recent weeks.

The timetable for the proposed change has been put back by three months. Like Christine Grahame, I welcome that putting on of the brakes. It would be better if the cabinet secretary were to use the intervening period to drop the proposal. He could then flesh out the concept of his independent advocacy service, which was never consulted on yet has miraculously emerged as the outcome of the consultation. He could also implement the remaining recommendations on visiting committees that were in the 2007 review that Cathy Jamieson commissioned, and which would build upon what they do rather than destroy them. That would be a very good use of his time indeed. I beg to support the motion.



## Scottish Executive Question Time

### General Questions

11:39

#### Common Repairs

##### 1. Mike MacKenzie (Highlands and Islands)

**(SNP):** To ask the Scottish Government how it can assist private owners to meet the costs of common repairs where councils or housing associations propose significant improvements or repairs to the external fabric of blocks of flats with a proportion of private ownership. (S4O-00629)

**The Minister for Housing and Transport (Keith Brown):** In 2011-12, local authorities received more than £67 million in their capital and revenue grants to assist home owners, including in relation to maintaining and repairing properties. Although it is for the local authority to determine what assistance is provided, it can include providing advice and guidance, practical help or financial assistance by way of grants or loans.

**Mike MacKenzie:** Is the minister aware of the situation of private owners at Relief Land in Inverary, who are faced with a proportion of the significant cost of external repairs to the long-neglected 200-year-old tenement? What advice can he give to a pensioner with little savings who is suddenly faced with such a situation? Will he encourage Argyll Community Housing Association and Argyll and Bute Council to adopt a sympathetic attitude to such owners and make efforts to seek a constructive solution that minimises the immediate financial burden on owners?

**Keith Brown:** I am aware of the case that the member mentions. The tenements in question need repairs because of water ingress. I understand that Argyll and Bute Council and Argyll Community Housing Association have been working with tenants and owners to try to resolve the issue. I encourage Argyll and Bute Council and Argyll Community Housing Association to continue working with the owners who are affected by the matter and advise any owner who is concerned about the cost of the work to speak to the council, which will be able to tell them what help is available in their circumstances. It is worth noting that Argyll and Bute Council has a care and repair service, which provides free, independent and confidential advice and assistance to older home owners.

**John Mason (Glasgow Shettleston) (SNP):** Will the minister consider the idea that all flat owners should contribute to some kind of reserve

or sinking fund so that, when a major common repair comes along, there will be funds available to pay for it?

**Keith Brown:** That suggestion and the suggestion of a loans fund have been considered. However, we believe that it is right that local authorities, with the resources that they are given, should take the lead in the matter. It is for local authorities to consider these issues and provide whatever assistance they can.

#### Scottish Road Works Commissioner

**2. Humza Yousaf (Glasgow) (SNP):** To ask the Scottish Government what recent discussions it has had with the Scottish road works commissioner. (S4O-00630)

**The Minister for Housing and Transport (Keith Brown):** I met the Scottish road works commissioner on 17 January 2012, along with the national joint utilities group and the Scottish joint utilities group. I met the commissioner again last week to review the report on the impact of utility works on Scottish roads.

**Humza Yousaf:** The minister will be aware that roads are dug up and repaired in Glasgow extremely frequently over a relatively short period—in one instance, 16,000 times in one year. That undoubtedly has a damaging effect on the long-term quality of our city's roads, even if the repairs are to an adequate standard.

In his discussions, has the minister ever considered a levy of a small fee on utilities companies undertaking non-emergency road works, with the intent that the funds be accumulated over a set period of time and used to repair roads that have been subject to a history of road works?

**Keith Brown:** As part of the Scottish roads maintenance review, the Scottish road works commissioner was asked to consider the use of existing legislation that has never been invoked to ensure that utility companies contribute to the cost of making good the long-term damage that can arise in the way that the member describes. The commissioner presented his report to me at the end of 2011. The Government is considering how such a contribution scheme might operate and intends to bring forward proposals that will then be the subject of public consultation.

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

**3. Paul Martin (Glasgow Provan) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Health, Wellbeing and Cities Strategy last met members of NHS Greater Glasgow and Clyde and what matters were discussed. (S4O-00631)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Ministers and Government officials regularly meet representatives of NHS Greater Glasgow and Clyde to discuss issues of importance to local people.

**Paul Martin:** I welcome the cabinet secretary's decision to reject the plans by NHS Greater Glasgow and Clyde to close Lightburn hospital. However, she may be aware that while the consultation process was taking place, a number of services were withdrawn from Lightburn hospital or were scaled down. I seek an unequivocal assurance from the minister that she will ensure that those services are reinstated to the hospital.

**Nicola Sturgeon:** NHS Greater Glasgow and Clyde went through all the appropriate processes in presenting its proposal on Lightburn hospital. I considered the proposal—which it is my responsibility to do—and I reached the view, in line with the Government's commitment to provide local healthcare whenever possible, that it was not the right decision.

When I made the decision at the end of last year that Lightburn hospital should be retained, I asked the health board to work to maintain and improve the quality of services that were delivered from the hospital. The health board has assured me that that is the case, and it is currently actively considering what additional use can be made of the on-site facilities in the best interests of local people. I am sure that the board would be happy to discuss that in greater detail with the local member.

**Elaine Smith (Coatbridge and Chryston) (Lab):** In her discussions with NHS Greater Glasgow and Clyde, has the cabinet secretary discussed the positive contribution made by Scotland's only breast milk bank, which is based at Yorkhill, to the health of sick and premature babies? Will she urge other health boards to consider providing such a service?

**Nicola Sturgeon:** I thank Elaine Smith for her question and for her on-going interest in that issue. As she said, Glasgow hosts the only breast milk bank in Scotland. I recently attended an event in Glasgow to mark the fact that NHS Greater Glasgow and Clyde has become the first health authority in the whole United Kingdom to achieve the United Nations baby-friendly accreditation, which is a great credit to all those who work there. I assure Elaine Smith that I will discuss the issue with officials in NHS Greater Glasgow and Clyde, and involve officials in other health boards to see whether further steps require to be taken.

### **Whistleblowers (National Health Service)**

**4. Annabel Goldie (West Scotland) (Con):** To ask the Scottish Executive what national health service structures exist to support whistleblowers and what plans there are to develop them. (S4O-00632)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** The recently published partnership information network policy on implementing and reviewing whistleblowing arrangements in NHS Scotland sets out the key principles that are to be followed by NHS boards to ensure that staff are able to raise concerns safely, both internally and, in certain circumstances, externally. There are no plans at this stage to develop additional structures to support whistleblowers, although the PIN policy will be subject to regular review to ensure that it remains fit for purpose.

**Annabel Goldie:** Does the cabinet secretary accept that, within the NHS, lines of accountability become very blurred if an employee undertakes a particular role in, for example, a community health and care partnership, which has its own management and governance structures? If issues arise in such a case, to whom can the employee speak without fear of victimisation or reprisal?

**Nicola Sturgeon:** The PIN policy to which I referred sets out the key principles to which boards must adhere within the local policies. That includes information on who the member of staff concerned should raise concerns with in the first instance.

I am happy to furnish Annabel Goldie with the PIN policy. If, having seen it, she has further questions, or if the constituents whom she is no doubt representing here today have further questions, I am happy to answer those specific points. The policy deliberately seeks to protect staff who have issues of concern to raise. All eligible staff are also covered by the Public Interest Disclosure Act 1998 in that regard, but I am happy to enter into further correspondence with Annabel Goldie if that would be helpful.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I welcome the cabinet secretary's new revised PIN policy. Will she ensure that the policy—or, at least, a link to the policy—is circulated to every member of staff so that they are aware of it? In light of the concern about the cuts in nurses and allied health professionals, and the potential effect on front-line services that the cabinet secretary has committed to maintain, will she establish a helpline for whistleblowers to advise them on the correct course of action in the PIN policy and to support them if they decide that the matter must be taken further?

**Nicola Sturgeon:** We will ensure that the PIN policy is appropriately circulated to staff, because any policy will serve its purpose only if staff are aware of it and of how to take advantage of it. I have said to Richard Simpson previously—and I repeat today—that I am happy to examine the issue of a helpline. I will not give that commitment here today, but I am happy to consider it.

On the wider issue, we have very good partnership arrangements in the health service that have served us well, and I believe that they will continue to do so in what is now a difficult financial climate.

It would be remiss of me not to mention the University of Nottingham report that was published yesterday, which shows that NHS Scotland is a world leader in its industrial relations. I put on record my thanks to the staff, those in trade unions, and health board and Government officials who have worked so hard for a number of years to establish such positive procedures.

#### **Edinburgh Tram Project**

**5. Marco Biagi (Edinburgh Central) (SNP):** To ask the Scottish Government what its position is on assistance to those affected by the Edinburgh tram project. (S4O-00633)

**The Minister for Housing and Transport (Keith Brown):** Last September, City of Edinburgh Council agreed to allocate £445,000 for 2011-12 to its open for business fund to assist businesses affected by the project, with a further £455,000 allocated for 2012-13. The council announced last week that it is considering allocating a further £100,00 for 2011-12.

**Marco Biagi:** I am principally concerned about support for businesses in the west end. Can the minister confirm the Scottish Government's continued belief in the overarching principle that adequate support must be put in place for those businesses—for example, through repeating the 2009 discretionary non-domestic rates relief to compensate them for the disruption caused by the project?

**Keith Brown:** I am aware of the member's concerns and the work that he has been doing in this area. I assure him that both I and the Cabinet Secretary for Infrastructure and Capital Investment, Alex Neil, have made it clear to those involved in the trams project that they should be as sympathetic as possible to the long-standing issues affecting businesses. However, the Scottish Government has no locus to intervene in the Scottish assessors' decisions. The Scottish assessors are solely responsible for determining rateable values in Scotland, and in doing so they are independent of the Scottish Government.

#### **Agri-environment Budget**

**6. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what the impact of the proposed reductions in the agri-environment budget will be. (S4O-00634)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** In the current financial climate, we have looked carefully at the demand for agri-environment funding in Scotland and consider that our proposed budget will meet this demand.

**Claire Baker:** The cabinet secretary may be aware of concerns that true demand in the sector is masked by the difficulty in getting the right support and advice to apply for agri-environmental support. When that is in place, demand for such support, which contributes to our biodiversity targets and supports land managers, increases. In the light of the cut to the budget, how will the Scottish Government monitor its progress towards the 2020 biodiversity target and assess the contribution that the agri-environment budget is and could be making? Will the annual report to the Rural Affairs, Climate Change and Environment Committee provide sufficient information to allow such an assessment to be made?

**Richard Lochhead:** I will happily work with the committee to monitor the situation over the coming years. Against a very difficult budget backdrop, we believe that we have enough money in the pot to meet expected demand. The expected outturn for the current year is about £39 million, and we had budgeted £40 million. Despite there being a lower figure in the first year of the spending review period compared with the previous year, given the number of legacy schemes that have come to an end and the number of new schemes that are expected to come on stream, we believe that the budget will be there for the next three years, but we will continue to monitor this very closely.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** Will the cabinet secretary agree to review the complex rules that classify land eligible for rural priorities funding for high nature value farming to make the scheme more user friendly and to encourage farmers and crofters to use the scheme and to maintain our precious biodiversity?

**Richard Lochhead:** Rob Gibson correctly highlights the fact that crofters and farmers play a crucial role in protecting biodiversity and Scotland's precious environment. It is important that we learn the lessons from the current rural development programme, which is due to come to an end in 2014, to ensure that we get the next programme, which will last from 2014 to 2020, correct. We must very much take into account the factors that he raises.

**Jim Hume (South Scotland) (LD):** The cabinet secretary said that there was a reduction in the agri-environment budget due to a lack of demand, but does he agree with me and with RSPB Scotland that the demand has been altered by the removal of popular projects such as hedging, which were creating quite a large amount of demand?

**Richard Lochhead:** The budget has been cut not just because of a lack of demand but because the Lib Dem-Conservative coalition Government in Westminster cut Scotland's budget in the first place, so perhaps the member could direct some of his fire towards his United Kingdom colleagues in London. Individual schemes or measures under the budget headings change from year to year in line with demand, and we continue to keep a close eye on where that demand comes from.

### Single Fire and Rescue Service

**7. Jenny Marra (North East Scotland) (Lab):** To ask the Scottish Executive how it will ensure that the proposed single fire and rescue service has the capability to effectively co-ordinate emergency responses across Scotland at a local level. (S4O-00635)

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** The Scottish Government's reform of the fire and rescue services will protect and improve local services by creating more equal access to specialist and national capacity across the country and will create a new formal relationship with each local authority in Scotland. Local plans and a designated local senior officer for every local authority will strengthen co-ordination of the emergency response arrangements for all our communities.

**Jenny Marra:** Will the minister guarantee that a similar system of gold commanders will be used under the single fire service? If so, how will she ensure that they maintain the local knowledge that they currently depend on to tackle the most severe emergencies effectively under the new, unified service?

**Roseanna Cunningham:** The issue that the member raises will be for the new national fire service to make a decision on in considering a variety of other issues. We do not want to mandate that new fire service in advance with our view of what it ought to do. It will be for the new chief officer and the new fire service to put in place the appropriate mechanisms to ensure delivery on the ground. The whole purpose of the move is to strengthen the local delivery and the quality of the emergency services, and I am certain that that will happen.

**Alison McInnes (North East Scotland) (LD):** Will the minister give me an assurance that the vital network of retained fire stations across rural Scotland will be maintained under the Government's reforms?

**Roseanna Cunningham:** The retained fire service is a vital part of Scotland's national fire service and will, of course, continue in existence after the emergence of the new single national fire service, although the precise logistics of that will, no doubt, change over time, as they have changed in the past. It is something that the new service will have to look at and consider. As every member will know, there are issues in some areas that need to be addressed. However, in a country with the geography that Scotland has, the intention must always be for the backbone of much of the fire service to continue to be provided through the retained service.

**The Presiding Officer:** Question 8, from Derek Mackay, has not been lodged.

### Prison Visiting Committees

**9. Margaret McDougall (West Scotland) (Lab):** To ask the Scottish Executive what services will be lost when prison visiting committees are replaced with an independent advocacy service. (S4O-00637)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The new service is being designed to enhance prisoners' access to services in custody and the community that will contribute to reducing their reoffending. We want those who will deliver the service to have a good knowledge and understanding of the community justice system and be able to support prisoners as they move through the system. As well as looking to improve offender outcomes, we will ensure that there is no detriment to the overall service provision if the Parliament agrees to disband the visiting committees.

**Margaret McDougall:** My question has been superseded by this morning's debate. The cabinet secretary said that a lot of prisoners do not know about the service. Surely, that is a failing in the system and we should do more to promote the visiting committees rather than replace that first-class service, which is praised overall in the consultation. Although I support the advocacy service, I think that it should be run in conjunction with the prison visiting committees and should not replace them. Does the minister not agree that we need a body that monitors prisons and checks on prisoner welfare independently of the Scottish Prison Service?

**Kenny MacAskill:** I appreciate the member's points. As she says, 50 per cent of prisoners do not know of the existence of visiting committees.

As was pointed out in the debate, only two people sought their services in Aberdeen; there were only seven requests in Inverness; and, out of 6,400 admissions to Barlinnie last year, only 14 people requested their services.

There are two issues. First, how do we provide an advocacy service? We think that that is better dealt with through the provision of more specialist resources in that more complex area. Secondly, both Margaret McDougall and others raise a valid point about independent monitoring. We are happy to enter into discussion and debate about that. However, let us be clear: we must operate under the European convention on human rights until such time as David Cameron changes that fact, and we are subject to challenges. We have an independent inspectorate of prisons, we have a Scottish Human Rights Commission and, as we all know, the Government is frequently litigated against by people pursuing prisoners' rights who are not members of visiting committees but lawyers. Nevertheless, we will ensure that the doubt that people have about monitoring is addressed, and we will enter into debate and discussion.

## First Minister's Question Time

11:59

### Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00438)

**The First Minister (Alex Salmond):** Later today, I will take forward the Government's programme for Scotland.

**Johann Lamont:** Excellent.

Today I would like to discuss a Royal Bank of Scotland banker who enjoyed huge success but whose arrogance drove him to overreach himself and lead Scotland to disaster. [*Laughter.*] The First Minister need not worry—I am not talking about him. I am, of course, talking about Fred Goodwin, the Fred Goodwin to whom the First Minister wrote to back the deal that broke the bank. The First Minister wrote:

“Dear Fred,

I wanted you to know that I am watching events closely on the ABN front. It is in Scottish interests for RBS to be successful, and I would like to offer any assistance my office can provide. Good luck with the bid.

Yours for Scotland,

Alex”.

Yesterday, the First Minister admitted that with “the benefit of hindsight” he would “do things differently”. Does that mean that he is prepared to apologise to the people of Scotland for his serious error of judgment?

**The First Minister:** As I said yesterday, I regret writing that letter. That much is obvious. However, as I said to Johann Lamont last week, I really do not think that Fred Goodwin is the Labour Party's strongest suit. After all, as we now understand, my predecessor Jack McConnell recommended him for a knighthood and Gordon Brown as Prime Minister appointed him as one of his economic advisers. I certainly regret writing Fred Goodwin a letter, but I did not have him as a financial adviser; I did not have six meetings with him as chancellor as Gordon Brown and Alistair Darling did in the space of just over a year; and he was not at the heart of this Government, advising on economic policy. I really suggest to Johann Lamont that Fred Goodwin and the Fred Goodwin story are not the Labour Party's strongest suit.

**Johann Lamont:** In my previous life as a schoolteacher, if I asked a child to accept that they had done something wrong, I did not accept the defence of, “It wisnae just me.” It is not a defence to say that other people made mistakes as well.

What I asked the First Minister to do—and what he has singularly refused to do—was to apologise for his error of judgment. His judgment was wrong and he should apologise.

More important, however, the First Minister needs to learn a lesson from this. Mr Goodwin clearly got carried away with himself, did not ask the hard questions and became blind to the consequence. As the First Minister is in danger of doing likewise, let us look at the hard questions about separation; after all, I am not the only one who questions the First Minister's judgment. His former economic adviser, Professor John Kay, says that if Scotland were to remain in a currency union,

"It might ... cause people to start wondering what the point of independence was in the first place".

Will the First Minister tell Professor Kay and the rest of us what, exactly, the point is?

**The First Minister:** Before Johann Lamont wanders off the subject of Fred Goodwin, I remind her that the report on the Financial Services Authority's inquiry into the collapse of the Royal Bank of Scotland was published on 12 December last year. It names three politicians as being influential in the FSA's extraordinary decision to have lax financial supervision. The first is Tony Blair; the second is Gordon Brown; and the third is Ed Balls—one gone, one going and one still there.

As for the benefits of fiscal independence, I suspect that they have something to do with the fact that, right now, this Parliament controls about 12.5 per cent of Scotland's finances and resources. Under the Calman proposals, that figure will creep up towards 20 per cent. However, under independence, we will control 100 per cent. That sounds to me like a benefit of independence.

**Johann Lamont:** The First Minister needs to learn from history, not rewrite it. The fact is that it was the First Minister who said that the problem with banking regulation was that it was gold plated and that he would lighten it.

I am curious as to why the First Minister is sticking by his plan to remain in a currency union. Last week, to bolster his position, he told us that there were 67 countries with a similar arrangement; however, all week, in response to my office, to the Scottish Parliament information centre and to the media, he refused to name them. Indeed, he named them only 30 minutes ago. It took him seven days to get information that he could have got in seven seconds from Wikipedia. *[Interruption.]*

**The Presiding Officer (Tricia Marwick):** Order. Please settle down.

**Johann Lamont:** We do not want to have people making things up on the hoof. Will the First

Minister clear this up and give us three good examples of countries that do not have a central bank and are in a currency union?

**The First Minister:** Again, Johann Lamont tried to ask two questions in one. I turn to the first part of her question. She complained about one comment from me in 25 years about light-touch regulation. I remind her of the comments of the former Prime Minister who was in charge of these things in November 2005, as Chancellor of the Exchequer. Gordon Brown argued in a speech to the Confederation of British Industry on 28 November 2005 that he was proposing not just a light touch in regulation, but a limited touch. He went on:

"more than that, we should not only apply the concept of risk to the enforcement of regulation, but also to the design and indeed to the decision as to whether to regulate at all."

He was not just proposing light-touch regulation. He was proposing no regulation. *[Interruption.]*

The Labour Party should not have to rely on the Scottish Government to provide it with ammunition. If Johann Lamont wants to ask me the question, she should ask me the question. *[Interruption.]* Is it not better to come along and ask the question as opposed to wanting the answer in advance?

On the other question, of the 20 most prosperous countries in the Organisation for Economic Co-operation and Development, 11, including Switzerland, are in monetary unions. That sounds to me as if monetary unions are a pretty common feature across the planet and across prosperous countries.

Johann Lamont seems to complain that we have suggested that there should be a monetary union between Scotland and England after independence. We have merely pointed out last week and this week that such arrangements are not uncommon in the modern world and that the countries involved are still independent countries. It strikes me that, if it is good enough for all those other countries around the world, including 11 of the 20 most prosperous countries in the OECD, it might not be too bad a thing for Scotland.

Last week I helpfully explained why, given the huge protection that it would offer to the balance of payments, it might be rather a good thing for England as well. I am just trying to be helpful and co-operative. *[Interruption.]*

**The Presiding Officer:** Before Ms Lamont continues, I point out that there is far too much shouting across the chamber. Ms Lamont is asking the questions and the First Minister is answering them. Will the rest of you settle down?

**Johann Lamont:** Would that it were so. The fact of the matter is that, whatever that was, it was

not an answer, and it certainly did not clarify anything.

The reality is that up to a third of the countries that are identified in the 67 have no influence whatsoever. It appears that the First Minister is saying that he is pursuing independence at any cost. His case for independence is beginning to look like the RBS deal that broke the bank. He cannot provide the detail, and when we look at the proposal closely, it falls apart. He is proposing a currency union just like those in, say, Togo, San Marino or the Federated States of Micronesia.

In 2003, we were getting the euro. In 2005, we were getting a Scottish central bank. Yesterday, it was sterling, but somehow free from the Bank of England. Is it not demonstrably the case that the First Minister is simply unable to make an economic case for independence? Is he not in danger of becoming the Fred Goodwin of Scottish politics? [*Interruption.*]

**The Presiding Officer:** Order.

**The First Minister:** Johann Lamont seems not to have appreciated my point that 11 of the most prosperous countries in the world are in a monetary union. It is not an unusual state of affairs. Nor has she taken on board the point that I made last week, that Gordon Brown gave away the right to set interest rates in 1997, when he declared the Bank of England independent. I think that the Labour Party has to catch up with the policies that it pursued in government.

Johann Lamont finds it amusing that the countries that she named are in monetary unions. Let us look at some of the countries in the world that are not in monetary unions. The Democratic Republic of Congo, Iran and North Korea are not in a monetary union. So what exactly is the point? It is a reasonable proposition to argue that a monetary union is not uncommon in the modern world. I referred to 11 of the top 20 most prosperous countries in the OECD. I believe that, of the other nine, all but Japan have been in a monetary arrangement at some point in fairly recent history. Therefore, monetary unions are not uncommon in the modern world.

The purpose and point of independence is to control the country's taxation policy, resources and wealth. If we look at the past five years of Scotland's balance of income and revenue, we will see that it is a fact that we would have been £7.5 billion better off if we had controlled our own revenue and resources. That seems to me to be a rather powerful economic argument for independence.

## Prime Minister (Meetings)

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Prime Minister. (S4F-00432)

**The First Minister (Alex Salmond):** I am seeking early meetings with the Prime Minister, as I have been for the past six months or so. I hope that there will be an early meeting with him so that we can take forward a few matters on a mutual agenda.

**Ruth Davidson:** I presume that the mutual agenda is the referendum. Since the referendum consultation was launched in the chamber, members on the Government benches, from the First Minister right through his Cabinet and down to the lowliest of lowly back benchers, have been using the removal of nuclear-armed and powered submarines from Faslane as a reason for Scotland to become a state separate from the rest of the United Kingdom. The Faslane naval base is the largest single-site employer in Scotland, with 6,500 people working on the Clyde.

The latest Ministry of Defence figures show that there are 18,000 uniformed and civilian defence personnel based across 30 of Scotland's 32 local authority areas. That does not include the 4,500 workers in yards in Rosyth and on the Clyde who are building navy destroyers and aircraft carriers, or the thousands of other defence contractors throughout Scotland who are engaged in work for the UK military.

We know that the First Minister wants to decimate the 6,500-strong workforce at Faslane, but how many defence workers—uniformed or otherwise—does he plan to keep?

**The First Minister:** The estimated cost of a replacement for the Trident submarine fleet over the next generation is £100,000 million. I do not believe that even Ruth Davidson would argue that there could not be more sensible investment that would create far more jobs than investment in a new generation of Trident submarines.

The guarantee that we have given, as opposed to what has happened under the UK Government, is that we would maintain the military establishment in terms of bases after independence. That includes a naval base at Faslane, which, incidentally, is not just the home of the Trident fleet; it is also the home of minesweepers and other submarines.

I am interested in the proposition that there could be no orders for Scottish yards post-independence. On 4 October 2011, "Jane's Defence Industry"—the bible of military procurement—said:

"The UK Ministry of Defence (MoD) is entering the final round of bidding for its MARS (Military Afloat Reach and

Sustainability) Tanker requirement, with just three of the original six contenders left in the frame ... Daewoo Shipbuilding and Marine Engineering (South Korea), Fincantieri (Italy) and Hyundai Heavy Industries (South Korea) remain in contention."

Is Ruth Davidson's proposition really that the Ministry of Defence will purchase from Italy and South Korea, but not from the Clyde yards or Rosyth? Under current European Union regulation, that is perfectly permissible and possible. The Clyde yards exist because of the excellence of their workforce and the efficiency of the products that they produce. It would be quite interesting if, given its lowly position in Scottish politics, the Conservative Party realised that talking down Scotland in such a manner is not the way to obtain votes from the Scottish people.

**Ruth Davidson:** So, no answer then on the number of jobs that the First Minister plans to keep, just as there is no answer on what the one naval base in an independent Scotland would have in terms of minesweepers, destroyers or frigates, or on what would be done with the Marines and what would be done about a fleet auxiliary.

Let us look at the experts' response to the First Minister's defence plans. A former commander of the Black Watch, Lt Col Sir Andrew Ogilvy-Wedderburn, said that the First Minister had

"absolutely no grasp of how the British Armed Forces work".

Lord Robertson—[*Laughter.*]

**The Presiding Officer:** Order.

**Ruth Davidson:** Lord Robertson, the former secretary-general of NATO said that the First Minister's plans have "no coherence or relevance". He continued:

"And what about logistical troops? Or combat support and combat service support? Engineers, medics, communicators, reconnaissance, surveillance and intelligence forces ... Nothing is said about how this gap is to be filled".

Colonel Clive Fairweather, a former commanding officer of the King's Own Scottish Borderers and former deputy commander of the SAS, said:

"I have respect for some of the stuff the SNP come up with and are proposing, but when it comes to defence I don't think they have a scooby.

I do find Mr Salmond very, very, very weak in this area. I have watched him, I have been with him, he doesn't really understand it. He really doesn't get it."

There are many unanswered questions on the Scottish Government's plans for defence, but I will ask just one, which comes from a young Scottish soldier who is based down south and wrote to me this week.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** He has not been sacked yet, then.

**Ruth Davidson:** I would have thought that the member would have more respect. [*Interruption.*]

**The Presiding Officer:** Order. The member is speaking.

**Ruth Davidson:** He wrote:

"Dear Ms Davidson,

I am currently serving in the British Army and have done so for the past 2 years.

I am due to deploy on operations in Afghanistan in early April, I love my job and am proud to serve this country.

I am sure you are aware of the phrase 'back of a pag packet' and this it seems, is how Mr Salmond has developed his 'plan' for the Armed Forces.

I would be greatly appreciative if you could raise the following question for me ... Does he envisage a point where those serving will be forced to make a choice between the uniform in which they have faithfully served the crown and in many cases tragically lost friends, and the country of their birth?"

Well, does he?

**The First Minister:** People would certainly have a choice in terms of the armed forces in which they served. At the last count, I think that there are members of 23 nationalities serving in the British armed forces.

The issue of choice is a valuable one. The soldiers who are being made compulsorily redundant at the moment do not have a choice. They are being made compulsorily redundant by the Government that Ruth Davidson supports while many of them have been in theatres of conflict. That is no choice at all.

I met Clive Fairweather when I was marching to defend the Scottish regiments that were being shut down by the Labour Government. In that regard, I do not think that George Robertson is the strongest suit for the Conservatives. After all, not only did George Robertson say that devolution would kill the Scottish National Party stone dead, which I do not think has quite happened—[*Laughter.*]

Ruth Davidson should have a glance at today's Ipsos MORI opinion poll, which shows 49 per cent support for the Scottish National Party and 12 per cent support for the Conservative Party, which is a reduction even on that party's previous record low levels.

As I was saying, George Robertson described the strategic defence review as being neither strategic nor a defence review. Ruth Davidson should be careful whom she quotes.

On advisers, I liked the quotation that I read from the former financial adviser to the



Conservative Party and former member of this Parliament, Brian Monteith. Only two days ago, he wrote:

“By taking a position of no more powers because he says so, the Prime Minister has laid his party open to the charge of arrogance and left isolated those Tories who seek to defend him. With these injudicious comments in his name, the Prime Minister has consigned Ruth Davidson’s nascent leadership in Scotland to ignominy and failure.”

I never thought that I would find myself in agreement with Brian Monteith, but perhaps he is on to something at last.

**David Torrance (Kirkcaldy) (SNP):** The First Minister will be aware that, over the past three weeks, the chairman and three members of the board of Adam Smith College have resigned following allegations of bullying, intimidation, victimisation and financial mismanagement. What actions can be taken to hold an external investigation into the governance and management of Adam Smith College?

**The First Minister:** The Scottish Government takes very seriously allegations of this kind. It is important that all the facts are scrutinised before any specific course of action can be taken. To that end, the Cabinet Secretary for Education and Lifelong Learning has asked the Scottish Further and Higher Education Funding Council to take appropriate steps and report on the issue, taking account of all the evidence available and seeking assurances that the college’s governance and management practices are properly and effectively serving the needs of learners.

**John Pentland (Motherwell and Wishaw) (Lab):** I have been informed that one bid in relation to the Forth crossing included the supply of steel by Tata from the Dalzell plant in Motherwell. That would have been a major boost for employment in my constituency and in Lanarkshire, and for Scotland’s steel industry. Will the First Minister therefore explain why Transport Scotland has said that no Scottish firms were involved? Will he meet Tata’s chief executive to discuss the Scottish steel industry’s role?

**The First Minister:** I would certainly be glad to arrange a ministerial meeting. I point out that 118 subcontracts have been awarded to Scottish firms from the total of 155 subcontracts that have been awarded to date. That represents 76 per cent of total subcontracts. We can also consider that 870 of the 1,041 supply orders that have been awarded for the principal contract have gone to Scottish companies.

I cite those figures as strong evidence because I know that the member would not wish to give a misleading impression about the willingness to award contracts to Scottish companies when possible. The figures illustrate that determination. I

am happy to arrange ministerial meetings, because the evidence indicates a strong willingness among the consortium’s members—including Morrison Construction—to make awards to Scottish contractors when possible.

### Higher Education (Scotland-based Students)

**3. Nigel Don (Angus North and Mearns) (SNP):** To ask the First Minister what impact the increase in applications to Scottish universities from Scotland-based students will have on the higher education sector. (S4F-00445)

**The First Minister (Alex Salmond):** I am delighted that institutions in Scotland are reporting an increase in the number of applications from Scottish students. The Government has protected funding to our universities to ensure that Scotland continues to deliver world-class higher education. That is recognised in the fact that five of our universities are in the top 200 universities worldwide, which should be a matter for general celebration in the Parliament.

**Nigel Don:** Does the First Minister agree that, as applications by English students to English universities are down by 9.8 per cent and the number of Scots who are applying to study in England is down by 16.4 per cent, that demonstrates perfectly the destructive nature of the fee regime south of the border?

**The First Minister:** I noticed that the National Union of Students said that the figures fully vindicated the Scottish Government’s approach of abolishing tuition fees for Scottish students. The figures mean that the fears and claims that the Labour Party expressed have proved to be totally ill-founded. When the initial figures came out, it was explained that the Labour Party should wait until the complete figures were available. Labour should have taken that advice from the education secretary. Given the difficult position that faces our universities and students, the overwhelming opinion is that our universities are better funded than are any similar institutions across these islands.

Back in 1979, some people in the university sector campaigned not to be under the province of any Scottish Parliament. Now, I doubt whether a single person in the university sector would want to have anything other than the sympathetic treatment of this Parliament, as opposed to the fate that has been delivered to universities in England.

The decline in the number of English students who are applying to Scottish universities is half the decline in English students who are applying to English universities. It seems to me that the education secretary and our universities have got the balance right in maintaining the standard of

education in Scotland, maintaining the excellence, maintaining the broad cross-section and—above all—maintaining the entitlement to free education for the people of Scotland.

**Hugh Henry (Renfrewshire South) (Lab):** The £75 million per year that the Scottish Government is using to provide free tuition for foreign students could be spent on Scotland's colleges. Will the First Minister give me a guarantee that such spending will stop?

**The First Minister:** As the member knows, the education secretary is working to ensure that a charge of some kind can be applied to other students from the European Union. Hugh Henry should reflect on the fact that, across the sector, the biggest rise in student numbers has been in international students from outwith the European Union. I would have thought that he would agree that that indicates the excellence and quality of Scottish university education.

On the college sector, I point out the extraordinary increase in capital investment that affects colleges such as Forth Valley College, Dundee College, Inverness College UHI, the colleges in Glasgow—an amazing amount of capital investment has been made there—and Kilmarnock College. That investment is many times the investment that was made in any year under the Labour-Liberal coalition. The member should reflect on the fact that the regional structure for colleges and the capital investment that is being made is substantially good news for the college sector in Scotland. Just as there seems to be no complaint now, there is substantially good news for the university sector in Scotland.

### Youth Unemployment

**4. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the First Minister what action the Scottish Government is taking to address unemployment among young people. (S4F-00437)

**The First Minister (Alex Salmond):** I appointed Angela Constance as the first Minister for Youth Employment anywhere in these islands to lead our response in driving up youth employment, and I announced an additional £30 million investment to support the opportunities for all commitment.

**Christina McKelvie:** I welcome those actions, of course. However, the Labour Party voted against the Scottish Government's commitment to provide 25,000 modern apprenticeships in every year of the parliamentary session. Will the First Minister give us an update on the progress of the apprenticeships, which offer a vital way of ensuring that young people get the skills and

experience that they need to gain future employment?

**The First Minister:** I noticed some surprise among Labour members when Christina McKelvie made her comment. I know that there are many new Labour members and, given that Labour has fallen to a historic low of 23 per cent in the MORI poll that I mentioned earlier, there might be a further turnaround in policy to come after the next election.

The point is true and the new members can consult their experienced colleagues on that. The Labour Party got itself into a position of voting against a budget that proposed 25,000 modern apprenticeships, which is 60 per cent more than existed when the Labour Party was in office.

I am delighted to be able to tell Christina McKelvie that Skills Development Scotland is now confident that even that mighty total of 25,000 apprenticeships, all of which are attached to a job in Scotland—one of the crucial points about our modern apprenticeships—will be achieved during the current financial year. Every member of Parliament should support and celebrate that.

**Kezia Dugdale (Lothian) (Lab):** I was pleased to attend the national economic forum yesterday, because all parties are committed to tackling youth unemployment and the national crisis that faces Scotland's young people. When will the First Minister accept that his plans to cut college budgets will only make life harder for the 100,000 young Scots who are looking to him for help?

**The First Minister:** I welcome the all-party involvement at yesterday's forum, including the member. It is excellent when members across the chamber prioritise youth employment. We had questions about the importance of support for students and an acknowledgement of our aims and intentions around the minimum income guarantee.

However, I gently point out to the member that the sum for support for students that she is complaining about is, despite the extraordinary level of cuts in public spending, substantially higher than the one that we inherited when we took office in 2007. In addition, the education maintenance allowance, which is absolutely critical to many pupils from disadvantaged backgrounds who are staying on at school or going to college, has been maintained in Scotland even though it has been abolished south of the border.

### Prison Visiting Committees

**5. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** To ask the First Minister whether the Scottish Government will reconsider the decision to abolish prison visiting committees. (S4F-00441)

**The First Minister (Alex Salmond):** I know that there was a lively debate on that issue earlier.

The Cabinet Secretary for Justice has indicated that the proposals on prison visiting are about modernising and developing a service that meets prisoners' needs. As he outlined in the chamber a few minutes ago, he will carry out a further public consultation on the proposals and will continue discussions with stakeholders on developing the best way forward. This move will ensure that we have a service that is fit for this century.

**Malcolm Chisholm:** It would help if the First Minister withdrew the letter that he submitted a few days ago saying that he would abolish the committees. We all recognise the need for independent advocacy, and many prisoners should already have rights to it under the Mental Health (Care and Treatment) (Scotland) Act 2003, but will the Government stop using that as cover for the abolition of prison visiting committees, which fulfil a completely different role in monitoring, complaints, and the reporting of problems?

In the current Police and Fire Reform (Scotland) Bill, the Government has recognised the need to strengthen the independent monitoring of police custody cells. Will the First Minister demonstrate consistency and coherence by allowing the prison visiting committees to continue their vitally important work?

**The First Minister:** I am sure that it is inadvertent, but I do not think that Malcolm Chisholm is being altogether fair to the Cabinet Secretary for Justice. It seems to me that the amendment in the *Business Bulletin* and the attitude that he has struck up in holding a further public consultation on the proposals indicate a willingness to listen and to take into account people's views.

I do not think that Malcolm Chisholm should take the view that the structure that we have had for more than a century is inevitably the right structure. He will remember that, thanks to the legacy of the Labour-Liberal coalition, we ran into very substantial problems on issues such as slopping out, which cost the public purse substantial amounts of money and which, if we had not taken remedial action, could have cost us substantially more.

Given that we are looking at the checks and balances on a prison service for this century, the cabinet secretary's indication that he is willing to listen and to go out to further consultation should be welcomed by Malcolm Chisholm with his usual generosity.

## Green Investment Bank

**6. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the First Minister what support the Scottish Government has given to Edinburgh's bid to host the green investment bank. (S4F-00450)

**The First Minister (Alex Salmond):** On 23 May, as part of a wide-ranging discussion with the Chancellor of the Exchequer, I put forward Edinburgh as a possible location for the green investment bank. I am delighted to say that a broad partnership of private and public sector bodies—including, to name just a few, City of Edinburgh Council, Scottish Financial Enterprise, Edinburgh Chamber of Commerce, Scottish Power, PricewaterhouseCoopers and Grant Thornton—has backed the proposal.

I am sure that Murdo Fraser will want to welcome the efforts of that cross-party partnership and that, with the touch for unity of purpose that he always displays, he would not want to do anything to disrupt that unity at this vital time.

**Murdo Fraser:** I thank the First Minister for his response and warmly welcome the cross-party support for bringing an important UK institution, with its many jobs, to Edinburgh.

Should Edinburgh's bid be successful, would the First Minister be surprised if, pending the outcome of the referendum, the UK green investment bank signed only a short-term lease?

**The First Minister:** I can say a number of things to Murdo Fraser. We have just established the headquarters of the British-Irish Council in this capital city of Edinburgh, recognising that there will be shared interests across these islands after Scottish independence, which will be deployed. I am sure that green investment will be a shared interest across these islands because, only yesterday, I had a meeting with the chief executive of the Office of the Gas and Electricity Markets, in which he expressed his fear that, without substantial quantities of marine electricity coming down into the English market from the west and possibly the east coast of Scotland, security of supply of electricity to the English grid would be a severe issue. That would seem to me to be a shared interest. The UK energy minister Charles Hendry has also been discussing that issue with the Republic of Ireland.

When it comes to investment in Scotland, I notice that that same energy minister is showing a tremendous confidence and is leading by example. Only in the past few weeks, he has bought Blair castle in Ayrshire as a second home for £2.5 million. While regaling us about a possible lack of confidence in Scotland, against all the available evidence, including that of the magnificent Samsung investment only this week, he is doing what any member of the Tory Cabinet

in London would do—investing a small part of their personal fortune in a Scottish castle.

14:15

*On resuming—*

12:33

*Meeting suspended.*

## **Scottish Executive Question Time**

### **Finance, Employment and Sustainable Growth**

#### **Central Unallocated Provision 2006-07**

**1. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Executive how much Scottish Government funding was held by the Treasury in the central unallocated provision at the end of the financial year 2006-07. (S4O-00639)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government held £1,528.6 million in balances in Her Majesty's Treasury at the end of the financial year 2006-07.

**Elaine Murray:** I thank the cabinet secretary for his information, which is indeed what I recollect. He may recall that, in his statement on the budget outturn in 2007-08, he said that he was using £600 million up that year and that he intended to access the remainder over the next two to three years.

Can the cabinet secretary advise members whether that happened? What was the sum of almost £1 billion used for? Does he now regret not having held on to that funding, as it could have come in quite useful now?

**John Swinney:** I confirm to Elaine Murray that, in 2007-08, the Scottish Government drew down £655 million from Her Majesty's Treasury. That was in the plans that I inherited from my predecessors, and it represents the largest drawdown in any financial year since 2007-08. I subsequently drew down £313 million in 2008-09, £400 million in 2009-10, and £174 million in 2010-11, which was supplemented by £129 million in relation to the health capital baseline in that financial year.

In response to Dr Murray's question, the money was used to support public services and investment in Scotland. I delicately observe that I do not remember the Labour Party ever asking me in the previous session of Parliament to spend less money than I actually spent.

On Dr Murray's question about whether I regret not holding on to that money, I am absolutely delighted that I did not do so. When the Liberal and Conservative Government came to office in 2010, it abolished end-year flexibility balances. The Scottish Government lost balances of £64 million, £23 million of which was fiscal departmental expenditure limits, which is cash

spending power, while the remainder was non-cash. My counterparts in Northern Ireland lost £315 million, and my counterparts in Wales lost £385 million. It is therefore a good job that I managed to deploy that money effectively and efficiently to support public services in Scotland before it was pilfered by—

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

**John Swinney:** Pilfered, by the Conservatives and Liberal Democrats—sorry, by the Liberal Democrats, who I see have not managed to pilfer their way into Parliament today.

**Mark McDonald (North East Scotland) (SNP):** I am grateful that the cabinet secretary has outlined the implications for Scotland of not drawing down that end-year flexibility. Does he agree that, if he had not drawn down that money before the abolition of end-year flexibility, it would have been quite catastrophic for the Scottish economy? Does the fact that he is being asked such questions by Labour Party members not demonstrate that they still do not get it?

**John Swinney:** I think that Dr Murray was asking the question because she wanted to take me back to the day when she and I discovered the centrally unallocated provision while at—if my memory serves me right—the Finance Committee meeting in Elgin. It was a very happy day.

Mr McDonald's point is absolutely correct. We deployed those resources when they were able to make a decisive difference in our efforts to support economic recovery in Scotland at the height of the recession. If we had not spent the money in that fashion on behalf of the people of Scotland, we would not have made an impact in encouraging the economy at a difficult time.

### Supported Employment

**2. Sarah Boyack (Lothian) (Lab):** To ask the Scottish Executive, in light of the disparity in rates of employment for disabled and non-disabled workers, what action it is taking in support of supported employment. (S4O-00640)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government remains fully committed to supported employment. In February 2010, the Government and the Convention of Scottish Local Authorities, working with a number of key partners, published a supported employment framework for disabled people. During the past year, significant progress has been made on implementing the recommendations in the framework.

It is encouraging that, while the gap in employment rates between disabled and non-disabled workers remains too high, the

employment rate for disabled people rose by 3.6 per cent in the year to September 2011, at a time when employment rates have generally been falling.

**Sarah Boyack:** Fewer than half of disabled people gain employment compared with 80 per cent of able-bodied workers. Given that supported factories have demonstrated that they can deliver value for money, and in the light of the closure of Blindcraft and the threat hanging over Remploy workplaces, will the cabinet secretary detail the progress that is being made on the objective set out in "The Scottish Sustainable Procurement Action Plan" that every public body should have at least one contract using article 19 provisions in public procurement? How many staff are employed by such contracts?

**John Swinney:** I do not have the precise information to hand on the number of employees, but I will write to Sarah Boyack to confirm the details if they are available.

Sarah Boyack raises a serious point. The closure of Blindcraft is a significant issue, and Fergus Ewing has been actively involved in working with City of Edinburgh Council and other agencies to support all the individuals who have been affected and to assist them in finding alternative employment.

Remploy is a non-departmental public body sponsored by the Department for Work and Pensions, so it is outwith the responsibilities of this Government. However, we make a particular point of ensuring that we take all the practical steps that we can on supported employment. Mr Ewing met Helen Eadie and representatives from Unite, the GMB and the Community union to discuss concerns about the Remploy proposals, and ministers stand ready to support activity in any way that we can.

**Sandra White (Glasgow Kelvin) (SNP):** I thank the cabinet secretary for his full supplementary answer to Sarah Boyack's question. Does he believe that the proposed UK welfare reforms will have an impact on supported employment? What plans does he have to work with organisations that are providing supported employment to help to address the challenges that arise, not only with Blindcraft but with other employment opportunities, in the current economic climate?

**John Swinney:** Sandra White identifies a potential danger in the welfare reform proposals of the United Kingdom Government. In trying to fulfil the objectives of that programme, less attention is paid than it should be to the complex and comprehensive work that must be done in some circumstances to support individuals with disabilities into employment. I appeal to the UK Government that, as part of the welfare reform

agenda, due account is taken of the need to support such individuals properly.

I am confident that different elements of the work done by the Scottish Government and agencies that act on our behalf provide that assistance to people with disabilities. Nevertheless, as I said in my answer to Sarah Boyack, ministers will be only too happy to engage in further dialogue about how we might support more disabled people into employment, particularly given the challenges raised by the welfare reform programme.

**The Presiding Officer (Tricia Marwick):** Question 3 from Helen Eadie has been withdrawn for understandable reasons.

#### **Scottish Retail Consortium (Meetings)**

**4. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government what recent discussions it has had with the Scottish Retail Consortium. (S4O-00642)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Ministers regularly meet and correspond with retailers and business organisations such as the Scottish Retail Consortium as part of our on-going engagement with business sectors. My colleagues and I have recently had several meetings to discuss issues such as business rates, town centre regeneration and the economy. In addition, last month I had the pleasure of attending the Scottish Retail Consortium's annual parliamentary reception, where I had the opportunity to listen to and discuss many of the points directly.

**Christina McKelvie:** I thank the minister for that answer and draw his attention to an area in Hamilton that has suffered the loss of a number of independent retailers who had been there for decades. Those retailers were too big for support from the small business bonus scheme but not big enough to have the protection that a big corporation has through economies of scale. What work can the minister and the Government do with local authorities to reverse the loss of long-standing independent businesses on our high streets?

**Fergus Ewing:** Christina McKelvie has identified a significant group of businesses that are finding things difficult. We can help them through town centre regeneration, and £60 million was made available in 2009-10 to support the regeneration and growth of town centres across Scotland. Many towns in Scotland, such as Falkirk, have also undertaken a business improvement district. I visited Falkirk, and terrific improvements have been made to the town centre there.

It is germane to point out that, thanks to the small business bonus scheme, the rates burden for 85,200 premises in Scotland has been either removed or reduced. That is a huge advantage for small businesses in this country.

**Ken Macintosh (Eastwood) (Lab):** As part of his discussions with the SRC, did the minister discuss the impact of the public health levy? If so, does he agree with the assessment that has been made of the impact of such a levy by Asda and other organisations?

**Fergus Ewing:** Yes, I have engaged with members of the Scottish Retail Consortium on the issue, and I am aware that Asda commissioned a report that concluded that supermarkets including Asda would face financial costs as a result of the levy. I am advised by the body concerned, the Centre for Economics and Business Research, that the public health supplement will reduce the profit margin of 240 stores by 0.5 per cent, from 5 to 4.5 per cent. That contrasts with the 10 per cent extra that businesses paid when the business rate was fixed by the Labour-Liberal Administrations for the first seven years of the reconvened Scottish Parliament. We propose an increase of 0.5 per cent for the biggest supermarkets in Scotland compared with up to 10 per cent extra for all businesses in Scotland under the previous Administration.

**Gavin Brown (Lothian) (Con):** Is it the Scottish Government's position that zero jobs would be lost through the retail levy?

**Fergus Ewing:** I am delighted that supermarkets are investing in Scotland. We value the contribution that they make to the economy and I am sure that all members do so at an individual level. I am pleased to welcome the announcement, on 23 January, that Asda is investing £500 million in new stores across the United Kingdom, including a replacement depot and three new stores in Tain, Inverness and Larkhall. I am delighted that there will be more jobs in those locations in Scotland.

#### **Employment Initiatives**

**5. George Adam (Paisley) (SNP):** To ask the Scottish Government what initiatives it is pursuing to get people into employment. (S4O-00643)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** We are focusing significant effort on stimulating economic growth and increasing the number of good-quality employment opportunities across Scotland. Following last year's publication of the Government's economic strategy, which gave clear priority to the acceleration of economic growth, I recently announced the creation of four new enterprise areas across Scotland. Those

areas will place an emphasis on some of our most dynamic industries with the greatest potential to create new employment opportunities, stimulate private investment and boost economic growth.

**George Adam:** Will the cabinet secretary join me in congratulating Renfrewshire Council on investing £2.5 million in helping young people into work, including 250 subsidised jobs, 1,300 training places and 800 young people being given the chance to develop their work skills?

**John Swinney:** Renfrewshire Council has brought forward a commendable package of proposals. It is an indication—as will be the case in a range of local authority budgets that will be published in the next few weeks—that local authorities are investing in the creation of training and employment opportunities at a local level. I warmly welcome that, as it is exactly why the Government encouraged local authorities to become more actively involved in the process of economic development. If there are more cases such as that in Renfrewshire, which Mr Adam has cited and which we warmly welcome, the Government will recognise them as making a substantial contribution to tackling the challenge of unemployment that exists in a number of localities in our country.

### Public Health Levy

**6. David McLetchie (Lothian) (Con):** To ask the Scottish Executive, further to the Parliament's agreement to motion S4M-01526 on 8 December 2011, whether it will explain its reasons for not carrying out a business and regulatory impact assessment on the proposed public health levy. (S4O-00644)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Government supported the motion during the debate on the regulatory framework on 8 December to indicate our agreement to the principle that a business and regulatory impact assessment should be carried out when appropriate. However, I also made it clear that it would have been disproportionate to have carried out a BRIA for the public health supplement, as it impacts on just 0.1 per cent of commercial premises in Scotland.

**David McLetchie:** Let us look at some things that the Scottish Government thought it appropriate to have a business and regulatory impact assessment for: the African Horse Sickness (Scotland) Order 2012 and Seed Potatoes (Fees) (Scotland) Amendment Regulations 2011. However, it appears that the Scottish National Party's tax on some of our largest employers does not merit one.

Given the First Minister's demand that the United Kingdom Government have a year-long statutory consultation ahead of any changes to the oil and gas tax regime, is the fact that, barely weeks before the introduction of the SNP's new tax on some of our largest employers, the Scottish retail sector is still completely in the dark about the details of it not an astonishing and glaring inconsistency?

**John Swinney:** Mr McLetchie should be very careful about the contempt he displays towards the seed potatoes of Scotland. Some might say that he has eaten too many seed potato products over the years, although I would never venture into that space.

With regard to the point about the oil and gas sector, I counsel Mr McLetchie to consider the ground that he chooses. In my initial answer, I pointed out that the public health supplement would impact on only 0.1 per cent of commercial premises in Scotland and, in a response a moment ago, Mr Ewing referred to the impact on profitability. With the oil and gas levy, there was quite clearly a discernible negative impact on planning and investment in the sector and the Conservatives themselves took an utterly cavalier attitude to the matter. In fact, the only people to take a more cavalier attitude to business taxation than the Conservative Government in London were our absent friends, the Liberal Democrats.

### Construction Job Losses

**7. Alex Johnstone (North East Scotland) (Con):** To ask the Scottish Executive what the reasons are for the loss of 30,000 construction jobs in the year to September 2011. (S4O-00645)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government's decisive action to accelerate capital expenditure at the height of the recession led to increased activity and jobs in the construction sector during 2010. However, with most economic levers out of our control, there is a limit to the action that the Scottish Government can take. The construction sector has lost jobs as a result of a prolonged period of low growth due to on-going economic uncertainties and general low confidence.

**Alex Johnstone:** The 30,000 figure is an extrapolation of Scottish Government figures that show that, in the four quarters to the end of the third quarter in 2011, construction output in Scotland fell by 1.2 per cent, 1.3 per cent, 1.8 per cent and 1.4 per cent. That is all despite the fact that every time we raise the subject in questions, particularly with Keith Brown and Alex Neil, we are simply told about the success of Scottish Government policy.

Why do the Government's policies appear not to be working and why, on the day when that fact has been exposed, has the cabinet secretary chosen in his budget to slash expenditure on the college sector, which is so vital in training new entrants to the industries?

**John Swinney:** Mr Johnstone has given me a very interesting selection of opportunities to pursue.

Let me begin with the point about the figures up to the third quarter in 2011. As my earlier response to Dr Murray illustrated, from 2008 to 2010 I was able to be significantly flexible in utilising capital expenditure, first, because of the use of the central unallocated provision and, secondly, because I was able to bring some capital expenditure forward.

By 2011, I was having to face the realities of the public expenditure constraints that have been applied to us by the Conservative Government in London. Is it any wonder that our construction sector is under such pressure when the Conservative Government has reduced capital spending by 32 per cent?

We can add to that the fact that the UK Government does not attach any importance to strengthening economic confidence by investing in a capital programme. It prefers austerity to investment in growth, and as a consequence we face a challenging climate in public sector capital expenditure and the private sector is unable to recover confidence.

I am all for investment in training places and opportunities, and we must also be in a position to invest in capital projects. That is what the Government has done with the Forth replacement crossing, the M80, the M8 and a variety of other capital projects. If Mr Johnstone would like to press his UK counterparts to recognise the merits of further capital investment, we might make more progress on construction employment than we have made to date.

#### **Convention of Scottish Local Authorities (Meetings)**

**8. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Executive when the Cabinet Secretary for Finance, Employment and Sustainable Growth last met the Convention of Scottish Local Authorities and what issues were discussed. (S4O-00646)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** I meet representatives of COSLA regularly and a wide range of issues are discussed at our meetings.

**Rhoda Grant:** Is the cabinet secretary aware of the concerns of Western Isles Council and communities throughout the isles about the impact of the removal of the road equivalent tariff from hauliers who travel to and from the islands, and the impact that it will have on local and household budgets? Given the impact on the whole economy of the islands, will he intervene, with the Minister for Housing and Transport, and ensure that the council leader, Angus Campbell, is admitted to the meeting with hauliers next week?

**John Swinney:** I am glad that that is where Rhoda Grant's question ended up, because I was going to make the point that the transport minister will meet a group of hauliers shortly.

On the question about Councillor Campbell, I have no knowledge of the attendance list, but I will certainly pass on the comment to Mr Brown. We see Councillor Campbell regularly and he is a welcome visitor to St Andrew's house. I will pass on the message to Mr Brown.

#### **Enterprise Areas**

**9. Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government what it estimates the job creating potential of enterprise areas will be, net of displacement. (S4O-00647)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** At this stage it is not possible to quantify the number of jobs that might be created in Scotland's enterprise areas. The Scottish Government recently announced the sites that we expect to include in our enterprise areas, subject to detailed engagement with local authorities on aspects of implementation.

**Adam Ingram:** Does the minister agree that the employment opportunities that are generated in sites such as the Prestwick international aerospace park must be accessible to unemployed people in nearby areas of disadvantage? If so, what measures will be introduced to achieve that objective?

**John Swinney:** Mr Ingram makes a strong point, and I will certainly actively consider the issue that he raises. It is important that, where we are able to attract different ventures to build their businesses in enterprise areas, we ensure that a much wider area than the immediate locality benefits from that economic activity. I will happily take forward any proposals that Mr Ingram has about encouraging mobility in the populations of areas that surround the Prestwick site or the other enterprise areas in order to maximise the access that people in those areas have to those opportunities.



I should perhaps have said to Mr Ingram in my earlier answer that his point on displacement is also taken seriously by the Government. We designed the enterprise areas in such a fashion as to focus on the sectors of the economy that we believe have growth potential. We have not defined the areas in such a way that companies could access some of the preferential regime just by moving from one location to another. The issue of displacement will be monitored carefully as we deploy the enterprise area initiative.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** How will the cabinet secretary ensure that areas such as Inverclyde that have not been afforded enterprise status, on top of a cut in the regeneration budget, will not be the net losers for the gain in jobs in nearby areas?

**John Swinney:** I reassure Mr McNeil that the Government's economic strategy is designed to support the development of employment opportunities throughout the country by various mechanisms. I know that Mr McNeil will accept the range of those interventions. The enterprise areas are just one part of the overall economic strategy.

I reiterate the point about displacement that I made in response to Mr Ingram's question. A criticism that is often made of the enterprise zones of the 1980s relates to displacement. We specifically constructed the enterprise areas to avoid the generality of enterprise zone status. It is a specific enterprise zone status that is related to the sectors of the economy. We intend to avoid any displacement activity by that mechanism and the monitoring that we undertake.

### **Small Business Bonus Scheme (Glasgow Shettleston)**

**10. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government how many businesses in Glasgow Shettleston have received support from the small business bonus scheme. (S4O-00648)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** Data on the number of recipients of support from the small business bonus scheme are held on a local authority, not a constituency, area basis. The number of recipients of support from the small business bonus scheme by local authority area at September 2011 was published on 27 October 2011 in the official statistics publication "Non-Domestic Rates Relief Statistics for Small Businesses in Scotland 2011". In the Glasgow city area, 7,476 properties were in receipt of relief through the small business bonus scheme.

**John Mason:** Does the minister agree that although Governments are often accused of helping only new businesses and not always

helping existing businesses, the small business bonus scheme's advantage has been that it has been a tremendous boost for existing small businesses, including local shops in my constituency—in fact, when the cabinet secretary met a shopkeeper in my constituency, he was congratulated on that—and that the scheme helps to protect such businesses in difficult times and thereby saves jobs that might otherwise have been lost?

**Fergus Ewing:** I entirely agree with Mr Mason's proposition, and I hear that other members do so, too. I think that 63 per cent of shops receive support from the small business bonus scheme, and many small shops have been able to survive because of the measure, which the Scottish National Party Government introduced. As members know, I am not generally given to hyperbole, but I cannot think of a policy that has been introduced in Scotland since 1707 that has done more to help small businesses throughout this country.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Thank goodness there were Conservatives in the Parliament to vote the measure through.

The minister will have seen the recent report from the Scottish Trades Union Congress on the small business bonus scheme, which argues that it has not had a beneficial impact and that it should be scrapped. Does the minister have any comments to make on the quality of the analysis in that STUC report?

**Fergus Ewing:** I regularly engage with the STUC, and I met it fairly recently. To the best of my recollection, that topic was not among the topics that were raised with me then.

I have been advised that the report contains errors, as the small business bonus thresholds from 2009-10 are quoted. That is not the appropriate analysis. The report says:

"the STUC openly accepts that these statistics do not tell the full story about the impact of the SBBS".

I suspect that that quotation is familiar to Mr Fraser. I am happy to engage with my friends in the STUC and to tell them the part of the story that is not told in its report.

### **Remploy Employees**

**11. Mary Fee (West Scotland) (Lab):** To ask the Scottish Executive what support has been provided to help employees of Remploy find alternative employment. (S4O-00649)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Department for Work and Pensions has not announced its decisions about Remploy's future. The Scottish Government has

made clear to the DWP that we expect it to offer support to individual employees should it be necessary for them to find alternative employment. In Scotland, partnership action for continuing employment—PACE—is ready to offer assistance to employees who require it.

**Mary Fee:** Given the fact that 85 per cent of those who lost their jobs when Remploi factories were closed in 2008 still do not have a job, and with unemployment high already, what practical measures will the cabinet secretary put in place to support disabled adults who are looking for a new job?

**John Swinney:** As I explained in my earlier answer to Sarah Boyack, the issue of supported employment is taken seriously by the Government. There is a requirement to ensure that individuals with disabilities who are seeking employment are given every support and assistance. That is available in one respect through the PACE programme, if people are in employment and lose that employment. More generally, it is available through the advisory services that are made available through Skills Development Scotland. Assistance is available to individuals who require it.

One of the Government's objectives in relation to supporting people into employment is to ensure that there is good co-ordination between all the agencies that are involved in that work. I would be the first to address any inconsistencies or lack of cohesion and co-ordination in the support that is available to people. If Mary Fee or other members encounter that, I would be delighted to address it.

We have discussed with the United Kingdom Government the importance of ensuring that the employment measures that we take forward align directly with the employment measures that the UK Government takes forward, to ensure that members of the public receive a co-ordinated service. If there is more that needs to be done to improve that, I will certainly take that forward.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** Does the cabinet secretary agree that the best way to enable workers with a disability to maintain employment is by increasing the number of jobs that are open to them? Would the cabinet secretary like to comment on the number of Government contracts that are issued that include clear provisions under section 19 of the Disability Discrimination Act 1995? Does he think that those section 19 provisions might be one way in which we could increase the number of jobs that are available for such workers?

**John Swinney:** The issue that Patricia Ferguson raises is one of the essential elements of ensuring that our approach to procurement delivers a range of social and economic objectives

in our society. One of her colleagues, Mr Park, has frequently raised the issue of community benefit clauses in relation to opportunities for apprentices. I accept the argument for that within procurement.

Patricia Ferguson makes a fair point in relation to people with disabilities and I will ensure that the representations that have been made today in Parliament are properly considered by those who are preparing the Government's forthcoming procurement reform bill so that we can ensure that any additional provisions that could be made in this area are properly considered.

### **Scottish Retail Consortium (Meetings)**

**12. Margaret Mitchell (Central Scotland) (Con):** To ask the Scottish Executive when it last met the Scottish Retail Consortium. (S4O-00650)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I refer the member to the answer given to question S4O-00642 from Christina McKelvie.

**Margaret Mitchell:** The retail sector employs 240,000 people and remains the largest private sector employer in Scotland. A third of those employees are under 25, and many young people get their first job opportunity in retail. How will targeting a new Scotland-only tax, in the form of the public health levy, which will threaten jobs by taking more than £100 million in tax over three years from one sector, help to achieve the Scottish Government's stated objective of prioritising the tackling of unemployment, especially among young people?

**Fergus Ewing:** Margaret Mitchell and her colleagues overstate the case massively. The sum that is involved is £30 million a year.

Let me go down memory lane to a time, 15 years ago, when the Conservatives had power over such matters. According to research by Craig Campbell of the Scottish Council for Development and Industry, which has never been challenged by the Conservatives, the extra tax that Scotland paid due to overtaxation in the period from 1990 to 1995—during the Conservative regime—was £1.2 billion. That is £250 million a year in extra taxation on Scotland. We are not taking lectures from the Conservatives on business rates in Scotland.

### **Employment (Clydebank and Milngavie)**

**13. Gil Paterson (Clydebank and Milngavie) (SNP):** I apologise to you, Presiding Officer, and to everybody in the chamber for being a bit late for questions, as I was attending an event in the education centre.

To ask the Scottish Government what funding it provides to local organisations seeking to get

people in Clydebank and Milngavie into work. (S4O-00651)

**The Presiding Officer:** I thank the member for his courtesy in sending a note to explain his delay.

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The Scottish Government has supplied a range of funds to East Dunbartonshire Council and West Dunbartonshire Council with a view to helping residents of those areas into work. West Dunbartonshire Council forms an integral part of the Clyde waterfront partnership. Since the partnership's inception, a combined private and public investment of almost £1.8 billion, including £80 million from Scottish Enterprise, has been effective in creating more than 18,000 new jobs.

Under priority 5 of the European social fund, we have allocated West Dunbartonshire community planning partnership £1.2 million to deliver a strategic skills pipeline. Through that pipeline, 1,600 people are targeted to receive support and 480 of them are expected to enter employment.

**Gil Paterson:** The minister is no doubt aware that, in its recent budget, West Dunbartonshire Council allocated funding to create more than 250 jobs for young people through help for small businesses and the voluntary sector. Will the Scottish Government work with the council to ensure that that scheme succeeds and to enable all local authorities to use it as a template for assisting young people into work?

**Fergus Ewing:** Yes—I certainly will do that and we will work closely with West Dunbartonshire Council. As the member knows, we recently announced £30 million of new investment to support youth employment and we have drafted a youth employment strategy to move that forward.

It is relevant to say that, because we are proceeding with the public health levy, we will be able to continue the excellent work that will help young people—especially those from the most disadvantaged areas—who are most at risk from problems such as drug addiction and alcohol issues. A massive priority for the Government is helping the unfortunate minority of young people who need help. I welcome support from across the chamber from people who are committed to the essential objective of helping young people in Scotland.

#### **Post Office Branches (Council Counters)**

**14. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what discussions it has had with local authorities on introducing council counters in post office branches. (S4O-00652)

**The Minister for Local Government and Planning (Derek Mackay):** The Minister for Energy, Enterprise and Tourism attended a round-table discussion on 19 January in the Scotland Office at which relevant stakeholders, including the Convention of Scottish Local Authorities, discussed the possible role of post offices in delivering some local authority services.

**Liz Smith:** Will the minister agree to investigate the possibility of a national framework for co-locating council and police counters in post office branches, to provide additional help and services for the public, particularly in rural areas?

**Derek Mackay:** A range of considerations can be taken forward to ensure the viability of local post offices. Actions that we can take include continuing the small business bonus scheme, which has been a safeguard for local post offices. Rural post offices have been a particular beneficiary of that, as they have greater rates relief.

Local government continues to talk to the Scotland Office about opportunities. A convention will be organised to debate the integration of some services with post offices, to give them the sustainability that the member seeks. I understand from discussions with the Society of Local Authority Chief Executives and Senior Managers that nine local authorities are considering working with Post Office Ltd, as well as having the convention discussion that I just mentioned.

A range of discussions is on-going to try to integrate services locally. The matter is for local discretion and local support, but the Government encourages any measure that safeguards the future of our post office network.

#### **Budget Priorities (Glasgow)**

**15. Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** To ask the Scottish Executive what its budget priorities are for Glasgow. (S4O-00653)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government's priorities for the city of Glasgow are to support the delivery of effective public services and to implement the joint priorities that have been agreed between the Scottish Government and the Convention of Scottish Local Authorities.

**Patricia Ferguson:** The cabinet secretary might be aware of my concern about a local train service in my area. Has he discussed with Network Rail or with his Cabinet colleagues the cost implications of upgrading the Cowllairs junction as part of the Edinburgh to Glasgow improvement programme, to allow my constituents who live in an area of

high unemployment and low levels of car ownership to easily access the city centre?

**John Swinney:** I am not entirely familiar with the Cowlairs issues, but now that they have been raised with me, I shall make it my business to become so. Mr Neil is here and has heard Patricia Ferguson's point. The Edinburgh to Glasgow improvement programme is being implemented as part of the spending review and the Government's infrastructure investment plan. I will explore the issues that Patricia Ferguson has raised and ensure that they are fully considered by the relevant ministers.

## Broadband

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-01893, in the name of Alex Neil, on Scotland's next-generation broadband infrastructure plan.

14:56

**The Cabinet Secretary for Infrastructure and Capital Investment (Alex Neil):** Placing Scotland at the forefront of the digital revolution and making world-class digital infrastructure a reality is one of the Scottish Government's top priorities.

On Tuesday, the Scottish Government published "Scotland's Digital Future—Infrastructure Action Plan", which sets out our ambition and commitment and the steps that we will take to deliver world-class and future-proof digital infrastructure throughout Scotland by 2020, with a step change by 2015. It also sets out our intention to move forward at a rapid pace. The action plan is about delivering transformational change in the quality and coverage of internet and mobile access across Scotland, enabling people to connect from their homes, at work and while on the move. I hope that that will include an improved service in this building.

The scale of transformation will require significant investment and the Scottish Government is committed to sourcing and securing that investment for Scotland. Delivery of the plan will require strong partnership working across the private, public and third sectors, and a willingness to collaborate to realise our shared vision.

Our ambition is a society that takes full advantage of the digital age and thereby prospers economically, socially and culturally. We are clear about where Scotland should be. We are determined to lead the world in the quality of provision and in our ability to take full advantage of the benefits for all Scotland.

**Rob Gibson (Caithness, Sutherland and Ross) (SNP):** I draw the cabinet secretary's attention to the broadband needs of my constituents in small communities such as Letters on Loch Broom, Kenmore at Shildaig, Wester Allig on Loch Torridon and Laid on Loch Eriboll. Can they be assured that where they live will not mean that they will have to wait until 2020 to have the broadband access that is essential to their contribution to Scotland's economic revival?

**Alex Neil:** I can confirm that a key part of the Government's approach is that rural and remote areas will not be left to the tail end of the process because they are rural and remote. In fact, the benefits that will be gained by rural and remote

areas are proportionately greater than those that will be gained by some of our more urban and central areas. They will be starting from a lower baseline, so the improvement will be greater. From an economic as well as a social and cultural point of view, we are keen to ensure that rural and remote areas are not left at the end of the queue when it comes to the roll-out of the technology.

**Richard Baker (North East Scotland) (Lab):** When will we have clarity on the amount of Scottish Government funding that will be allocated to some of the local schemes that have been proposed and are outlined in the action plan?

**Alex Neil:** We have already spelled out what money is available to the Scottish Government and how we will use our funds. We are waiting for two key decisions from the United Kingdom Government, one of which is in relation to the urban mobile fund of £100 million, which was announced in the autumn statement.

We believe that, in the future, the UK Government may provide additional funding for urban areas—that might happen in next month's budget, although, of course, I have no insight into what will be announced. More important for rural areas, the allocation of the £150 million fund for mobile access is still to be announced. Many rural areas in Scotland will require mobile access rather than fibre-optic access. Our view is that, once we know what our share of that allocation is—I hope that it will be a higher share than the share that we got of the BBC licence money to reflect the particular needs of Scotland—we will be in a position to be more precise about which communities our share of the resources will go to.

I share the member's ambition—indeed, in the spirit of consensus, we will support Richard Baker's amendment. We are always keen to ensure that there is clarity. Once we know the final allocation of the budgets in question, we will be in a position to be precise about the allocation of funding in Scotland.

**David Stewart (Highlands and Islands) (Lab):** Will the spectrum auction be a key factor in access for rural Scotland?

**Alex Neil:** The 4G spectrum auction will raise money for the UK Government. There are no Barnett consequential from revenue; the Barnett consequentials come from the expenditure side. For example, if the UK Government decides to increase expenditure on broadband as a result of the revenue that it gets from the spectrum auction, we would benefit. If it decides to put all that money into the general Government fund and to make no allocation for responsibilities that are devolved to this Parliament, there would be no Barnett consequentials. If we were independent and we had our own 4G spectrum auction, all the money

could come to Scotland and we would all be a lot better off.

**Alex Johnstone (North East Scotland) (Con):** Rubbish!

**Alex Neil:** As I was saying before those three interruptions—or rather, interventions—the importance of digital connectivity to rural areas was debated by the Parliament last June, when there was overwhelming cross-party consensus that improving broadband and mobile coverage in rural areas must be a key priority of not just the Government, but the Parliament.

Addressing the digital divide that Mr Gibson referred to is at the core of the action plan that we published on Tuesday. The action plan is not just about taking hard wires to homes and workplaces. As I have just said, improving mobile coverage across Scotland is also critical. More and more people are accessing the internet from mobile devices while they are on the move. A report by the Boston Consulting Group cites the fact that, by 2016, mobile devices will account for 80 per cent of all broadband connections. Quite simply, Scotland's businesses and people—and its MSPs—cannot do without faster broadband speeds and decent mobile coverage.

**John Park (Mid Scotland and Fife) (Lab):** A key issue is broadband use by people who use public transport to travel to and from work. Does the cabinet secretary believe that a contractual obligation to provide wi-fi on services could be included as part of the ScotRail franchise renegotiation?

**Alex Neil:** Why wait until 2014 for the new franchise? We are doing it already. We are working with ScotRail to ensure that wi-fi is available on as many train services in Scotland as possible. We will certainly look at building that in as a permanent feature of the contract, but we are not prepared to wait two years before we make progress. Indeed, I believe that my colleague the Minister for Housing and Transport may well have an announcement to make on that fairly soon.

The action plan has four critical programmes. The first programme will bridge the current digital divide and provide a step change in speeds for everyone by 2015. It will focus on Scotland's core or backbone infrastructure, ensuring that it is fit for purpose and future proofed, and that it reaches those areas where the market, if left to its own devices, would not go. Those areas will mostly be rural areas, but we know that there are urban and semi-urban areas, such as Kirkliston outside Edinburgh, that also struggle to get good digital connectivity.

By 2015, we aim to achieve speeds of 40 to 80 megabits per second for 85 to 90 per cent of the population, and we aim to achieve the best

possible speeds for those for whom it will not be possible to deliver speeds of 40 to 80 megabits per second.

We recognise the early progress that is being made in the Highlands and Islands and will progress with the current procurement for the region because we do not want to hold it back. A contract will be awarded this summer and improvements will be delivered from January 2013.

**Jim Hume (South Scotland) (LD):** The minister mentioned the Highlands and Islands. Is he aware of the good progress on the broadband project in the south of Scotland and the buy-in from Dumfries and Galloway Council and the Scottish Borders Council?

**Alex Neil:** We are not only aware of the progress but have played our part in ensuring that it happens, particularly in and around the Annan area, which will be the early priority in that programme.

For the rest of Scotland—including Coatbridge and Airdrie—we will produce a procurement strategy by March and commence procurement by the summer with the aim of awarding a single contract in the first half of 2013.

As Mr Hume mentioned, some areas are more advanced with their local plans than others, but I urge every local authority in Scotland to get in touch with us as soon as possible, either in combination—as is the case with Aberdeen City Council and Aberdeenshire Council in Grampian—or individually, with their aspirations and action plans for broadband in their areas.

**Bill Walker (Dunfermline) (SNP):** Everyone else is getting a geographical mention. I am one of the poor souls in the constituency of Dunfermline in West Fife who does not have broadband in his house. I have petitioned the cabinet secretary, but to no avail.

Does the cabinet secretary agree that the tremendous connectivity and advances that have been made in broadband—I am trying not to be party political—are one of the reasons why we managed to get Amazon to locate in Scotland? Does he also agree that broadband played a substantial part elsewhere in Fife in getting the Samsung Heavy Industries Company to choose Scotland as its first location in Europe? Does he agree that broadband connectivity is a substantial issue?

**Alex Neil:** Absolutely. I am even prepared to be quoted in any press release as a result of that intervention.

The second programme will be taken forward in parallel with the first and the others, and will focus

on developing a longer-term plan to deliver world-class infrastructure by 2020.

We want Scotland to be, and are determined that it will be, at least on a par with the best in the world. That will require a different approach. We need to ensure that we have the right mechanisms, partnerships and commercial models in place to deliver sustainable digital infrastructure for decades to come. By the end of this year, we will develop a full plan outlining the options for delivering our world-class ambition.

Programme 3 will encourage and support the development of local projects that deliver local solutions for communities to which the market will not go, or in which early progress to world class can be demonstrated. That could support projects in the remote Highlands and Islands, such as the Tegola project.

By April this year, we will establish a seed fund and provide an initial injection of £5 million from the Scottish Government to encourage that process. We expect that money to leverage funding from the private sector, communities, third sector, local government and Europe. Indeed, in Lothian and Fife—I am going around the country during this speech—there are already good examples of that beginning to happen.

The final programme is targeted at increasing digital participation rates for individuals and businesses. Increasing take-up is fundamental. It is the only way in which we will achieve our overarching objective of ensuring that everyone in Scotland is well placed to take full advantage of the opportunities of the digital age.

For business and the public sector, those opportunities can lead to productivity gains through more efficient and lower-cost provision of services. In the plan, we have outlined two projects to communicate to the small and medium-sized enterprise sector the benefits of getting online. Those projects are due to commence this year.

For individuals, digital participation can deliver household savings, increase learning opportunities and provide enhanced entertainment experiences. The Cabinet Secretary for Rural Affairs and the Environment also tells me that it will be a substantial enhancement for farmers by helping them to claim their European subsidies with a quicker turnaround than is currently the case. That news is, no doubt, music to Mr Johnstone's ears.

We are fortunate in that we are supported by a groundbreaking alliance of more than 35 organisations from the public, private, academic and third sectors that have signed up to Scotland's digital participation charter. In so doing, those organisations have committed themselves to aligning resources and delivering a difference in

Scotland's level of digital participation. Discussions are under way on the Glasgow area, where there are particularly low levels of take-up, with a view to understanding how partners can work together to make a difference.

The two programmes that I have described, along with programmes 3 and 4, about which I will go into more detail in my closing speech, represent a comprehensive, ambitious, challenging and realisable plan for digital in Scotland. We do not just want to be up there with the best; we want to be the best.

I move,

That the Parliament welcomes the publication of *Scotland's Digital Future - Infrastructure Action Plan* and the commitment to world class, future-proofed infrastructure that will deliver digital connectivity across the whole of Scotland by 2020; recognises that putting this infrastructure in place will make a real difference to the way people in Scotland live and work, including how they access public services; agrees that achieving the ambition will require the Scottish Government to work in partnership with local authorities to deliver committed and coordinated action across the whole of Scotland; calls on the private sector to work in partnership with the public sector to deliver open access future-proofed infrastructure and to support measures to increase take-up and participation in the digital economy, and calls on the UK Government to make available the right levels of funding to meet the challenges of delivering infrastructure in rural and remote areas of Scotland, to ensure that mobile 2G and 3G not spots are addressed in Scotland and that the roll-out of 4G in Scotland at least matches the UK average.

15:11

**Richard Baker (North East Scotland) (Lab):** I am delighted that the cabinet secretary has had an excellent moment of common sense and will support the amendment in my name.

I think that all members are aware that a great deal is riding on the Scottish Government getting its digital infrastructure strategy right. It is about ensuring that everyone in Scotland can benefit from broadband. Whether we are talking about online banking, online retail or the ability to make videocalls to relatives abroad, more Scots need to take advantage of the opportunities. In a world in which the internet is increasingly the focus for accessing goods and services and in which Government services are increasingly online, Scots' access to broadband is more and more an important matter of social inclusion.

Broadband access is vital to Scotland's economic growth, too. In his evidence to the Infrastructure and Capital Investment Committee's inquiry, Professor Michael Fourman, of the Royal Society of Edinburgh, said that the Organisation for Economic Co-operation and Development estimates that

"A 10 per cent increase in take-up"

will lead to

"a 1 per cent increase in gross domestic product".—[*Official Report, Infrastructure and Capital Investment Committee, 7 December 2011; c 445.*]

Given that gross domestic product growth in Scotland stands at a less-than-inspiring 0.5 per cent, we need to take all the action that we can take to strengthen our economy. As broadband take-up in Scotland is only 61 per cent, compared with the UK figure of 74 per cent, the potential for progress is clear.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** Does the member accept that the Royal Society of Edinburgh also says:

"The Action Plan sets out a level of ambition that has not previously been seen at Scottish or UK level."

Well done, cabinet secretary.

**Richard Baker:** I am not sure that I would be quite as fawning as that. Did the RSE say, "Well done, cabinet secretary," or did Mr Thompson add that? He might well have done. However, we can get behind the ambition. I will say lots of positive things about that, as always. The national strategy is crucial and—for the avoidance of doubt, I say to Mr Thompson—we welcome the publication of "Scotland's Digital Future". How refreshing it is to discuss ways of bringing people together rather than pulling them apart.

There is not much in the programme for action in the document with which we can disagree. For example, we do not disagree with the ambition for an uplift in broadband speeds by 2015. "Achieving world-class by 2020" is surely a lofty and admirable objective, and everyone should support the goals on developing local solutions and increasing take-up. Not for the first time, we can agree with the Scottish Government about the ambition of the policy.

Of course, there are many questions about how the policy will be delivered. The key issue is that the rhetoric should match the reality. Once again, we have a Scottish Government plan that majors on ambition but is somewhat short on the detail of how that ambition will be achieved.

The funding that is available to develop digital infrastructure will be crucial to the success of the work. The plan is right to identify the need for private sector involvement and Scottish Government support for Scottish bids to the UK urban development fund. We are happy to join in calls for the UK Government to provide additional funding. Given that Scotland currently has only 85 per cent coverage, we also agree that Scotland should derive an appropriately significant share of the £150 million that the UK Government is allocating to address areas in the UK that do not have even 2G coverage.

If we agree that the Scottish Government should press the UK Government to give Scotland the right priority with regard to investment in our digital infrastructure, the Scottish Government in turn needs to ensure that it is getting its funding of the initiative right.

Although the Government funds of £154 million are significant, far more money could be spent on developing our digital infrastructure and more investment from other sources will be required if the ambitions in the Scottish Government's plans are to be realised. In particular, we need to hear how some of the exciting local plans that have been developed will be funded, not least for the sake of the flurry of local press releases that will obviously follow the debate.

The £5 million of seed funding is welcome, but I am aware that, in my area, Aberdeen city and shire economic future has made a bid for £15 million of funding from the Scottish Government. The cabinet secretary referred to the plans there. Aberdeenshire Council has already allocated £18 million to its rural access strategy and the open access fibre network in the area. I do not always agree with the councils' decisions on a range of issues, but it is clear that there is local commitment to developing the much-improved broadband infrastructure that our local economy and residents need.

The Scottish Government must match that commitment if the plans are to succeed. Obviously, that applies not only to my region, but to other rural areas such as the Highlands, of which I am sure we will hear more during the debate, and to the local strategies that have been developed in our cities. However, we still do not have clarity from the Scottish Government on how much of the pot of £154 million will be devoted to local initiatives. The cabinet secretary says that we will have more clarity in the weeks ahead about exactly which funds will be allocated to local schemes but, given the timescales that he has set—we applaud the ambition on that—we need more clarity on those important issues sooner rather than later.

We welcome the fact that a national strategy will be put in place, and no one wants unnecessary duplication of effort, but the Economy, Energy and Tourism Committee, in its broadband inquiry, heard evidence from several witnesses that local leadership and direction of broadband initiatives will be crucial to their success. In a country that is so diverse in need and in geography, which presents a variety of technical challenges, there will be no one-size-fits-all solution. Therefore, I can see the sense of having a national programme board overseeing a national strategy, but I hope that within that structure there is scope for regional

leadership to find local solutions and that the approach is not overly directive and centralised.

It is good to be ambitious, but some of those who are involved in the industry have impressed on me the scale of the task. In particular, the 2020 target will require a step change in access to broadband in Scotland from where we are now. It has also been impressed on me that we must invest in the right technologies that will have the optimal impact on expanding access. The action plan document recognises that and the nature of digital communication as a fast-moving area of technology.

The Scottish Government will need to consider carefully how to achieve the widest roll-out of a fibre network and the role that 4G can play in extending broadband coverage. The cabinet secretary and Dave Stewart rightly referred to that. I hope that the Scottish Government will take steps to ensure that fibre roll-out can be linked to major public infrastructure projects. In my region, the Aberdeen western peripheral route, when it is finally delivered, can be a prime candidate for that, and there will be other examples throughout the country. Given our comparatively low rate of take-up, it is clear that, to achieve the goal of Scotland having the highest take-up rate in the UK by 2015, a range of technical solutions will be required. The key will be to get the balance right to achieve the maximum return on investment.

I will close on the point with which I began: that the strategy must benefit all Scots and should promote social inclusion. Simply expanding the potential for access to broadband throughout the country and at higher speeds is not the same as ensuring that the technology will be used by as many Scots as possible. That point has been made in some of the briefings that members received for the debate. The issue is not just about access; it is about ensuring that people can use broadband facilities. There are harder-to-reach groups such as some older people and those who will be deterred from using broadband in the home because of cost. If we want to realise the ambition that the document sets out for increased take-up, we will need to involve Scots in all sections of society. We need to hear more from the Scottish Government about how people who can access broadband now but who choose not to or who are deterred from doing so will be encouraged and enabled to use broadband in the future.

There is much to applaud in the strategy, but questions remain for the cabinet secretary about how those important goals will be achieved. I hope that he will be able to answer them today, because they will be crucial in ensuring that the aims are realised and that we have the step change in digital infrastructure in Scotland that is crucial for the future success of our economy and society.



I move amendment S4M-01893.1, to insert at end:

“, and calls on the Scottish Government to ensure that local and community projects receive an adequate share of the available funding and to develop strategies to improve broadband uptake among people over 55 and low-income groups who are currently excluded from the benefits of broadband access.”

15:20

**Mary Scanlon (Highlands and Islands) (Con):**

I welcome the tone of the debate so far. There is so much that could be included in the debate as so much has been done, is being done and needs to be done, particularly as the average broadband speed in Scotland is around 7 megabits per second and the Scottish Government aims to increase it to between 40 and 80 megabits per second by 2015.

In preparation for the debate, I thought back to when the Parliament was set up. Many local people and businesses contacted those of us who are members for the Highlands and Islands as part of their campaign for access to broadband. First, proximity to exchanges and copper cabling were issues, then it was broadband speeds, superfast broadband and now new generation broadband and fibre to street cabinets. The phrase “new generation” is apt, given that all that has happened in just over a decade.

We welcome the action plan. There is no doubt that first-class, effective broadband connections and speeds are essential not only for competitive economic growth, but to advance telehealth, online learning, worldwide communications and so much more. All countries aim for such services in these difficult financial times. Ireland, for example, aims in the next five years to have an advanced broadband infrastructure with download speeds of at least 100 megabits per second.

The UK Government has invested £70 million in Scotland from the current £530 million pot. That is a 13 per cent share of the budget for our 8 per cent share of the UK population, which is essential, welcome and not unreasonable, given the geographic needs in Scotland.

**Dave Thompson:** Will the member take an intervention?

**Mary Scanlon:** I want to make progress, if the member does not mind.

Scotland has the opportunity to benefit from the £100 million investment in urban broadband to create superconnected cities, with Edinburgh already having guaranteed funding in that regard. As Richard Baker and the cabinet secretary stated, Scotland will also benefit from the £150 million investment in improving the communications infrastructure for mobile

coverage. Again, that is much needed. My colleague Alex Johnstone will discuss that issue further.

Of course, there are many community broadband projects that are all working to find local solutions to connectivity problems. There is also the critical pilot funding for next-generation broadband in the Highlands and Islands, which was chosen as one of four UK pilot areas. That is a key part of the strategy.

The UK Government is right to aim to have the best broadband network in Europe by 2015, and of course the cabinet secretary is committed to next-generation broadband being available to all by 2020, which is not unreasonable or unachievable. However, as the cabinet secretary said, in areas with some of the best broadband speeds in Scotland, such as greater Glasgow, take-up is only 50 per cent; for over 55s it is 34 per cent; for social groups D and E it is 30 per cent; and for those with household incomes under £17,500, take-up is 26 per cent.

The United Nations target for universal broadband is to have internet access for 40 per cent of households in developing countries and 50 per cent internet-user penetration by 2015. As Richard Baker and the cabinet secretary said, the Government needs to work in partnership with the private sector, third sector and others to increase broadband take-up in Scotland, otherwise parts of Scotland could lag behind developing countries in that regard. I acknowledge the commitment in programme 4 of the action plan to increase take-up, and I hope that progress will be regularly monitored.

There is work to be done to address the use of the internet by Scottish small and medium-sized businesses. I was quite shocked—as I think most of us were—when I read that 25 per cent of SMEs do not use the internet at all. Work is being done in Scottish Enterprise and Highlands and Islands Enterprise—and I accept the points that the cabinet secretary made—on business support for, and the upskilling of, SMEs. However, there is undoubtedly much more to be done to ensure that we keep pace with other countries.

Finally, I noted on page 13 of the action plan the Government's strategy on procurement for public sector investment and low-cost access. I am the deputy convener of the Public Audit Committee, which received a paper from the Auditor General about the Registers of Scotland and other organisations. An information technology contract that was initially estimated at £66 million is now estimated at £132 million, with considerable impairment charges. How will the strategy ensure that Scotland's public sector procures at the right cost—offering good value to the public purse—in a way that achieves an IT system that is fit for

purpose and provides much-needed returns on investment? I welcome those points in the action plan.

The broadband action plan requires the monitoring of progress and positive and constructive working relations with the UK Government, the Convention of Scottish Local Authorities, the public and private sectors and the third sector to ensure success. I can see that the cabinet secretary is nodding and I am sure that all the discussions will be both constructive and positive.

I move amendment S4M-01893.2, in the name of Alex Johnstone, to leave out from “local authorities” to “funding” and insert:

“the UK Government, local authorities and the public and private sectors to deliver open access future-proofed infrastructure and to support measures to increase take-up and participation in the digital economy and”.

15:26

**Aileen McLeod (South Scotland) (SNP):** I thank the cabinet secretary for providing a robust and detailed plan on how the Scottish Government intends to achieve the aims of the digital future strategy. The digital future of Scotland is of the highest importance; it is central to achieving a fair, modern and competitive economy. By aiming not only for 85 to 90 per cent coverage of high-speed broadband by 2015, but for next-generation broadband to be available to all by 2020, the Government is demonstrating its ambition and its commitment to those ends.

However, I appreciate that meeting those targets will not be without its challenges. The cost of upgrading the infrastructure to enable us to provide high-speed and even superfast broadband, although not prohibitive, will need to come from a variety of investment programmes. As we see from the infrastructure action plan, the private sector is investing, where commercially viable. That investment is vital, but it is not enough to stand alone. I commend the Scottish Government for securing £68.8 million from broadband development UK, although I only wish that it had been more, given the geographical issues that we have to overcome in Scotland, especially in our remote and local areas.

**Jim Hume:** Will the member take an intervention?

**Aileen McLeod:** I would like to make some progress first, and then I will take an intervention.

I also commend the Scottish Government for allocating £79.5 million from the Scottish budget to improving broadband services—including up to £25.5 million of European Union funds.

**Jim Hume:** If my sums are correct—and I know that they are—the Westminster Government is giving some 27 per cent more to broadband in Scotland than the Scottish Government is giving. Does the member acknowledge that?

**Aileen McLeod:** In the Highlands and Islands, £300 million must be paid, so £68.8 million is still not enough. We need more—and we need to consider European funding as well. Further EU funding might well be available in the next financial framework. The European Commission is proposing that some €9.2 billion be allocated over the period 2014 to 2020 to support upgrades to deliver faster internet connectivity, through its connecting Europe facility, and I hope that colleagues in this Parliament will give their support to that important initiative.

Public funding of £185 million has already been identified, and establishing a £5 million seed fund for local projects by April this year will allow innovative solutions to evolve, with a longer-term view to national roll-out. An excellent example of how that is starting to take shape is the work of the south of Scotland alliance. As a member who represents South Scotland, I know only too well that the region is badly served by broadband access. Dumfries and Galloway is 31st out of Scotland’s 32 council areas for broadband availability, and approximately 15 per cent of phone lines across the region are unable to support 2 megabits per second. That is a totally unacceptable situation that must be—and is being—addressed.

There is no doubt that the region’s economic development potential will not be exploited fully until it can boast the quality of internet connectivity that today’s businesses require. If we are to bring further investment to the south of Scotland, improving broadband infrastructure is critical.

The south of Scotland alliance has developed a highly ambitious next-generation broadband programme, which seeks to ensure that the south will be at the forefront of the delivery of Scotland’s digital ambitions. As I have indicated, there are few more appropriate regions in Scotland to lead that initiative.

The programme aims to play a lead role in transforming the delivery of public services, economic development and social cohesion in rural communities from Stranraer to Eyemouth. It is based on the type of partnership that the Scottish Government recognises is necessary if its digital ambitions for rural Scotland are to be realised. It involves Dumfries and Galloway and Borders councils, the two national health service health boards and Scottish Enterprise. I am delighted that, last November, the Scottish Government committed £5 million to commence

the procurement phase of the south of Scotland alliance next-generation broadband project.

The alliance is now working on a bid for providing next-generation broadband to cover 100 per cent of the south of Scotland population. The forecast cost is £120 million and, although both councils have agreed a joint commitment of £21 million in capital funding and £1.5 million in revenue over the lifetime of the project, the partnership is looking to various other sources of funding, including the UK Government and the EU, to bring the project to fruition. The efforts of the south of Scotland alliance project team are to be commended, and I thank the cabinet secretary for his continued support for the project.

I briefly turn my attention to the elements of the motion that deal with 4G mobile broadband and mobile phone coverage, with regard to a meeting that I had this week with the mobile phone operator Three. As members will be aware, the UK Government holds the cards when it comes to auctioning the spectrum to operators, and delays on its part have meant that the UK has fallen significantly behind in progressing coverage. During my meeting with Three, it was clear that, apart from Greece, the UK will be the last west European country to auction 4G. That is in stark contrast with 2003, when we were the first to auction 3G, so I fully support the Scottish Government motion where it seeks to ensure that the roll-out of 4G in Scotland at least matches the UK average.

However, we must impress on Westminster and Ofcom the importance of allowing the 4G auction to take place sooner rather than later, or we risk falling behind other European countries in our coverage and therefore in the take-up of broadband.

The infrastructure action plan states:

“empowering communities to develop tailored solutions to meet their local requirements can deliver significant benefits.”

Yes—and the Scottish Government’s plans for a digital future in Scotland are ideal for empowering communities not only to develop the technology to sustain themselves but to encourage business growth, tourism and a subsequent increase in confidence in local economies.

I commend the Scottish Government on its foresight in promoting the notion of a digital future for Scotland.

15:33

**David Stewart (Highlands and Islands) (Lab):**

I welcome the opportunity to contribute to this vitally important debate on broadband. Highlands and Islands Enterprise rightly described

broadband roll-out as “transformational” for the Highlands and Islands. I agree, and I will concentrate on the Highlands and Islands almost exclusively, but I will also touch on three best-practice examples, which include Eigg and Cornwall. I will do so in the spirit of consensus, as the cabinet secretary, Alex Neil, is the model of calm and the master of conflict avoidance. Some have said that he would put Henry Kissinger in the shade, but perhaps I overstate my case.

There is much to be welcomed in the infrastructure action plan. I do not think that anyone would disagree with a commitment to

“a world-class, future proofed infrastructure that will deliver digital connectivity across the whole of Scotland by 2020.”

However, I have a few questions for the cabinet secretary on the detail, which I will touch on in a few moments.

In my earlier years in politics I remember dealing with a small community in Lochaber that could not get television reception because it was literally surrounded by Munros—of course, I mean the mountains and not the clan. The solution was eventually found by using a self-help transmitter in the village, and “Coronation Street”, “EastEnders” and “Match of the Day” were soon beamed into every single household. Is that not an analogy for broadband roll-out in rural areas? The last 2 per cent of locations will be the most geographically challenging—our island communities, isolated valleys and hillside hamlets.

As BT has said, we need a mixed economy of technologies, including fibre optic, satellite, wi-fi, 3G and 4G. However, as BT tells me, the number of slow-spots, where speeds are less than 2 megabits per second, as they are for 12 per cent of the population, could be further reduced by highly technical solutions such as television white space—the utilisation of spare TV channel frequencies—long-reach fibre, and the development of 4G. However, there are a number of challenges. What about gap funding in situations where there is no economically viable case for commercial organisations independently to implement next-generation broadband? Does the cabinet secretary agree with BT’s evidence at the Infrastructure and Capital Investment Committee that the target of significantly improving access to faster broadband speeds by 2015 needs to be more specific and defined in order to judge progress?

The target is to improve Scotland’s broadband uptake so that it is above the UK average by next year. As we have heard, that is a big challenge. Scotland is about 13 per cent below the UK average uptake of 74 per cent. What assessment has the cabinet secretary made of the level of funding available through the challenge fund under

the Scotland rural development programme's LEADER scheme for broadband roll-out? There are several best-practice schemes across the UK. For example, in Cornwall, BT and Cornwall Council aim to deliver 100 per cent coverage of superfast broadband by sourcing over £50 million from the European regional development fund, along with £78 million from BT. It has been described by a probably very ambitious press officer as the

"world's most ambitious rural next generation broadband project."

It is worth emphasising two key points. First, people in Cornwall are using satellite and wireless technologies to in-fill areas where fibre optic development is not practical. Secondly, it is a good example of gap funding, which meets the difference between what is and what is not financially viable.

We all know that the market cannot possibly solve all the problems of broadband roll-out. I flag up the excellent project that Mary Scanlon mentioned in the Highlands and Islands, where the work of BDUK and EDF will make a revolutionary change. Let me give another example. Some time ago, a resident of Eigg conducted a survey of all users on the island. He looked at broadband speed, service reliability and the cost of service and found that there was massive dissatisfaction regarding all three aspects. There is good news, however. Following the survey, the resident, working with representatives of the University of Edinburgh, developed and established an alternative service for Eigg. He sent my office a letter saying:

"This is acting as a pilot project for the wider roll-out network over the small isles, Knoydart and Loch Hourn area, for which we have yet to achieve any funding. The Eigg network is now almost fully operational, with over 20 households currently connected. For Eigg alone, when 40 subscribers are connected, the total net cost will have been less than £200 per household".

As the cabinet secretary said, Professor Peter Buneman of the University of Edinburgh has recently spoken about the Tegola project, otherwise called the "last mile" solution. That is an excellent example of a local initiative. I welcome the seed fund initiative, which appears in the action plan for local solutions. The network has been running for four years and covers Corran and north-west Knoydart, serving about 60 households. It delivers speeds of about 25 megabits per second—although it is slightly limited by backhaul problems—and excellent voice over IP through services such as Skype. Professor Buneman makes the very relevant point that rural communities need the internet as much as urban communities, partly because there are more businesses in rural communities. Of course, there is also a greater reliance on online shopping and

other forms of communication. One of the key issues is how to avoid isolation. He gave an excellent example of a resident of Knoydart who uses teleconferencing to communicate with his grandchildren in New Zealand every weekend.

New-generation broadband is arguably the most important tool for rural development, particularly for our super-rural and fragile mainland communities. There is much to commend in the action plan, which is written in the spirit of the Royal Society of Edinburgh's report "Digital Scotland". I hope that the cabinet secretary will be able to respond to my remarks.

Finally, the wider question that the Royal Society of Edinburgh addresses is whether broadband infrastructure is a means to an end rather than an end in itself. How can we work together to narrow the digital divide among the over-55s and the lower-income groups to implement a world-class infrastructure that will cultivate Scotland's social, cultural and economic sectors?

15:40

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** As a computer science graduate in the dim and distant past, I could only dream of the kind of vision that is set out on page 11 of the Scottish Government's action plan—that of a family using technology to learn, to have fun, to connect with new people from other countries, to catch up on favourite television programmes that have been missed and to keep in close contact with loved ones around the world using live video streaming. The crucial element in all of it, apart from the fabulous developments in software and hardware that make it possible, is the need to make it possible for all our population, no matter where they live.

We should make no mistake: a technological revolution is well under way that will offer society the ability to do things in such a completely different way that it will change for ever how we live, work and make connections with one another. Distance will no longer be a barrier to that. I am happy to see that the Scottish Government's paper recognises that and places considerable emphasis on the need to close the various gaps that we know exist.

Achieving the step change of between 40 and 80 megabits per second for up to 90 per cent of premises in the next three years is excellent. The possibility, in today's terms, of speeds of up to 100 megabits per second and, beyond, to 1,000 megabits per second—1 gigabit per second to those in the know—is an incredible prospect. Rightly, too, attention is being paid to the well-known not-spots and slow-spots that have been

mentioned by colleagues—places that are currently not served particularly well by the technology due to their geography or small customer numbers.

The theme of the debate is how we will develop the infrastructure to give Scotland a world-class service by 2020. In progressing the plan, however, we must not lose sight of the social digital divide that has existed for many years. Figures published by Ofcom on fixed broadband access show that, although Scotland exceeds the UK figure for broadband take-up among the 35 to 54 age group, we seem to lag behind the UK in take-up among older age groups and lower-income groups. The figure for greater Glasgow, which is now 50 per cent, has been historically much lower even than the figure for Scotland, which is now 61 per cent, and the figure for the UK, which is now 74 per cent. However, I urge caution in that those figures do not include mobile broadband and there are other ways in which the public accesses broadband services—particularly smartphone technology.

I am the convener of the cross-party group on digital participation and it is clear to me, from the many shared experiences around Scotland, both urban and rural, that work still needs to be done to close both digital divides—the geographic and the social. The work to tackle the latter may be for another debate but, as the gap widens, even the best technology on offer will have little impact on the lives of ordinary people if they continue to disengage from it. That point was made by one of my Labour colleagues.

I recognise and welcome the contribution that has been made by the Royal Society of Edinburgh not only to the debate but to the work of the cross-party group. Through Professor Fourman, the society has been a steadfast supporter and driver of many of the issues under discussion, which are contained in the infrastructure action plan. Its comments in welcoming the ambition of the Scottish Government to achieve the standards that it has set via open-access or technology-neutral solutions is much appreciated and I look forward to working with the society on future occasions.

As the action plan also makes clear, the required level of service cannot be delivered entirely by the public sector or, indeed, the private sector on its own. Working in partnership can achieve the Government's aims. Just last month, we heard of BT's latest investment plans, which will bring superfast broadband to another 277,000 homes and businesses, 21,000 of which are in my constituency. Using a mixture of fibre to the cabinet and fibre to the premises, that will offer speeds of 40 megabits per second and upwards to 300 megabits per second. Those speeds will mean that families will be able to do all those

things that I mentioned at the same time, downloading music in seconds and taking under 10 minutes to download full-length, high-definition movies.

Fourth-generation mobile coverage is also just around the corner. Ofcom estimates that the demand in western Europe for mobile data services such as video streaming, messaging and social networking could increase by 500 per cent over the next five years.

**Claudia Beamish (South Scotland) (Lab):** On the point about mobile coverage, I want to highlight an inclusion issue. Earlier this week, a care forum in the Borders highlighted to me the importance to deaf people of text messaging in relation to the national health service. That kind of service is not happening in the Borders or, I believe, anywhere else in Scotland.

**Willie Coffey:** Absolutely. The member's point is well made. One of the key things about technology is that it has to serve the whole population, particularly the disabled community, which sometimes depends on it rather more than we do.

Sometimes a discussion about the power of technology can be blurred by our terminology and have little meaning to the people whom we serve. I began by saying that this technology will change the way we live, the way we learn, the way we work and the way we communicate. There are limitless possibilities for our schools and how they engage with the online world in which we live, and there are many advantages to our citizens' being able to access vital information that directly affects them. As that computer science graduate from the dim and distant past, I think that this is the most exciting time of all to be part of this technology revolution, to support the Scottish Government's proposed work and to give Scotland the world-class service that will open up so many doors to a brighter future.

I am pleased to support the Government's motion.

15:46

**Rhoda Grant (Highlands and Islands) (Lab):** I welcome the action plan's acknowledgement of the scale of the challenge ahead. As things stand with the current infrastructure, only 50 per cent of Scotland will get next-generation broadband. We are in real danger of being left behind; indeed, at this rate, rural India will have next-generation broadband before rural Scotland. Not only have the people in that area recognised the need for connection, they are rolling it out.

My worry is that this is not an action plan but a route map towards one. It outlines four distinct

programmes, the first of which is to achieve a step change by 2015; the second, to achieve world-class broadband by 2020; the third, to demonstrate and deliver innovative local solutions; and the fourth, to increase take-up rates. The Scottish Government's previous goals were to make next-generation broadband available to all by 2020 and to make significant progress by 2015, and I am a little concerned that both are being watered down. Given that achieving a step change and world-class broadband are part of the same trajectory, why are there different pathways?

Programme 1 will be put out to tender in September while an action plan for programme 2—to achieve world-class broadband—will not be launched until December. To do this properly, we must ensure that what we do now contributes to the final goal. For too long now, we have had a piecemeal approach.

We also need to remember that, as we progress with next-generation broadband, many of the communities in the Highlands and Islands, particularly in the Western Isles, have no broadband provision at all and we need to focus on those communities, which have already fallen behind because of market failure.

If we are to roll out next-generation broadband, the infrastructure must be in place. We need fibre to connect communities. The Scottish Government knows where the fibre is and who owns it; indeed, the public sector itself has already invested in fibre—for example, in the pathfinder north network and JANET and on electricity transmission lines—and there has been investment by, among many others, Network Rail and Scottish Water. I ask the Scottish Government to publish Scotland's fibre map showing the current location of all fibre because that alone will show the gaps that are preventing the whole of Scotland from getting next-generation broadband.

Given that Ofcom has opened up BT's ducts and poles for use, is it not time that the same principle applied to fibre? Indeed, I really hope that that is what the cabinet secretary means by the reference in the plan to "open access". Legislation might be needed, but I truly believe that, with all-party support, that can be done quickly.

As taxpayers have funded much of this fibre infrastructure in the past, they must benefit from it going forward. With pathfinder north, for example, local government has been able to procure fast connections between its offices and schools and other buildings. People have argued against using that fibre because, under the original procurement process, its use was not extended to communities and businesses.

In most cases, however, the pathfinder infrastructure is owned not by the state, which

simply rents part of it, but by other businesses, so there is nothing to prevent communities and businesses from contracting with the owners of the fibre to use the spare capacity in the cables.

The action plan mentions the seed funding of £5 million, which is welcome. However, we need the fibre infrastructure to allow communities to go the last mile. If the backhaul is not in place, no community solution will work.

Where communities do not have the ability to go it alone, the Government needs to consider enabling a community internet service provider to take things forward and build community resilience to make that affordable. What keeps costs down in the Tegola project is that members of the community carry out repairs and replace parts as required. If a large ISP were to do that work, it would cost thousands of pounds per repair and the running costs would be unattainable.

I welcome the fact that the report promises to deliver an open-access infrastructure. Under such an approach, all public procurement of fibre must be tendered properly to allow public agencies to be part of the solution. However, we also need to future-proof our planning system. Retrospective laying of fibre is expensive. Fibre, or at the very least the ducts, should be incorporated into all new road and building developments. It is almost cost free to put ducts in when roads are resurfaced or housing developments are built, and once they are there, it is relatively cheap to put fibre down.

Geography and landscape mean that there is no one-size-fits-all solution to the problem. I have seen at first hand the problems with trying to achieve good broadband connections in the Highlands and Islands. I welcome the fact that commercial mobile services are improving—for example, 3G and 4G services—but the areas that do not get broadband are the very areas that are unlikely to get a mobile signal, so all technologies need to be used: fibre, wireless, satellite and the white space that is freed up by the shift from analogue to digital television.

We need a mix of providers. BT is the largest supplier and is the only one left in the Highlands and Islands pilot. We need to involve the other players such as Cable & Wireless, which owns much of the pathfinder infrastructure, and National Grid and Scottish Hydro Electric Transmission Ltd, which also own fibre transmission lines.

Large internet service providers will roll out next-generation broadband where the market is sufficiently large to pay for it. It is vital that Government money does not skew that process but is used where the market fails, which is in rural areas.

Solutions needs to be future-proofed. It is hard to find a solution for rural areas that can be updated at a later date.

The long-awaited action plan is not an action plan but a statement of what requires to be done. The Government admits that the technology is moving apace, and it also needs to move apace to ensure that Scotland does not fall behind.

15:53

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** At the start of every week, I spend four hours travelling to Edinburgh from my constituency of Skye, Lochaber and Badenoch. With all due respect to the railway network, it takes just a split second for an e-mail to make the same journey. Much commerce and business is now conducted electronically, without the need for face-to-face contact, which greatly reduces costs. Good access to broadband allows Highland businesses and organisations to compete with those in the central belt and indeed across the world. Schools can enjoy the educational benefits of being online and people can keep up to date with friends and family on the other side of the globe.

However, many thousands of homes in Scotland do not have access to good, reliable and fast broadband, and many of them are in my constituency. This is a serious problem for Scotland's economic growth and productivity because a great percentage of Scotland's small and medium-sized enterprises are in the currently broadband-deficient Highlands.

This week, I was contacted by Iain Blois, who lives and works in my constituency. His work requires him to be able to download files, purchase goods and services online and fill in web-based applications. He lives 3 miles from Beauly, which is a small town close to Inverness, so the population density is not as low as it is in many other parts of the Highlands. Nevertheless, he wrote to say that the broadband speed is only 0.34 megabits per second. That means that a one-minute BBC news clip aborts with the message "Insufficient speed".

The home of another constituent of mine, Henry Mennie, is categorised as "out of reach" of the exchange server. He lives on the Black Isle, less than 5 miles away from the exchange in Dingwall and just over the firth from Inverness. We therefore have problems even close to Inverness, but many of my constituents are much more remote than that. My constituency has a low population density, which means that it usually slides off the map of market-led digital provision, but digital inclusion is essential for us; indeed, it is

even more essential for us than for those who live in urban Scotland.

The dangers of the digital divide are self-evident. Without equality of broadband provision across Scotland, businesses in rural areas are uncompetitive, school leavers migrate to the cities, and there is limited economic growth. In a 2009 study by the Organisation for Economic Co-operation and Development, it was shown that a 10 per cent increase in broadband results in a 1 per cent increase in GDP. For the sake of my constituents and Scotland, we must ensure that the digital divide does not widen any further; indeed, we must endeavour to narrow it.

Fortunately, that has been recognised by the Scottish Government, which has set out to deliver world-class broadband to all by 2020. I welcome its ambition, and congratulate it on its publication of "Scotland's Digital Future—Infrastructure Action Plan", which acknowledges that there are particular challenges in delivering broadband infrastructure in rural areas but nevertheless pledges to address those issues and ensure that the broadband roll-out in Scotland matches the UK average. We have already heard that the Royal Society of Edinburgh has said that it has not come across such ambition before. We need ambition in this country and the ability to meet it, which will come fully with independence, of course.

Highlands and Islands Enterprise is planning to roll out superfast broadband across my constituency and the region, as the cabinet secretary has said. Work will begin in 2013, which is to be warmly welcomed. That work will cover the length and breadth of the region and 125,000 premises, of which 11,000 will be business premises. The roll-out must ensure universality in the provision of broadband, and I have pressed Highlands and Islands Enterprise to guarantee that. In areas of low population density, superfast broadband is very expensive, as fibre optic requires a sufficient concentration of subscribers per cabinet to make it economically viable. Therefore, alternative solutions must be considered for many consumers in my constituency.

A number of solutions have already been mentioned. One solution is wireless broadband, of course, which includes mobile broadband, 4G and satellite, and which can be deployed quickly and cheaply.

**David Stewart:** I think that the member is just coming to this point, but I stressed that fibre optic cannot possibly be the whole answer for the Highlands and Islands. A whole suite of alternatives must be used. In the past, satellite was used through an ISP. Does the member agree that satellite, wi-fi and 4G must be

considered to ensure that the last 1 per cent is covered?

**Dave Thompson:** I thought that I had just said that. I mentioned 4G and satellite. I agree with the member that we must look at a range of solutions in addition to fibre optic.

I will say a wee bit more about that. To ensure full coverage, we must build the solution that I mentioned into the contract that HIE is currently negotiating with BT. I am pleased to say that HIE has given me assurances that that will be the case and that it is looking seriously at that matter as it moves towards finalising the contract with BT, which is the remaining sole bidder.

To conclude, I agree with the Government that broadband provision should be market led, but that that will not work in every area, and that everyone in this nation must have access to reliable and cost-effective broadband. That will lead to innovation, improved productivity and sustainable economic growth in Scotland. The Government is to be congratulated on taking such a positive and ambitious view on infrastructure provision for the whole country.

15:59

**Jim Hume (South Scotland) (LD):** I am happy to debate the Government's infrastructure action plan for Scotland's digital future. It is only right that the Government is publishing its plan to get Scotland switched on to the numerous economic and societal benefits that will derive from the roll-out of next-generation broadband. It is refreshing to read a Government publication that makes no reference to independence—although the SNP back benchers made some half-hearted attempts to bring it into the debate.

The Government's publication, "Scotland's Digital Future—A Strategy for Scotland" last year revealed that uptake of broadband was lower in Scotland than in the other nations in the UK; at 61 per cent, it was 10 per cent below the UK average. That figure must be increased, so I welcome the publication of the plan. I hope that the cabinet secretary will be willing to acknowledge the instrumental part that the UK has played by providing the largest proportion of funding, and I hope that he will continue to work in partnership with the UK Government.

**Alex Neil:** Obviously, the Scottish Government welcomes the £68 million that we got from the BBC licence money, but compare that to the £58 million that Wales got. Scotland has not received its fair share.

**Jim Hume:** The UK Government has put in £68.8 million, while the Scottish Government is

proposing to put in £54 million. As I said, Westminster has supplied the largest proportion.

The Scottish Chambers of Commerce has spoken of digital connectivity as being as important as transport connectivity, particularly because the ability to utilise broadband connections has become important to the competitiveness of small businesses.

As Dave Thompson said, the OECD has spoken of a 10 per cent increase in the uptake of broadband resulting in a 1 per cent increase in GDP. The availability of broadband is important in helping to anchor businesses in rural areas—businesses which would, without access to this basic tool of commerce, be forced to leave such areas and take their jobs with them.

The benefits are also tangible. In evidence to the Infrastructure and Capital Investment Committee, Fiona Ballantyne of the Communications Consumer Panel spoke of estimates from 2008 that suggest that people who are online can save £560 a year. With high-speed broadband, people can work from home to create a better work-life balance, undertake education or receive more convenient and personalised care using telehealth measures.

It is in rural areas where the plan should have the greatest impact. Alex Neil has already mentioned Kirkcaldy in the constituency of Mike Crockart MP, who is fighting for better coverage in that area. I also know of the good work that has been done by the south of Scotland alliance. Its hard work has led to the development of an ambitious plan to ensure that the south of Scotland—Dumfries and Galloway and the Borders, in this case—is not left behind. I welcome the Government's awarding of £5 million to the plan, which will get it started. Of course, the plan will require significantly more finance to achieve its aims, and I look forward to the Government's continued support. We will be happy to work with the Government in that regard. A plan of that scope must include significant involvement by the private sector. The Government recognises that and goes to great pains to say so throughout the infrastructure action plan, stating:

"We expect the industry to work in partnership with us to deliver the plan and we will put in place mechanisms to secure greater investment from the private sector"

which will ensure that

"all of Scotland is able to benefit."

It is obvious that, if broadband's reach can extend further across Scotland, it will open up attractive commercial opportunities for internet service providers in the UK. Therefore, it is only proper that some of the capital for the plan be found in the private sector. However, as other members have mentioned, there is much talk of



expectations in the document, but little about commitments. The question is this: Do we have a plan whose success will be reliant on a private sector that is not yet on board? I would be interested to hear from Alex Neil about discussions that he has had with the private sector about the support that it is committed to offering in order to make the plan a success.

The report is also light on information regarding just how many jobs the plan will sustain and create. In our manifesto, we detailed our digital economy action plan and made a commitment to use £250 million from our investing in Scotland's future fund to accelerate the roll-out of superfast broadband across Scotland. We believe that our plan could have created as many as 20,000 jobs through installation of infrastructure and use of improved connectivity to build businesses. I can find no estimates of jobs that would be created in the cabinet secretary's plan, so I would be interested if he would refer to that in summing up.

I welcome the recognition that improving mobile phone coverage is important, and the commitment to work together with the UK Government and Ofcom to that end. However, that should not happen at the expense of measures that the Scottish Government can take. I would like the cabinet secretary to explore the possibility of widening the scope of operator partnerships in order to spread the cost of building and maintaining new masts in rural locations, where building masts might not be commercially viable. That would go a long way towards improving 2G and 3G coverage in those often-neglected areas, such as the Ettrick valley down in Selkirkshire. I have heard anecdotally from Tweed Valley Mountain Rescue Team that mobile phone reception is better in the hills of Iceland than it is in some parts of the south of Scotland.

The situation contributes to the youth drain from our rural areas and damages small businesses. I would welcome the cabinet secretary's close attention to that and other issues in his closing speech.

16:06

**Nigel Don (Angus North and Mearns) (SNP):** A constituent recently told me that what is important in my part of the world is the cost of booze, the cost of petrol and the speed of broadband. That is a somewhat materialistic view of the world, but there is a little point in there somewhere. We are dealing with the speed of broadband. Is it not strange to talk just for once about something to which everybody would say, "Yes, in my back yard"?

**Alex Johnstone:** Did Nigel Don's constituent want all those items to go up or did he or she have differing opinions?

**Nigel Don:** My time is a bit too precious to answer that, but it was a nice try.

We know and have said that the debate is about the haves and the have-nots. We will have targets that refer to 98 or 95 per cent of the country, but I am concerned that what we need is solutions for all. We expect every house to have running water, electricity and sewerage. We should think, too, about every dwelling having broadband access. If we think in those terms, we must recognise that the technical solution will differ for each dwelling. I say to the cabinet secretary that, to achieve 100 per cent coverage, or as close to it as we can get, every necessary technology should be in the mix. Otherwise, some people will—by dint of geography—be left out when they should not be.

I draw to the attention of the Presiding Officer and members a map of Scotland—it is like a measles rash—that shows not-spots in red, pretty good areas in yellow and very good areas in green. That map shows clearly that people who are within about 2 miles of a telephone exchange are probably okay. In my part of the world—Angus North and Mearns—people will get about 7 or 8 megabits. Outside 2 miles, the figure is down to about 1 megabit or less. The solution for places such as Marykirk and Johnshaven in my constituency, which are outside the 2-mile radius, is to have a fibre cable run to the middle of the village and to work from that. That is not economically viable for the profit-seeking BT, but it is clearly the solution that is needed, which is why gap funding is appropriate. In other areas, such a solution will not apply. We need to explore all such matters, but I will not spend more time on that.

I will, by comparing Broughty Ferry with Marykirk, consider some benefits and problems. I do not want to upset my friends in Broughty Ferry—I do have friends there. Broughty Ferry is, of course, to the east of Dundee; people should never say that it is in Dundee. People who live in Broughty Ferry have a choice of supplier—BT, Virgin Media, Sky and O2—whereas people who live in Marykirk have only BT. The speed in Broughty Ferry is up to 40 megabits, whereas people in Marykirk might struggle to reach 2.5 megabits—I know of people there who must run two lines to get 2 megabits, which is 1 megabit for each line. People who live in Broughty Ferry pay less than £20 a month, whereas people who live in Marykirk pay at least £25 a month. People in Broughty Ferry have access to 3G, but people who live in Marykirk have no such access. That is the stark reality for people who are living 30 miles apart, and it should not be like that. It is like that simply because the commercial environment in

which we have been working so far has given us those consequences, for reasons that we well understand because we understand the commercial world.

What will be the benefits of getting it right? I will expand on those in the few moments I have left. Members have mentioned savings on travel, and saving money from being able to buy things online. Comment has also been made about telehealth. We could comment about how people can simply do business. Someone who runs a business over the internet could run it from Marykirk if they had access to 40 megabit broadband. At the moment, they could do that in Broughty Ferry, but not in Johnshaven or Marykirk.

Getting it right will mean that people can have the world of information at their fingertips, and that is how we will draw older people in. Of course, if we hang around long enough, we will be the older generation.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Some of us already are.

**Nigel Don:** As Christine Grahame said, some of us already are.

If our older folk are accessing the information that they want and understanding that the internet is the place to get it—they do not have to go to the library because they can look it up online—they will get used to that and all sorts of other benefits will come to them.

We need to recognise that we need solutions that will cover 100 per cent of premises, and that there are huge economic benefits to be had throughout Government, local government and private life that will far outweigh the amount of money that we are talking about. We really must get on with it. If it comes down to finding a bit more money, I am sure that the cabinet secretary will do his level best to do so.

16:11

**Margaret McDougall (West Scotland) (Lab):** I welcome the opportunity to speak in the debate because I have been active in my region in discussing the issues around broadband.

Within North Ayrshire, 12.9 per cent of people still get less than 2 megabits, broadband uptake is only 58 per cent and there is no access to superfast broadband. I am concerned that broadband uptake in Scotland seems to have stalled. Ofcom's "Communications Market Report: Scotland" of 2011 shows that since quarter 1 of 2009, broadband uptake in Scotland has remained at 61 per cent, which is 13 per cent behind the UK average. Although that is discussed in the Government's infrastructure plan, the plan is very

vague on how the Scottish Government will get uptake increasing again.

The infrastructure plan is ambitious but I wonder how feasible it is—especially given that the "Communications Market Report: Scotland" states that 50 per cent of premises in Scotland are in postcode areas in which high-speed broadband is available, and that that could increase to around 60 per cent by 2014. The plan promises significant uplift in speeds for everyone by 2015, with a target of 40 to 80 megabits for between 85 and 90 per cent of users. I and many others would welcome that and look forward to it, if it happens. However, if there is only going to be a 10 per cent increase to at least 24 megabits in two years, I fail to see how that can be increased in a single year for 85 and 90 per cent of users while tripling or quadrupling speeds. The plan is silent on how the target will be achieved, so I would welcome an explanation from the cabinet secretary.

Recently BT announced that most BT exchanges would be upgraded by 2014 to provide next-generation broadband in my area. However, we need to ensure that when the exchanges are upgraded, the wiring is also upgraded because how far someone is from the exchange is a major factor in the speed of the broadband that they receive. Even so, the upgrading does not often happen in areas that have little market potential or which are rural and hard to reach. That is one of the main reasons why we have seen continued investment in the same areas leading to some households being able to connect to 40 megabits, while others get only 2 megabits from the same exchange. We need to shift away from that model and upgrade Scotland's broadband infrastructure more equally. I am glad to see that the infrastructure plan acknowledges that, but it contains very little about how it will be achieved.

Being left behind is a real concern for rural areas. According to the new Ofcom report, the level of rural broadband penetration is 84 per cent in England, 68 per cent in Scotland and 67 per cent in Wales. That is good, but it is still not good enough.

**Bill Walker:** I know that we are getting very technical, but does the member agree that the problem with copper wires and the distance from the exchange can arise almost anywhere? There are places throughout the central belt, such as Cumbernauld, my area of west Fife and Kirkliston—which we have heard about—where people cannot get broadband. It is a problem not just in rural areas but in urban areas, too.

**Margaret McDougall:** It was urban areas that I was referring to when I mentioned copper wiring. The distance someone is from the exchange is the real issue—broadband degrades the further away people are from the exchange.

I recently met a company that used to specialise in providing wind-farm sites with broadband, which has started to shift its model to benefit the domestic consumer. It uses a form of wireless technology. In simple terms, it functions in a similar way to the mobile telephone network and can provide rural communities with broadband speed of 20 megabits. Members of one community in my area, Cunninghamhead, benefit from the service and are delighted with it but, so far, because the company is such a small business, it has not been able to expand into other areas. Such technology seems to be a promising alternative to wire-based internet and one that would benefit rural and hard-to-reach areas if it received an initial subsidy from the Scottish Government.

It would be beneficial if the Scottish Government could look into providing subsidies for such options in order to speed up the penetration of broadband into rural areas and to allow providers to offer fast and stable connections at low cost. We cannot afford to leave parts of Scotland behind in the digital revolution. We must do more to ensure that the uptake of broadband starts moving again.

As more and more of our services are accessed online, it is becoming much more important that we invest in and improve Scotland's broadband infrastructure. The UK as a whole has been extremely slow in upgrading the infrastructure in comparison with other countries, which are leaps and bounds ahead of us.

It is important that we explore all our options when it comes to providing broadband to rural areas. I hope that we can start to shift away from providing broadband through the old copper-wiring model, which I mentioned earlier.

**The Deputy Presiding Officer (John Scott):** I would be grateful if you would draw to a close.

**Margaret McDougall:** I understand that it will be a difficult task to upgrade and connect all of Scotland but, as I said, we cannot afford to be left behind.

16:18

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I really feel like the proverbial fish out of water. I say to Willie Coffey that I speak, in part, for some of the over-55s. In addition, I am a technophobe. I can change a light bulb and I am so-so with fuses, but white space, ducts, ISPs and 4G are a complete mystery to me. I do not tweet—my brother forbids it, because he seems to think that I am a bit indiscreet. I do not Skype, but I intend to do so, as my eight-month-old granddaughter is regularly on Skype to her Canadian granny. There is a

generational divide. Unsurprisingly, I am a master at shopping online.

However, there is an age divide. When I talk about tablet, I am talking about the teeth-rotting variety, but I am aware that when other people talk about tablet, they are talking about another kind of tablet that is now very fashionable. There are many learned technical people, but for those—like me—who require explanations to be simple, I liken the impact of digital technology, broadband speed and mobile phone reception to the impact of the Roman roads, the Victorian railways and those stalwart Telford bridges that took people over water on those roads and railways. Just as before roads and rail Scotland's waterways provided essential commercial routes, so today, in addition to that built infrastructure, we need digital technology.

I hope that I am getting there somehow. I hope that that explanation helps those technophobes like me whose eyes glaze over when 4G is mentioned—I still do not know what it means. I understand “freezing screen”, “crashing”, being “unable to log on” and about too many people logging on—although I think that those last two are the same thing.

However, I congratulate everyone in the south of Scotland who has worked hard on it, the cabinet secretary and, indeed, all members who see how important broadband infrastructure is. Nigel Don was right to liken it to the delivery of other utilities, such as water and electricity. If we think along those lines, we will realise how important it is to get the funding in.

I note that the cabinet secretary—God bless him—is concentrating on essential services in places where the market will not go, such as in Midlothian South, Tweeddale and Lauderdale. However, I congratulate the people of Innerleithen, who managed to get funding all by themselves. Communities can move forward, but they need help.

Why do we need broadband? Everybody has said—they are right—that we need it for economic development and regeneration. We also need it for democratic reasons. More debate about any subject—whether it is the referendum or anything else political or non-political, including international affairs—is taking place on the internet, so there are people who are being denied access to democratic debate.

We also need broadband for practical things such as e-government and e-health. Mary Scanlon has banged on about telehealth. The Health and Sport Committee did a terrific report on it in the previous session of Parliament, but we are still not using it. It saves people from making long and stressful journeys. We could be doing that.

Dave Thompson mentioned e-learning. Roads and rail are necessary, but people can access e-learning opportunities without having to leave their own homes. That is particularly important for people who have disabilities or frailties.

Broadband infrastructure is a cost-saving facility and is bang in line with the mantra of “spend to save”. Perhaps the cabinet secretary could get more money from other Cabinet ministers to help us to spend to save more.

We need better mobile coverage for reasons that Claudia Beamish mentioned—for example so that people with hearing disabilities can text the national health service to make appointments.

We need broadband for local television, which is the coming thing. I am afraid that newspapers are withering on the vine, but people will be getting on to those tablet thingies and watching television on their mobile phones.

Many of us get letters from our constituents on the matter, and I will quote from one of mine, who raised with me the problems for business in the Borders. He lives in Galashiels and said:

“As an individual consumer I have always thought that the provision of a modern communications infrastructure is beneficial to a sparsely populated area like ours. Since starting my own business over two years ago I have come to realise that a high capacity broadband service is not only desirable but of crucial importance to the survival and competitiveness of businesses based in regions like the Borders ... Ironically, access to the national and international travel infrastructure is actually quite good: I can reach London within four hours on the now much improved East Coast service; and I can reach major international aviation hubs like Schiphol and Heathrow through Edinburgh and Newcastle airports. However, access to the internet is so poor as to represent a growing cost to my company. My broadband connection through the Blainslie exchange is slow and greatly affected by contention rates”—

I do not know what contention rates are, but I take it that the term means other people on the internet.

“As you know, 3G network coverage for working on the move in this area is extremely limited.”

That is the hindrance to Scotland’s economy. It is also a hindrance to people accessing services.

If Willie Coffey starts up a beginners class in the terminology of broadband, digital and the internet, I will sign up first.

16:23

**Mark Griffin (Central Scotland) (Lab):** I welcome the Government’s ambitious target for next-generation broadband coverage, but the infrastructure action plan does not answer a number of questions about how the Government will deliver on its commitment.

It seems appropriate that the term “grey area” is used in the plan to signify areas where it is unclear whether the market will be able to deliver. However, far too much in the Government’s action plan is left as a grey area outside that technical definition. It is particularly lacking in detail on the procurement strategy.

Of primary concern to me is the current level of service that is experienced by many of my constituents in Cumbernauld, particularly those north of the A80—that is, the M80; the road has been upgraded, so we will wait and see whether the broadband follows. Normally, the service that many people receive is less than half what it is supposed to be. At peak times people are lucky to get the most basic access or any service at all. Worse, they are paying internet service providers a fee that is similar to the fee that is being paid by people in other parts of Cumbernauld and North Lanarkshire whose service operates at 10 times the speed.

My fear is that the Government invests in areas on the basis of reported levels of service, rather than based on actual speeds. A doubling of reported available speeds from 20 to 40 megabits per second will not help the people who are struggling along on a fraction of the reported speed, regardless of their package and the equipment that they are using.

As I said, many families who live north of the M80 in Cumbernauld are plagued with access and speed issues. People have told me about frequent outages and access that is often extremely difficult at peak times. A number of constituents who are required, or would prefer, to work at home find it impossible to do so.

Enabling people who run businesses and people who work in demanding jobs to work flexibly when necessary would be of great benefit to them and to the wider economy, so I welcome the Government’s acknowledgement of the benefits of enabling people to work in such a way. It is vital that the Government emphasise extending working broadband services to Cumbernauld and areas that have similar access problems.

There are limitations to upgrades, which will need to be looked at. Upgrading of exchanges over the existing copper network means that any beneficial effect will be limited by distance. The situation in Cumbernauld is particularly bad where there is aluminium wiring.

The problems are not restricted to residential areas. A new company, which has just taken over a 45,000ft<sup>2</sup> factory in the Westfield industrial estate, is struggling with broadband access. The company is planning to double its workforce, but

the broadband problem could force it to move out of the area, taking much-needed jobs with it.

There is a long way to go. I am sure that the cabinet secretary agrees that Cumbernauld needs improved broadband service. I hope that the siting of additional street cabinets and exchanges will bring the level of service up to standard, and I am optimistic that if progress is made, in line with the ambitious target that the Government has set, my constituents will be able to benefit from improved services.

It is of particular concern to me that the infrastructure action plan states:

“the 40-80Mbps target is intended to signal the extent of the step change required, rather than being a precise measure.”

The cabinet secretary should set a definitive target and produce a clear strategy for how he intends to achieve it, instead of raising expectations with a vague statement. When my constituents get past the headlines they might be unimpressed by an unclear cop-out clause that is hidden in the small print.

It is suggested in the infrastructure action plan that the market will not be able to deliver for nearly 30 per cent of homes, so I welcome the commitment in the plan to go where the market will not go by 2015. However, 30 per cent of homes equates to a large amount of people who have no access to next-generation broadband, and the Government has failed to spell out its procurement strategy in relation to its commitment.

In the plan, Sweden’s

“robust strategies and funding mechanisms”

for delivering on its ambitious targets are acknowledged. Swedish planning was based on a high proportion of users having access to some level of broadband. The cabinet secretary should accelerate action on the issue, so that a full plan, which is as robust as the Swedish model, is developed as soon as possible rather than by the end of the year. Such an approach would allow options for delivery to be considered and decided on quickly and sensibly, to meet a firm target.

Areas where the market is unwilling to deliver must be identified swiftly. The situation will differ from area to area. Specific solutions will have to be identified to tackle specific problems, for example in Cumbernauld, where the up-front figures do not represent the actual level of service. The digital programme office will need to ensure that it works in partnership with local authorities and communities to address specific access issues. A top-down centralised approach will be unlikely to address local issues efficiently. To guarantee next-generation access to people in rural areas will require an approach that is

different from the one that is needed in urban areas such as Cumbernauld.

Cash-strapped local authorities will require significant support from central Government to help them to deliver on local projects. It is of concern to me that local authorities, despite their best efforts and intentions, will be unable to meet shortfalls in central funding, due to cuts that are being imposed on them. I hope that the cabinet secretary will work constructively with the Convention of Scottish Local Authorities to deliver improved high-quality next-generation broadband.

16:29

**Mike MacKenzie (Highlands and Islands)**

**(SNP):** I am pleased to speak in the debate, because I have first-hand experience of the importance of broadband for people who live in rural and remote rural areas, as I have lived in a remote area for most of my life. The thing that has changed my life and that of my neighbours more than anything in the past 30 years has been the arrival of broadband. Initially, dial-up connections offered limited usefulness, although I remember printing out a copy of the first e-mail to arrive in the tiny island where I live and handing it to a local museum. Somehow or other, I understood that something significant was happening, although at that point the usefulness was pretty limited because so few people had e-mail addresses. I could not have guessed then the significance that the new technology would have so quickly.

Now, rather than me living out in the sticks and on the periphery, disqualified from participating in modern life, my 4 megabits per second connection allows full and proper participation in modern life. I must add, though, that I am lucky. For reasons that are unknown to me, not all my neighbours enjoy that staggeringly high speed. Yes, I am lucky with my 4 megabits per second because I can shop for bargains on the internet and at least partially offset the higher cost of rural living; I can be as well informed and as socially connected as anyone else in the country; and, as a citizen, I can participate in the democratic process, even to the extent of fulfilling my duties and obligations as a member of the Parliament.

Not all my constituents in the Highlands and Islands region are so fortunate. Unbelievably, this far into the 21st century, many of them remain without broadband or with speeds that are so slow as to be almost useless. There are days when my broadband luck fails me and my connection seems to crawl and dither like—well, let us just say that it is very slow at times.

Broadband availability is a matter of economic, social and democratic exclusion. We have two classes of people: those who are without

broadband and who are therefore excluded, and those who have it and are not. I therefore welcome the Scottish Government's "Scotland's Digital Future—Infrastructure Action Plan" and its ambitious targets. I particularly welcome its focus on addressing rural areas.

**David Stewart:** Does the member share my view that students in the Highlands and Islands have had a big boost from the University of the Highlands and Islands through its high-speed broadband, which utilises JANET? Does he agree that everyone should be able to access that form of communication?

**Mike MacKenzie:** I certainly welcome that. I do not know whether it is technically possible or feasible for everyone to access that but, if it were, of course I would support that.

The renewables revolution is already under way in rural areas, which are set to become the economic powerhouses of Scotland. A vital ingredient of that will be the availability of next-generation broadband in those areas. I therefore welcome the funds that have been committed to help achieve that by the Scottish Government, the European Union and the UK Government, although I wish that the UK Government would dig deeper into its pockets. Members might ask why I pick on the poor old UK Government. It is because it has another tool in its box that can help to achieve superfast broadband for all. Regulation is the means by which the free market must be controlled. In that, the UK Government has once again failed us in relation to broadband and 3G coverage. It has certainly failed us here in Scotland.

Indeed, the current aspiration of the UK Government and Ofcom to roll out 4G to 98 per cent of the UK population seems a worthy goal, but it could in theory leave more than 20 per cent of the Scottish population without 4G. I suspect that if that were allowed to happen, a high proportion of such people would be in the Highlands and Islands region. Nevertheless, I welcome the UK Government's co-operating with us to help us to achieve an ambitious future for Scotland. However, if that Government lacks the will to regulate, I would call on George Osborne to open his wallet a bit further and help us pay for first-class broadband services for all Scotland's people.

16:35

**Alex Johnstone (North East Scotland) (Con):** It is a pleasure to speak in the debate. I do not disagree with much that the cabinet secretary said, given that we share the aspiration to achieve a world-class broadband infrastructure by 2020 and that the issues that have been discussed

during the debate indicate general agreement about many of the means by which we will achieve our objective.

Again, I do not disagree with much in the motion. In fact, I lodged an amendment only because I felt that one or two areas of the motion needed clarification and that I perhaps disagreed with the cabinet secretary on one area. I therefore took out a few cards from the pack, shuffled them and stuck them back in again, if members understand what I mean.

I want to go over those points quickly because there are other things that I want to say. First, as I think was highlighted by the previous speech, the Scottish Government and SNP back benchers tend to believe that the Scottish Government's increased aspirations should be entirely funded by budgets coming from south of the border. If they are serious about independence, they need to realise that that situation cannot go on forever. Perhaps this issue is a good place in which to start realising that.

Another point that concerns me is that the motion states specifically that the Government

"calls on the private sector to work in partnership with the public sector to deliver open access future-proofed infrastructure and to support measures to increase take-up".

I would like the cabinet secretary to clarify that that does not mean that the problem is that the private sector is not working with the public sector, but that he wants them both to work in partnership and is not suggesting that one is working harder than the other in that respect. I suggest that in some cases it is the public sector that needs to work harder on working with the private sector in order to deliver.

Another issue on which I would like clarification is 4G roll-out. The end of the motion refers to ensuring that

"the roll-out of 4G in Scotland at least matches the UK average."

I wondered whether the cabinet secretary was talking about the coverage, the timescale or another aspect, because the motion does not state what he wants the average to cover.

My other points relate to the approach to market forces in the process. We are actually very lucky in Scotland. Many members have told us of their experience of difficulties with broadband and of constituents who have contacted them because of similar difficulties, but large areas of Scotland have a good broadband service that is improving quickly. The reason for that is that the market approach delivers in higher population areas. As a consequence, the broadband provider, which in practical terms in the Scottish context is BT, will

invest because it will get a genuine return. It is important that we realise that the market has that role to play.

Of course, we have the problem in Scotland of a dispersed population and low-population geographical areas, which means that the market will fail in the roll-out.

**Dave Thompson:** Will the member take an intervention on that point?

**Alex Johnstone:** I need to make progress.

The Government must ensure that it funds the development of broadband infrastructure in such a way that it does not subsidise areas that the market could deal with. The Government's structure to support the roll-out of improved broadband services must be the mirror image of the market. The Government must ensure that it does not spend money where the market would deliver and that resources are targeted at areas where the cost of gain is highest. We need to achieve the reverse of market forces.

What do we need to do? The market teaches us much about structures. Over much of Scotland, the problem is that—regardless of what is done locally—we lack the fibre infrastructure and the backhaul capacity to support it. Even in some of our less-populated rural areas, we need bigger pipes and we must remember that, for wireless systems and 4G, the connection is only to the nearest mobile phone aerial, and it will be fibre that connects that aerial to the main system. We must target resource on reinforcing fibre capacity across as much of Scotland as possible.

I wanted to touch on the issue of 4G. It was said earlier that Britain was one of the first countries to roll out 3G and that we did so very effectively at the time. However, I think that we rushed it, with the result that large areas of Scotland, in particular, missed out on 3G. The area where I live is just 10 miles from Aberdeen, but it does not have 3G coverage—unless a person is willing to get into a rowing boat and row 2 miles offshore, in which case they will be able to get 3G from Aberdeen. That is not much use to me.

We have had a discussion, and we have had a suggestion from the cabinet secretary that I fully expected—that, if Scotland were independent, we would do the 4G roll-out better. If Scotland were independent, I suspect that the cabinet secretary would raise the percentage target for 4G coverage. However, as the target is raised, there comes a point at which the value of the spectrum in the marketplace gets to be zero, because the cost of provision is so high. There is a lot to be said for ensuring that targets in Scotland are as high as possible, but we do not want that to become a cost. Government should ensure that resource is made available to extend 4G in the

areas in which it is unlikely to be economic to provide it; the Government should not find itself paying, because of lower resources from the marketplace, for 4G coverage across the board. We have to target resources.

**Mike MacKenzie:** Will the member take an intervention on that point?

**Alex Johnstone:** I think that I have come to the end of my generous six minutes.

**The Deputy Presiding Officer:** There is a little time in hand.

**Mike MacKenzie:** What percentage of people would be denied broadband coverage under the Conservatives' proposals, and whereabouts would they live?

**Alex Johnstone:** I have no desire to deny broadband coverage to anyone. However, what I wish to avoid is public money being used to reinforce a broadband network that is already strong in densely populated areas, and in some rural areas, so that money is diverted from priorities. I want to ensure that the market works as effectively as possible in producing high-quality services across Scotland, and that resources are sourced from wherever they can be found—

**The Deputy Presiding Officer:** You can stop any time now.

**Alex Johnstone:** And not sourced just from the UK Government. Resources should be used to provide services to people for whom the market cannot deliver, and—

**The Deputy Presiding Officer:** Fantastic.

**Alex Johnstone:** And that is the most effective way of using public money in this case.

**The Deputy Presiding Officer:** Thanks, Alex. I call Elaine Murray, who has a generous seven minutes.

16:43

**Elaine Murray (Dumfriesshire) (Lab):** That is very generous, Presiding Officer. We, too, welcome the aspiration to a world-class and future-proof digital network that is accessible to everyone in Scotland, and we welcome the opportunity to debate the action plan that was published earlier this week. Clearly, there is unanimity among members of this Parliament that digital connectivity is essential for the Scottish economy and for local economies.

Many good points have been raised during the debate and—goodness me—who would have expected that this cabinet secretary would have been able to stimulate so much consensus, even on these benches.

**Christine Grahame:** And on the benches behind him.

**Elaine Murray:** And behind him. That may be unusual, too, although Christine Grahame knows more about that than I do.

Broadband has already made a great contribution and it will make an increasing contribution to education, health and social activities. Broadband infrastructure, in its widest definition, is as essential to economic growth as transport infrastructure. It truly is an alternative highway.

According to Ofcom's figures from the first quarter of 2011, Scotland has challenges. Other members have mentioned that, too. Our uptake of broadband lags behind that of England, Wales and Northern Ireland and, at 61 per cent, it is 13 percentage points lower than the UK average. Rather worryingly, our take-up has increased by only one percentage point over the past two years. As many members have noted that is partly down to geography and the sparsity of the population, but those are not the only issues. The take-up in rural Scotland is—counterintuitively—8 per cent higher than it is in urban Scotland. The take-up in greater Glasgow is only 50 per cent, and Margaret McDougall referred to North Ayrshire where take-up is only 58 per cent. As Mary Scanlon pointed out, only one in three people over the age of 55 in Scotland use broadband, whereas in the rest of the UK it is 55 per cent.

**Christine Grahame:** On that point, I announce to members that Willie Coffey has set up a sub-group for members to learn the basics of internet technology, for which I have already signed up.

**Elaine Murray:** There is quite a striking difference between the rest of the UK and us. The take-up of broadband is less than one third in socioeconomic groups D and E in Scotland, whereas it is around 55 per cent in the rest of the UK. Only one quarter of households with an income of under £17,500 have internet access at home.

Programme 4 of the action plan, which focuses on increasing take-up and stimulating demand, will need to address the reasons why those figures are so much poorer for Scotland than they are for the rest of the UK. It is not just a geographic issue, but a social issue too.

As Mike MacKenzie illustrated, people who are excluded from internet usage—whether for geographic or social reasons—will be increasingly disadvantaged. We know how much can be done online. We can look for work, which is a very important use, and children and young people can research materials for school, university or college. We can book our holidays, pay our car tax and income tax, search for bargains when we go

shopping, find out about health matters, book theatre or cinema tickets and keep up to date with the news. People who are not online are missing out—including financially, as it has been estimated that the average household saves £560 per annum through internet booking and internet shopping.

The action plan expresses an ambition to overtake the rest of the UK in broadband take-up in the next three years, as David Stewart mentioned, but we have some way to go. I know that various parties signed Scotland's digital participation charter last November, but it will take real determination and focus to tackle that form of digital exclusion. It may be easier to seek technological solutions where that is the problem than to deal with the reasons why people in certain groups are not taking advantage of the broadband provision that in some cases is already there. Those reasons can, according to the Ofcom survey, include lack of confidence, lack of knowledge of the benefits of broadband and a perception that it is too expensive.

The other part of our amendment emphasises the need to ensure that local and community projects get an adequate share of the funding. Dave Stewart referred to the Eigg network, which is costing only a remarkable £200 per household. Rhoda Grant outlined the savings that can be made when networks are maintained by the community rather than by other, larger organisations. Margaret McDougall and Mark Griffin gave us perspectives on some of the problems in urban areas, where the actual technology is wrong: it is about distance from the exchange and the fact that the types of wires that link people up can also exclude them.

Jim Hume and Aileen McLeod spoke about the south of Scotland alliance. Like them, I am pleased that the document specifically mentions the alliance's work. I was also pleased that the Scottish Government made £5 million available to the alliance to help it to take forward its plans. It intends to provide next-generation broadband to 100 per cent of the population of the south of Scotland by 2020, which is really quite a significant ambition.

I am a little bit concerned about the Government's proposal on procurement for the 2015 programme, which divides the programme into a Highlands and Islands Enterprise area and a Scottish Enterprise area. Some of the technology needed in the south of Scotland will have more in common with what is needed in the Highlands and Islands than in the central belt because of our remote areas. The differences in procurement may be to do with when the projects can get off the ground, but I would welcome the minister's clarification of that particular issue.



I would like a bit more information about the single programme board within the Scottish Government that will oversee the entire programme's delivery, and about how some of the local partnerships in the Highlands and Islands and the south of Scotland—and Aberdeen city and shire economic future, which Richard Baker mentioned—will interact with that.

We thought about the Tory amendment but, as somebody who believes in the continuation of the United Kingdom, I strongly believe that the UK should give Scotland a fair share of funding, so we will not support it. We will support the Government motion, which asks the UK Government to give us enough money.

One or two things in the action plan were slightly amusing, such as the correct statement that the Government's ambition would require

"innovative delivery and commercial models such as joint venture arrangements ... e.g. Institutional Public Private Partnership."

After all that the cabinet secretary has said over the years about public-private partnerships, I am surprised that he let that terminology slip by when he was proofreading the action plan.

I am pleased to support our amendment and the Scottish Government's motion on a topic and a development that is extremely important to Scotland and its future.

16:50

**Alex Neil:** This has been an interesting debate with some good contributions from all parts of the chamber. David Stewart's speech was particularly thoughtful, as were Dave Thompson's and several others by SNP members. Of course, I am always fair in complimenting the Conservatives as well.

The first thing that comes out of the debate is that we are all in this together. There is consensus that this is a very important agenda for the future of Scotland in the 21st century. It is important economically, culturally, technologically, socially, democratically—as Christine Grahame said—as well as from the point of view of creating a fairer and more prosperous society. We are also all signed up to the fact that we need to be ambitious. We recognise that in some areas we are not as far ahead as we would like to be, but we have to catch up and overtake our competitors. Our geography means that if we are to achieve our other ambitions it is particularly important that digital connectivity is given the priority that we are giving it.

As well as supporting my motion, SNP members will vote for the Labour amendment. Unfortunately, we are unable to support the Tory amendment. I accept that the Tories have broadly welcomed the

action plan and are in agreement with the strategy, but the wording of their amendment, for many of the reasons outlined by Elaine Murray, is unacceptable to the Government.

I will say a few words about funding. The investment required to get to the 2015 targets will involve many hundreds of millions of pounds. We will know the exact figure only once we see the results of the procurement exercise. Between 2015 and 2020, getting to a world-class level will also require a substantial investment. Picking up the point made by Alex Johnstone, our strategy is to fund the areas where the market will not go; it is not to duplicate, pre-empt or undermine the role of the market. I anticipate that, broadly speaking, about two thirds of Scotland will be covered by the market—by investment by the private sector—and that the role of the public sector, not just the Scottish Government, will be to go to the areas where the market will not go. We will need to fill the gaps left by that market failure and to do so in a way whereby, as Mary Scanlon said, we get good value and a good bang for our buck for the investment of taxpayers' money.

That is why we have deliberately built into the procurement strategy outlined in the plan two important principles to which we will adhere. First, there is the principle of clawback. The pathway programme was well-intentioned—I am not making a party-political point—but one of the failures of the pathway contracts was that once the private sector started to make reasonable profits on the back of the scheme, there was no payback for the public sector. We therefore want to ensure that once a set level of activity is reached in the areas where we need to put in public money, there should be a degree of payback to the taxpayer that can be used for reinvestment and additional capacity building throughout the network.

The second important principle is that of community benefit. John Park and members across the chamber are keen to ensure that we maximise community benefit in all the contracts. We have deliberately built the principle of community benefit into the contract or contracts, as the case may be.

Elaine Murray made a good point about the procurement strategy and where HIE is and where we are in relation to a national contract. We have said in the plan that we are consulting HIE to ensure, first, that we do not hold up in any way the timescale that HIE has set for its own procurement exercise and, secondly, before that goes any further, that it will be compatible with our national approach so that we get an holistic approach across Scotland. If we had a national contract—and there would be many value-for-money benefits in having a national contract—it would have to be flexible enough to allow the locally

developed strategies in HIE, in the south of Scotland and in Grampian to be applied. The fact that we are using a national contract for the benefits that it brings does not, either by design or by accident, undermine the need for a customised approach in different parts of Scotland.

**Rhoda Grant:** The Government knows where the existing fibre is in Scotland. The cabinet secretary talks about HIE going ahead with its contract now. Will he make available to HIE information on where the fibre is so that HIE can build that into its contract and maybe save us some money?

**Alex Neil:** We have already agreed with HIE that we will absolutely make available to it any information, intelligence or data to which we have access, subject to any confidentiality agreements that we have had to sign. I see no problem in that, as the people who have supplied us with confidential information are keen to ensure that it is shared among the relevant public bodies in Scotland.

I take Mark Griffin's points about the service in Cumbernauld. He should not interpret this as an attack on North Lanarkshire Council, as it is not intended to be that. I have nothing but the highest respect for the employees of North Lanarkshire Council. Nevertheless, I have deliberately mentioned three areas—the HIE area, Grampian and the south of Scotland—to which I would add Fife, where local authorities have come together and are now far advanced in their plans. Unfortunately, that is not the case in many other parts of Scotland. I encourage Mark Griffin, who is still a councillor in North Lanarkshire, to get the council—along with South Lanarkshire Council—to get a strategy together so that it is ready to roll out whenever we begin the procurement exercise. We have said that a key criterion in deciding where the strategy will be rolled out first is which areas are ready to roll it out. We cannot expect Grampian, for example, or the south of Scotland to wait for everybody else to get their act together. Those areas that are not at the stage that Grampian and the south of Scotland are at should get to that stage as quickly as possible because we want to move on this as quickly as we can.

On the general funding, we are working with the UK Government but, frankly, we have not had our share of the BBC licence money. Wales got £58 million, although its population is half the size of Scotland's, and we got only about £10 million more than that. Therefore, I say to my colleagues representing the coalition Government that, as we are all in this together, they should stand up for Scotland and get us our share of the money.

## Parliamentary Bureau Motion

16:59

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of a Parliamentary Bureau motion. I ask Bruce Crawford to move motion S4M-01900, on the suspension and variation of standing orders.

*Motion moved,*

That the Parliament agrees that Rule 6.11(a)(i) be suspended for the purpose of consideration between 2 February 2012 and 29 June 2012 of any orders requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011 and that the following alternative provision be substituted for that purpose—

“(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;”—[*Bruce Crawford.*]

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

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are eight questions to be put as a result of today's business. The first question is, that amendment S4M-01876.1, in the name of Michael Russell, which seeks to motion S4M-01876, in the name of Liz Smith, on college funding, 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)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 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)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (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)  
 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, 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)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** If we can have a bit of silence, Mr Neil, I will read out the result.

The result of the division is: For 63, Against 52, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01876, in the name of Liz Smith, on college funding, 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)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 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)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)

Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (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)  
 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, 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)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 63, Against 52, Abstentions 0.

*Motion, as amended, agreed to.*

That the Parliament warmly congratulates Scotland's colleges in terms of the outstanding contribution that they have made to improving educational opportunities for a

wide range of learners, improving the alignment between available skills and local employment opportunities and in embracing the need for structural reform; acknowledges the difficulties resulting from the UK Government's cuts of over £3 billion to the Scottish block and the inescapable pressures that this creates for college budgets; welcomes the fact that the Scottish Government is ensuring that £265 million of capital investment in colleges is made over the spending review period, including through the non-profit distributing programme; further recognises that the support is in place to maintain student numbers in the coming year; commends the hard work and commitment of college staff and students at all levels, both to improve learner outcomes and to take forward the progressive programme of reform set in train by the Scottish Government, including its plans for a regional structure in which learning provision is better matched to need, and reiterates its support for the creation of 125,000 modern apprenticeships over the current parliamentary session and for the introduction of the Opportunities for All programme, which will provide a suitable place in learning or training for all 16 to 19-year-olds who require it.

**The Presiding Officer:** The next question is, that amendment S4M-01878.1, in the name of Kenny MacAskill, which seeks to amend motion S4M-01878, in the name of Annabel Goldie, on prison visiting committees, 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)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 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)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 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)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (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)  
 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, 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)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McLetchie, David (Lothian) (Con)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 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)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 63, Against 52, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01878, in the name of Annabel Goldie, on prison visiting committees, 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)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (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)  
 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)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 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)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Abstentions

Brown, Gavin (Lothian) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)

Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 62, Against 38, Abstentions 14.

*Motion, as amended, agreed to,*

That the Parliament recognises the dedication and commitment of volunteer members of prison visiting committees but considers that, since the role and remit of the committees were designed in the 19th century, it is necessary now to develop an appropriate service fit for the 21st century; further notes that complaints by prisoners are now dealt with by the Scottish Prison Service (SPS) in line with best practice as set out by the Scottish Public Services Ombudsman's Complaints Standards Authority; notes that, on monitoring, the chief executive of the SPS is accountable to the Scottish Ministers for compliance with legislation on the management and treatment of prisoners and that inspection of prisons is being delivered efficiently and effectively by HM Inspectorate of Prisons; further notes that research has identified that prisoners need a dedicated advocacy service that could provide them with independent advice and support; notes that the Scottish Government is considering how to build on the role performed presently by visiting committees by introducing a dedicated independent prisoner advocacy service to support prisoners in ways that match modern needs, and notes that the Scottish Government intends to carry out a further public consultation on these proposals in 2012 and will discuss the proposed timetable with stakeholders in developing the best way forward.

**The Presiding Officer:** The next question is, that amendment S4M-01893.1, in the name of Richard Baker, which seeks to amend motion S4M-01893, in the name of Alex Neil, on Scotland's next-generation broadband infrastructure plan, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-01893.2, in the name of Alex Johnstone, which seeks to amend motion S4M-01893, in the name of Alex Neil, on Scotland's next generation broadband infrastructure plan, be agreed to. Are we agreed?

**Members:** No.

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

**For**

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

Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**Against**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 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)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 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 17, Against 96, Abstentions 2.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01893, in the name of Alex Neil, on Scotland's next generation broadband infrastructure plan, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### For

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

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



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

#### Abstentions

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

**The Presiding Officer:** The result of the division is: For 101, Against 0, Abstentions 14.

#### *Motion, as amended, agreed to,*

That the Parliament welcomes the publication of *Scotland's Digital Future - Infrastructure Action Plan* and the commitment to world class, future-proofed infrastructure that will deliver digital connectivity across the whole of Scotland by 2020; recognises that putting this infrastructure in place will make a real difference to the way people in Scotland live and work, including how they access public services; agrees that achieving the ambition will require the Scottish Government to work in partnership with local authorities to deliver committed and coordinated action across the whole of Scotland; calls on the private sector to work in partnership with the public sector to deliver open access future-proofed infrastructure and to support measures to increase take-up and participation in the digital economy, and calls on the UK Government to make available the right levels of funding to meet the challenges of delivering infrastructure in rural and remote areas of Scotland, to ensure that mobile 2G and 3G not spots are addressed in Scotland and that the roll-out of 4G in Scotland at least matches the UK average, and calls on the Scottish Government to ensure that local and community projects receive an adequate share of the available funding and to develop strategies to improve broadband uptake among people over 55 and low-income groups who are currently excluded from the benefits of broadband access.

**The Presiding Officer:** The next question is, that motion S4M-01900, in the name of Bruce Crawford, on the suspension and variation of standing orders, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that Rule 6.11(a)(i) be suspended for the purpose of consideration between 2 February 2012 and 29 June 2012 of any orders requiring

the consent of the Parliament under section 9 of the Public Bodies Act 2011 and that the following alternative provision be substituted for that purpose—

“(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;”.

## Assistance Dogs

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

The final item of business is a members' business debate on motion S4M-01655, in the name of Linda Fabiani, on assistance dogs are working dogs too. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament notes that, under current VAT legislation, food for assistance dogs is not VAT exempt but that food for other working dogs, such as sheepdogs and greyhounds, is; notes that working dogs' food is exempt as they require a high-protein diet but that such a diet is not appropriate for assistance dogs as they work in a different manner; considers that, where a charitable organisation, such as Guide Dogs Scotland, which works with clients in East Kilbride and across Scotland, was to supply food for assistance dogs from donations, an exemption from VAT would result in significant savings, which could be used to assist its client group, and believes that this issue could be easily resolved to the benefit of relevant charitable organisations and individual owners who feed their own assistance dogs.

17:09

**Linda Fabiani (East Kilbride) (SNP):** When one speaks in a member's business debate, one usually thanks whoever lodged the motion. Tonight, I am introducing the debate, so I begin by thanking Mr Chris Sinclair from East Kilbride and his guide dog Hugo, who initially brought the issue to my attention—or perhaps I should say “Hugo and his man Chris Sinclair”, as there have been a couple of occasions over the past wee while when assistance dogs have, indeed, made the Parliament their own.

In particular, I thank Guide Dogs Scotland for the help and information that it has given me and, more than anything else, I want to reassure our very own Parliament additional member, Mr Q, who has recently taken a bit of a huff with me because I have had other guide dog friends coming to the Parliament.

I am delighted to open the debate and to pay tribute to the assistance dog organisations that do such sterling work: Guide Dogs Scotland, Canine Partners, Therapet and the Search and Rescue Dog Association. I know that there are guide dog owners and volunteer puppy walkers in the public gallery. I thank them for attending the debate and for bringing the issue to my attention and to that of a number of my colleagues across parties and Parliaments and, of course, that of the many people throughout the country who have now signed the petition that asks for the United Kingdom Government to change the VAT legislation in respect of assistance dogs. I hope that members who are unable to be here for the

debate will take the opportunity to sign that petition when they get a reminder to do so.

I have found that most people naturally assume, as I did, that guide dogs, hearing dogs and other assistance dogs are classed as working dogs, given the nature of the tasks that they perform for their owners. They are loved, but they are very different from the average family pet. When Chris Sinclair first told me that there is a VAT issue, my natural instinct was to say, “This can't possibly be right.” We do, after all, have legislation that ensures equality of treatment. I was sure that there must have been a mistake somewhere, but after some investigation, I found that it was true that guide dogs and other assistance dogs are not defined as working dogs under the Equality Act 2010, so their food is not VAT exempt.

Let me turn to the definition of a working dog. A working dog is a “canine working animal”—a type of dog

“that is not merely a pet, but learns and performs tasks to assist and/or entertain its human companions, or a breed of such origin.”

Assistance dogs would certainly meet that criterion, especially as their duties mean that they are physically active for the majority of the day, but the current HM Revenue and Customs definition of a working dog appears to be based on the type of food that it consumes rather than the role that it performs. Working dogs are broadly defined by HMRC as sheepdogs, gun dogs and racing greyhounds. The food that is formulated for those types of working dogs is high in protein in order to provide them with enough energy to be active for long periods of time and thus to work effectively. That type of food is not suitable for assistance dogs, which require a specific diet to ensure low faecal output. That allows a guide dog to work out in public and provides the guide dog's owner with greater control over their dog's habits. It seems to me that that is not a sufficient reason to deny such dogs working-dog status. Their food is selected to best support the person with a disability whom they are assisting, and HMRC should take that into account.

Assistance dogs have a right of access, which allows them to accompany their owners everywhere and offers their owners confidence and independence. Assistance dogs greatly enhance the lives of an often-disadvantaged minority of people in Scotland and throughout the UK. They help their owners to perform everyday tasks, which increases their owners' physical, emotional and mental wellbeing, and they contribute to improving their owners' self-esteem. They are trained to assist with everyday tasks around the home and out and about, including unloading the washing machine, opening and closing doors and drawers, helping people with

undressing and bedtime routines, retrieving items, assisting with shopping, and fetching help in an emergency. They do wide-ranging and fascinating work, and they are working dogs.

Assistance dog charities do remarkable work in training the dogs to perform those jobs, in raising funds and in ensuring that dogs are given to people who need them and not just to those who can afford them. To take guide dogs as an example, it costs about £50,000 to breed, birth, wean, train and support a guide dog through its working life. Guide Dogs Scotland pays for the majority of the food that is given to its dogs. In 2011, the charity was responsible for 1,000 dogs. It incurs a yearly VAT spend of £40,000 on dog food. If we made that food VAT exempt, we could provide a much-valued guide dog to another person with a disability in Scotland. In the UK context, in 2010, the Guide Dogs for the Blind Association supported 8,000 dogs, incurring a VAT spend of £300,000. That would provide a lot of help to more people if the charity could use that money in another way.

Folk donate to assistance dog charities not to see part of their donation ending up in the UK Treasury, but to support the services that those charities provide to people with disabilities. At a time when we are all too aware of the financial difficulties that many disabled people face in Scotland and the UK, I hope that the Westminster Government will take this opportunity to do the right thing. I accept that that might be difficult in terms of VAT exemptions for some individual owners who rely on their assistance dog and buy the dog food themselves, and that that would need further discussion; I get that. However, I believe that the situation with regard to VAT exemption for food for working dogs for registered charities could easily be sorted and very quickly implemented. I ask that the UK Government consider the matter without delay—I have done that in the form of the petition to Westminster—and, once again, I urge members to sign it. Legislation could be amended, if necessary, to make the food for assistance dogs that are funded by these charities VAT exempt.

I ask that the Scottish Government note the debate, take on board the issues and perhaps write to Westminster on behalf of people in Scotland who rely on assistance dogs.

17:16

**Dennis Robertson (Aberdeenshire West) (SNP):** This is perhaps one debate in which I absolutely should state my interests. As most members here tonight know, I have guide dog Mr Q with me in the chamber this evening.

I congratulate Linda Fabiani on lodging the motion and on securing this members' business

debate. This is an extremely important issue. For many people with disabilities, especially those who have a sensory loss, an assistance dog is of immeasurable value and, as Linda Fabiani has said, when most people in the general public donate to a worthwhile charity, they do not expect part of that money to end up in the Treasury.

I understand that the Guide Dogs for the Blind Association has spoken with the Treasury with regard to the issue that we are discussing and that the Treasury has stated that it is not just a question for it, because it is restricted by European legislation. In fact, it says that it could not introduce zero VAT for guide dogs under the current regulations. However, as far as I understand the matter, the UK Government can—and should, if it sees sense as a result of the e-petition—reduce VAT to 5 per cent, which would be an interim measure that would save the Guide Dogs for the Blind Association and other assistance dog charities a great deal of money.

When a person loses their vision—they are the only people for whom I can speak—and considers getting a guide dog, they think about the cost. For many years, many people have decided not to have guide dogs because of the cost. That is why the Guide Dogs for the Blind Association pays the majority of the costs of having a guide dog, such as the vet fees, the training fees and—for many people—the cost of the food. There should be no financial reason why a person should not get a mobility aid such as a guide dog. I sincerely hope that Mr Q is having a nap because, when Linda Fabiani explained all the other tasks that assistance dogs do, I worried that he would want to renegotiate his contract with me.

This is an extremely serious issue, and I sincerely hope that we can convince the Treasury at Westminster to reduce the VAT to 5 per cent as an interim measure, if it feels that it is, due to European legislation, unable to reduce the VAT to zero.

17:19

**Jamie McGrigor (Highlands and Islands)**

**(Con):** I, too, congratulate Linda Fabiani on securing the debate, in which I am pleased to make a short speech. I also congratulate her on exposing what appears to be a rather unfair anomaly.

Like other members, I am happy to take the opportunity to commend the valuable role that guide dogs, hearing dogs and other assistance dogs play in helping many of our citizens. Guide dogs and hearing dogs are perhaps the most well known to many of us, but I am aware that assistance dogs can make a huge difference to the lives of wheelchair users by helping with

everyday tasks such as opening and shutting doors, unloading washing machines, picking up dropped items, pressing buttons and switches and by getting help in emergencies. As well as helping with the physical side, assistance dogs can often provide psychological and social benefits for their human companions, including increased independence, confidence, motivation and self-esteem.

I have owned dogs all my life—dogs of different breeds and of all shapes and sizes. They have all become my best friends. I hope that they would say the same about me, although they might not, of course. Dogs cannot speak, but the least that we can do is feed them as well as we can.

I praise the excellent work that is done by charities such as Guide Dogs Scotland, Hearing Dogs for Deaf People and Canine Partners, including the work that is done in my region of the Highlands and Islands. I pay tribute to all those who are involved in those charities for their work and their brilliant fundraising efforts.

I accept that it appears to be an unfair anomaly that only high-protein dog food for working dogs is zero-rated for VAT. Such dog food is unsuitable for most of the assistance dogs that we are talking about. Currently, VAT must be paid on assistance dogs' food, unlike the food for sheepdogs, gamekeepers' dogs and police dogs. If the charities that train assistance dogs did not have to pay VAT on those dogs' food, the saved money would—I hope—be reinvested in other aspects of those charities' work.

There is no doubt that assistance dogs are very important working dogs. They do a fantastic job. As VAT is reserved to the Westminster Parliament, I am happy to write to Treasury ministers to make a case for a derogation for assistance dogs. I will enclose a copy of this evening's debate, ask those ministers for their comments and ask whether they can show flexibility, so that the VAT exemption might be extended to the cases that we are talking about.

17:22

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I congratulate Linda Fabiani on securing the debate, on an issue of which I was not previously aware. I also congratulate Jamie McGrigor on his speech.

Two constituents of mine—Alison and Betty Brown, who are sisters in their 80s—are puppy walkers. They started 40 years ago, when Betty read an article about the urgent need for volunteers to instil basic obedience in would-be guide dogs at a tender age. The aim is the same now as it was then: to produce a puppy that is

socially well behaved, friendly and which will be responsive to its future handler.

Alison and Betty Brown's first puppies were called Cambus and Lang and were sponsored by the women's guild of—not surprisingly—Cambuslang. As other puppy walkers do, the sisters keep their charges for an average of a year. They are quoted as having said:

"It's our job to prepare the dog for the working life that lies ahead"—

I emphasise that—

"so we take them on buses, across busy roads and into shops both in Melrose and Galashiels ... We even take them to church on Sundays."

The puppies even pray, seemingly.

After their year with puppy walkers, who get expenses to cover food and vet bills—we now know that VAT is paid on their food—the animals go to one of the Guide Dogs charity's four specialist training centres. In Scotland, they head for Forfar, where they can spend up to six months under expert mobility instruction and temperament assessment before being matched with their guide-dog owner. If that is not training a working dog, I do not know what is.

The two wonderful ladies whom I named have voluntarily walked more than 90 puppies between them since they began with Guide Dogs. They are prolific fundraisers for the charity—so much so that they even have a Guide Dogs shop in their house. In 2008, they entered the record books when their 86th pup—Uri—was entrusted to their care. That makes those ladies the most prolific as well as the longest-serving puppy walkers in the long history of a charity that provides dogs for more than 4,500 blind and visually impaired people in the United Kingdom and Ireland. It is thought that the sisters have raised in excess of £1 million at fundraising events in the Borders, mainly by selling their charity's merchandise at local shows. I am sure that, when they were raising that £1 million, they did not know that the VAT man was going to collect VAT on it, and neither did the people who contributed. It is disgraceful that that continues.

I note the UK Government's argument that it is constrained under European Union law and that, at best, it could reduce the VAT to 5 per cent. However, it cannot possibly be beyond the wit of man to redefine "working dog". I might be wrong; it might be the food that needs to be redefined. Surely the definition of a working dog must include hearing dogs for the deaf, guide dogs for the blind and, indeed, canine partners, as well as possibly others that we are unaware of at the moment.

I look forward to hearing what the minister has to say. Perhaps there is a way of getting the VAT down to 0 per cent.

17:26

**Stuart McMillan (West Scotland) (SNP):** I commend Linda Fabiani for securing the debate and raising such an important issue in Parliament. I am sure that every member knows that when Linda gets involved in an issue, she is dedicated to getting a positive result. She will have my full support for this campaign.

I chair the Parliament's cross-party group on visual impairment. This issue has not come before the group in either this parliamentary session or the previous one, but I will certainly try to get it on to the agenda at future meetings. I was not aware of the VAT problem and the exemption for working dogs, so I was quite taken aback. Disability legislation has gone through the Westminster Parliament, and I can only imagine that the issue has slipped through the net.

After hearing Dennis Robertson's speech, I am a wee bit disappointed, to say the least. I did not think that there was anything sinister on the part of the Westminster Government, and I hope that the current coalition Government can work towards rectifying the situation. Any support for the issue from this Parliament would therefore be very welcome.

As we have heard, a guide dog is very expensive, but it is essential. The definition of a working dog should be clarified. The current definition excludes guide dogs but includes working sheepdogs of any breed, gundogs and racing greyhounds. However, labradors, pointers, retrievers and greyhounds are excluded. There is an inequality in the current system. I appreciate that the UK Government cannot fix every problem, but I hope that it can look at the situation and establish a remedy. I also whole-heartedly welcome Jamie McGrigor's contribution and I am sure that everyone in the chamber appreciates it too.

We all realise that the Scottish Government cannot do anything about this issue because VAT is a reserved matter. I ask it to correspond with the UK Government to ask it to look at the issue and try to get to a satisfactory outcome. I am sure that that would be appreciated by and beneficial to all those concerned.

I do not intend to take up my full allocated time, but I will bring the issue to the cross-party group on visual impairment. I ask the Scottish Government to contact the UK Government on the matter, and I hope that the UK Government can find a satisfactory solution to the problem. That would be massively beneficial to assistance dog

organisations across the UK and to people who require a guide dog.

Once again, I thank Linda Fabiani for bringing the issue to Parliament.

17:29

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** I am grateful to Linda Fabiani for raising this important issue and for the work that she is doing on behalf of Guide Dogs Scotland. The contributions in the debate have all been extremely useful, so I thank all members for them.

The facts of Linda Fabiani's motion are entirely correct. The current arrangement, as HMRC explains on its website, is that all dogs, with the exception of working dogs, are classed as pets. Pet food is standard rated for VAT, so a product that is claimed to be suitable for all breeds, sizes and ages of dog is standard rated for VAT purposes. If a specially formulated food that is high in protein is available for sale exclusively for working dogs, it will fall within the scope of the VAT relief, unless it is biscuit or meal. When owners wish to provide their dogs with food that is not sold as pet food—commonly known, I believe, as dogs' dinners—they are free so to do.

**Jamie McGrigor:** Does the minister know whether, when a working dog reaches old age—and, I presume, takes less exercise and moves on to a lower-protein diet—it is forced to go on eating the wrong type of food because, otherwise, VAT would have to be paid?

**Fergus Ewing:** That assumes that the owners would not be willing to pay VAT to provide their dogs with the appropriate food. I do not know whether that is the case, but I appreciate that Jamie McGrigor has owned dogs all his life, which I have not.

The UK tax position results in an outcome whereby food for working dogs that is high in protein is zero rated for VAT, whereas regular dog food that is eaten by assistance dogs such as guide dogs is not, so the full VAT rate applies. For VAT purposes at least, HMRC appears to treat guide dogs or other assistance dogs as pets simply because of the food that they eat.

The point has been made—it was first made by Linda Fabiani, who did so clearly and well—that it seems extremely odd that, for the purposes of VAT, dogs are classified not by what they do but by what they eat. That seems to be an extremely odd criterion on which to formulate tax law—I use the word "odd" in a diplomatic sense, for want of another word.

However, it seems to me that, as the UK Government has already accepted the principle

that there is a justification for food for some dogs to be zero rated—it did not need to do that, but it has done it: working dogs are entitled to have food that is zero rated for VAT—the question is whether that rationale should be applied to dogs that serve other purposes. The case has been made beyond peradventure that zero rating should be extended to food for other types of dog that serve purposes that are useful. Indeed, it could be argued that the purposes that such dogs serve are more useful than those that working dogs serve.

We heard from Dennis Robertson—he spoke very eloquently, as always, and acted as a sort of trade unionist for Mr Q—that some people who are blind might not have a guide dog for financial reasons. That is an extremely worrying possibility. I do not know whether it is an issue that could be explored further; perhaps the Guide Dogs for the Blind Association has looked into it.

**Dennis Robertson:** The Guide Dogs for the Blind Association tries, as far as possible, to ensure that no person is prevented from having a mobility aid such as a guide dog for a financial reason. It does all that it can to promote that message and to ensure that finances never get in the way, but some people do think about the cost of dog food and vet bills prior to making an application to the association.

**Fergus Ewing:** That is an extremely helpful clarification, for which I am grateful.

I think that we have established that the current law is illogical. We hope that the upshot of the debate will be that we can seek to persuade the UK Government to think again.

Before I turn to how we may best do that, I endorse Christine Grahame's comment that we should consider an exemption for hearing dogs for deaf people, as well as one for guide dogs for the blind. Hearing dogs alert deaf people to everyday sounds that hearing people take for granted, such as the alarm clock, the doorbell, a crying baby or a smoke alarm—or, indeed, the division bell of the Parliament. Instead of barking, the dog alerts the deaf person by touch using a paw to gain attention and then leads them back to the sound source.

We should consider exemption for dogs for the disabled and dogs for children with physical disabilities. Support dogs have also been mentioned.

Dogs that serve essential purposes should be considered for exemption, whether they do so as guide dogs or in one of those various other purposes. It would not be appropriate for the UK Government to fail to consider all relevant categories if it were to consider the matter, so I am grateful to Christine Grahame and others who mentioned that we also need to consider other dogs.

I acknowledge the marvellous work that the Guide Dogs for the Blind Association does without, as I understand it, public subsidy. It has no Government support funding, so it depends entirely on public support for its massive operations, which a number of members explained well.

There are 4,500 guide dog owners in the UK and the association is responsible for 8,000 dogs. The sum of VAT that was mentioned is, I think, £300,000. Perhaps I did not get that correct, but it is plainly a substantial amount of money. For a voluntary organisation that is entirely reliant on donations and not in receipt of Government subsidy, that is a serious matter indeed, as many members said.

I am struck by the figure in the briefing that, I assume, emanates from the association originally, which says that the lifetime cost of a guide dog is around £50,000. That is a lot of money and a lot of VAT.

For the UK Government, the cost of acting in a budget would be nugatory—it would be de minimis. There is a strong case for action. Members from various parties have urged me to write to the UK Chancellor of the Exchequer, and I will certainly do that. We will write to the UK Treasury and invite it to consider the case and to explain why it cannot act to zero rate. We will also ask it whether it has considered the option of reducing the VAT to 5 per cent as an alternative. We will invite the Treasury to act as quickly as possible, preferably in the budget that is forthcoming in a couple of months' time.

It has been said that a dog is a man's best friend; we will see whether Governments can be dogs' best friends.

*Meeting closed at 17:37.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice to SPICe.

---

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by APS Group Scotland.

All documents are available on  
the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

For details of documents available to  
order in hard copy format, please contact:  
APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

e-format first available  
ISBN 978-1-4061-8254-5

Revised e-format available  
ISBN 978-1-4061-8264-4

---

Printed in Scotland by APS Group Scotland

---