



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Thursday 20 May 2010

Session 3

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Scottish Parliament

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

Protection for Workers

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a debate on motion S3M-6350, in the name of Hugh Henry, on protection for workers. We have a bit of time available, so members should feel free to take interventions if they wish to do so.

09:15

Hugh Henry (Paisley South) (Lab): It is hard to imagine that in 21st century Scotland workers are still being assaulted simply for doing their job. Unlike MSPs who, in this Parliament building, have security measures built in almost at every step, the ordinary worker is often left vulnerable to attack and assault. Of course, the recent stabbing of Stephen Timms MP is a reminder that, outside the confines of Parliament, politicians can also be vulnerable.

I recognise that some people in the legal profession would say that the law already takes seriously the issue of assault. Equally, however, I point to the Emergency Workers (Scotland) Act 2005, which all parties in the Parliament, except the Conservatives, supported, because legislation was required. The act recognised that something more than the existing law was worthy of support to demonstrate to the violent minority that attacks on emergency workers are unacceptable. It also demonstrated to emergency workers that members of the Parliament were prepared to act to give vulnerable workers that bit extra in legal protection.

We were told at the time that the 2005 act was not necessary and yet, by the second year of its existence, 200 charges were proved under it in Scottish courts. If further legislation was not necessary or useful, why were those cases taken to court under that legislation?

Robert Brown (Glasgow) (LD): Is the answer not fairly obvious: that the act replaced the previous common-law aggravation? To that extent, there was a transfer of the figures to the new category of offence.

Hugh Henry: No. It is still the case that prosecutions can be made under the common law. The act is an addition, which is there to be considered as appropriate. I know that the Liberal Democrats accepted that argument and voted for the act at the time.

The new Administration, which was elected in 2007, reflected on the need for such legislation to protect workers who serve the public. The *Official Report* of the Justice Committee meeting of 15 January 2008 shows that Shona Robison said:

“Okay. Enough time has passed since the legislation came into force to allow us to consider its success and the potential benefits of extending its scope to cover other staff. That is an important point.

I will share some information on the success that has been achieved so far. According to the most recent figures, 1,256 charges have been laid under the 2005 act, of which 1,008 have led to prosecution and, thus far, 594 convictions. A further 218 cases are on-going. Seventy-five per cent of cases that have led to prosecution have resulted in convictions, which is a very high number indeed. I suggest that that shows the success of the act.”—[*Official Report, Justice Committee*, 15 January 2008; c 469.]

As a result of that analysis, ministers extended the 2005 act. They decided to cover other health workers who work in the community, not necessarily always in emergency circumstances. I applaud ministers for taking that decision not to rely on the common law but to use the additional strength that is delivered by the act. Ministers were right at that point to reject the arguments of those who said that existing legislation was enough and that no new powers were needed.

I turn to other workers who serve the public and in doing so render themselves vulnerable to assault. Are they any less worthy of our support? Do the services that they provide mean that they deserve any less protection from the law than those who are covered by the 2005 act?

When a bus driver or a train driver is assaulted, the passengers are put at risk. When services are withdrawn because of violent incidents, whole communities are affected. Those who rely on public transport can be left isolated and vulnerable as a result.

When a postal worker is assaulted and the mail is stolen, scattered or not delivered, there can be significant implications. Families who rely on authorisation for financial payments can be left struggling, businesses can be affected and deadlines can be missed.

When a shop worker has to bear the brunt of an enraged customer's anger, that worker often has no back-up or support readily available. If local stores have to close for security reasons, as has happened, whole communities bear the brunt as a consequence. Often, it is poorer communities and more vulnerable people who are worst affected, because they have no alternatives.

If a shop worker does the right thing and carries out the will of the Parliament in relation to alcohol or tobacco sales, should they not expect the Parliament's support if they are assaulted as a result?

Are child care workers, elderly care workers and social workers any less important than the nurses or midwives who work in the community? It is right to give added protection to a nurse who serves patients in the community, but why not give protection to the child care worker who deals with sensitive cases of child abuse allegations or those who are there to help the frail elderly and are assaulted by whomsoever when doing so? Should they not be given that added legal backing if they are assaulted when carrying out their duties?

The number of assaults against many of those workers is staggeringly high. In 2007-08, the total number of physical assaults against public sector workers was 32,263. That number included 9,121 assaults on local government workers, which represents an increase of 3,000 on the previous year's figures. In 2007, the British retail crime survey report detailed a 50 per cent increase in physical assaults against shop workers compared to 2006. A Union of Shop, Distributive and Allied Workers survey showed that nearly a third of shops reported at least one physical assault against staff in 2007.

Contrast that with the simultaneous reduction in the number of assaults perpetrated against health workers. According to figures produced by Unison in 2007-08, the number of assaults on health workers fell by more than 1,000 from the previous year. It could be suggested that the decline can be attributed to the threat of tougher penalties contained in the 2005 act. The increase in the number of convictions under that act, which I mentioned earlier, has underpinned the tough message that has arguably led to the reductions in assaults.

The success of the act has been recognised not only by ministers of the present Administration but by the trade union movement. The Scottish Trades Union Congress has spoken out clearly about the need for further legislation. I am grateful for the support received from a range of unions: Unite, which represents bus drivers; the Associated Society of Locomotive Engineers and Firemen, which represents train drivers but also speaks up for other staff in the train industry and for the travelling public; USDAW, which has been relentless in its campaign for freedom from fear for shop workers and is determined to protect its members; the Communication Workers Union, which worries about postal workers being assaulted in the course of their duties; Unison, which represents care workers, who often work in extremely isolated and vulnerable situations; and the Union of Construction, Allied Trades and Technicians, the building workers union, whose members often have to carry out emergency repairs and can be assaulted as a result. The unions are determined to do what is right for their members, which is why many union members

have taken the opportunity to come to the Scottish Parliament today to demonstrate their support for more legislation.

We sometimes get hung up on statistics, which do not tell the human side of the story. When union officials and shop stewards speak to me about the need for legislation to protect workers, they are talking about protecting ordinary people who have a sense of duty to those whom they serve, and who are not asking for much. A member of USDAW, who works in a store in Portobello, approached someone whom they suspected of shoplifting but never got a chance to speak to the person before being knocked to the ground and rendered unconscious. The worker, who had simply been doing their job, suffered concussion and was off work as a result.

Bus drivers have been assaulted while trying to protect passengers from violent and aggressive passengers. The drivers were trying to protect not the bus or their cash but members of the travelling public. Do such people not deserve additional support? Train drivers and other railway staff constantly have to worry about being approached as they travel through the train. They sometimes have to step in to protect passengers, and there have been a number of cases in which railway staff were assaulted as they sought to protect other people.

Postal workers have been knocked down simply because a person was enraged by the non-arrival of a letter. That is unacceptable. Care workers have to go into frightening situations in which they must deal with people who are enraged by decisions that they have taken. They, too, deserve our support.

There is a compelling imperative to apply the logic of the Parliament's decisions equally and fairly. The Parliament decided that workers who serve the public deserve a level of protection over and above the law as it was in 2005, which is why it passed the 2005 act, whose success has been acknowledged by Shona Robison and which was subsequently extended by ministers.

The time is right to draw on the benefit of our experience and take the next step, by ensuring that all workers who are assaulted while they are serving the public receive the same level of support as we give to emergency workers. That is the least that we can do for the people who work to serve us.

I move,

That the Parliament believes that further measures need to be taken to deter violence against shop workers and other workers delivering a service to the public; notes with concern the finding of the Scottish Crime and Justice Survey 2008-09 that, of those adults who had jobs involving contact with the general public, 35% had experienced either verbal abuse or physical abuse; recognises that

there has been a 78% increase in violence and abuse against Scottish shop workers over the last three years, according to Retailers Against Crime; welcomes the Freedom from Fear campaign organised by the Union of Shop, Distributive and Allied Workers (USDAW), which seeks to make shops and shopping areas safer for staff and customers; acknowledges the efforts of the trade union movement as a whole to highlight the continuing problems of violence for those workers with direct contact with the public; recognises that there have been year-on-year increases in prosecutions under the Emergency Workers (Scotland) Act 2005, and believes that the Parliament and the Scottish Government should take further action to ensure that workers can carry out their duties without facing violence or intimidation.

09:28

The Cabinet Secretary for Justice (Kenny MacAskill): I pay tribute to Hugh Henry's work when he was a minister and since then to promote and pursue protection for workers. All workers who are going about their daily lives providing valuable service to the public should be free from the threat of violence. An attack on a person who is at work in our communities is an attack on our communities. Hugh Henry gave clear examples of that. Abusing someone while they are serving the needs of the public through their work is not acceptable.

We all know that, tragically, this is not a new problem. Steps have been taken in the past to address the issue. As Hugh Henry said, in opposition we supported the Emergency Workers (Scotland) Bill. We must all remain vigilant in tackling the issue, which is why the Government extended the coverage of the Emergency Workers (Scotland) Act 2005 so that doctors, nurses and midwives are offered protection whenever they are on duty.

We also need practical solutions. The work of the Scottish Business Crime Centre is just one example of that approach. We have continued the support that previous Administrations gave the centre, by providing more than £750,000 of funding to the SBCC since 2007. The funding has helped the SBCC to continue its long-standing work with the police and the business community to provide practical advice on how to develop crime reduction and prevention strategies for businesses. Such strategies include the work with retailers and the police on the retailers against crime programme, which operates in 20 towns and cities and enables intelligence to be gathered by and shared among more than 600 stores in Scotland.

Members will be aware of USDAW's excellent work, and in particular the freedom from fear campaign, which Hugh Henry mentioned. Since the campaign's launch in 2002, it has done much to ensure that workers can go about their working lives free from fear of attack. USDAW's annual

respect for shop workers event, which most recently took place in November 2009, has also helped greatly. Workers who provide a service to the public are the life-blood of our communities. They are often paid low wages and they should not have to suffer as a result of society's wider problems.

The criminal law has an important role to play. That is why we will carefully consider the details of the proposed workers (aggravated offences) bill, when it is introduced in the Parliament.

The Crown Office and Procurator Fiscal Service and the courts take very seriously cases that involve attacks on people who were going about their daily working lives. We expect no less of the courts, which deliver. The common law of assault and the common law of breach of the peace offer protection to everyone in Scotland, including public-facing workers. Depending on the seriousness of the offence, maximum penalties all the way up to life imprisonment are available. In a recent case, an assault on a Glasgow taxi driver resulted in sentences of six years and 45 months being handed out to the two assailants. It is not clear that the proposed bill can provide for tougher sentences, given the range of penalties that are already available under the common law. However, as I said, we will carefully study the detail of the bill when we see it.

Hugh Henry: I accept what the cabinet secretary said. The bill that I propose to introduce will not provide for longer sentences than the ones that he outlined. However, the same logic applies to nurses, doctors, midwives and others who are assaulted in the course of their duties because, if assaults are sufficiently serious, the perpetrators can be given the long sentences that the cabinet secretary mentioned. The logic of my bill will be no different from the logic that currently applies.

Kenny MacAskill: I am grateful for Hugh Henry's intervention and, as I said, we will study the bill. We accept that sentencing is but one part of the solution to the problem. Other matters are referred to in amendments to the motion. We must consider how we tackle the issue. I think that there is a consensus in the Parliament that the problem that Mr Henry is trying to tackle is entirely unacceptable. We need to come up with a solution, so that we can protect workers, punish the people who perpetrate attacks and break the cycle that has gone on for far too long, down the generations. I will be happy to discuss the matter with Mr Henry.

We need to look at the causes of attacks on public-facing workers. Far too often, alcohol plays a part in attacks. Mr Henry was right to say that the people who sell tobacco and alcohol should be protected. Equally, people who perpetrate attacks while they are under the influence of alcohol

should be dealt with. That is why it is critical that we rebalance Scotland's relationship with alcohol.

The facts are stark. Some 45 per cent of prisoners were drunk at the time of their offence. Some 70 per cent of assaults presenting at emergency departments might be alcohol related. Our relationship with alcohol is out of kilter and alcohol misuse affects every community, age group and socioeconomic group. There is a particular impact on public-facing workers. The cost of alcohol misuse in Scotland is £3.56 billion per year—that is £900 for every taxpayer. That is why we need to put aside party politics and go where the evidence takes us to address a societal issue that has a significant role to play, as well as considering the nature of legislation and sentencing in providing protection for public-facing workers. We cannot be seduced by the false premise that our problem with alcohol is only about young people or the most harmful drinkers. We need a culture change that complements other work in helping to protect everyone—including and in particular public-facing workers—from attack as they go about their daily lives, whether they be taxi drivers, bus drivers or shop assistants in Edinburgh or elsewhere. Indeed, Mr Henry mentioned Portobello, which is in my constituency.

Johann Lamont (Glasgow Pollok) (Lab):

Does the cabinet secretary agree with women's organisations that argue that we ought not to be seduced by the false belief that violence against women is caused by alcohol? If he accepts that view, why does he not accept that violence against workers is not excused by an alcohol problem?

Kenny MacAskill: Violence against women is entirely unacceptable. There is a cultural problem there, and equally there is a cultural problem of violence in Scotland. That is why the Government is seeking to change the culture in two aspects of Scottish society. One is our out-of-kilter relationship with alcohol, and the other is the cult of machismo. I would have thought that Johann Lamont would accept the requirement to tackle both those aspects.

Refusing a sale of alcohol is a potential flashpoint for retailers. That should not be the case. The law prohibits the sale of alcohol to anyone who is under 18 and to anyone who is drunk. In recent years, much has been done to help the licensed trade to raise standards, but we need to go further to rebalance our relationship with alcohol.

We commend the decision that was taken by previous Liberal Democrat ministers to introduce mandatory training requirements for all staff who are selling alcohol. Although many retailers already had training arrangements in place, the mandatory training requirements that came into force last year play their part in helping staff to

deal with situations that can lead to disturbances and violence. Many retailers operate challenge 21 or 25 schemes to help their staff to refuse sales. I know that such schemes have been promoted and championed by Mr Baker and others. They help to create a barrier between the member of staff and the customer, as the member of staff can make it clear that a decision to refuse a sale is not simply a personal choice for them. Although challenge 21 and similar schemes do not change the law on underage sales, they are a helpful tool, which is why we are making provision in the Alcohol etc (Scotland) Bill to require age verification policies in all premises. That will help to bring all retailers up to the same standards as those who already have age verification in place.

To reverse the damage that alcohol does to Scotland, and the problems that are faced by public-facing workers in particular, we must strive to get to a point where alcohol is responsibly promoted, responsibly priced and responsibly consumed. Scotland's relationship with alcohol affects every age group and every community and we need to try new, evidence-based approaches. Parliament should not be afraid to try new approaches. We all have a responsibility to put the health and safety of all of the public, not just public-facing workers, above party politics.

It is greatly disappointing that the Labour Party chose to oppose the Alcohol etc (Scotland) Bill on the day it was introduced, before it heard any evidence as part of the parliamentary process. As was noted by experts at the time, Labour has found itself on the wrong side of the argument for the wrong reasons. We hope that Labour will accept that one way of reducing alcohol-related violence and harm, which are at the root of much of what Mr Henry is seeking to resolve—and we support him in that—is to reduce consumption, and that the most efficient way to reduce consumption is to increase price. Common sense suggests that Labour should be supporting minimum pricing and the Alcohol etc (Scotland) Bill more generally.

At Christmas and new year, I did an event with Lothian Buses in Edinburgh. What was the major issue for Lothian Buses and the safety of its workers? Workers and management told me that it is people who are under the influence of alcohol abusing staff. Yes, we must look at vigorous and tough enforcement, but we also have to address the underlying problem of the role that alcohol plays in driving violence and disorder.

Richard Baker (North East Scotland) (Lab):

To clarify for the cabinet secretary, we do not oppose all the measures in the Alcohol etc (Scotland) Bill, and we will make other suggestions for dealing with alcohol misuse. We have not accepted the argument for a minimum

unit price, but that is only one measure and there are others that we believe will be more effective in tackling alcohol misuse and dealing with the situations to which he refers.

Kenny MacAskill: I do not dispute that at all. However, there are three strands to this—the three Rs. Alcohol must be consumed responsibly and it must be promoted responsibly, but Mr Baker should recognise that it must also be priced responsibly. As long as there is cheap discounted alcohol—in Edinburgh and all across Scotland it is cheaper to buy strong alcohol than it is to buy water—there is something fundamentally wrong.

That is why two thirds of those who are accused of homicide were drunk or on drink and drugs at the time of the alleged offence; why there are almost 1,000 casualties, including 30 fatalities, on Scottish roads as a result of accidents involving alcohol; and why 62 per cent of domestic abuse cases involve alcohol.

Violence is never acceptable. The person who commits a violent act, whether it is an act of physical violence or verbal abuse, is responsible for his or her actions. We politicians should seek to address what may give rise to the abuse of and attacks on public workers. Our Alcohol etc (Scotland) Bill seeks to do just that, which is why we ask all parties to unite in supporting all the measures in our bill. We will be more than happy to look at the measures in Mr Henry's proposed bill.

I move amendment S3M-6350.2, to insert at end:

"by accepting that a comprehensive approach to changing Scotland's relationship with alcohol is required, which includes effective enforcement of existing laws and innovative, evidence-based policies."

09:41

John Lamont (Roxburgh and Berwickshire) (Con): I commend Hugh Henry for putting this issue on the political agenda, and for the work that he has undertaken to get his bill this far.

Many workers in Scotland work in threatening environments. It is wrong that anyone should feel intimidated just for doing his or her job. It is estimated that 38 per cent of people working in a public-facing occupation in Scotland have suffered verbal abuse from a member of the public in the past 12 months. The number of assaults reported against people who are working in local government rose from 9,121 to 9,910 in 2009 alone. The campaigns that have been undertaken by the unions have done much to highlight the fact that antisocial behaviour towards such employees is not only unacceptable but against the law—and that is the key point: it is already against the law.

During the debate on Hugh Henry's motion on the freedom from fear campaign, it was rightly highlighted that the origin of most attacks is connected to the sale of alcohol. The conflict that arises from shopkeepers and shop workers policing the sale of age-restricted products is frequently the starting point of the abuse that they receive.

Looking at the proposal to introduce a bill to make such attacks an aggravating factor, we need to know how that would fit with other aggravated offences. It is important to say that the courts can and do take account of a wide range of factors, in addition to the type of offence committed, when determining the appropriate sentence for a particular offender. Any previous convictions that the offender may have, their age and their motivation are just some of the factors that the court will consider. The courts might regard some of those as mitigating factors, possibly leading to a lesser sentence, while others might be treated as aggravating factors, possibly leading to a greater sentence. However, we as legislators might decide that to send out a clear message, to courts and to society more generally, a particular factor should be considered as aggravating an offence.

The concept of creating statutory aggravation for offences committed out of prejudice towards a specific group in our society is not new. We already have legislation for crimes motivated by racial hatred in the Crime and Disorder Act 1998. More recently, in section 74 of the Criminal Justice (Scotland) Act 2003, the Scottish Parliament created an aggravation for crimes motivated by religious prejudice. More recently still, we have passed the Offences (Aggravated by Prejudice) (Scotland) Act 2009, which introduced new statutory aggravations that may be applied in cases in which there is evidence that a crime has been motivated by malice or ill will based on the victim's actual or presumed sexual orientation.

As we have heard from others, the Emergency Workers (Scotland) Act 2005 created the specific offence of attacking an emergency worker, or someone who is assisting them, who is responding to emergency circumstances. Hugh Henry's proposal would extend the tougher protections in the 2005 act to workers who provide a service to the public and, in so doing, come into face-to-face contact with them.

My concern is that I do not know where all this will end. To quote from a recent article in *The Herald*:

"If you are white, heterosexual, not religious, don't work for the emergency services and are not disabled, you've just become a minority group in Scotland. In the eyes of the Scottish Parliament, if you belong to the above grouping and you are the victim of an assault - verbal or physical - the courts don't have to treat your attacker as harshly as they would otherwise."

Like the *Herald* journalist who wrote that, I am baffled by the approach that we are taking. The victim feels the same pain regardless of whether they fall into any of the categories of aggravation. No group is entitled to any less protection and that means that no group should be entitled to any extra. Indeed, no one, regardless of how we categorise them in society, should have a crime committed against them. The removal of crime from our communities should surely be our objective, rather than the constant addition of aggravating factors.

Of course, at certain points in history, we need to send out powerful messages that certain behaviour is not acceptable. Clearly, there can be an important role for any legislator in sending out that message. As a general rule, however, we should not use legislation simply as a tool to send out a message. As we said when the Emergency Workers (Scotland) Bill was debated, it would have been much more logical to allow the common law to do what it does best—providing flexibility of application according to the severity of the offence. The independence of our courts is one of the fundamental principles of our justice system, so we need to be careful not to be seen to be micromanaging the role of judges and sheriffs.

While I have concerns about the principles behind Hugh Henry's proposed bill, I also foresee serious concerns about some of the specific details of the bill and how it would work in practice. Those concerns might be dealt with when we see the draft bill, but we need to consider carefully how they will be dealt with. In particular, some of the definitions in the bill might be unclear. It is important that legislation is precise enough not to lead to confusion in its interpretation. For example, how would we define a worker who provides a face-to-face service to the public? Would someone who works in a call centre be covered? How about a teacher who is teaching a class of young people? In the age of internet shopping, are we sure that the definitions will be wide enough to cover that and the developments that might happen in future? Is the protection only for those who work in the public sector, or would it extend to those in the private sector?

Hugh Henry: Clearly, the detailed argument on the questions that the member raises can take place in the Parliament at a later stage. The member talked about face-to-face contact and asked whether call-centre workers would be covered. He might have more experience of call-centre working than I do, but I have a certain basic understanding of what happens in a call centre and I know that it is not necessarily face to face.

Many bus drivers do not work in the public sector. They work for private companies, as do

train drivers. By definition, workers in the private sector are also covered.

John Lamont: The point that I was trying to highlight is simply that it is difficult to define and pinpoint which workers would be protected and which would not. Why should a call-centre worker who is the subject of a serious verbal assault not receive the protection that a worker in a face-to-face environment would receive under the proposed bill? We need to be clear about why people are excluded or included, especially as the common law already provides many of the protections that Hugh Henry seeks to create.

I cannot see why there should be any distinction between workers in different sectors. The bill could discriminate between victims of crime on account of their job. That would be a serious mistake for the Parliament to make.

In conclusion, Mr Henry continues to raise an important issue that we must consider carefully. Equally, we must consider carefully whether legislation is the best tool to achieve the outcome that we all seek.

I move amendment S3M-6350.1, to leave out from second "Parliament" to end and insert:

"Scottish Government must ensure that the courts have a full range of disposals to deal with such antisocial behaviour including sentences of six months or less."

09:49

Robert Brown (Glasgow) (LD): I begin as others have done, by welcoming the fact that Hugh Henry has raised the issue and acknowledging his long-standing contribution to the arguments about it. It is worth while to go back to the minister's observation that there is consensus in the chamber about the objective that Hugh Henry is seeking, which is to protect public-facing workers. The issue is about the ways in which we do that. As Hugh Henry said, the Liberal Democrats, when in government, supported the passage of the Emergency Workers (Scotland) Bill. That legislation was a focused response to a particular problem. One of the challenges is to determine whether further legislation on the matter would be a focused response or a scattergun response that did not have the same effect.

I welcome USDAW's freedom from fear campaign and the other campaigns by the trade unions and others. Among other worthy aims—they are slightly wider than the issue that we are discussing this morning—they seek to raise awareness that violent and abusive behaviour towards workers who serve the public in whatever capacity is unacceptable. Liberal Democrats entirely support any effective action that will make a difference in deterring and reducing such behaviour. People should be able to do their job—

particularly if they provide a service to the public—without risking abuse and violence.

In the opening speech, some reference was made, in slightly derogatory terms, to the legal profession, as if it was a different organisation. As one who spent his life in the legal profession, I believe that it has something to offer given its expertise on what goes on in the courts, what the responses are and so forth.

The argument has been about the passing of new laws. I want to sound a cautionary note against the idea that passing new laws is necessarily effective in reducing or stopping such behaviour. There are echoes of the debate at Westminster, where it has been claimed, probably by the Liberal Democrats, that some 3,000 new offences were created during the term of the previous Labour Government. We cannot necessarily say that the creation of those offences is linked in precise terms to specific reductions in certain sorts of crime. The issue must be not whether protection is deserved—obviously, it is deserved—but what the most effective methods are of providing and extending that protection as a way of delivering society's condemnation of such behaviour and its support for workers.

There are stringent laws against assault on the police, yet assaults on police officers increased by a full 10 per cent between 2007-08 and 2008-09. They were not prevented by the fact that there is a law against them. Since the Emergency Workers (Scotland) Act 2005 came in, statutory minor assaults on emergency workers have been recorded. That was a significant motivation for the act—I think that Hugh Henry will know that. In 2008-09, 1,150 such offences were recorded by the police, which was an increase of 753 on the 2007-08 figure. The number of prosecutions under the statutory aggravation increased by 126 per cent between 2005-06 and 2008-09.

However, those figures can be interpreted in various ways. Is there greater awareness of the issue? Was the increase a temporary thing as the act came into force? Do more or fewer offences lie behind the figures? Hugh Henry gave us some information on that earlier. It remains an open question whether the existence of the statutory aggravation does indeed reduce or deter such conduct. Behind the figures might be an increased willingness to report particular cases. There are questions about the figures. Fife is consistently showing three or four times as many recorded minor assaults on emergency workers as Glasgow. It seems unlikely that a campaign of terrorism against emergency workers is going on specifically in Fife. The figures might bear closer examination.

When the Emergency Workers (Scotland) Bill was being considered, the extension of its

provisions to include other workers was considered but rejected. The view was taken that such a move might weaken the protection rather than strengthen it because of a loss of flexibility. Indeed, that was the stated view of Andy Kerr, who also pointed out, first, that there was guidance from the Lord Advocate to procurators fiscal that attacks on workers who are delivering a public service should be regarded as an aggravating factor and, secondly, that monitoring of that guidance confirmed that both the courts and prosecutors treated such attacks as serious.

Victim Support Scotland said at the time that extending the statutory aggravation to all involved in providing public services would be unwieldy and unnecessary. One of the issues was that of defining who should be covered, and that remains a problem. If the legislation covers, say, teachers, social workers and train or bus drivers, is their position different from that of, say, shop workers? If shop workers are covered, what about bar personnel, cleansing operatives or park workers, all of whom can be subject to attack? Once we move away from emergency workers to the general practitioners and other national health service staff who are covered by the 2008 extension, it becomes difficult satisfactorily to define who should be in and who should be out, and also to determine the effectiveness of the response.

Hugh Henry: Can Robert Brown explain to members the difference between an assault on a nurse who works in the community and an assault on a social worker who is trying to take a child into care following allegations of child abuse? What would be the difference in terms of the significance of their employment?

Robert Brown: It is possible to make some distinctions between emergency workers and others—I will come back to that—but the essence of the matter remains whether the extension of the statutory aggravation, which echoes the existing common-law aggravation, would make a difference to the protection that is available to workers in such situations.

I return to the basic issue. As I have said, the common law allows such assaults to be treated as aggravated offences, and the evidence in 2005 was that that was reflected in practice. Part of the argument is about whether there is a loophole in the substantive law. As Hugh Henry rightly says, there is a problem. From time to time, bus drivers get assaulted and buses get wrecked. Shop workers and other workers in public-facing jobs can have similar problems. He also touched on the fact that MPs have been seriously and violently assaulted. In addition to the recent example, a Liberal Democrat MP was involved in such an incident.

My strong view is that more can be done through non-legislative routes. Education campaigns are worth while, as the Labour motion says. The Scottish Government amendment makes a highly relevant point about the relevance of alcohol and the enforcement of existing laws, the importance of which Liberal Democrats have repeatedly stressed in the debate on alcohol legislation.

Our amendment makes additional reference to partnership working between agencies and the sharing of information about troublemakers, violence hot spots and so on. In most instances, barring customers or refusing service is a possible recourse that is not usually available to emergency workers.

There are many issues for employers, such as training in how to handle and prevent aggression—which the minister referred to in the context of alcohol—effective recording of incidents and work methods that reduce the risk of violence against staff. Rightly, the trade unions have had long-standing concerns about single manning of libraries or retail outlets, particularly in isolated areas. Age-restricted products can be a flashpoint for trouble, which is why broad approaches such as the challenge 25 scheme can be highly successful, as they act as a deterrent to sales to underage persons and to violent reaction if service is refused.

I pay tribute to Hugh Henry's campaigning on violence against workers. He has helped to raise the profile of the issue and to stimulate serious debate about the proper responses. This morning's debate helps in that regard, too. Liberal Democrats have significant reservations about following a legislative route, but we strongly support a package of other measures to ram home the message that all service workers in public-facing jobs are entitled to be free from fear of assault or abuse as they go about their work in our interest.

I move amendment S3M-6350.3, to insert at end:

“; recognises that attacks on public sector workers are treated with gravity under existing law, and believes that effective prosecution through the courts of such offences and the further development of non-legislative measures, including evidence sharing and partnership working, are an appropriate response to violence against workers delivering a public service.”

The Presiding Officer: We come to the open debate. Members will have picked up the fact that they are welcome to speak for longer than the time that they have been given. That remains the case.

09:57

James Kelly (Glasgow Rutherglen) (Lab): I am pleased to speak in this morning's Labour Party debate in support of Hugh Henry's motion on protection for workers.

As others have done, I pay tribute to Hugh Henry for the work that he has done on the issue, both in Parliament and around the country. As well as liaising with trade unions and securing a recent members' business debate on the subject, he has lodged a proposal for a member's bill, which I hope will progress through Parliament. I also pay tribute to USDAW, which has supported Hugh Henry's work, and its freedom from fear campaign, and to the other trade unions that have worked tirelessly to promote the safety of union members and of workers in general throughout Scotland. It is correct that we debate the issue and give it proper prominence. As a Parliament, it is important that we recognise the need to protect the wellbeing of staff and workers throughout Scotland. I hope that Parliament's consideration of Hugh Henry's proposed member's bill has a positive conclusion.

As others have said, it is totally unacceptable that workers should be assaulted as they go about their duties. When people leave to go to work in the morning or in the evening, they do not expect to be abused or assaulted. Such events often lead to a great deal of trauma and stress. As a Parliament, we have a duty to recognise that and to look at what we can do to prevent such circumstances from arising and to back up workers who find themselves in such situations.

Some statistics report that 35 per cent of retail workers have experienced physical or verbal abuse. Such abuse seems to be a bigger problem in Scotland. One recent survey showed that 80 per cent of retail workers in Scotland reported having experienced verbal abuse in the past year. The equivalent figure for the UK was 65 per cent. As regards threats of physical violence, the figures were 40 per cent in Scotland and 32 per cent at UK level. Those statistics show that, unfortunately, there is a bigger problem in Scotland, which makes swift action by the Parliament a priority.

There has been some discussion about the categorisation of workers and who would be covered by the proposed bill. As Hugh Henry correctly said, that issue can be dealt with as the bill moves through Parliament. The important point to bear in mind is that if public-facing workers face threats, intimidation or abuse, we as a Parliament require to back up those workers by ensuring that we militate against such circumstances arising.

In my constituency, I have worked closely with the Community union on the campaign against violence towards betting shop workers.

Unfortunately, there have been such incidents in my constituency even in recent months. I pay tribute to the work that the Community union has done on the issue, which highlights the importance of protecting our workers. It is not just an issue for Parliament—employers have a responsibility to ensure that their workers are protected.

A number of factors underlie violence against or abuse of workers. As Hugh Henry mentioned, the staff in retail stores that sell alcohol and cigarettes find themselves in particularly vulnerable situations. I have spoken to people in such stores in my constituency, which gave me a real sense of the fear and intimidation that they feel. If there is only one member of staff in the shop at half past 9 at night and a number of unruly people, who might be underage, come in and start demanding alcohol, the situation is extremely difficult to deal with. It is often women or younger workers who are put in vulnerable situations in which they are intimidated. Those are the situations that we must bear in mind as we discuss the issue.

Rhona Brankin (Midlothian) (Lab): The member mentions the dangers to women who work in shops. I am sure that he is aware that many women who work in certain stores, including women in my constituency of Midlothian, refuse to work beyond 5 o'clock at night because of the number of attacks that they have suffered over the years.

James Kelly: That is right. I recognise the point that Rhona Brankin makes, as I have discussed the issue with women in my constituency.

I regret that the cabinet secretary spent a good deal of his speech promoting his party's policy on minimum pricing of alcohol. Protecting our workers is an issue on which we must try to get some consensus and agreement. We will not pay workers proper respect if we seek to gain party-political advantage on the issue.

There are a number of measures that we can take to make progress. Hugh Henry's proposed bill is one example. It is important that we give consideration to providing legal backing for the protection of workers. The 2005 act has made a positive contribution in that regard, as the number of prosecutions under it shows. Hugh Henry and others have made a strong case for extending that legal backing beyond emergency workers to other workers. We must broaden the scope of the legislation.

Employers have an important role to play. I mentioned betting shop workers. Employers must act responsibly and look at how they can protect their workers to ensure that they are not subjected to physical violence or abuse.

There is an important role for education and awareness raising. The more people are aware of

the issue, the more they will find such acts unacceptable and be able to influence those who might carry them out.

A worthwhile issue has been brought to the Parliament this morning. Politics is about making a difference, and Hugh Henry's proposed bill has the potential to make a positive difference for workers throughout Scotland. I hope that we can move forward with consensus and that the cabinet secretary and the Government can take forward Hugh Henry's positive suggestions.

10:05

Christina McKelvie (Central Scotland) (SNP):

I was intrigued by the motion—intrigued because I was a supporter of the Emergency Workers (Scotland) Act 2005 and an active member of the social work team in Unison when the bill was out for consultation. The act gives protection to police officers, firefighters, ambulance crews and other emergency staff as they carry out their duties. I wondered what connected the act to shop workers, given that it was conceived specifically as a piece of legislation that would make it an offence to impede those who are seeking to save the lives of others. I do not for one minute believe that Hugh Henry would want to dilute the effects of the act; I believe that he would stand four-square behind our emergency services in ensuring that they are adequately protected. There has been discussion with trade unions and the Government to extend the provisions of the act to retail staff. The narrow terms of the act do not allow us to do that.

In 2003, a number of us in the trade union movement—Unison, the Educational Institute of Scotland, the Scottish Secondary Teachers' Association and the Transport and General Workers Union, which is now Unite—called for legislation not just for emergency workers but for all workers who undertake duties that could put them in danger of assault. That call was not answered. I felt that child protection staff, mental health officers and care staff in particular deserved their call to be answered, and I used the very example that Hugh Henry used in his speech, of a child protection worker going into a home.

During the passage of the bill, we lobbied the Labour Party hard to include public sector and shop workers. However, it refused to do so. On 15 January 2004, Andy Kerr said:

"The common law is flexible: it can deal with attacks on public service workers whatever the circumstances. However, if we introduce a specific offence of statutory aggravation for attacks on all public service workers, that flexibility will be removed."—[*Official Report*, 15 January 2004; c 4907.]

Hugh Henry will not be surprised to hear that I did not agree with that view at the time.

Extending the act now would take away its specific focus on protecting our police officers, firefighters and ambulance staff, and all the other staff that it deals with. It would be unfortunate if one of the shining lights of good legislation from the previous Administration were to lose its focus.

There are issues of protection and safety for shop workers; by and large, those are issues that their employers should be addressing. Proper safety at work is the responsibility of every employer, and retail employers are no different.

Karen Whitefield (Airdrie and Shotts) (Lab):

As a keen trade unionist, does Ms McKelvie believe that unions such as Unison, USDAW, Unite and so on are wrong to argue for the extension of the legislation and to demand its protection to public service workers? Does she believe that those workers do not require support and protection? The statistics prove that the violence is increasing. If she thought, in 2007, that they required protection, why does she think that they do not deserve protection in 2010?

Christina McKelvie: Karen Whitefield picked me up wrong. It was in 2003 that I lobbied for the Emergency Workers (Scotland) Bill to be extended to all public service staff. The unions are not wrong, but the legislation should have been extended then. We had the opportunity to do so then, and you did not take it. The scope of the law is now too narrow to be extended. You know that, and your colleagues know that.

Health and safety is the responsibility of the employer, with trade unions pointing out some of the issues. I hope that no member considers it appropriate for us to ask someone else to take up the burden of the duty of care that we owe our staff; likewise, no other employer should think that it would be appropriate for them to hand over that burden to someone else.

Given that Retailers Against Crime is an umbrella group that covers most of the larger retailers—Asda, Tesco and Sainsbury's among them—I am almost certain that it would encourage its members to ensure that their staff are safe at work. Surely they are responsible employers and have the best interests of their staff at heart.

The figures in the motion are interesting. The motion mentions a 78 per cent increase in violence and abuse against shop staff over the past three years. I could not find that figure on the Retailers Against Crime website; all I could find was a note in the organisation's annual report that incidents dropped by 9 per cent last year. It is important to get that 78 per cent figure out into the public domain, and I would welcome Retailers Against Crime updating the figures on its website.

I commend USDAW for its freedom from fear campaign. It has raised the awareness of all of us

about the issue. It did so in 2003, but was not listened to; the fact that it is being listened to now is important. Recent crime statistics in the Scottish Government's statistical bulletin show that, last year, assaults were at their lowest level for 10 years and possibly more—the figures only go back to 1999. Robberies were at their lowest for 10 years, and crimes of dishonesty at their second-lowest level—only the previous year's level was lower. Scotland appears to be a safer and more law-abiding place. However, we must address the fact that that is not the perception of workers in the public sector.

I wonder, then, whether Mr Henry might be able to point us all to the figures that suggest that there has been that 78 per cent rise in violence against and abuse of shop staff, as opposed to the 9 per cent drop in the Retailers Against Crime annual report or the excellent progress indicated in the Government figures. I found a figure that showed that there have been 13,000 physical attacks. That figure is way too high, and the Parliament can work on reducing it.

I ask Hugh Henry to tell us about the figures because it is in all our interests to ensure that people are safe at work and that we get the specifics right so that we can address any problems. We need all the information that is available if we are to make the right choices to protect staff. The Retailers Against Crime annual report says that less than 15 per cent of all the incidents reported to its members involved violence or abuse. Again, we need to clarify that figure. I am glad that it is so low—I hope that it is a true reflection of what is happening. Although very little of the organisation's workload involves threats to the safety of its members' staff, I would like to know whether there are ways in which we can make the situation safer still.

Cathy Peattie (Falkirk East) (Lab): The member is normally quite proud of her trade union involvement, which is a good thing. Why, then, is she listening to employers and not to what the trade unions that represent the workers are saying?

Christina McKelvie: Obviously, my experience is a bit different from yours. I have met employers who are listening to their trade unions. However, we should have been listening in 2003 to everyone who called for the provision at the time.

We have extra police on our streets, a justice system that is improving and crime figures that are going down. We need to clarify all the figures that have been mentioned today. With proper co-operation throughout the Parliament, we can help to drive those crime figures even lower and make this country a safer and better place in which to live. However, we need to do that with proper and

accurate evidence to hand. We need all the figures.

I welcome Hugh Henry's impassioned support for all workers. I say again that I wish that those workers had been listened to in 2003. I look forward to working with Hugh Henry on his proposed bill, to which I will pay great attention when we start to discuss it properly because it could improve the lives and working conditions of everyone in Scotland. Working with other members, trade unions, other organisations and good employers, we can make the workplace safer for us all.

10:14

Karen Whitefield (Airdrie and Shotts) (Lab): I welcome the opportunity to speak in support of my colleague Hugh Henry's campaign to encourage the Government to take further action to ensure that workers can carry out their duties without facing violence or intimidation. I hope that there will be unanimity in Parliament that any violence or threat of violence towards Scottish workers is unacceptable.

I listened to the contradictions in Christina McKelvie's speech. I have been an MSP since 1999, and feel the need to suggest to her that her job is not solely to support her party; she must support those who sent her to the Parliament and listen to their concerns.

When the Emergency Workers (Scotland) Bill was being considered in the Parliament, members of the Labour group supported it, but also argued for an extension of its provisions. Our concerns and the pressing of that case did not end when the then Government said that it would go only so far. We have continued to press our concerns. If Scottish National Party members who once supported the legislation believed in the justice of the case and were not simply taking a kick at the then Government, it would be wise for them still to believe in the issues today. It is shameful and wrong that you will turn your back on your so-called trade union colleagues.

Christina McKelvie: I make it clear that I will never turn my back on my trade union involvement, which I have continued and which will be persistent.

In preparing to discuss emergency workers issues last year, I submitted a freedom of information request and received all the documents and communications between the ministers and the trade unions that there were at the time. I see nothing in those about Labour taking up any of the issues in question at the time. I have with me the public record of what happened, and am taking my lead from that.

Karen Whitefield: The public will hear your comments and will note your actions today. We will see how you vote today and whether you will support Hugh Henry's bill. Kind words are nothing in comparison with actions.

The passing of the Emergency Workers (Scotland) Act 2005 clearly demonstrated that Scottish society will not tolerate violence against workers who provide our emergency services. It sent out a clear message and, according to Unison, it appears to be having a positive effect. I am pleased about that. In 2007-08, the number of assaults on health workers fell by more than 1,000. It is time to extend the measures to include all workers who have face-to-face contact with the public. They deserve to know that Scottish society will not tolerate verbal or physical violence against workers. They deserve the same level of protection that emergency workers now enjoy. It is clearly right that workers should not face violence. That in itself is reason enough for members to support the motion.

We should be clear that violence and intimidation towards workers affect us all. If workers on public transport think that their safety is not being taken seriously, it is likely that we will all feel less safe on buses and trains. If shop workers feel intimidated by customers when they are being asked for alcohol or tobacco, they are less likely to have the confidence to say no. Workers who face constant threats or intimidation, even if the threats or intimidation are not physical, are far more likely to be off sick, and that has an effect on businesses and public services. It increases costs, reduces profits and increases other workers' work-related stress. That is why I support my colleague Hugh Henry's workers (aggravated offences) (Scotland) bill, which would create a new offence of assaulting someone who is acting in their capacity as a worker in providing face-to-face services to the public, and would cover the private and public sectors. Those who perpetrate such crimes must understand that there will be serious consequences and that they could lose their liberty. I am sure that, over a period of time, such an approach will reduce the incidences of workers who suffer from assaults and harassment.

Like other members, I congratulate the shop workers union, USDAW, on its freedom from fear campaign, which seeks to raise public awareness of the problem and encourage employers to take some responsibility for addressing it. The campaign has four main aims: to negotiate with employers for safety and security improvements in stores; to campaign with the Government for policies to help to tackle retail crime and antisocial behaviour in shopping areas; to raise awareness among the shopping public that violence, threats and abuse against shop workers are

unacceptable; and to give shop workers the confidence to speak out and not to accept abuse as simply part of the job. USDAW is seriously concerned that verbal abuse and threats to shop workers are underreported. In addition, it has said that there is evidence that the problem of violence against shop workers is worse in Scotland than it is in England. That is rather worrying. Why that is the case is not clear, but it gives weight to introducing a distinctive Scottish response to the problem.

A survey in 2009 showed that 80 per cent of Scottish retail workers had reported verbal abuse in the previous 12 months, as opposed to 65 per cent of retail workers in the United Kingdom; that 40 per cent of Scottish retail workers had reported threats of physical violence as opposed to 30 per cent of retail workers in the UK; and that 19 per cent of Scottish retail workers had reported being a victim of physical violence at some time in their career, as opposed to 10 per cent of retail workers in the UK. Problems appear to have worsened in recent years. Recent figures from Retailers Against Crime show that 892 incidents of retail crime that involved violence or abuse of staff were recorded in Scotland last year. That is a 78 per cent increase in the past three years. It seems somewhat strange that the rest of us can find those figures, but Christina McKelvie could not.

I recognise and pay tribute to the work of ASLEF, Unite and Unison, which have all worked hard in the campaign. Many trade unions want to represent their members' legitimate and reasonable concerns, and they have been ably supported by the STUC and the Community union in raising awareness of threats to those who work in our betting shop industry. The trade unions have played, and continue to play, an important role in the campaign to protect workers from violence and abuse.

No one in Scotland should work in fear of violence or intimidation. We need to make it clear that Scottish society and the Scottish Parliament will not tolerate physical or verbal violence against workers. I hope that every member will support the motion in the name of Hugh Henry.

Kenny MacAskill said that we have to go where the evidence takes us. The evidence points to the success of the Emergency Workers (Scotland) Act 2005 in protecting those who work in our emergency services, but other evidence suggests that there is a problem for other public-facing workers, who also need our protection. I hope that members will give that evidence equal weight when they deliberate on whether to support the motion and Hugh Henry's bill.

In the new era of coalition, I am sure that violence against workers is one of the issues that we can all coalesce around. The question for other

parties that are represented in the Parliament is whether they will consider joining Labour in addressing the concerns that exist. I am sure that members of the public who work to serve the public every day of their working lives will look with interest at whether they can count on the support of all MSPs in that endeavour.

The Deputy Presiding Officer (Trish Godman): I remind members that I am not taking part in the debate and that they should address one another appropriately, please.

10:23

Bill Kidd (Glasgow) (SNP): Like all members, I welcome the fact that Hugh Henry has brought the issue of the protection of workers back to the chamber. Offences against workers are usually opportunist and are always cowardly.

Cultural change is required in Scotland. It has been mentioned that the numbers of such offences in Scotland are different from the numbers for the rest of the UK. There are several reasons for that, which are not hidden. A major reason is alcohol, to which I will return later. Some in our society seem to believe that those who serve the public are somehow fair game as targets for aggression. Initiatives such as medics against violence and the safer streets programme are important. I believe that they are helping to educate our population away from shameful behaviour towards public sector workers and people in private sector jobs who deal with the public.

I have worked in face-to-face public service roles in hospitals, shops and bars, and in Buchanan Street bus station, so I have experienced the problem in a range of settings. I have, unfortunately, often seen at first hand how a small number of maladjusted individuals behave towards people who are simply doing a job and trying to help the general public. I have observed verbal and physical abuse, bullying and the attempted intimidation of shop and transport workers, hospital and administrative staff and emergency workers. Having worked in administration in the accident and emergency department in the Western infirmary, I know that pain, discomfort and even fear can lead some people to act irrationally—and even abusively—on occasions.

However, as I witnessed, such behaviour is often associated with the consumption of too much alcohol. Drink is never an excuse for violent behaviour, but sadly it can be a reason for it. That includes situations in which infantile group bravado leads to confrontation with people who those youths seem to think have some kind of authority over them and therefore must be

challenged. The ease of availability of alcohol to young and inexperienced people must be examined. That includes pricing and sales point practices. However, it most certainly is not only youngsters who are violent in drink. There should be full sanctions on anyone of any age who is violent, including to shopkeepers who refuse to sell them drink when their behaviour or age is inappropriate.

On Sunday I was walking down Byres Road, and I saw a woman, who was no younger than 30, trying to put in the window of a cafe because she had been refused alcohol. It was about 5 o'clock in the evening, and a crowd had gathered. The woman seemed to get a great deal of comfort from the idea that she was being taken seriously. She made four or five attempts to break the window with chairs and was eventually restrained. People were afraid of restraining her, including the cafe staff, who were trying their best to get her away from their place.

Alcohol was involved in that case, but it is not an excuse. The person's behaviour had very little to do with the fact that she had had a wee bit to drink. She thought that she had a right to be served again by the cafe staff, and since they had done their duty in refusing her, they were at risk of violence. That is the type of thing that Hugh Henry's proposed bill would address. We must all stand alongside him in saying that such behaviour is totally unacceptable.

I welcome the debate, and I share with the representative trade unions the desire to add whatever protection might be possible—on top of what already exists—for shop workers and others who deal face to face with the public to that which already exists for all of us under the common law.

The previous Administration should have considered the issue when the Emergency Workers (Scotland) Act 2005 was introduced. Members in all parties should regret that it was not considered, because there have been seven years of wasted opportunities to protect workers.

Although violent crime levels have fallen year on year due to increased police numbers, which we should welcome, a number of individuals—mostly drunken, but not always—still think that it is okay to carry out assaults on shop workers and others who provide face-to-face service to the public. That must be addressed so that those workers can feel that we in the Parliament are fully taking into account their concerns and safety.

I ask the Scottish Government to consider carefully the proposals in Hugh Henry's proposed bill, and to consider where it can improve the current legal framework on the safety and assurance of those who serve the general public

face to face, in whichever working environment they operate.

10:30

Cathy Peattie (Falkirk East) (Lab): I thank Hugh Henry for his work in highlighting the issue. I hope that his proposed bill can be progressed to tackle the problems that we are debating.

We recently debated Hugh Henry's motion on the USDAW freedom from fear campaign. We heard that, despite a long-term drop in reported incidents at UK level since the campaign began, there has been a 78 per cent increase in such recorded incidents of violence and abuse in Scotland during the past three years.

It is concerning that the problem seems to be worse in Scotland, where four out of five shop workers reported verbal abuse and two out of five reported threats of violence in the past year. Those figures reflect the need for the bill. We have acknowledged previously that front-line workers in emergency services deserve stronger protection. Since the 2005 act was passed, there has been a significant fall in the number of assaults on health workers and a rise in the number of convictions. However, even in A and E, not all workers are covered by the 2005 act. The current list covers those with professional registration, but other workers—including nursing and ancillary staff—are not adequately covered by the provisions for those who assist them. The risks that emergency workers such as medical staff face may often be shared by non-emergency workers such as porters.

There are various categories of workers employed by councils, utilities and agencies who could be involved in emergencies but are not covered by the 2005 act. There are also many workers in non-emergency situations who are put at risk in the course of providing a public service. Workers in our shops, public services and leisure facilities are too often subject to abuse and threats of violence. We must recognise and help all workers whose work with the public puts them at risk.

Social care staff frequently find themselves in difficult situations. It is estimated that in the UK, a social care worker is the target of physical violence every hour. The risk of assault that care workers face is twice the national average. For nurses, the risk is four times the national average. In 2007-08, there were more than 9,000 assaults on local government workers, which was an increase of more than 3,000 from the previous year. The frequency of abuse and assaults—including with weapons—prompted Unison's national officer for social workers to declare:

"social care has become a high risk job."

The incidence of violence in betting shops prompted the Community trade union, as we have heard today, to instigate a campaign that is specifically aimed at tackling the problems that are faced by its members who work in the bookies. Recently, stories about attacks on taxi drivers and bus drivers have appeared in the press.

We, as MSPs, may find ourselves in the firing line, so to speak. Stephen Timms MP, who has campaigned against knife crime, was stabbed recently in a constituency surgery. In several other cases, politicians or their staff have been injured, even fatally in some cases.

Hugh Henry's proposed bill would address the wider problem of violence against workers, including anyone who delivers a service and deals directly with the public in the course of their employment. It will strengthen the law and provide extra protection to all. Given that abuse may involve sexual, racial and other forms of harassment, and that ethnic and other groups may be particular targets, the proposals could help to counter prejudice and discrimination.

It is only right that workers whose work brings them into danger and exposes them to abuse should enjoy enhanced protection to address their increased vulnerability, whether they are shop workers, public service workers or postal workers. I want to ensure that the proposed bill also covers problems that can arise not only in the course of work, but outside work. If someone waits until a worker is off duty and attacks them when they are not at their place of work, that should be regarded as an aggravated offence. The offence might not have happened in the course of the person's work, but it has arisen as a result of it. Indeed, in my constituency, people have been threatened and assaulted as a result of their work. Such incidents, which leave people in fear of being attacked, can be very traumatic and have a devastating impact on workers by creating insecurity and undermining their confidence in their ability to work. Some might find alternative employment, while others are deprived of their livelihood.

We should do anything we can do to protect workers and give them confidence in the law's ability to protect them. I look forward to the introduction of Hugh Henry's bill and hope that the whole chamber will support it. After all, we need to do our job of protecting public servants as they go about their daily work.

10:36

Nigel Don (North East Scotland) (SNP): I, too, congratulate Hugh Henry on bringing what I believe to be an important issue to Parliament. When I stop and think about it, I have to conclude that the wheels of our society turn through the

provision of services to the public. Of course, we have informal social contact through friendships and so on, but society operates through workers having the ability to do the things that need to be done to help others. I have not the slightest doubt that, if workers believe that the law is not providing adequate protection, it needs to be changed.

However, the first question that springs to mind is the one that John Lamont raised earlier: do we really need to change the law? I am as convinced as I ever was that there is no need to do so and that the current law is adequate. Aside from its adequacy, however, there might be two other reasons for changing it. First, as we established in previous debates about aggravated offences, by making something an aggravation we generate in the legal system a box that can be ticked. As a result, that information has value in the system by allowing people to understand that the aggravation existed, and the fact that it is useful for, say, statistical and informational purposes might well be a very valid reason for producing a legal aggravation.

Secondly, in generating an aggravated offence in this regard, we might be making the law really send out a signal. I do not believe that, by and large, the law sends out signals, because I do not think that anyone is looking for them. Let me attempt to rationalise what we are being told. Is the fall in the number of offences in the health service a result of the 2005 act and the fact that people have suddenly realised that they might be committing an aggravated offence? No, because those people do not know that they are committing such an offence. Let us be honest: only anoraks know that. Has the 2005 act enabled the authorities, unions and anyone else to generate poster campaigns telling people who commit these offences that they might be facing more serious charges? If so and if those posters and other such information—which I have seen—have got the message across and thereby reduced the number of offences, that is plainly a very good thing and would of itself entirely justify having the aggravated offence, even though the law itself has not really been changed. That would seem like an extremely good reason for supporting the proposal in principle. That is a separate issue from the one that John Lamont addressed and—I think—correctly dismissed.

From what I have heard, the USDAW campaign is to be commended. I have not read up on it, but nothing that I have heard about it seems to involve changing the law. Instead, it seems to be all about providing information and changing people's attitudes, and is absolutely the right direction to head in.

The fact is that making people safer in their work, no matter whether it involves dealing with

other people, machinery or anything else, is all about having a good system. If folk in our community represent a risk to workers, we probably already know about them. We just have to be better at sharing the information. In my days as a councillor, I was told by the council, "There are some people in your ward you really don't want to call on. We're not going to tell you who they are, but if you ask us about so-and-so we will tell you whether they're on our list." It was a very sensible precaution for those of us who might have found ourselves knocking on a door of someone who was known to be difficult—or, worse, dangerous. Our high streets and licensed trade have all kinds of good information-sharing systems to pick up troublemakers and other difficult folk, and I believe that such systems are an absolutely basic requirement. In our information society, that kind of information should be used in every service that we provide.

I do not think that anyone has mentioned the document "Managing Occupational Violence and Aggression in the Workplace", which was recently produced under the auspices of the NHS and the Scottish centre for healthy working lives. A table on page 11 lays out a number of reasons for the non-reporting of offences in the workplace, and I think that we need to consider them in any legislation or, indeed, any other activity. The most common reason for non-reporting—cited by 44 per cent of people, for what it is worth—was that the victim dealt with the matter themselves. I am sure that that is highly commendable. After all, as responsible and emotionally mature people, we should be able to deal with most of the trivial brushings-against and rubbings-up that we experience in life. However, that flies in the face of the idea that we should be passing information around. On that basis alone, we and indeed other workers must learn to report everything, because if we do not report it, someone else cannot find out about it. One person's trivial event might later turn out to be someone else's not-so-trivial event, but if it is never reported no one will ever know about it. Given that 29 per cent felt that the event was too trivial to report, it appears that a significant majority of events are never going to be reported because the victim on each occasion thinks that it is not worth doing something with it.

I should also note that 14 per cent of victims felt that management would not have acted on the event and 9 per cent felt that reporting would have made matters worse. Such systems issues have nothing to do with the law, and every employer needs to consider them in thinking about how they deal with the problems that are experienced by their employees, how they pick up and handle that information and how they make life safer for everyone afterwards.

10:43

Patricia Ferguson (Glasgow Maryhill) (Lab):

Violence in the workplace is never acceptable and there can be no excuse for physical and verbal assaults on workers. Every day, working people face a range of challenges; avoiding unwarranted attack should not be one of them.

However, in today's Scotland, the troubling reality is that a number of our fellow citizens face threats, verbal abuse and actual assault every working day. In his powerful opening speech, Hugh Henry detailed the stark reality that too many of our constituents have to confront as they go about their work. As we have heard, the Scottish crime and justice survey 2008-09 found that, of those adults who had jobs involving contact with the public, 35 per cent had experienced either verbal or physical abuse and 7 per cent had experienced physical abuse.

The previous Scottish Executive worked on the issue in partnership with my former colleagues in the STUC, and the initial secondment of Linda Shanahan, an STUC general council member, led to the publication of the strategy document "Protecting Public Service Workers: When the customer isn't right".

I am pleased that that partnership has survived the change in Government and continues to this day. As we have heard, the trade union movement is to be congratulated on its work, which includes the trade union Community's high-profile campaign to protect workers in the betting industry and, as members have mentioned, USDAW's freedom from fear campaign, which has been a powerful voice for the shop workers whom the union represents. The STUC has produced a toolkit on managing violence and aggression in the workplace, for use by local authorities. Hugh Henry and other colleagues ably demonstrated the commitment of other trade unions on the issue.

The STUC feels that it has a responsibility to play its part in delivering a safer society in Scotland. The participation of the congress and the work of the Scottish centre for healthy working lives shows that the commitment is not only to workers who are members of a trade union, but to all workers. My experience of the support that the STUC gave to the families of those who were killed in the disaster at the Stockline Plastics factory, which was a non-unionised workplace, is testament to that commitment.

However, the resources and campaigns will be used and supported only by responsible employers. Far too many workers who serve the public will continue to be exposed to verbal and physical abuse during the course of their work. That is particularly true for those who do not have the back-up of union representation. That is why I

support Hugh Henry's bill proposal. Without legislation, some employers will not take their responsibilities seriously, but no matter how good an employer is, circumstances will arise from time to time that no amount of good practice can prevent, so there must also be a deterrent.

Unison has provided figures that show that, in 2007-08, the number of assaults on health workers fell by more than 1,000 from the previous year. As we have heard, many health workers are covered by the 2005 act. It has been suggested that that welcome decline in the number of assaults can be attributed to the threat of tougher penalties, as prescribed in the 2005 act. At the same time, the increase in the number of convictions under the 2005 act from 54 to 200 between 2005-06 and 2006-07 suggests that the legislation is having an effect.

Research indicates that, compared with the UK average, shop workers in Scotland feel more threatened and are attacked more often. I do not know the precise reason for that, but I suspect that a complicated mosaic of issues comes together to lead to such a situation. We as legislators must join with the trade unions to offer our support to workers and to provide the legislative underpinning that will deter those who would threaten workers' safety. We must also provide an appropriate judicial remedy when the deterrent is not enough.

The Parliament often promotes the value of post-legislative scrutiny and of learning from our mistakes and successes. The post-legislative scrutiny of the 2005 act demonstrates its success. The time is right to offer similar protection to other workers who engage with the public face to face. I am pleased that Hugh Henry is giving Parliament an opportunity to do that. I look forward to voting for the motion today and, in the weeks to come, to voting for the proposed workers (aggravated offences) bill. I hope that the Government and the Parliament more generally will support that bill when it comes before us.

10:49

Mike Pringle (Edinburgh South) (LD): I am not usually late but, unfortunately, I had an important appointment with the doctor this morning, which is why I came into the debate late.

The large number of people who have experienced either verbal or physical abuse while carrying out a job that involves contact with the public is extremely concerning. Individuals should never feel intimidated or face abuse just for doing their job. However, although we welcome the aims of the freedom from fear campaign as a sensible blueprint for making progress, Liberal Democrats have considerable reservations about proposals to

introduce a new offence of assaulting, obstructing or hindering a worker. Attacks of any kind on a worker are always completely unacceptable, but we are not clear whether the proposed new offence would do any more than duplicate the common law, which provides ample resources to tackle the issues through the offences of assault and breach of the peace.

Hugh Henry: Does Mr Pringle believe that the 2005 act does more than simply duplicate common law?

Mike Pringle: In that instance, some of the common law was duplicated. I listened to a discussion about legislation on the radio this morning. People said that, because so much legislation is going through the Scottish Parliament and the Parliament at Westminster, very often there is duplication. That is true.

Various figures offer a conflicting yet nonetheless universally serious view of the scale of the problem. According to Retailers Against Crime, violence against and abuse of Scottish shop workers have increased by 78 per cent in the past three years. The Scottish crime and justice survey found that, of those adults who had jobs that involved contact with the general public, 35 per cent had experienced either verbal or physical abuse, 34 per cent had experienced verbal abuse and 7 per cent had experienced physical abuse. Meanwhile, in 2008-09, 1,150 offences of minor assault of an emergency worker were recorded by the police throughout Scotland, with the majority in Edinburgh, Glasgow and Fife. That figure was up from 753 in 2007-08. However, as Hugh Henry points out in the introduction to the consultation on his proposed bill, according to figures provided by Unison, in 2007-08 the number of assaults on health workers fell by more than 1,000 from the previous year. As I entered the chamber, Nigel Don was talking about that, and he mentioned a successful poster campaign. That was an interesting point.

The conflicting picture of events points to the complexity of the issue. There are issues to do with the accurate recording of incidents and the possible significant differences between the experiences of workers in different sectors. Because of those potential differences, a blanket legislative approach might be inappropriate, as was widely acknowledged during the passage of the Emergency Workers (Scotland) Act 2005.

We have discussed at length recently in the chamber the fact that alcohol is often—I would say very often—a root cause of violence and abuse. Situations in which individuals have been drinking and in which shop workers police the sale of alcohol often prove to be flash-points for anger and violence. I well remember my experiences as a justice of the peace. In a large percentage of

cases that came before me, alcohol had in some way contributed to the offence, such as breach of the peace or assault, and those cases involved almost exclusively young men who were aged between 17 and 30. The police were dealing effectively with those people, which is why they were in a court of law.

A 2006 study published in the *Emergency Medicine Journal* sought to develop a detailed profile of offenders who are violent towards accident and emergency workers, using a sample of 218 incidents that were reported at a hospital. As my experience as a justice of the peace suggests, the average offender was male, with a median age of 32 and, in more than half of the incidents that were reported, was under the influence of alcohol.

Liberal Democrats believe that it would be much more effective to implement a zero-tolerance approach to assaults on workers and to enforce the current law with effective and persistent prosecution, while in tandem seeking to reinforce prevention through cultural change, particularly with regard to Scotland's relationship with alcohol. That approach would be tough on offenders, as well as offering the flexibility that is required to tackle what is a wide-ranging and extremely complex issue.

10:54

Hugh O'Donnell (Central Scotland) (LD): This important debate on attacks on workers has been largely consensual. As other members have done, I congratulate Hugh Henry on bringing the issue again and again to the Parliament.

For most of my working life, I have been engaged in public-facing work, whether as a labour exchange clerk back in the late 1960s or when working for a big retail company, so I am well acquainted with some of the challenges. I remember an instance in a labour exchange in Glasgow when a shotgun was discharged at us as a result of someone not getting their milk tokens—for those of us who are old enough to remember what milk tokens were. Another strange incident that I recount just for the bizarreness of it was that I was assaulted by an adult using their child, but I will not go into the details of that because it would take far too long. The debate about such issues is entirely legitimate. My colleagues Robert Brown and Mike Pringle have expressed more than adequately Liberal Democrats' reservations about the legislation. Of course, ultimately it will be a matter for the entire Parliament.

As one would expect, there were some interesting contributions from Mr MacAskill, given the other area of activity that the Government is developing. We heard from him relevant and

appropriate references to the role of alcohol in such attacks and he also recounted in some detail steps that the previous and current Administrations had taken to address that problem. John Lamont, who I am pleased to say is still with us, made specific reference to the common law and a particularly telling point about the legal definition of those who might or might not be protected. I am thinking about our staff in this place, many of whom are public facing, perhaps via the telephone, so there are some challenges in that respect. There might be an issue for schoolteachers and there is certainly an issue for college tutors. I have also been in that profession and on the receiving end of abuse, perhaps because assessments were not handed in on time. There are legal issues around who and how, but that is perhaps a question for those who are more expert in the law than I am.

There is no doubt, as Robert Brown said, that there is consensus that we need to address violence in our society more widely. Part of what he said was that although we can modify behaviour to some extent through legislation, it is harder to see how effective it would be in the light of behaviour that is caused by a rush of blood to the head that is fuelled by alcohol. Legislating on attitude is much harder. The work of the STUC and the various unions that have been referred to in educating members of the public about what is not acceptable is very much welcomed. As Robert Brown said, we need a package of measures.

James Kelly made a telling point, as did other members, about staffing levels, which brings major challenges. As we have extended retail hours to 24 hours a day, the larger number of staff who operate after 9 and 10 o'clock, even in the big shops, face a potential hazard. There is an increasing role for the various unions, particularly USDAW in the case of the retailers, to sit down with employers and ask them, "What methods are you engaging in?" All too often, we go into supermarkets after 10 o'clock at night and spend five minutes, or 10 minutes in the big stores, looking for a member of staff to help us. That is not safe for those staff members.

Christina McKelvie and Karen Whitefield had an interesting discussion about whose union credentials were better or stronger, and Bill Kidd recounted his personal experiences, which, although they were a little less dramatic than mine, were still relevant to the challenges that face staff in public roles. Nigel Don's speech was particularly well structured and well argued. He referred to a document that no one else did and used it to good effect. Mike Pringle reinforced Liberal Democrat doubts about the effectiveness of legislation.

I reiterate my congratulations to Hugh Henry on his on-going work on the issue and I look forward to the debate on his proposed bill.

11:00

Bill Aitken (Glasgow) (Con): It is entirely appropriate that the debate has been brought to the chamber today. I pay tribute to Hugh Henry's efforts, which he has made over several years, to highlight the problem.

There is unanimity in the chamber that attacks on people who are public facing, whether in the public or private sectors, are totally and utterly unacceptable. If today's debate does nothing else, at least it highlights that fact and underlines that there is total political consensus in this chamber.

Hugh Henry opened his speech with a grim litany of the number of people who have been assaulted. Where I perhaps disagree with him—although I cannot prove him wrong, just as he cannot prove me wrong—is about the impact of the 2005 act. The common law of Scotland would have permitted those prosecutions, and indeed in some cases the prosecutions could and should have been taken on indictment, which would not have been dealt with under the 2005 act because it allows for only summary court procedure. We will never know about that, but it cannot be gainsaid that the current situation is unacceptable. The problem is that when one seeks to create a hierarchy of victims, for totally understandable reasons, it does not work in the overall interests of society.

Aggravations started some time in the 19th century, with the Burgh Police (Scotland) Act 1892, which stated that any assault on a police officer could result in summary conviction in either the sheriff court or stipendiary magistrate court in Glasgow and nine months' imprisonment. That legislation was used fairly frequently, because it was recognised that police officers, more than people in any other occupation, get into physical confrontations from time to time. Legislation and society in those days might not have understood and certainly did not anticipate that there would be a growing incidence of assault on people carrying out their duties in the public and private sectors. To some extent, it is understandable that there was a reaction.

Nigel Don: I am pondering the member's thought about the hierarchy of victims. Perhaps it is not so much a hierarchy of victims as a hierarchy of situations in which offences take place. An off-duty policeman would be treated differently from one who was on duty, but I suspect that Hugh Henry's proposed bill would not distinguish between a shop assistant working in a

shop and one who was going about his or her private life away from the shop.

Bill Aitken: That is an arguable point that I will address.

As I was saying, following the Burgh Police (Scotland) Act 1892, aggravations have been created under a number of headings: racial, sectarian, gay, handicapped and health workers, as dealt with in the 2005 act. There is considerable merit in the arguments for all those aggravations, but what we end up with is some sections of society—in this case, a growing number of people—having greater protection than others. That leaves us in an unbalanced situation.

It will come as no surprise to Hugh Henry and other members when I suggest that anyone convicted of attacking a worker should face the full rigour of the courts. That brings me to the merit of Mr Lamont's amendment. The cabinet secretary was correct to underline that such conduct is unacceptable, but he is the same cabinet secretary who, following the conclusion of the Justice Committee's consideration of the Criminal Justice and Licensing (Scotland) Bill at stage 2, lodged with alacrity an amendment to reinstate in that bill the provision to inhibit the imposition of prison sentences of six months or less. It might seem to members, as it might seem to people outside, that a strange inconsistency exists in a man who freely and sensibly acknowledges the extent of the problem and calls—as he did today—for a solution to be worked out, but who inhibits that solution by his soft-touch approach to justice in general, and particularly in the way that I described.

Robert Brown was correct to raise the statistical quirks that have arisen. The good people of Fife have never struck me as being particularly lawless—[*Laughter.*] Some members might have more knowledge of Fife than I have, but I have always found the people of Fife to be congenial. Something certainly seems to be wrong when the number of assaults on emergency workers in Fife is 500 per cent greater than the number in greater Glasgow, but perhaps there is a reason for that.

Robert Brown emphasised the point that John Lamont made—that the difficulties are in defining the worker and drawing the distinction that is needed in any legislation. I direct Hugh Henry down that route—work on that is necessary if the proposal is to go further.

Patricia Ferguson underlined the figures, which I totally agree are unacceptable.

The message that the Parliament should send today is that we, too, recognise that a problem exists. People who have jobs that are trendily defined nowadays as being “public facing” derive considerable enjoyment from dealing with the vast

majority of members of the public. A small minority of the public are troublesome and a very small minority have the capacity to create violence and to cause much misery. We require to address such people in any measures that we take.

As I have often said, the courts understand the extent of the problem and appreciate that people in many working situations are entitled to more protection and that sanctions against those who assault such people should be commensurate with the difficulty that has been caused. I repeat that we tend to fail to recognise that the courts take full cognisance of the circumstances in disposing of cases and act accordingly.

I have much pleasure in supporting Mr Lamont's amendment.

11:08

The Minister for Community Safety (Fergus Ewing): It is always a pleasure to follow Bill Aitken—particularly on the day after he announced that he intends to retire from the Parliament at the next election. We are not losing Bill yet but, when he is gone, Parliament will be the poorer for his absence.

The debate has been interesting and wide ranging and I thank Hugh Henry for providing the opportunity to discuss the subject.

Many members of all parties have given excellent examples of incidents of violence being used against individuals who perform a huge variety of roles in society. Cathy Peattie mentioned the MP, Mr Timms, who was the victim of a knife attack at his constituency surgery. We also know of serious assaults on GPs in their surgeries—I remember an incident that involved a lady doctor in Hyndland and another some years back that involved a doctor in Vale of Leven who was exposed to a pointless, gratuitous and vicious attack. Bus drivers are routinely attacked. A former bus driver told me recently that bus drivers in Glasgow were routinely shot at with air-guns, so bullet-proof glass has been used in buses. That is a sad indictment of the small group in society—it is fortunate that it is small—that is prepared to act in that way.

In my area of responsibility, I know of the risks to which firefighters are exposed—pointless acts, such as youths throwing projectile stones at fire appliances. Nurses who perform their duty to help people in accident and emergency units—to heal people and to deal with injuries that those people have suffered, perhaps through taking drink or being under the influence of drugs—are exposed to violence.

I mention those examples because the range of cases is wide. Surely the starting point for us all is

that everyone is entitled to live their life free of violence. That lies at the heart of the consensus that Robert Brown said exists in the Parliament. I agree entirely with Cathy Peattie that we need to help all workers who are at risk of violence. No one in the chamber disagrees with that general statement.

The fundamental questions are how we can tackle the problem and how we can help. To paraphrase a former Prime Minister, we need to be tough on crimes of violence and tough on the causes of crimes of violence. We need to consider legislative and non-legislative measures. Robert Brown developed that argument in his speech, which was especially cogent and coherent, as we might expect. He pointed to the vast range of initiatives that we can take to reduce violence. I will develop that idea. Other than legislation, we can use and are using—and we all support as a Parliament—many ways, methods, programmes and projects to tackle the problem.

However, the primary solution—if I can describe it thus—that Hugh Henry has presented is the tool of an aggravated offence that would apply to such crimes against shop workers, in order to protect shop workers, as he put it. I pay tribute to him for his persistent work on the issue. It is plain that he has fought long and hard for such a measure and that he will rightly continue to do so. As the Cabinet Secretary for Justice said, when Hugh Henry introduces his bill, we will scrutinise it extremely carefully and we will seek to work with him on it, as we generally do in relation to such matters.

I, too, pay tribute to USDAW for its campaign. In the debate on that campaign that Hugh Henry initiated on 14 April, I undertook to write to USDAW to seek a meeting. I am pleased to say that a meeting with John Hannett, USDAW's general secretary, will take place on 3 June. I will be interested to see what practical measures we can seek to take as a result of that meeting.

As the cabinet secretary said, the common law of Scotland has prohibited and criminalised assault as a form of human conduct for centuries—since at least Baron Hume's day. To assault somebody is wrong—it is plainly against the law. Law exists to protect the citizens in a free society from behaviour that is deemed to be unacceptable to the public, which is why it is a common-law assault.

The cabinet secretary pointed out that the potential sentence is unlimited. A life sentence for assault could be applied—it would be extremely rare, but it is a potential sentence. The cabinet secretary also said that some very long sentences have been imposed in practice. An assault on a taxi driver led to sentences of six years and of 45 months for the two assailants. They were rightly

very long sentences. It is agreed across the chamber that the common law provides a good framework in which a strong message is sent to everyone in society that assaults are completely unacceptable.

Bill Aitken developed the argument that some of us, especially those in the police, fire and ambulance services, face particular risks in our work. He had an interesting exchange with Nigel Don on the issue. Bill Aitken referred to the concept of a hierarchy of victims and Nigel Don responded that treatment of an offence might depend on the circumstances in which the workers were engaged. I remember visiting Castlemilk police station to defend a client on the night of an attempted murder. That was a particularly futile and hapless task, as matters later proved, but the atmosphere in the police station at 10 pm, when the police officers were going out on the beat in Castlemilk, could have been cut with a knife. Plainly, that work involved them exposing themselves to the risk of assault, perhaps every night, as they went about their business.

In the Police (Scotland) Act 1967 we recognised, as a particular class of risk, the risk that police constables in Scotland take in their daily work. The Emergency Workers (Scotland) Act 2005 extended that provision to all emergency services, and rightly so. Workers in those services also face people whose behaviour is often in extremis—people who are in a state of crisis. As the cabinet secretary argued, often—perhaps in the majority of cases—such people are either drunk or under the influence of drugs. As a result, they have lost what sense they had in the first place—which, in some cases, may not have been especially great. It was right that we sent a message that assaults on emergency workers are particularly repugnant.

John Lamont said that the law should not send a message, but all criminal law sends a message—a moral message that certain behaviour is unacceptable. In that sense, the common law also sends a message that behaviour is unacceptable. However, I accept that we need to take care of the general criticism that Conservative members have made. Given that we recognise that every citizen in Scotland is entitled to live their life free of assault, where do we stop making a particular case for aggravation?

That brings me to two fundamental questions. First, does the application of an aggravation to an offence, whether under common law or under statute, lead to a reduction in the number of offences and/or offenders? Robert Brown was the first to ask that question. We need to be clear about the issue. Given that the 2005 act has applied for only a short period, it may be difficult to say as yet whether there is a causal connection.

Even if there appears to be such a connection—and there may well appear to be one—can we attribute any reduction to the fact that the Emergency Workers (Scotland) Bill was passed, creating an aggravated offence, or might it be attributable to other action that has been taken?

I will give members one example. From my work in relation to the fire service, I know that in response to the serious incidence of attacks on firefighters, particular action was taken in areas where there was a perceived problem. That action involved firefighters going out to speak to young people in areas where they and, perhaps, the police thought that there was a problem—explaining to youngsters what the job of a firefighter meant and getting through to those boys, so that they learned respect. Work of that sort, which allows young people to see that violence is pointless and wrong, is an effective means of addressing the issue, so it is right that we pursue it. Such steps may have contributed to a reduction in offences of this nature.

Secondly, in what way does law constitute protection? I do not think that any other member has made that point specifically, so I hope that I am not asking the wrong question. It could be said that law is simply words on a page. A criminal law is designed to deter and prevent behaviour, but it can be no more than a deterrent—it is not physical protection. Earlier, the cabinet secretary mentioned to me that the shop workers who are at particular risk are those who work in bookies. For obvious reasons, they are at particular risk of armed robbery. No one would argue that, when an armed robber comes into the bookies, the provisions of the 2005 act or any other act of Parliament are uppermost in his mind. In that sense, law provides no protection whatever. That can never be its purpose; it is not a bullet-proof vest or a security guard.

The word “protect” means

“to keep safe from harm or injury”,

as defined in the dictionary that I consulted last night. It can be said that the 2005 act protects emergency workers in a limited sense—in so far as it seeks to deter those who are disposed to committing such offences from so doing. That is the kind of issue that we will need to examine closely as the debate moves forward. As Christina McKelvie said, we will also need to look carefully at the statistics, which may be slightly more complex than they appear to be at first sight.

There are a huge number of non-legislative measures that are effective in reducing violence. I will canvass some of them briefly. The cabinet secretary alluded to the work of the Scottish Business Crime Centre. I pay particular regard to the role of the retail radio link and closed-circuit

television. In towns and cities in Scotland, retail radios are generally linked to the police office. Each radio has a panic button, which is a real form of protection. The radios allow shops to communicate with one another and provide a form of early warning system. The retail radio link and CCTV are two of the most effective practical methods of addressing the problem.

The Scottish Business Crime Centre has also produced a training booklet for staff. Mr Don and Mr Kidd raised the issue of training. It is important that we train staff so that they can familiarise themselves with how to deal with difficult situations. Practical steps can be taken to do that.

I note the work of the violence reduction unit and the community initiative to reduce violence, which is reducing significantly the incidence of crimes of violence in Scotland. We were pleased to introduce the initiative, which will continue. I refer also to the cashback for communities scheme, which provides youngsters with positive opportunities, choices and chances. One of the key measures that people want from the Parliament to improve life and society and to tackle antisocial behaviour, especially low-level crime, is provision of more things for young people to do. The cashback scheme helps to do that, although it supplements a huge raft of work by the voluntary sector through bodies such as the scouts. All of those activities help to lead youngsters on to the right way and away from the wrong way—the temptation to get involved in drink, drugs, carrying knives and other activity that leads to crimes of violence being committed.

I note the risk of offences being committed by those who are under the influence of drugs. I am pleased that the Parliament supports the drugs strategy, “The Road to Recovery: A New Approach to Tackling Scotland’s Drug Problem”. Nearly half of prisoners—45 per cent—report that drug use was a problem for them on the outside and more than half say that they were under the influence of drugs at the time of their offence. The problem with people who are misusing drugs is that they tend to commit acquisitive crime—to shoplift—to fuel and feed their habit. Because of that, they pose a particular risk to shop workers.

Robert Brown: I appreciate that to some extent the minister is trying to fill time in the debate. Will he direct his attention specifically to attacks on transport workers on buses and so on, which have occasionally been a feature of the area that James Kelly and I represent?

George Foulkes (Lothians) (Lab): It is James Kelly’s area.

Robert Brown: How can we tackle the issue, which is a significant challenge?

Fergus Ewing: I did not quite catch all of that, because there was an interjection from a noble member. However, Robert Brown has raised an important point: those who work in public transport, whether it is on the buses or trains and whether it is in Glasgow—Mr Brown’s and Mr Kelly’s area—or elsewhere in Scotland, are at particular risk. They deal with the public regularly and meet thousands of people every day. The vast majority will be a pleasure to deal with, but those workers face exposure to risk of violence in some situations. Mr Brown is therefore right to raise the point.

I am pleased to have taken part in this debate. I commend Hugh Henry for raising it, and we will carefully scrutinise the provisions of his bill once he introduces it. The range of activities in Scotland, whether that is putting 1,000 more police officers on the street, seeing crime at its lowest level in living memory or all the other measures that I have briefly canvassed in this short contribution, mean that we are making an impact.

11:26

Richard Baker (North East Scotland) (Lab):

This has been a good debate on an extremely important issue. Many members have spoken about their own experiences of how workers who deal directly with the public can face challenging and even dangerous situations. In his excellent opening speech, Hugh Henry referred to the store worker in Portobello who suffered serious assault, and the cabinet secretary mentioned an assault on a taxi driver which led, happily, to a stiff sentence for the perpetrators. James Kelly referred to the incidence of violence against betting shop workers in his constituency, and Rhona Brankin spoke about the fears of shop workers that mean that they do not want to work after 5 o’clock at night.

Bill Kidd spoke of his personal experiences, most recently an extraordinary incident on Byres Road. A number of members, including the Minister for Community Safety in his closing speech, referred to the appalling attack on Stephen Timms. I am sure that the whole Parliament will wish him a speedy recovery. For myself, in the past few weeks I have experienced two incidents. One involved someone who was refused the sale of cigarettes, while the other involved a person who came into a cafe carrying alcohol being asked to leave, which ended up in racist abuse.

We all want to see a reduction in such incidents, which is why we have seen the concerted campaigns from a range of trade unions that want their members to be better protected in the workplace. A number of members, including Cathy Peattie and Karen Whitefield, pointed to the worrying statistics on attacks on workers.

Members have talked about identifying the need for legislation and the focus on the problem that new legislation might address. The available statistics show that the need and focus exist.

The Scottish crime and justice survey for 2008-09 found that, of adults whose jobs involve contact with the general public, 35 per cent had experienced either verbal or physical abuse. According to Retailers Against Crime, there has been a 78 per cent increase in violence and abuse against Scottish shop workers over just the past three years. The need to do more is clear. That is why we have seen the introduction of USDAW's freedom from fear campaign, to which the cabinet secretary rightly referred. Members have spoken about the importance of USDAW's work on the issue, and there have been campaigns by other trade unions. The union Community has campaigned consistently for better protection for betting shop workers, while unions that represent people in the transport industry—Unite, ASLEF and others—have backed further measures. Robert Brown asked what more might be done to protect workers in those industries; the trade unions that represent those workers feel that new legislation is required.

I remember that, not long after the Emergency Workers (Scotland) Act 2005 was passed, there was a spate of attacks on bus drivers in Aberdeen. The question that struck me was whether there was not a case for further protection for those workers, too. Hugh Henry has led parliamentary activity on the issue, with his proposal for new legislation. His proposed bill has been backed by a great number of trade unions. It has received cross-party support among members, and there has been a strong campaign that has been widely backed by members of the public.

Robert Brown: Does Richard Baker accept that the solution to attacks on bus drivers, which have been a feature occasionally, has much more to do with the working together and exchange of information among emergency services, public officials and others to prevent attacks from happening in the first place?

Richard Baker: The experience of the 2005 act shows that new legislation can be an extremely important part of the process as well as being of benefit itself. Nigel Don's speech made that point thoughtfully and positively. The partnership working that Robert Brown spoke about is important, but it can be not only backed up, but facilitated and made a priority by new legislation. That is why I think that Hugh Henry has made a powerful case for the legislation that he proposes.

The bill is not being put to the vote today, but we sought to concentrate Parliament's mind on the crucial need to reduce the number of attacks on workers. I acknowledge that there has been

scepticism from John Lamont and Robert Brown on the proposal, but there is a great deal of consensus that more needs to be done to tackle the problem. I hope that we can do more to persuade others to follow the route that Hugh Henry has proposed. I think that we can—there have been many positive contributions on that basis today—and I hope that, after due consideration of the bill proposal, there will be further cross-party support.

James Kelly: Does Richard Baker agree that, in properly understanding all the issues in taking forward the bill, it is important to look at the risks that contribute to incidents of abuse and violence? One such risk is shown in the increase in shoplifting incidents, which have increased by 10 per cent in the past year. Indeed, they have gone up from 28,000 in 2005-06 to 32,000 in 2008-09. It is important to recognise the risk that those incidents present to workers.

Richard Baker: I do recognise the risk, and James Kelly will know that we have concerns about shoplifting and how that will be affected by the Scottish Government's wider proposals on sentencing policy.

The experience of the 2005 act is a good argument for extending similar protections in the law to other workers. Hugh Henry referred to the evidence that was given by Shona Robison to the Justice Committee in 2008 to the effect that, at that point, almost 600 people had been convicted under the act and that the conviction rate was very high, at 75 per cent.

The law was extended to cover other staff in the health service but not, as Unison pointed out at the time, all health workers. The Scottish Government said then that it had an open mind on further legislation; I hope that it retains at least an open mind on the issue today. I welcome the fact that the cabinet secretary said that the Scottish Government is actively considering Hugh Henry's proposed bill. I am very encouraged by that and by the comment from the Minister for Community Safety in his closing speech that the Government will look carefully at the draft bill when it is published.

Those were encouraging speeches, so the speech from Christina McKelvie was regrettable. I do not know how professionals would describe the mass of contradictions that was her contribution. Retail has been a big issue in this debate: Christina McKelvie's contribution was all over the shop. At least I can welcome the fact that she will keep an open mind on the proposal as a whole. We heard from both Nigel Don and Bill Kidd very good speeches, which are to be welcomed. I hope that we can keep driving towards consensus.

On the Scottish Government's amendment, we agree that alcohol misuse is too often a factor in assaults on workers. We do not agree with the Scottish Government on the proposal for minimum unit pricing, but we want action to tackle alcohol misuse and we want effective enforcement of the current laws. The Scottish Government's amendment talks about that, but we believe that the Government could do far more itself. For example, only one person has been convicted in two years for selling drink to someone who was already drunk. We need better enforcement of the current provisions, but we also need new measures.

Fergus Ewing: Does Mr Baker acknowledge that, in the vast majority of cases, the staff who work in our bars, pubs and clubs are extremely efficient and effective at preventing people who have had too much to drink from being served?

Richard Baker: I do, but the idea that there would be only one conviction in two years under the provision that I mentioned is not realistic or believable. I accept the point, but it does not mean that the current licensing provisions should not be enforced more effectively.

A majority of retailers now run think 25 schemes for the sale of alcohol, and we want those schemes to become mandatory for all retailers so that people know that they must be prepared to have proof of age wherever they wish to purchase alcohol. Greater understanding of that would lead to fewer incidents of friction with retail staff.

There is nothing in the Liberal Democrat amendment with which we actively disagree. Of course evidence sharing and partnership working are important responses to the issue, but the implication of the amendment is that new legislation is not necessary. We do not agree with that.

Robert Brown did not really answer Hugh Henry's question about why we should make a distinction between a community health worker and a social worker, both of whom work in highly charged situations. The arguments that he used could have been made on the 2005 act but, as I mentioned earlier when I referred to the evidence from the Minister for Public Health and Sport to the Justice Committee, all the evidence shows that the act has been hugely successful.

The Conservative amendment is trying to tempt me into the more troubled waters of the Scottish Government's general approach to sentencing. I do not disagree for a moment with anything that is in it, but we want to have a consensual debate. Also, it would delete the point in the motion about the Parliament and the Scottish Government tackling protection for workers. Although I wholeheartedly support the text of the Conservative

party's amendment, the Conservatives would not find the same agreement with their new coalition partners at UK level. However, that is the new politics. Perhaps there are some troubled waters in that, too.

I did not agree entirely with Bill Aitken's speech, but it was, nevertheless, good. I understand from recent press coverage that he is on a fast track to canonisation. We wish him well in the future. He is here for another year and I am sure that he will continue to do great work on the Justice Committee.

Today, we have fought to forge consensus that more action should be taken to ensure that those who work directly with the public in Scotland should be able to do their jobs free from fear of intimidation or assault. Action is required on a range of fronts with, as Patricia Ferguson said, partnership working between all levels of government, trade unions, employers and the police. There is clearly agreement on that, but I hope that we can also agree that the Parliament, having rightly taken legislative steps to protect emergency workers, should be prepared to take such action for other workers in the community.

That is the case that trade unions have made; they are in the Parliament again today to make it. It is also the case that Hugh Henry has made and I hope that it is a case—it is a powerful one—that the Parliament will accept.

The Presiding Officer (Alex Fergusson): That concludes the debate on the protection of workers. Although we are a few seconds early, we can move straight to the next item of business as everybody is in place.

Scottish Executive Question Time

General Questions

11:39

Aberdeen Western Peripheral Route

1. Nigel Don (North East Scotland) (SNP): To ask the Scottish Government whether the reported legal action by objectors might cause delay to the completion of the Aberdeen western peripheral route. (S3O-10610)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): It is likely that the actions of the objectors will cause significant delay to the construction of the Aberdeen western peripheral route. However, until we consider the terms of each challenge it is difficult to be precise about the impact on the project timetable.

Nigel Don: Is the minister aware that much of Road Sense's case appears already to have been taken by the Aberdeen Greenbelt Alliance to the Bern convention secretariat and comprehensively dismissed? Does the minister agree that, in view of the substantial costs that are associated with any delay to the project, the objectors should bear the costs of any further appeal?

Stewart Stevenson: It is worth making the point that we have yet to be served with the court papers that are associated with the appeal, so we have not yet had the opportunity to examine in any detail the basis of it. We are aware of the Bern convention activity but, of course, in view of the legal issues that surround the matter, I am somewhat constrained in what I can say.

Richard Baker (North East Scotland) (Lab): Notwithstanding the legal action, will the minister tell us when he expects to invite companies to tender for contracts for constructing the route and when he will be able to tell us in more detail what funds the Scottish Government and the two local authorities will allocate to the project?

Stewart Stevenson: Richard Baker will be aware that the two local authorities have committed to providing 9.5 per cent of the funding each, thus leaving the Scottish Government to provide 81 per cent of the funding for the AWPR and 100 per cent of the funding for the fastlink route. We have stated on our website for some considerable time, and I indicated on 10 June last year in answer to question S3W-24477 from Nicol Stephen, that we are considering a non-profit-distributing trust as the funding vehicle.

The timetable will, to some extent, be governed by the legal challenge. However, now that the appeal period is over, we are considering taking our next steps in very early course, subject to what we see in the court papers when they are served upon us.

It may be worth reminding members that we split consideration of the AWPR into separate chunks so that a legal challenge may or may not affect the whole route. We deliberately did that to protect the scheme's integrity should it be subject to legal challenge. However, until we see the challenges, we cannot be certain whether we have succeeded.

United Kingdom Government (Taxation)

2. Willie Coffey (Kilmarnock and Loudoun) (SNP): To ask the Scottish Government what assessment it has made of the financial impact that the change of United Kingdom Government might have on taxpayers in Scotland. (S3O-10608)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): I have had an initial discussion with the Chancellor of the Exchequer to seek clarification on a number of the UK Government's financial proposals that are of immediate importance to the Scottish Government and Scottish taxpayers. We await further details of the UK Government's tax plans, which will be provided in next month's emergency budget.

Willie Coffey: I know that the cabinet secretary agrees that the council tax is a discredited tax based on property valuations that are frozen at 1991 levels. He will also know that the new Government in London has agreed to review local government finance for England and Wales. The majority in this Parliament favours replacing the council tax with a more progressive form of taxation, so will the cabinet secretary seek assurances from the UK Government that its respect agenda will end Labour's threat to withhold £400 million that is paid out to Scotland through the present council tax benefit system?

John Swinney: Council tax benefit is clearly a material consideration in relation to any reform of local government taxation within Scotland. We would certainly pursue with the United Kingdom Government, with determination, the importance of ensuring that the sum of money that is generated through council tax benefit was part of any reform of local taxation in Scotland. I assure Mr Coffey of the Government's determination to do that.

George Foulkes (Lothians) (Lab): Does the cabinet secretary agree that the most likely tax change that the old Etonians who currently run the coalition Government will introduce is an increase in value added tax? Will he join me in campaigning

against one of the most regressive forms of taxation?

John Swinney: I am not sure that all the UK ministers are old Etonians, although a number of them certainly are. I say with confidence that there are no old Etonians on the Government front bench here, unless Mr Stevenson is concealing a dark secret.

I would never want to cross an old Etonian if I had the opportunity to do that, Presiding Officer, but Lord Foulkes is more reckless in his politics than I ever am. I simply point out to Lord Foulkes that, of the 28 independent economists who advise the Treasury on its forecasts, 24 expect the rate of VAT to rise during the coming UK parliamentary session. That gives us some hint of the way in which the advice might be going. Clearly, this Administration does not support an increase in VAT. As I said, we await the UK Government's proposals in the emergency budget and in the subsequent spending review.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I should perhaps declare that I went to a comprehensive school in Berwick-upon-Tweed.

Will the cabinet secretary run through the input-output model that the Scottish Government uses to calculate the effect of expenditure the benefit of increasing the personal income tax allowance to £10,000, which I believe will directly help more than 0.5 million people in Scotland? Will he also use the input-output model to calculate how many jobs such a change could not only support but create in the Scottish economy?

John Swinney: Mr Purvis will appreciate that, when those changes to the tax system are introduced, they will be accompanied by compensating measures that will produce compensating revenues. For completeness, I would need to put all those changes through the input-output model. Once we see the UK Government's financial proposals, I certainly intend, as I have done previously, to run those through so that we can consider their impact on the Scottish tax base. If we do that, I will of course make the details available through the Scottish Parliament information centre.

The Presiding Officer (Alex Fergusson): Without wishing to draw undue attention to the school that the next questioner attended, I advise that question 3 is from Jamie McGrigor.

Roads (Argyll and Bute)

3. Jamie McGrigor (Highlands and Islands) (Con): Thank you, old Etonian—I mean, Presiding Officer.

To ask the Scottish Executive what measures it is taking to improve the Argyll and Bute road network. (S3O-10561)

The Presiding Officer: Yes, I too attended that school.

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Members may wish to know that I went to Bell Baxter high school, which was the local school in Cupar.

More than £3 million has already been invested by the Government in the trunk road network in Argyll and Bute in financial year 2009-10. That investment has resulted in a number of initiatives, including road resurfacing on the A83 and work to mitigate the risk of future landslides in the area. We also plan to invest a further £6 million in a range of trunk road structural maintenance and safety improvements that will support safety and economic objectives and aspirations for the area.

Jamie McGrigor: Despite that, the headline in today's edition of *The Oban Times & West Highland Times* states "Argyll and Bute has the worst roads in Scotland". The annual road conditions survey shows Argyll and Bute Council as 32nd out of the 32 councils and suggests that councils' road budgets would need to rise by £45 million just to keep the roads in their present condition. Argyll and Bute Council's transport spokesman, Councillor Duncan MacIntyre, said:

"The council needs £100 million ... just to get the roads up to an acceptable standard."

Quite apart from the discomfort and danger suffered by local people, the tourism industry is suffering, especially in areas such as the Isle of Mull where the local joke—

The Presiding Officer: A question, please.

Jamie McGrigor: Presiding Officer, my question is this. Will the Scottish Government accept that Argyll and Bute is a special case and do something about it?

Stewart Stevenson: Argyll and Bute is a very special place. Indeed, it is the only place in Scotland where, in 1956, I suffered sunstroke.

Apart from that, I draw the member's attention to the 1.9 per cent increase in funding that Argyll and Bute Council has received for the current year. Councillor Duncan MacIntyre is an extremely able and competent councillor who, as a member of Highlands and Islands transport partnership—HITRANS—will, I am sure, be able to discharge his local government responsibilities for improving the roads in Argyll and Bute. We have provided the resources; he must take the action.

Volcanic Activity (Economic Impact)

4. Stewart Maxwell (West of Scotland) (SNP):

To ask the Scottish Government what action it is taking to ensure that the economic impact in Scotland of disruption caused by any renewed volcanic activity in Iceland is kept to a minimum. (S3O-10621)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): The Scottish Government is continuing to liaise with the Met Office, the United Kingdom Government and other relevant organisations to assess the changing risk pattern and to ensure that colleagues and stakeholders are advised appropriately. Communication with agencies such as Scottish Enterprise and Highlands and Islands Enterprise and with external business organisations is promoting the need for business continuity measures, including alternatives to air transport for supply-chain materials, product distribution and business travel. In addition, VisitScotland and EventScotland are providing advice and support to the tourism industry to minimise the potential impact on this sector in the event of continued disruption.

Stewart Maxwell: I thank the cabinet secretary for all the hard work that is going on to minimise disruption.

Over the past few weeks, the cancellations of thousands of flights have disrupted the travel plans of people throughout the country and further afield. In addition to the chaos caused to travel plans, many individuals have suffered an economic impact. Many who have had flights cancelled are out of pocket by hundreds, if not thousands, of pounds and are still waiting on claims for compensation or refunds for cancelled flights to be paid out. What advice can the Scottish Government give to those who are caught up in that situation on their rights to refunds or compensation?

John Swinney: Primarily, such matters should be raised by members of the public directly with the service provider with which their booking was made, because it is in the nature of that relationship that compensation should be arranged. Many aspects of that relationship are regulated by the European Union, thanks to which, in a number of cases, an initial unwillingness to pay compensation has subsequently been reversed. In the first instance, any constituents who have been affected by flight cancellations should raise the matter directly with the tour operator or travel provider. However, if there is a systemic problem that is affecting individuals, I will of course be happy to make representations to the United Kingdom Government, which carries the regulatory responsibility in this area of policy.

John Scott (Ayr) (Con): The cabinet secretary will be aware of the risk to airports and airlines because of the volcanic activity. I am particularly concerned about the future of airline operations in such an environment. Has he had any discussions with those involved about the economic impact on airlines and on regional airports such as Prestwick as a result of the crisis?

John Swinney: We are in regular dialogue with the airports around Scotland and with particular airline operators. We have not been in touch with every airline operator, but we have spoken to a number of them about those issues. Clearly, a number of airlines are suffering significant disruption to their schedules and their economics as a consequence of what is being experienced. That is why we have been pressing for a much more flexible approach to the issue of flight-zone closures. In the course of the past six weeks or so in which the problem has occurred, the Civil Aviation Authority has made two material changes to the advice that it issues, which has reduced the amount of disruption to travel patterns. We have been involved in those discussions with the CAA. Indeed, the CAA was involved in the most recent conference call in which the Scottish Government participated, which took place yesterday. I assure Mr Scott that we will continue that dialogue.

Midwives (Employment)

5. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Government how successful the one-year job guarantee scheme has been in finding positions for newly qualified midwives. (S3O-10592)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): The one-year job guarantee scheme has been successful in helping a number of newly qualified midwives to find jobs since it was introduced in 2002. So far in 2010, 36 midwives have applied to the scheme for support in finding a position. Details of the exact number of midwives who found positions through the scheme is not available, as newly qualified midwives often secure a post through their own means after they have registered with the scheme.

Duncan McNeil: From my previous questions and correspondence the cabinet secretary will know about my concerns about health boards that have not activated the one-year guarantee scheme. As a result, increasing numbers of newly qualified midwives are seeking positions outwith Scotland. That raises concerns about the balance of the workforce in future years. With last week's news that more than 600 nursing staff are now facing redundancy, can she assure my constituents that the actions by the health board will have no impact on the short-term or long-term

future of the community midwife unit at Inverclyde royal hospital?

Nicola Sturgeon: I am sure that Duncan McNeil would not want to mislead the chamber or anyone who works so hard in our national health service, so I say to him that no nurse and no person working in the NHS faces losing their job. Nobody faces redundancy, because the NHS has a policy of no compulsory redundancies. I hope that he will appreciate that.

The guarantee scheme is just that. It guarantees a one-year post for those nurses and midwives who cannot find a job through their own means. What it does not necessarily guarantee is a job in the person's health board or specialty of choice. It is about allowing newly qualified staff to gain posts and allowing health boards to fill their vacancies.

If Duncan McNeil has specific cases in which his constituents feel that the scheme has not worked for them in the way that it is meant to, I would be more than happy to look into them for him.

Adult Obesity

6. Gil Paterson (West of Scotland) (SNP): To ask the Scottish Government what it is doing to tackle adult obesity. (S30-10626)

The Minister for Public Health and Sport (Shona Robison): The Scottish Government and the Convention of Scottish Local Authorities recently published "Preventing Overweight and Obesity in Scotland: A Route Map Towards Healthy Weight". In addition, NHS Quality Improvement Scotland published the Scottish intercollegiate guidelines network guideline 115, on the management of obesity, back in February.

Earlier this week, the Cabinet Secretary for Health and Wellbeing announced a new bariatric service at the Golden Jubilee national hospital with the first patients planned to be treated next month.

Gil Paterson: Does the Government have any plans to establish parenting courses on healthy eating? If effective, such courses would benefit the individual and their families and reduce the enormous cost to the health service of obesity.

Shona Robison: We are already supporting a number of initiatives through community food and health Scotland, from cooking classes to facilitated sessions on Scotland's first cooking bus. We also provide support for families through our website, www.takelifeon.co.uk, which has recently been relaunched and includes specific information that can be very useful for parents.

I want also to mention the eight healthy weight community programmes in Scotland, which are about bringing all the community together. Families are an important part of that. I assure Gil Paterson that developing a partnership with

parents is a very important element of that programme.

Dr Richard Simpson (Mid Scotland and Fife) (Lab): Will the minister comment on the failure of my proposed limit on trans fat (Scotland) bill, in the light of the support for the measure from Alyn Smith, the Scottish National Party MEP and the recent research that shows that it would save 700 lives in Scotland and prevent around 1,100 heart attacks annually?

Shona Robison: The industry has already made progress on trans fats. Our focus has been to reduce the level of saturated fat, which is of course the major health problem in Scotland. I say to Richard Simpson that I am afraid that his failure to gain cross-party support for his proposed bill cannot be laid at the door of anyone other than perhaps himself.

The Presiding Officer: Question 7 was not lodged.

A9 (Berriedale)

8. Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): To ask the Scottish Executive what action will be taken to improve the inclines and hairpin bend on the A9 at Berriedale. (S30-10556)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): A review of improvement options for that section of the A9 is being carried out by Scotland TransServ, the trunk road operating company. That review and an analysis of accident figures at the location does not support the introduction of any mitigation measures. Transport Scotland will, however, continue to monitor and evaluate the road safety performance of the A9 at Berriedale braes.

Jamie Stone: There was an accident at the hairpin bend that involved a coachful of children from Orkney; the coach very nearly penetrated the safety barrier. The minister will have seen the images, so he will know that they are the stuff of nightmares. Will the minister instruct his officials to look at the problem as a matter of absolute priority and will he agree to accompany me to see the truly terribly problem for himself?

Stewart Stevenson: Like Jamie Stone, I very much welcome the fact that the recent accident was not more serious. We understand from the police that road conditions were not likely to have been a contributory factor. My officials are looking at the damage that was inflicted on the safety barrier and will consider what the appropriate response is.

When I can, I am always happy to visit areas that members' constituents are concerned about. I

ask the member to make appropriate contact so that my office can look at that.

First Minister's Question Time

12:00

First Minister (Engagements)

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2405)

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

Iain Gray: Last week, I asked the First Minister about a document that shows Greater Glasgow and Clyde NHS Board's plans to cut 1,200 posts in the national health service in Glasgow. It was clear that the First Minister had no idea that that was happening and could not explain why it was happening. He has had a week to think about it; would he like to try again?

The First Minister: The plans of the NHS across Scotland are part of the annual labour force return that is submitted to the Government. It is clear that 10,000 more people are working in the NHS in Scotland than when this Government came to office. It is also clear that the quality of health care will be our top priority, that there will be no compulsory redundancies in the health service in Scotland, and that at the end of this parliamentary session there will be more people working in the NHS in Scotland than there were when we took office.

Iain Gray: The fact that no compulsory redundancies are planned in the NHS is welcome, but that is not the point, is it? If 1,200 posts are removed from the NHS in Glasgow, we cannot say that there will be no cut in service. If those were all pen-pushers' and bureaucrats' jobs, maybe we could believe the First Minister, but they are not: Glasgow wants to cut 650 nurse and midwife posts.

Now we see the Lothian NHS Board plan. To be fair, Lothian plans to get rid of 133 managerial posts. However, it also plans to get rid of 333 nursing posts this year. If 650 nurses in Glasgow and 300 in Lothian are not contributing to patient care and are not providing front-line services, and are not going to be missed, what on earth are they doing? Can the First Minister tell us?

The First Minister: I am glad that Iain Gray agrees that the pledge of no compulsory redundancies in the national health service in Scotland is important. It is particularly important, given that the BBC reported on its news website on 17 May:

"The BBC has learned a £2bn pot is being set aside in England to pay for one-off costs, such as redundancies"

in the national health service. It is crucial that there is a pledge of no compulsory redundancies in the national health service in Scotland, when we see what was developing in England—and just in case there is any dubiety on the Labour benches, the report that was mentioned was from before the general election campaign.

The efficiency savings in the national health service in Scotland run at 2 per cent a year. They have been achieved and they have contributed to the excellence of patient care across a range of services—and will continue to do so. This Government has increased real spending in the NHS year by year, the percentage of Government spending on the NHS has increased during our term in office and there are 10,000 more staff working in our health service than there were when we took office. That has been achieved despite the cuts from Westminster that have been inflicted on this Government, this Parliament and this country this year.

Iain Gray: In eight years of Labour administration of the NHS in Scotland, there were no compulsory redundancies, so I will be delighted if the First Minister can continue that. However, over that period of time, there was also a steady increase in the NHS budget and the number of staff working in the NHS. Although it is true that there was a 0.1 per cent real-terms increase in this year's NHS budget—a fraction, I might say, of the real-terms increase in the rest of the UK—that begs the question why, during the past week, drip by drip, we have discovered that 500 posts are to go in Tayside, 600 jobs are to go in Grampian, 1,200 are to go in Glasgow, and 2,000 are to go in Lothian.

It transpires that the First Minister has had those plans since 30 April. What about Lanarkshire, Highland, Forth Valley, Dumfries and Galloway and the Borders? The First Minister must know. How many NHS jobs is he planning to cut? How many doctors? How many nurses? He knows; will he tell us now?

The First Minister: Iain Gray talks about the past eight years, and it is absolutely true that public expenditure has risen during the past eight years, until this year when Labour cuts started to bite. This Government has sustained real spending on the national health service—*[Interruption.]*

The Presiding Officer (Alex Fergusson): Order.

The First Minister: —and increased the percentage of Scottish expenditure that is devoted to the national health service.

At a time when we know that the Labour Party was preparing to make widespread redundancies across the national health service in England, I am

afraid that it is rather important to have the guarantee of no compulsory redundancies in the health service in Scotland. *[Interruption.]* I am sorry that Labour members do not want to hear that. Are they not aware that a Department of Health report prepared by the consultants McKinsey and Company—*[Interruption.]*

The Presiding Officer: Order.

The First Minister: —and leaked to the *Health Service Journal* in September of last year, revealed that the NHS in England will have to shed 137,000 jobs, which is almost one tenth of its workforce?

The idea that we are all going to forget that Labour drove the economy on to the rocks, was planning to make public expenditure cuts that were tougher and deeper than Margaret Thatcher made, has reduced public spending in Scotland in real terms for the first time since devolution and was planning widespread redundancies across the national health service in England would require us to engage in the greatest act of collective amnesia in Scottish history. I tell Labour that it will not wash. The consequences for public spending are the consequences of Labour's mismanagement of the economy. *[Applause.]*

The Presiding Officer: Order. When I ask for order in the chamber, I do not expect that to be an invitation to anyone to continue as they have been doing. Also, just as the questions in the chamber must refer to matters that lie within the First Minister's responsibility, the bulk of the answers should do so as well. *[Applause.]* Order!

Iain Gray: Presiding Officer, you are quite right. I asked a question about the NHS in Scotland, which is the First Minister's responsibility. I asked a question about the NHS this year, the year in which the First Minister has £1 billion more than he did last year. What do we see? Accident and emergency departments in Fife are closing because they do not have enough staff; community health partnerships in Glasgow are collapsing; and thousands of NHS posts are going. If Alex Salmond had published the plans in April, when he received them, his election slogan would have had to be, "More nats, less nurses."

We know that the Con-Dem cuts are coming in June, but the con man's cuts are here right now. If he has so much confidence in them, I ask the First Minister to publish all the workforce planning documents for every health board, right now—today—and let us see how many doctors and nurses he plans to cut.

The First Minister: We will publish the documentation when we establish the three priorities: the quality of health care remains our top priority; there will be no compulsory redundancies in the national health service in Scotland; and we

pledge that, at the end of this parliamentary session, there will be more people working in the national health service than there were when we took office.

Let us talk about this year. I do not usually quote the *Daily Mail*—it is not my required reading of a morning—but I was fascinated to read in it yesterday about cuts in public spending this year and to find that Andy Kerr, who is in charge of Labour's response to public spending, is attacking John Swinney for not cutting the Scottish budget this year. He said:

"The decision to postpone reductions will mean a double whammy the year after."

Far from the Labour Party and its financial spokesman wanting more expenditure on the national health service this year, they are actually asking us to implement Tory cuts this year. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: That is an extraordinary situation. Before Iain Gray comes to the chamber and talks about cuts in the health service, he should ask his finance spokesman why he wants to reduce the Scottish budget even further this year than the Labour cuts will do. That is a ridiculous position. If he can come to an agreement with his finance spokesman, perhaps he can toddle along to the chamber with a semblance of credibility.

Prime Minister (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Prime Minister. (S3F-2406)

The First Minister (Alex Salmond): I will next meet the Prime Minister on Tuesday 8 June.

Annabel Goldie: That is most encouraging. As Prime Minister, Gordon Brown did not come to the Scottish Parliament in three years; David Cameron came within three days. That is a symbol of the new working relationship between our Governments and our Parliaments.

One of David Cameron's first commitments is to order the Treasury to look at the fossil fuel levy, which could release millions of pounds for green jobs in Scotland—money that was blocked by Gordon Brown.

In the spirit of co-operation, will the First Minister work with the United Kingdom Government on today's coalition agreement, to renegotiate general practitioner contracts to provide better out-of-hours services, to scrap Labour's jobs tax, to protect front-line services, to support post offices, to deliver high-speed rail, to participate in Calman, to help veterans with mental health problems, and to

give the children of servicemen and women who have been killed in action scholarships to universities? Those are just a few of the excellent proposals in the coalition agreement.

We all know that the Scottish National Party minority Government has run out of ideas and that it is the United Kingdom Government that is now setting the agenda. Will the First Minister work with the Prime Minister to do his best for Scotland? That, Mr Salmond, is real progressive politics.

The First Minister: When I proposed the progressive coalition last week, it was as an alternative to Conservative rule over Scotland, not as an addition to it. We all know that Labour ran away from that particular responsibility. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: On co-operation, as ever, in the interests of Scotland, I expect not just the Government but the whole Parliament to co-operate and to advocate things in the national interest. Yes, it would be a good thing if Scotland got access to our own money—the £180 million fossil fuel levy, which has been lying unused in a London bank account for the past six years. It would be a good thing if we had borrowing powers for the Parliament so that we could mitigate the full impact of decisions on expenditure, and cuts, that come down the line. It would be extremely useful if we had capital acceleration or a jobs plan in the Scottish economy this year, and it would be a really good thing if the Barnett formula, while it survives, was applied fairly so that we got consequential from all spending decisions, for example those on regeneration funding for the Olympics.

If the Westminster Government addresses those issues fairly and properly, I will co-operate, as should every member of this Parliament. It is a matter of some regret that when I asked for co-operation from the main Opposition party on those items—which must be good things for Scotland, as they would help us to mitigate the impact of cuts from Westminster—that co-operation was not forthcoming from Labour. As a Parliament, let us look at the policies and act in the interests of the country.

Annabel Goldie: Indeed—let us look at the policies.

The First Minister's plan to impose a blanket minimum price on all alcohol is floundering. Today's coalition agreement has come up with a way forward. Will the First Minister support a ban on the sale of alcohol below cost price? Will he work with the UK Government to target problem drinks and problem drinkers through alcohol taxation and pricing? Will he use existing

legislation to clamp down on underage drinking? Will he work with the UK Government to find a way forward on a solution to Scotland's and Britain's binge-drinking problem? Will he ditch his blanket minimum pricing policy, which is probably illegal and which would certainly penalise responsible drinkers?

The First Minister: Annabel Goldie has shattered the air of consensus that she built up during her first question.

A number of measures can be taken to tackle Scotland's problem with alcohol, and minimum pricing is most certainly one of them. I find it incredibly surprising that there seems to be, as far as I can detect, more of an acute awareness among Conservatives south of the border than there is among Conservatives here of the importance of raising the general price of accessible alcohol—that is, high-strength, low-quality alcohol—the availability of which is part of the serious problem that afflicts all areas of society, particularly our young people. If Annabel Goldie chats to some of her English colleagues in the same co-operative way in which I have been trying to identify common ground, perhaps she will adopt a more consensual position on Scotland addressing its attitude to alcohol.

I make a final point to Annabel Goldie about ideas for this Parliament. I agree that on single issues it will, I hope, be possible to gain some common ground to improve the Scottish position, but she must acknowledge that there is planned a series of public spending cuts the like of which this country and this generation have never seen before. In the light of that, does she not agree that it is all the more important that we in this Parliament have the economic and financial powers to expand the economy, as opposed to being limited to trying to mitigate the impact of Westminster cuts?

Secretary of State for Scotland (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2407)

The First Minister (Alex Salmond): I will meet the Secretary of State for Scotland on the same day that I meet the Prime Minister.

Tavish Scott: The United Kingdom Government's programme contains many proposals that can help Scotland and the Scottish economy and, above all, create Scottish jobs. They include action to get banks lending to Scottish businesses; support for marine renewable energy; the creation of an offshore electricity grid; action on rural fuel prices; the provision of superfast broadband for the whole of Britain, not just the cities; an income tax allowance of

£10,000; and a significant premium for disadvantaged pupils at school. Which of those proposals does the First Minister support for the Scottish economy and for Scottish jobs?

The First Minister: I agree with a number of those proposals. When Tavish Scott told people during the election campaign that a vote for the Liberal Democrats was a vote to make Scotland a Tory-free zone—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): It was a vote for the Lib Dems.

The First Minister: I am merely saying what Tavish Scott said in the election campaign. I did not realise—and perhaps the people did not, either—that the objective of making Scotland a Tory-free zone was to remove Tory policies from the Conservative party manifesto and to insert Liberal Democrat policies instead.

I think that Tavish Scott will find that, as the coalition agreement develops, there will be a range of issues on which he and I will find the policy direction totally unsatisfactory, because the coalition Government still has a Tory majority within it. He might well find that on a range of issues, Tory policies predominate.

Tavish Scott: I agree that we always find things that are unsatisfactory, such as broken promises on class sizes, teacher numbers, grants for home buyers and the abolition of student debt. For all the First Minister's talk about the economy, he needs to explain why unemployment under the nationalist Government has been rising faster in Scotland than in the rest of Britain. Why does he not agree that getting banks to lend to viable businesses and supporting renewable energy, an offshore electricity grid and superfast broadband are good for Scottish jobs? Will he not accept the need to work with the UK Government on tackling the recession and creating the jobs in Scotland that we need?

The First Minister: As I have already said, where there are policies that are in the interests of Scotland, the Government will co-operate. I have listed a number of such policies, and I hope and believe that Tavish Scott shares the ambitions on those.

Given that in 85 of the 96 months in which Labour and the Liberal Democrats were in administration, unemployment was higher than the United Kingdom average, I am not certain that employment is the strongest area for Tavish Scott to embark on questioning on.

I am delighted to tell Parliament that we will today be announcing support for John Lewis in creating 450 jobs in Hamilton technology park. Those are vital jobs in a key area of Scotland, and I will write to local members to explain the full

implications of that welcome announcement from John Lewis.

Taser Use (Ministerial Guidelines)

4. Bob Doris (Glasgow) (SNP): To ask the First Minister whether the Scottish Government believes that ministerial guidelines are needed in relation to the use of Tasers by police officers, given the recent report by Amnesty International. (S3F-2411)

The First Minister (Alex Salmond): The deployment of Tasers is an operational matter for chief constables. The purpose of the pilot in Strathclyde is to test the effective use of Tasers by specially trained officers. Our police are highly professional and we trust them to make sound judgments on the use of Tasers, taking into account concerns for community safety and human rights.

Bob Doris: Given the on-going legal debate about the use of Tasers, will the First Minister consider working with key partners, including the Association of Chief Police Officers in Scotland, the Scottish Police Federation, Amnesty International and others, to draw up a code of practice for police using Tasers, and using any evidence gained from the Strathclyde Police to reform that code? Does he agree that police officers, who daily put their necks on the line, and at-risk citizens, who expect police to intervene in dangerous situations, have human rights and that those should be a powerful driver in any code?

The First Minister: I agree that the safety of police officers and the protection of the public are of paramount importance. The police already follow a code of practice on the use of Tasers, which was developed with the National Policing Improvement Agency. I am sure that the results of Strathclyde Police's trial on Tasers will inform any future revisions of those guidelines.

Robert Brown (Glasgow) (LD): Does the First Minister find it odd that according to the answer from the Cabinet Secretary for Justice to a parliamentary question from me, the policy of Scottish police forces on the deployment of Tasers is derived from Association of Chief Police Officers guidance for England, Wales and Northern Ireland—guidance that has been withdrawn in those countries? Does his Government accept the view given to Amnesty International by Aidan O'Neill QC that section 5 of the Firearms Act 1968 specifically requires written authority on the issue from Scottish ministers? If so, does he accept the implication that further deployment in the Taser pilot without such ministerial authority may be unlawful?

The First Minister: I hope that Robert Brown expressed the same concern on 18 January

2006—when, if I remember correctly, Robert Brown supported a coalition Government in Scotland—when Cathy Jamieson, then Minister for Justice, said:

“The deployment of Taser guns is an operational matter for chief constables.”—[*Official Report, Written Answers*, 18 January 2006; S2W-21670.]

I do not agree with the legal advice that Robert Brown mentions. Taser weapons are defined as firearms under section 5(1)(b) of the Firearms Act 1968. At present, Scottish ministers have no power to issue guidance on the use of firearms, including Tasers, since the matter is reserved. Of course, one of the areas for co-operation that may emerge soon in Parliament is to press for the devolution of responsibility on such matters—indeed the full devolution of powers over firearms. There is widespread agreement on that throughout Scotland. If we can find agreement in Parliament, the legal position might well change.

Community Sentences

5. James Kelly (Glasgow Rutherglen) (Lab): To ask the First Minister how the Scottish Government will finance its plans to increase the use of community sentences. (S3F-2415)

The First Minister (Alex Salmond): The Government has increased the money that is available for community service from £13 million in 2008-09 to £19 million in 2010-11. That is a 45 per cent increase. As the Cabinet Secretary for Justice said to the Justice Committee on 13 April and to James Kelly in answer to a written question earlier this month, the Scottish Government will monitor closely increases in the uptake of the planned new community payback order, and will work with local authorities to assess funding needs.

James Kelly: If the Scottish National Party proceeds with plans to introduce a presumption against six-month sentences, that will add up to 8,000 community service orders to a system in which disposals are not being completed on time. Based on the Government's financial memorandum to the Criminal Justice and Licensing (Scotland) Bill, that will cost £22 million, which is not accounted for in the record £35 billion Scottish Government budget. Does the First Minister agree that the SNP plans are based on no more than a wing and a prayer, are destined to fail and will put public safety at risk?

The First Minister: The member is far too pessimistic about the matter. I would rather listen to the Convention of Scottish Local Authorities community safety spokesman, Councillor Harry McGuigan, who welcomed the increased community service funding before the Justice Committee in October last year, saying:

“I was delighted about the additional resource”.

He also said:

“That resource has given us an opportunity to deal effectively with the backlog and to appoint people who are more professionally versed and who can bring a greater quality to some projects.”—[*Official Report, Justice Committee*, 27 October 2009; c 2304.]

I am delighted to tell the member that, today, we will put figures in the Scottish Parliament information centre that indicate a substantial improvement in the completion times for community sentences. The member will remember the new target of commencing work placements within seven working days. That target is now being met by 63 per cent of offenders, compared with 19 per cent in 2008. Those figures and the increased funding show that substantial progress has been made. I know that the member will soon want to join the ranks of the positives and the optimists, such as Councillor Harry McGuigan.

National Health Service (Efficiency Savings)

6. Jackson Carlaw (West of Scotland) (Con):

To ask the First Minister what scope the Scottish Government believes it has identified to achieve further efficiency savings in the NHS without impacting on front-line services. (S3F-2417)

The First Minister (Alex Salmond): Despite the £500 million of cuts in the Scottish Government's budget this year, we have provided the national health service with a record budget of £11.348 billion. The efficiency programme ensures that both quality and value are delivered for that record investment in our health services. We have done that while maintaining the three key principles: the quality of health care remains our top priority; there will be no compulsory redundancies in the national health service in Scotland; and there will be more staff working for the national health service in Scotland at the end of the current parliamentary session than there were at the beginning of it. The national health service efficiency and productivity programme set a £313 million target for 2009-10. We expect that to be exceeded by £56 million. Crucially, every penny of that money is retained by the national health service and reinvested in front-line services.

Jackson Carlaw: Does the First Minister recall that it was the previous Labour Minister for Health and Community Care who led the campaign to cut accident and emergency departments throughout Scotland? Does he agree that the most devastating consequence for NHS front-line services would have been its having to find £36 million to pay for Labour's jobs tax, through its increase in national insurance contributions? Will he confirm and give a pledge that he will match the coalition Government's ambition that was announced this morning to reduce the cost of NHS

administration by a third and to invest those savings directly in front-line services?

The First Minister: There is much in the first part of Jackson Carlaw's question that I can agree with. On the second part, there are statistics that he should reflect on.

A House of Commons select committee report that was published on 30 March found that 14 per cent of the national health service budget in England and Wales is spent on administration. National statistics that were released on 24 November last year show that 7.2 per cent of the Scottish national health service budget is spent on administration.

We share—I hope that every member in the chamber shares—a desire to keep administration costs to a minimum and emphasise front-line services. Those statistics indicate that one of the great advantages of the national health service in Scotland, compared with the more market-driven model that the Labour Party introduced south of the border, is that administration costs are substantially lower in Scotland. Jackson Carlaw should reflect on that as we drive for efficiencies in the national health service.

12:30

Meeting suspended until 14:15.

14:15

On resuming—

Scottish Executive Question Time

Education and Lifelong Learning

Schools (Music Teaching)

1. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive what support it gives to music teaching in schools. (S3O-10576)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): As part of the expressive arts, music is an important and integral part of the curriculum for excellence. The curriculum guidance sets out the opportunities that learners will have to be creative, to experience enjoyment and to develop their skills in performing and creating music. Instrumental music tuition strengthens and supports the delivery of the curriculum. Through the youth music initiative, all local authorities receive funding to help to widen access to free music tuition, with £67.5 million invested in YMI for this spending review period. However, the exact allocation of its own resources is, of course, a matter for each local authority.

Helen Eadie: Does the cabinet secretary find it acceptable that, as highlighted in a BBC “Panorama” programme, front-line services are being affected in Fife and elsewhere by cuts to music education budgets? For example, Fife Council has entered into a 90-day notice period in which it is consulting the relevant trade unions on cuts in this session of 12 music teacher posts, which will mean a loss of music education opportunities for young musicians. Indeed, there will be a total loss from the education budget over two sessions of 50 per cent.

Michael Russell: No member in the chamber who knows me would think that I regard as acceptable the loss of any aspect of education provision, particularly in the creative arts, in which I have spent a great deal of my career, but it is equally unacceptable not to recognise the reality of the situation in which we find ourselves. I will not labour the point of the £500 million cuts that we have already received, although Helen Eadie would have been in a good position to argue the case with the former Prime Minister given that, during the election, I kept seeing pictures of her in his company. Perhaps she could have put the case there and then.

As times get harder and harder, it is incumbent on every member to stand up for what they believe in and what should be delivered but also to have a responsible attitude to the problems that we all

face. So far, I have found certain members on the Labour benches deficient in that regard.

Curriculum for Excellence

2. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive what action it is taking to address concerns among parents and teachers regarding the curriculum for excellence, including in relation to the level of preparation for its introduction. (S3O-10599)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We are working closely with the management board, which represents a wide range of educational interests. It has assured me that the implementation plans are realistic and achievable. I have met teacher unions including the Scottish Secondary Teachers’ Association and the Educational Institute of Scotland on a regular basis. I have also enjoyed many visits to schools where I have seen the curriculum for excellence in action. Through the depth and breadth of that engagement, I understand the strong interest in ensuring that the curriculum for excellence is successful. I recently launched the 10-point plan to provide greater clarity and further build the confidence of individual teachers and parents in the curriculum for excellence.

Cathy Peattie: The cabinet secretary will recall the Education, Culture and Sport Committee’s inquiry into the Scottish Qualifications Authority in the first session of the Parliament. He will also recall some of the problems leading to the SQA debacle, which included the fact that the new system had not bedded in and, more important, the fact that communication between the various parties, including the SQA and education authorities, was not good. Will he listen to parents and teachers who are saying that schools are simply not ready, so that we ensure that the curriculum for excellence is successful and we do not end up in the same mess that we did with the SQA?

Michael Russell: I listen all the time to parents, teachers and those who are involved in education. It is misleading to say that the message that the member described is consistent across the education sector. A vast number of teachers and parents throughout Scotland rejoice in the fact that this change is taking place; they are fully engaged with it. I draw the member’s attention to a news release from the EIS last Friday, which said:

“Scottish education needs CfE to succeed, so we must work together to ensure that this will happen.”

I remember the inquiry into the SQA; I sat with Cathy Peattie on that inquiry and I greatly enjoyed the period that I spent on the Education, Culture and Sport Committee with her. However, I remind

her of another thing that that committee did: at the end of its period in existence, it held an inquiry into the purposes of Scottish education and laid out in a report what it felt had to change in Scottish education for it to succeed. I reread that report recently; indeed, I discussed it with a group of educationists yesterday and I will talk about it in the weeks to come. It outlined exactly what the curriculum for excellence should be and provided the foundation for it. We were united across the political parties that that was what we needed to do.

Therefore, I plead with the member and all the other Labour members to think of those words from Ronnie Smith—

“Scottish education needs CfE to succeed, so we must work together to ensure that this will happen”—

and to remember the outcomes of the inquiry into the purposes of Scottish education. Let us work together to ensure that the curriculum for excellence is a great success.

Education (Funding)

3. Elaine Smith (Coatbridge and Chryston)

(Lab): To ask the Scottish Executive what steps it is taking to protect education funding. (S3O-10601)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The Scottish Government is committed to protecting key front-line services, such as our schools and, indeed, our hospitals. For example, the most recent figures available for gross education expenditure across all of Scotland's local authorities show a 2.57 per cent increase from 2007-08 to 2008-09. However, we do not underestimate the challenge that is presented to us by the current economic climate and the predictions for future United Kingdom and Scottish public expenditure. We await the outcome of the emergency budget in Westminster on 22 June 2010, as it will be of critical importance to the overall Scottish budget. Until then, the member can be assured that we will continue to make a strong case to the UK Government that is in the best interests of the Scottish economy, the Scottish people and Scottish education.

Elaine Smith: I point out to the minister that the underfunded council tax freeze does not help. Does he support the Educational Institute of Scotland's why must our children pay? campaign, which many parents in my constituency support because they are worried about cuts in education services? Does he accept that they are also angered by the broken Scottish National Party promise to reduce class sizes, the massive reduction in teacher numbers and the Government's mishandling of the implementation

of the curriculum for excellence? Will he now apologise for those broken promises and commit to changing his party's approach to education?

Michael Russell: Much as I respect Elaine Smith, I am fully familiar with the fact that she could be described as being of the glass-half-empty school of politics rather than the glass-half-full one. I reject utterly the points that she made, which I think are fatuous and wrong. We need to stand against such rhetoric because of the true situation. If the convener of the Education, Lifelong Learning and Culture Committee, who is desperately keen to engage in the debate from a sedentary position, has not seen the reality of education budgets being put under enormous strain by private finance initiative projects, which the former Labour Government thought were the best way to invest in education but which are crippling local authority expenditure, she should look at the facts and the budgets, and then work with the Government to resist cuts from Westminster. I have to say to Elaine Smith—it is about time that she recognised this with her noble rhetoric—that the real enemy is not here but there on the Tory side.

Murdo Fraser (Mid Scotland and Fife) (Con): I was going to be so kind to the cabinet secretary, but I might have to rethink my strategy. Does he agree that the priority is to protect spending on front-line services in schools. If we can find savings in administration and management, we should go down that road. In that respect, does he welcome the action that is being taken by East Lothian Council, as outlined at its excellent recent conference, to promote the idea of trust schools?

Michael Russell: I am sure that members know that Murdo Fraser was moved to the health portfolio today. I will miss his interventions, but not necessarily that one. He is trying to beguile me into agreeing with him on a set of issues, but I will not. Certainly, the work that the SNP-controlled East Lothian Council is undertaking is important in looking at new possibilities. He will find me quite willing to accept that we need to be more imaginative in how we deliver. What he will not find me willing to accept is that a process of Westminster-driven cutting should affect the prospects for our children. In a country that is rich in resources, it is overwhelmingly logical and financially sensible that we should control our own affairs and budgets and spend them to our own priorities, and the great logic of that cannot be overcome either by Elaine Smith or by Murdo Fraser.

Curriculum for Excellence

4. Hugh O'Donnell (Central Scotland) (LD):

To ask the Scottish Executive what evidence it has that all teachers are being given adequate support

in the lead up to the implementation of the curriculum for excellence. (S3O-10549)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): We have identified support needs through Her Majesty's Inspectorate of Education findings from inspections, advice from Bill Maxwell, the senior chief inspector of HMIE, and discussion with headteacher and teacher associations. We are responding to those needs by providing a range of support, most recently through the 10-point plan. We have written to all schools, giving them clear commitments on the timetable for delivery of that support and we are monitoring that programme closely to ensure that it is delivered. We continue to engage with teachers, headteachers, teacher unions and associations as well as with the directors of education to ensure the successful implementation of the curriculum for excellence.

Hugh O'Donnell: Is the cabinet secretary aware of the results of a workload survey that was conducted by the Scottish Secondary Teachers' Association, which revealed that nearly 54 per cent of teachers are working in the order of 400 hours extra for their employers each year? Does he regard that as acceptable? What action does he intend to take to ensure that the implementation of the curriculum for excellence does not worsen the situation and put even more pressure on our hard-pressed teachers?

Michael Russell: There is no reason why the implementation of the curriculum for excellence should do that. The curriculum for excellence is not about changing the basic content of education; it is about changing the methodology. Indeed, in a system that the Education, Culture and Sport Committee endorsed in the first session—a system that is predicated on the professionalism and commitment of teachers—we rely on teachers to do their job well, and that should liberate them to a degree. One of the great problems that we found in the committee's inquiry eight years ago was that too much pressure is put on teachers to do things that they should not be asked to do. They should be encouraged to teach, and that is what the curriculum for excellence does. In all those circumstances, it should be seen for what it is: a positive development in education.

I am aware of the workload survey and all the survey work that the SSTA has undertaken. Indeed, when Mr McNulty and I were present at the SSTA dinner two weeks ago, I took the opportunity to talk to many representatives of the SSTA. I support every teacher in the process of implementing the curriculum for excellence and I am putting the Government's money where my mouth is by ensuring that all our resource is devoted to that. I am grateful to Bill Maxwell for the actions that he has taken, as the senior chief

inspector, to enable that to happen and for the announcement that he made last Friday.

Des McNulty (Clydebank and Milngavie) (Lab): None of the people with whom I spoke at the SSTA dinner felt liberated as a result of the implementation of the curriculum for excellence. Neither did that adjective come out of either of the two surveys. I ask the cabinet secretary to ask those members of HMIE who will still be doing their normal jobs—those who are in charge of inspections in primary schools—to look, as a matter of urgency, into the situation whereby some schools appear to be ditching their maths schemes in the context of implementing the curriculum for excellence. If that were to be extended to a significant number of schools in Scotland, I would view that as entirely unacceptable. Is the minister aware of that? What steps will he take to ensure that it does not happen?

Michael Russell: I will be happy to discover whether there is any danger to the teaching of maths in primary schools. I have had no indication whatever of that. Indeed, the indications from primary schools of the way in which maths can be integrated into a topic-led approach under the curriculum for excellence are overwhelmingly positive.

I hope that Mr McNulty will bear in mind the quote from Ronnie Smith, which I repeat:

"Scottish education needs CfE to succeed, so we must work together to ensure that this will happen."

Simply matching every bit of progress that we make in underpinning the curriculum for excellence with a new criticism does not meet the aspiration that the Educational Institute of Scotland clearly has for all politicians to work together to ensure that it happens and happens well.

North Lanarkshire Council (Meetings)

5. John Wilson (Central Scotland) (SNP): To ask the Scottish Executive when it last met education officials from North Lanarkshire Council. (S3O-10543)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): My officials regularly have discussions with local authorities, including North Lanarkshire Council, on a range of issues that are relevant to my portfolio.

John Wilson: Is the cabinet secretary aware that the Labour leadership of North Lanarkshire Council has publicly announced that there will be further significant school closures? What discussions has he had with the council about that? Will he or his officials take any action to minimise the impact of those closures? Will he

ensure that any proposals for school closures fully comply with the consultation procedures that came into effect in April?

Michael Russell: I give the member a clear assurance that no school closure can take place in Scotland without the statutory framework being in operation. The Government brought in the statutory framework, which has long been lacking in Scotland, to ensure that there is a clear and transparent process should there be a proposal for a school closure. I will not waste the Parliament's time by going through every paragraph of the legislation, but it is clear that the involvement of parents in a transparent consultative process is at its heart. That means that local authorities have to be up front and honest with every single parent about the reasons for their proposals. They also have to have them looked at by Her Majesty's Inspectorate of Education for educational reasons. I think that that is positive. The member can be reassured that the full statutory framework will apply.

It is, of course, up to each local authority to decide how they take forward their school estate. Indeed, the system that we have requires that to be so. However, the Government has put itself on the side of parents to ensure that any such proposals are subject to a clear and transparent process.

Karen Whitefield (Airdrie and Shotts) (Lab): Does the cabinet secretary recall that the previous Labour-led Administration provided a £150 million funding package to North Lanarkshire Council, which has helped to build 24 new secondary and primary schools? Does he agree that the offer from the Scottish Futures Trust to build only one new school at some time in the future and to fund it only partially simply is not good enough? Will he confirm exactly when North Lanarkshire will be told how much money it is going to get, when it will get it, when it can start to build the new school, and when there will be additional funds for more new schools?

Michael Russell: The logic of the member's position defeats me. If there was a requirement to build 24 new schools and that was done, what is the requirement to build another 24 new schools, unless that is proved within the national context? The member should know—

Karen Whitefield: One new school!

Michael Russell: The member will know nothing if she keeps shouting from a sedentary position. The possibility is that I might be able to teach her something.

Karen Whitefield: I doubt it.

Michael Russell: She doubts it. I really am beginning to wonder whether I should bother

answering questions from the member, but I will persevere, because we need to put some facts on the record.

The first fact is that the Government has contributed more to taking pupils out of unacceptable accommodation than our predecessors did. That is just a fact. That is exactly what has happened. *[Interruption.]* It is not just the member who has started to scream. Now they are all screaming. That means that I must be getting it right. *[Interruption.]*

I cannot be shouted down, Presiding Officer, but I hope that you will intervene to allow me to speak without being shouted down. In those circumstances, let me make the second important point. We have put in place a transparent and open process to support local authorities on the issue of renewing their school estate. That continues to take place.

The third point that I will make—if you will indulge me for one moment, Presiding Officer—is that there is a real problem with a party that, faced with the difficulties that we see coming over the horizon, which are largely difficulties of its making, finds its response only in screaming, shouting, arguing all the time for no change at all and frequently defending the indefensible, because it will continue to find itself out of tune with reality, Scottish public opinion and what parents want and need.

Margaret Mitchell (Central Scotland) (Con): Is the cabinet secretary aware of the high number of incidents of violence against staff in council schools in North Lanarkshire? The number has reached an all-time high, having increased in each of the past five years. He will be aware that the Conservatives have suggested introducing second chance centres where persistently unruly pupils can refocus their lives. What plans does he have to ensure that teachers and staff in North Lanarkshire feel safe in their schools?

Michael Russell: The first tactic that I would take is to ensure that I was not scaremongering on the issue. Having seen some of the coverage of the issue over the past 48 hours, I have to say that those members who thought that it was to their temporary political advantage to talk up a situation that exists only in a very small number of schools and with a small number of pupils are doing Scottish education a disservice, and that the way in which the question was phrased did education in North Lanarkshire a disservice.

When there are cases of unacceptable behaviour by pupils in schools—the number of such cases is not at anything like a record high—that needs to be dealt with firmly and vigorously by the schools with support from the local authority and the Government, but if members honestly

believe that the best way for them to make political progress is to misrepresent the behaviour of hundreds of thousands of good pupils in thousands of good schools, they will damage Scottish education for petty political purposes. I refer members back to the quote from Ronnie Smith. The chamber should rise above such behaviour in the interests of Scottish education and Scottish children.

Forest Schools

6. Nanette Milne (North East Scotland) (Con): To ask the Scottish Executive what support it has given to develop forest schools across Scotland. (S3O-10559)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Forest schools are a key part of our woods for learning strategy and are targeted at the four capacities of the curriculum for excellence.

Over the past three years, we have invested around £500,000 in forest schools, mainly through staff resources and funding programmes that are administered by the Forestry Commission Scotland. The schools are spread throughout Scotland. There are now more than 100 qualified leaders, and a similar number are undergoing training. Forest kindergartens, which are forest schools for the early years, are also in place. Outdoor learning is an essential element of a child's education, and we are committed to continuing to increase the number of forest schools and kindergartens. To that end, I recently held discussions with the Minister for Environment and the director of the Forestry Commission Scotland. I hope that we can maximise the resource across Government in pursuit of that aim.

Nanette Milne: I thank the minister for his response, in which he has partly dealt with my supplementary question. I have been extremely impressed by the positive aspects of forest schools at Haddo house in Aberdeenshire. They play a clear role in teaching children to work as a team, developing their social responsibility, getting them into the open air and improving their fitness. I am keen for the programme to be expanded right across Scotland. The minister has given me encouragement that that is the intention. Is it genuinely the case that the programme covers the whole country, or do gaps remain? The development of forest schools is an excellent policy to pursue.

Michael Russell: Regrettably, there are still gaps to be covered, but we should probably dispel any myth about forest schools. I was slightly concerned to hear muttering from the Labour benches when the question was asked. One of the most impressive forest school initiatives that I have seen recently was in Tollcross in Glasgow,

where the children were taking part in forest school activity in a neighbouring park. Forest schools can contribute greatly to—*[Interruption.]* There is further shouting from members; I am surprised about that. It is important that forest schools are recognised as contributing to every part of society. If some people cannot get their heads round such innovative education, perhaps I could invite them to go and visit a forest school, which would enable them to discover how important such schools are.

Europe, External Affairs and Culture

The Deputy Presiding Officer (Trish Godman): Question 1 has not been lodged.

Access to Information (Games for Scotland)

2. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what is being done to ensure that British Sign Language users and deafblind people in Scotland have equality of access to information about the games for Scotland programme. (S3O-10575)

The Minister for Culture and External Affairs (Fiona Hyslop): The Scottish Government values diversity and equality and works to ensure that all people in Scotland have equal access to information.

As part of the Government's commitment to enabling diversity and ensuring equality, on 1 June officials will host a workshop with groups that work in the equality and diversity sector. That will allow us to hear from them about how the interests and groups that they represent can best be involved in legacy activity. We will use two BSL/English interpreters to help deaf BSL users who attend the event. The outcomes from the workshop and the comments that are expressed by attendees will be circulated to all stakeholders to inform their programme planning, including their planning for the games for Scotland programme.

Cathie Craigie: I applaud the desire to inspire and develop a range of events and activities looking forward to and beyond 2014 that will take place across the country this year. However, the Government and its partners must include all Scotland's people in that process. Will the minister ensure that the outcome of the event that is to be held on 1 June is a fully inclusive programme that can engage and encourage all our people to be involved in benefiting from the 2014 games?

Fiona Hyslop: I hope that the reassurance that I gave in my first answer deals with the member's point. I will draw the attention of Shona Robison, the minister who is responsible for such matters, to it. I am aware of Cathie Craigie's long experience in this area. She might want to write to Shona Robison with suggestions before 1 June,

so that they can be considered as part of the preparation process.

Scotland's Role in Europe

3. Sandra White (Glasgow) (SNP): To ask the Scottish Government whether it has plans to meet the new United Kingdom Government regarding Scotland's role in Europe. (S3O-10631)

The Minister for Culture and External Affairs (Fiona Hyslop): We are planning sustained engagement with the new UK Government on European Union issues over the coming weeks. Indeed, that has started already with discussions between the First Minister and the Prime Minister on Friday. A key area to stress is the importance of the Scottish ministers having a greater role at Council of Ministers meetings and the positive contribution that Scotland can make to the UK's EU engagement. The next joint ministerial committee on Europe, which has been scheduled for early June, will cover a range of issues relating to business at the forthcoming European Council of Ministers and wider co-ordination between the UK Government and devolved Administrations on EU matters.

Sandra White: I thank the minister for that comprehensive answer. Is it her intention to press for the Scottish ministers to be given parity with UK ministers when dealing with the European Union on matters of importance to Scotland, especially renewable energy, given that today's offshore evaluation study highlighted that Scotland is the offshore energy capital of Europe, which we would all agree demonstrates the huge potential of the industry to Scotland?

Fiona Hyslop: We will always pursue Scotland's interests and ensure that a positive contribution can be made to the deliberations. It is important to understand that the UK will be working with all the devolved Administrations in considering how that representation is taken forward. Clearly, in the four key priority areas for the Scottish Government, of which renewable energy and climate change is one, we would want to see a strong representation at those discussions.

John Scott (Ayr) (Con): When the minister meets the new UK Government, will she raise the issue of reducing numbers of days at sea for our Scottish fishermen and the inadequacies of the common fisheries policy? TR1 vessels have just been cut back from 140 days to 120 days, only three months into this year's scheme, and already it appears that Marine Scotland has got the days at sea allocation wrong again. Will she ask the UK Government whether there is anything that it can do to address the problems that our fishermen face?

Fiona Hyslop: As the member knows, Richard Lochhead is heavily involved in ensuring that the interests of our fishermen are at the forefront; that is why it was disappointing that the previous Government did not allow him to attend the meeting in Vigo. I hope that that position can be improved in my discussion with the current UK Government. The member can be assured that Richard Lochhead has been pursuing the issue with the UK Government. We will continue to do so, and to ensure that the best interests of Scotland's fishermen are put first and foremost.

Irene Oldfather (Cunninghame South) (Lab): The minister will be aware of the conclusions of the European and External Relations Committee's reports on Lisbon 2020 and the impact of the financial crisis, and their importance for Scottish stakeholders. Will she undertake, along with cabinet colleagues, to raise recommendations made in the reports with counterparts in the UK departments? Does she agree that such reports give a much-needed voice to organisations throughout Scotland that want to influence that important EU agenda?

Fiona Hyslop: The Scottish Government will be considering the committee's reports. I understand that committees of the Parliament can send their reports directly to the UK Government, and I have no doubt that the European and External Relations Committee has already done that. It is important that we think forward positively and identify areas on which we can work together. Indeed, at the informal culture council meeting in Barcelona, I raised the issue of the creative industries in relation to the Europe 2020 strategy. There are different aspects that we can take forward. I am pleased that, as we debated last week, the Europe 2020 strategy reflects a number of the four key areas that the Scottish Government wants to pursue. We have a constructive and positive role to play.

Built Heritage

4. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what action it is taking to protect Scotland's built heritage and what support it is offering to programmes such as the Dysart townscape heritage initiative that aim to restore Scotland's unique structures. (S3O-10585)

The Minister for Culture and External Affairs (Fiona Hyslop): The Scottish Government shares with all the people of Scotland a pride in our nation's built heritage. It inspires us and gives us our sense of place. I have recently introduced the Historic Environment (Amendment) (Scotland) Bill to the Parliament. It is a tightly focused, amending bill that makes specific practical improvements to the legal framework for heritage protection and will provide a much improved legislative toolkit to help

protect and enhance our rich historic environment for future generations.

The Scottish Government, through Historic Scotland, has awarded £395,000 to the Dysart conservation area regeneration scheme, which is part of a joint local authority, Heritage Lottery Fund and Historic Scotland conservation initiative aimed at addressing the needs of the area.

Marilyn Livingstone: I am sure that the minister will join me in thanking and congratulating everyone who is involved in that important local initiative.

Which recommendations from the review of building preservation trusts will be acted on as a way to preserve Scotland's built environment culture, and what support will be given to local building preservation trusts to enable them to continue to restore and maintain Scotland's important historic built environment?

Fiona Hyslop: There are a number of areas in which we can work, particularly with reference to Historic Scotland's conservation area regeneration scheme, under which 20 local authorities across Scotland have been awarded grants for 20 individual conservation area scheme projects. Just over £30.4 million has been allocated in grants from the original programme reserve, and a further round of bids will be invited for round 4 of the programme.

In addition, the Scottish Government has been supporting a number of other areas. The presence of Jeremy Purvis in the chamber reminds me that I recently visited Abbotsford, where I announced contributions from Historic Scotland, Scottish Enterprise and the Scottish Government of £2.25 million to help the built heritage environment there and to preserve and promote a vital part of Scotland's culture that is related to Sir Walter Scott.

Aileen Campbell (South of Scotland) (SNP): The minister might be aware of work that I am doing to help to preserve the future of Carluke's high mill, Scotland's best-preserved example of a windmill. However, efforts to save it have been thwarted due to the fact that it is privately owned, and the owner has demonstrated absolutely no desire for the building to be maintained or restored.

Does the minister agree that the private owners of buildings with significant historic value have an absolute duty to help to preserve Scotland's history and a responsibility to do all that they can to ensure that that history is not lost forever?

Fiona Hyslop: I understand members' frustrations with regard to certain buildings, but owners of listed buildings and scheduled monuments are responsible for their upkeep.

Ministers encourage them to take that responsibility seriously. We provide advice and, indeed, grants are available from Historic Scotland to assist with repairs. If owners allow buildings to deteriorate, powers are available to allow local authorities to intervene and require repairs to be carried out. I understand that, in the case of Carluke's high mill, South Lanarkshire Council is actively discussing with the owners the potential to secure its future.

Rhona Brankin (Midlothian) (Lab): I know that the minister has recently visited the Scottish Mining Museum in Midlothian. Although I welcome the funding that has been made available to the museum, it in no way sustains a long-term and sustainable future for the museum.

If the minister agrees that the museum in Newtongrange is a national—indeed, an international—asset for Scotland, will she finally commit this Government to making it a part of the National Museums of Scotland, which will put our coal-mining heritage up where it belongs, as a central part of Scotland's cultural heritage?

Fiona Hyslop: The member will be aware that the Scottish Government is conducting a review of such matters through the museums think-tank. That will be informed by considerations of our industrial heritage.

I was pleased to visit the museum recently and to make announcements of funding for it. We need to think about international heritage and our national heritage, and what shape that might be. As I saw when I visited the museum, there are challenges in relation to the capital that is required, which might require some challenging thinking. I am open to that and have encouraged all players to think constructively about that.

A solution has to be found and, as someone who comes from Ayrshire, and who is from a mining family, I share the member's view that our coal-mining heritage is a vital part of Scotland's culture, history and heritage. We have to find practical ways of taking action around that. I know that the member will continue to lobby effectively on the issue.

Ted Brocklebank (Mid Scotland and Fife) (Con): The minister has indicated previously that Historic Scotland is to adopt a more realistic attitude in its role of protecting Scotland's built heritage. What steps have been taken to end the impasse at Crail in Fife, where, as I have previously outlined in the chamber, a derelict wartime airfield was given historic listing, which, for more than a decade, has prevented a local farmer from developing his own land?

Fiona Hyslop: I will ask Historic Scotland to tell me what the current situation is and will share that information with the member.

There are situations in which we have to ensure that places are protected but also that there is opportunity for change. The different climate and atmosphere that I know is coming to bear on Historic Scotland through its new leadership is making a difference, but we must ensure that we assess each case on its merits and continue to work with local authorities. The Government is bringing forward plans to engage with local authorities and give them more power where possible, because they are, in many cases, aware of the practical issues surrounding developments.

There are challenges. Previous questions that I have answered today have covered issues such as the requirement for protection. There is not necessarily movement in that area, but some people want development as opposed to preservation. The questions that members have asked in the past few minutes have exhibited the tensions that exist in this area, but we are trying to provide practical steps forward. The forthcoming bill will help the situation, and we have consulted heavily with local authorities to break some of the impasses that exist.

Secretary of State for Foreign and Commonwealth Affairs (Meetings)

5. Michael McMahon (Hamilton North and Bellshill) (Lab): To ask the Scottish Executive whether the Minister for Culture and External Affairs has plans to meet the incoming Secretary of State for Foreign and Commonwealth Affairs. (S3O-10591)

The Minister for Culture and External Affairs (Fiona Hyslop): I look forward to developing a productive relationship with the Secretary of State for Foreign and Commonwealth Affairs, based on principles of mutual respect and parity of esteem. I have no immediate plans to meet the secretary of state, although I hope to meet him when he chairs the next meeting of the joint ministerial committee on Europe, which is scheduled for early June.

Michael McMahon: When the minister meets the secretary of state, will she impress on him that, although it would be inappropriate for the Scottish Government to duplicate any work by the Foreign and Commonwealth Office and the Department for International Development, the unique partnership in areas of special interest between Scotland and Malawi that was established by the former First Minister Jack McConnell should continue to be respected and supported?

Fiona Hyslop: I will be happy to do so if I get the opportunity. I reassure Michael McMahon that I have already written to the Secretary of State for International Development to make exactly those points.

Calman Commission (Recommendations)

6. Patrick Harvie (Glasgow) (Green): To ask the Scottish Executive what discussions it has had with the United Kingdom Government regarding its intention to implement the recommendations of the Calman commission on Scottish devolution. (S3O-10541)

The Minister for Culture and External Affairs (Fiona Hyslop): The First Minister discussed the UK Government's plans for implementing the Calman commission recommendations with the Prime Minister and the Secretary of State for Scotland last Friday.

In my discussions with the secretary of state yesterday, I made clear that the Scottish Government wants early progress on transferring powers to the Scottish Parliament in those areas in which there is agreement. I also raised concerns about the financial aspects of Calman.

Patrick Harvie: Some of those concerns are shared. The Calman report goes into several areas of possible devolution of taxes, but its 266 pages contain very little detail on the implementation of such taxes. The UK Government has not provided such detail either.

Does the Government agree that it is important to devolve control over the structure of air passenger duty rather than just the rate, so that we can use it as an additional lever and disincentive for short-haul domestic aviation? That might give us some faith in the words that I am sure we are about to hear from Stewart Stevenson in the following debate on the replacement of domestic aviation with high-speed rail.

Fiona Hyslop: We will agree to disagree on some of the financial aspects of Calman. The climate has moved on in a number of areas in relation to finance. The attitude of the previous Government meant—dare I say it—that some of the Calman recommendations were part of a long-haul operation. The question was whether the recommendations would be implemented, rather than what we would do with the powers once they were implemented. The member is right to raise those issues.

Discussions will continue on which powers can be transferred and what that would achieve. I hope that the new climate will allow us to have an open discussion on the larger areas such as taxation, and on some of the areas in which—as the member mentioned—levers can be used to provide incentives.

I cannot speak on Stewart Stevenson's behalf, but I suggest that Patrick Harvie comes back on the issue in this afternoon's debate.

Pauline McNeill (Glasgow Kelvin) (Lab): Given that the Parliament voted to support the

Calman commission proposals, will the Scottish Government respect its will and urge the new Liberal-Conservative coalition Government to implement all the proposals, including progressing the tax proposals, before the Holyrood elections in 2011?

Fiona Hyslop: There was a difference of opinion among all the different parties on the Calman commission proposals. I have answered the first question. There is an open dialogue, which I will continue to pursue in the areas on which there is agreement.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Let us hope that we do not have a continuation of the previous United Kingdom Government's very slow pace on the issue. Will the minister confirm that, even if the Scottish National Party does not agree with some of the Calman recommendations being implemented, that is not a justification to have them blocked? Does the minister agree that it is for this Parliament to be involved in any further devolution of powers to this Parliament, rather than for an Executive of this Parliament to seek to block them?

Fiona Hyslop: I prefer to think in the positive. It would take only 40 days, with Privy Council approval, for some of the orders that are already drafted to make progress. A number of the power changes would require orders in this Parliament and, of course, it would be open to this Parliament to take views on the orders that are presented to it.

High-speed Rail

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-6349, in the name of Stewart Stevenson, on the high-speed rail link.

14:56

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): At the outset, I recognise that Robert Brown is speaking on behalf of the Liberals—on Monday, I spoke to Alison McInnes about this debate, and I hope that she has a speedy recovery from the temporary ailment that is keeping her from us today.

I realise that it is just over a year since we last debated high-speed rail as a group. On that occasion, we convened to welcome the Transport, Infrastructure and Climate Change Committee's report on the potential benefits of high-speed rail and as a Parliament established—early on—our shared commitment to bringing high-speed rail to Scotland.

The clear vision set out by our colleagues on the committee, and the overwhelming consensus displayed in the chamber, have directed our work on high-speed rail in the past year. In the course of the year, we have experienced the harshest winter for 40 years, which affected travel across the UK—indeed, at home we had 14 consecutive weeks of snow, something that we have never had before. More recently, volcanic ash from Iceland has closed our airspace and disrupted the plans of many thousands of travellers. Both events clearly demonstrate the cost to the economy of disrupted travel plans and the essential value of cross-border and international travel to our economy.

With predictions that eruptions and ash clouds will continue to disrupt flights for a considerable time—perhaps even years—we can look with some envy at our European neighbours whose high-speed networks are well established and who have much less reliance on short-haul aviation.

The past year has seen major reports on high-speed rail from both Network Rail and Greengauge 21. We also established a broad-based stakeholder group, drawn from Scotland's business and transport communities, to direct the production of Transport Scotland's strategic business case for high-speed rail to Scotland, which was published in October 2009. Those reports clearly set out the economic and environmental benefits of high-speed rail to Scotland and the United Kingdom and highlighted Scotland's centrality to the case for a UK network.

Let me remind the Parliament of some of those benefits. High-speed rail could bring economic benefits worth £20,000 million to the Scottish economy, mainly through reduced journey times, and a further £5,000 million of wider economic benefits through job creation in areas close to the line and agglomeration. In addition, a three-hour journey time between Scotland and London would create substantial modal shift from air, with reduced carbon emissions—at three hours, high-speed rail could capture 67 per cent of the overall travel market between Scotland and London, and at 2.5 hours the figure could rise to 80 per cent. That contrasts with the current situation, in which approximately 7.2 million people travel between central Scotland and London but only about 1 million of them travel by rail. Crucially, those reports show that Scotland is central, not peripheral, to the business case for high-speed rail in the UK.

On 11 March, the Department for Transport published its command paper on high-speed rail, which outlined the then UK Government's commitment to high-speed rail from London to the midlands by 2026, with extension to Manchester and Leeds after that. There is a great sense of disappointment in the Scottish Government and, more fundamentally, among our stakeholders that Scotland has not yet been firmly included in the plan. We must try to change that. The business and transport communities as well as politicians of all parties in Scotland agree that including Scotland in any new network, from the start of the planning process, completes the case for high-speed rail in the UK.

Although the DFT's proposal makes small concessions to Scotland—for example, hybrid high-speed rolling stock will operate on classic lines to Scotland from 2026—it is vital that high-speed rail's reach to the north extends beyond those cities, with full high-speed lines. There is no sensible alternative.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): On planning, has the Scottish Government started any scoping work on potential routes for central Scotland and the north of Scotland?

Stewart Stevenson: Part of the brief of HS2 Ltd, which was established by the UK Government through the Department for Transport with substantial support from us, is to plan the entire high-speed rail network. We support that. Thus far, we have proceeded on the basis that it is HS2's responsibility to undertake that work. I had discussions on the subject with the previous Secretary of State for Transport, and he was clear on our views. Although I have spoken to the new secretary of state, Philip Hammond, on two occasions so far, that has been on the matter of

ash. However, we will discuss high-speed rail and how it should be planned for in future.

Charlie Gordon (Glasgow Cathcart) (Lab): Is there any provision for high-speed rail in national planning framework 2?

Stewart Stevenson: We said in national planning framework 2 that high-speed rail is an important part of what we want to do. We are clearly committed to it in principle. I do not believe that any member would dissent from that shared view.

I do not want to get unduly bogged down in the detail of who actually does the planning, although I will return to the Liberal amendment. The important point is that the planning is done, because failure to bring the high-speed line to Scotland would significantly disadvantage the Scottish economy, as it would affect its attractiveness as a place to visit and do business.

Of course, bringing high-speed rail to Scotland would not mean that we alone would derive a benefit. The connectivity between London and Scotland gives the opportunity to redraw the economic map of the UK. There would be benefits to Edinburgh from a fast connection to Birmingham and vice versa, and Manchester could derive benefits from a high-speed connection to Glasgow.

Patrick Harvie (Glasgow) (Green): Does the minister accept that those who make arguments about increased connectivity, as he seems to be doing, only strengthen my concern that some people consider high-speed rail to be an addition to the existing connections by air, rather than a replacement for them, which completely undermines any environmental case?

Stewart Stevenson: I do not see it as an addition; I see it as a replacement. With a journey time of two and a half hours, the overwhelming majority of people would, without Government intervention of any kind, travel by rail, because it would make sense. It is in that context of making sense that we are here today.

At present, there is no firm UK Government plan, but the Scottish Government and Parliament can work to present our clear vision for how to make progress on high-speed rail. All parties have the opportunity to promote the case for high-speed rail to Scotland. Promoting it is one thing but, on the basis of the plans that the DFT presented earlier in the year, we are preparing for the introduction of hybrid high-speed trains on routes to Scotland. We are working with the rail industry to understand fully whether the capacity offered by those trains will be enough to meet expected demand or whether further measures will be needed. We also need to understand gauge issues, and the impact on line speed and other

west coast operators. Paradoxically, when one puts a high-speed train on our existing railways, it has to be light and cannot tilt, therefore it runs more slowly on our rails than the existing tilting trains.

We have asked Network Rail to develop work to give us a clearer picture of likely implications. We are giving attention to the matter of terminals in our two major cities—the correct location and specification of high-speed terminals will ensure that high-speed rail fits with our existing strategic plans—for example, how high-speed rail in Glasgow adds to our plan for overall rail enhancement for the west of Scotland. We need to understand the opportunities for onward travel locally and across Scotland, and the potential to contribute to regional and national economies. When 100 per cent of our electricity is from renewables—and we are talking about electric railways—the carbon cost of running our railways will essentially be zero.

There is in Scotland a clarity of vision for what we want to do with rail. We have set out bold plans for future strategic investment in our rail network. The strategic transport projects review specifies electrification of the strategic rail network and structured programmes of improvements across Scotland—on the Edinburgh to Glasgow line and between Aberdeen and the central belt—to deliver capacity in the west of Scotland, including for high-speed rail. The national planning framework refers to HSR as a key component of future economic sustainability.

It is disappointing that the DFT does not yet have Scotland in its plans, but that is not by any means the end of the story. People here have a role to play in changing that. This Parliament's voice is crucial. Let us seize the opportunity to state a clear vision for high-speed rail in the UK, one that includes Scotland and delivers benefit across the UK.

I move,

That the Parliament welcomes the work of High Speed Two, Greengauge21 and Network Rail, among others, which have developed the case for high-speed rail in the United Kingdom during the last year; notes the strong economic and environmental case for extending high-speed rail to Scotland; notes the opportunity to engage with the new Westminster administration to secure Scotland's place in a UK high-speed rail network, and supports work to bring high-speed rail to Scotland at the earliest opportunity.

15:07

Charlie Gordon (Glasgow Cathcart) (Lab): I congratulate the Scottish Government on this debate, which, as the minister said, adds impetus to the response to the issues raised in the Transport, Infrastructure and Climate Change

Committee's report on high-speed rail that we debated in the chamber on 22 April 2009.

Since that time, a number of significant developments have taken forward the high-speed rail agenda. The minister highlighted some of them, and I will speak about some more. I am gratified that some provision for high-speed rail is being made in the context of national planning framework 2. That is potentially helpful, but of course not irrevocable, as the cancellation of the Glasgow airport rail link showed—another project that was provided for in national plans.

Through their collaboration project, Glasgow and Edinburgh jointly commissioned a study into high-speed rail serving those two cities, which found that, with the right design, it could make an incremental contribution to the development of a high-speed rail network between Scotland and London. The potential additional benefits to the economies of both cities are significant and have been estimated at between £1 billion and £4 billion.

It is my view as an old railwayman that a significant development since our debate a year ago was the publication last August of Network Rail's new lines study. That is a rather bland title for such a significant and visionary report. It is difficult to overstate the significance of the report, which recommends a high-speed rail line to London, splitting at a junction called Caledonian junction at or near Carstairs, serving with separate train services the cities of Glasgow and Edinburgh, with branches to Liverpool and Birmingham. It presents the scenario that Glasgow would go from the present position of having one train an hour to London—with some gaps during the day—and a journey time of four and a half hours to having two trains an hour and a journey time of two hours and 16 minutes. Edinburgh would go from having one or two trains an hour to London on the east coast main line to having two trains an hour by high-speed rail and the journey time would reduce from four hours and 13 minutes to two hours and nine minutes.

Network Rail's study mentions the possibility of a major modal shift from aviation to rail, but it makes the point—after all, this is our publicly owned railway infrastructure operator talking—that the additional rail capacity for passengers and freight will be needed in a few years' time in any case. Britain needs a major new trunk railway, so we might as well design it to be capable of taking high-speed trains.

Perhaps the most significant point in Network Rail's report is that the line has

“a sound ... business case”

and will pay

"for itself".

That is tremendously significant.

Robert Brown (Glasgow) (LD): Does Charlie Gordon accept that the business case depends on high-speed rail coming to Scotland? That will produce the big modal shift. If the line does not go as far as Scotland, the business case is far less substantial.

Charlie Gordon: Absolutely. In the lead-up to publishing last year's report on high-speed rail, our Transport, Infrastructure and Climate Change Committee took evidence from many people from the south of England who opposed the expansion of Heathrow airport and who well understood that their arguments made sense only if we Scots benefited sooner rather than later from high-speed rail connecting us all the way to London.

Another significant staging post, which the minister mentioned, was the response of Lord Adonis—the outgoing UK Secretary of State for Transport—to HS2's proposals for an initial new high-speed line between London and Birmingham. The minister mentioned disappointment about that, but completing that line would reduce the end-to-end journey time between London and Glasgow by some 30 minutes. The phase 2 proposals for northern extensions to Manchester and Leeds would save at least a further 15 minutes on the journey times to Glasgow and Edinburgh. It is not the case that there was nothing for Scotland in what Adonis did, but of course it fell far short of the physical infrastructure for high-speed rail coming all the way to Scotland.

Stewart Stevenson: I agree with what Charlie Gordon says about speeding up journeys, but does he accept that, as the hybrid trains for high-speed rail lines would run more slowly on existing track than do tilting trains, the risk is that they would slow other traffic to Scotland on the west coast main line? A complex set of interactions means that we can get out of the bit only by having high-speed rail all the way as early as possible.

Charlie Gordon: That argument has some merit, but I refer the minister to Labour's amendment, which refers to other incremental steps to speed up the end-to-end journey time before we ultimately arrive at high-speed rail. Several sensible operational suggestions are around in the railway industry, such as those to remove pinchpoints and straighten bends on the west coast main line, which could give us speedier journeys as part of an interim strategy. That applies in the context of re-letting the franchise for the west coast main line in 2012. The existing franchisee, Virgin, has several suggestions for speeding up our journeys.

Another significant development is the announcement by the new Con-Dem UK Government of the cancellation of plans for a third runway at Heathrow airport. Although HS2's proposals for London to Birmingham were not predicated on achieving modal shift from air to rail for that relatively short stretch, a high-speed rail link from London to Scotland must be predicated on modal shift to a substantial degree. In principle, a high-speed rail link between Glasgow and Edinburgh and London would enable some domestic flight slots at Heathrow to be replaced by international long-haul flights, albeit that Scotland, especially Aberdeen and Inverness, would need to retain reasonable aviation links to Heathrow to interline with such flights.

I make no apology for returning to Network Rail's study, which is the most comprehensive and thorough in the field. It concludes that modal shift from aviation will be facilitated but that the UK's trunk rail networks for passengers and freight need new capacity anyway. We should future proof that for high-speed rail, which will pay for itself. However, we should not mess with the route that Network Rail has recommended, which was not cut across by HS2's proposals. Before the election, there was some talk, especially from the Conservatives, of having a different route and consultation procedure. That is a recipe for delay and the wrong strategy. Is a new station at Heathrow, costing £2 billion, really necessary?

There is an incremental strategy that we can pursue. However, today I am excited, because I see high-speed rail getting closer. We are moving faster and faster towards it.

I move amendment S3M-6349.1, to leave out from first "and" to end and insert:

"the Transport, Infrastructure and Climate Change Committee and Network Rail, among others, which have developed the case for high-speed rail in the United Kingdom during the last year; notes the strong economic and environmental case for extending high-speed rail to Scotland; notes the opportunity to engage with the new Westminster administration to secure Scotland's place in a UK high-speed rail network, and supports work to bring high-speed rail to Scotland at the earliest opportunity, as well as supporting interim steps to reduce rail journey times between Scotland and London".

15:17

Alex Johnstone (North East Scotland) (Con): I start where Charlie Gordon left off. He is excited at the prospect of high-speed rail coming to the United Kingdom. I, too, am excited and, I must say, surprised by the speed at which the idea has developed over a relatively small number of years. Ten or 20 years ago, who would have thought that, to use an old advertising slogan, we would be returning to the age of the train? Yet here we are.

Anyone who knows anything about the economic history of the United Kingdom knows the significant part that the railways played in it. In the latter part of the industrial revolution, railways became the driving force for a great deal of what happened in this country and supported economic growth. There is an argument that, in the post-war years, we resorted to road and, ultimately, air traffic to serve some of our northern cities, but the railways were still important for a significant part of that period. However, we reached a point at which people thought that the railways were no longer important. We saw the Beeching cuts and both freight and passenger traffic being moved off our railways on to the roads. That is why it is so interesting that we find ourselves at a crossing point in history, where things have begun to change radically once again. It is gratifying that every political party represented in the chamber is keen to grasp the opportunity that has been presented to us.

The two parties that are in a position to grasp it most effectively are the Conservative party and our partners on my left—in more ways than one—the Liberal Democrats. I have in my hand a document entitled “The Coalition: our programme for government”; I am glad to see that my colleagues also have a copy. I will quote one small paragraph that makes the new Government’s intention clear. It states:

“We will establish a high speed rail network as part of our programme of measures to fulfil our joint ambitions”—

the word “joint” refers to us and the Liberal Democrats—

“for creating a low carbon economy. Our vision is of a truly national high speed rail network for the whole of Britain.”

However, it goes on to say, as I will, that

“Given financial constraints, we will have to achieve this in phases.”

Stewart Stevenson: Will the member take an intervention?

Charlie Gordon: Will the member take an intervention?

Alex Johnstone: Oh, the rush.

Stewart Stevenson: You choose.

Alex Johnstone: The minister first.

Stewart Stevenson: Thank you.

Is Alex Johnstone minded to support the Liberals, who wish to fragment the effort by removing the responsibility that currently lies with HS2 for developing the plans and bringing it to Transport Scotland, thus having two bodies with responsibility, or is the member otherwise minded?

Alex Johnstone: At this stage, I wish to be as broadminded as possible and to work as closely with my Liberal colleagues as their proposal will permit. Consequently, we are likely to support their amendment at 5 o’clock, and we hope that they feel similarly minded.

Charlie Gordon: The member quoted his new coalition Government’s statement that

“Given financial constraints, we will have to achieve this in phases.”

However, Network Rail says that the business case exists and that the project can pay for itself. Why reinvent the wheel financially?

Alex Johnstone: I will give Charlie Gordon the same answer that I gave a moment ago—I am broadminded and open to suggestions. We must be careful, however, and understand that there are economic pressures in this country. Surely someone speaking for the Labour Party will be aware of them and of what perhaps caused them.

The opportunities for recovery and the opportunities that Britain will have when we emerge from the situation that we are currently in will allow us to look forward to a brave new world where there will be new opportunities for new investment—public or private—to bring forward the proposed development.

In the limited time that is available to me, I will comment on a couple of issues that have already been mentioned, but I will do so in a slightly different way. There is an inextricable link between the proposal to develop high-speed rail and the decision by the current Government not to support the third runway at Heathrow. We have heard from several people about how those things are tied together.

We have also heard about the associated environmental case. I point out that there is more than simply an associated climate change case. I accept the climate change case that the line must come all the way to Scotland, because that is the only way to achieve the necessary modal shift to cut the number of flights over that distance. That is indeed important. However, it is also important for us to remember that there is an environmental issue that is not directly based on climate change: people who live under the approaches to London’s airports, particularly Heathrow, are subject to the environmental impact of large numbers of aircraft. Anything that can be done to take that pressure away from those who live under that airport’s approaches will benefit them in an environmental sense that is different and separate from the climate change issue. It is therefore essential for the people of west London and the Thames valley that the proposed scheme comes as far as Scotland as early as possible when it is

developed. Only then will it begin to deliver to them the environmental benefit that they expect.

The project will have benefits at both ends. A high-speed rail link from Scotland to London will benefit people in London as much as people in Scotland. That is why the proposal is a classic example of a project for the union that should be delivered by the union. Long live the United Kingdom!

I move amendment S3M-6349.2, to insert after second “network”:

“; welcomes the commitment in the *Conservative-Liberal Democrat coalition negotiations - Agreements reached* document, published on 11 May 2010, to establish a high speed rail network”.

15:23

Robert Brown (Glasgow) (LD): I was struck by the minister’s observation of the potential for high-speed rail to redraw the economic map of the UK. In a way, that is the biggest issue underlying this subject.

For journeys between Scotland and London and other major cities in England, air travel is a mode of transport that should, in this day and age, be unnecessary, but the sad fact is that the high-speed rail that is necessary to reduce rail journey times from Edinburgh or Glasgow to London to under the tipping point of about three hours lags far behind that in other countries. Under the Labour Government, plans were announced to build an initial link from London to the midlands, which would not start until 2017 and would not be finished until 2026. That was a high-level aspiration, but no concrete plans or detailed examination of a possible extension to Scotland were made.

Charlie Gordon: In view of what he has just said, does Robert Brown not agree with Norman Baker, who was the Liberal transport spokesperson until the recent UK general election? He said in the House of Commons as recently as 11 March:

“I congratulate HS2 on producing a route that, I think, minimises environmental damage while maximising the usefulness of the line.”—[*Official Report, House of Commons*, 11 March 2010; Vol 507, c 453.]

Robert Brown: I do agree. If Charlie Gordon had waited until I had finished my point, he would have heard that it was not about that section of the route but the section that would go up to Scotland.

Lord Adonis, the former UK Secretary of State for Transport, claimed in March this year that no talks had yet taken place between the UK Government and the Scottish Government over the potential funding of a Scottish high-speed rail link. I was interested by the minister’s comments

about the strategic business case, his high-level clarity of vision and the fact that it is being left to the UK Government to make progress on the matter through the agencies that are referred to in the motion. However, as he should recognise—the Parliament and the public certainly will—there is a big difference between the demand and vision for high-speed rail and the concrete work on developing the detailed proposals for it, particularly with regard to the Scottish end of the route. I am interested to see how the Government will push, under its devolved responsibilities, to advance the issues.

Stewart Stevenson: Will the member give way?

Robert Brown: I would like to make a little bit of progress, if I may.

We have a new Liberal Democrat-Conservative Government as my colleague on the right, Alex Johnstone, mentioned. It has renewed and refreshed the commitment to high-speed rail, echoing calls from Liberal Democrats—including me—over a long period. The coalition agreement has a developed commitment on the network.

High-speed rail has many advantages. We will not go into them in detail, but there are environmental, journey-time and economic benefits. It frees up capacity and provides a stimulus to the economy. However, the long-term gains to Scotland are to bring us much closer in real time to our markets and to reduce travelling time.

We all know that there are considerable design challenges—the minister touched on that. They involve identifying the route, determining how it is phased, its links with existing services, the extent of the need for hybrid trains and the potential for speeding up the project. Some of that work has been done on the section from London to the midlands. We must concede that, in terms of the numbers of people whom that section would benefit, there is no contest with the other end of the route, but the benefits are not as huge at the southern end as they are at the Scottish end.

Unless we can reduce travel time between Scotland and London, the benefits and economic case will not be fully realised. Indeed, there is a downside, which is that the Scottish economy could be disadvantaged for a number of years, pending completion of the full route, by the greater benefits to cities in the midlands and the north of England including Manchester, Leeds and Sheffield. Members may know that Network Rail concluded that the construction of dedicated HSR infrastructure is economically viable only if the network includes Scotland. The reason is the modal shift point that a number of members have made.

It is imperative that the Scottish Government engages fully with the process now and that it gets Transport Scotland to work up details of what would be needed for the northern section to Glasgow and Edinburgh. That section might be more easily built as it would not have to pass through large urban areas—certainly from roughly Preston northwards—with all the complexities that that entails and which we know from the channel tunnel line through Kent. However, if Transport Scotland does not do it or it is not done in proper association with the agencies in the south, there is a distinct risk that it will not be done at all.

Stewart Stevenson: Transport Scotland is, of course, working closely with HS2 and we are part of the process. We are at the top table representing Scotland's interests and ensuring that it is happening.

Robert Brown: I accept that assurance, but the proof of the pudding will be in the detailed plans that emerge from that process, for the Scottish end of the route in particular. We need to be innovative in our approach. It is highly unrealistic to argue for building the whole project from Scotland south, or to contest the priority of the London to Birmingham section, but starting at both ends and working towards the middle is much more feasible. It has a major economic aim of reducing the disadvantage and maximising the benefit to the Scottish economy. The work might be able to progress faster at the Scottish end and with fewer objections. I say "might", because it is yet to be worked through. It would create job opportunities and lock in the commitment to the whole route, which might otherwise get cancelled north of Manchester at some point in the future, if we are not careful.

The Scottish end of the high-speed rail network must benefit the whole of Scotland, so effective integration and accessibility to all parts of Scotland must be built in from the beginning. It must also access the city centres of Glasgow and Edinburgh if the full benefits are to be realised.

High-speed rail for Britain is a long-overdue concept. It should be a major priority for the Scottish Government and I make no apology for pressing the minister on the details. He should tell us explicitly how he proposes to proceed in Scotland's interest. The project will fundamentally transform Scotland's connections with the rest of the UK and the prospects for our economy. We cannot afford to fail and it is a challenge for the Scottish Government and the UK Government to meet—and to meet in full.

I move amendment S3M-6349.3, to insert at end:

" , not least by the development by Transport Scotland, in association with UK partners, of detailed proposals for the Scottish end of the project."

The Deputy Presiding Officer (Alasdair Morgan): We come to the open debate with virtually no spare time, so members must stick to their six minutes.

15:29

Kenneth Gibson (Cunninghame North) (SNP): I agree with colleagues from all parties about the merits of high-speed rail. For years, its benefits have been demonstrated by countries around the world, so why does the UK, which is so dependent on air travel, remain so far behind? Now that Westminster has finally put forward a plan, why is Scotland being left almost as an afterthought in a project that might take decades to come to fruition? None of the UK parties has shown real commitment to high-speed rail beyond Manchester, notwithstanding the interesting points that Robert Brown made. Indeed, Robert Brown was right to point out that Network Rail does not see a positive business case in high-speed rail unless the route goes from Scotland to London.

I believe that Scotland should be included in the first stage of any high-speed rail development; Scotland must be part of the initial scheme. High-speed rail would bring economic benefits—of potentially tens of billions of pounds, as the minister said—but the evidence from Network Rail and Atkins consultancy shows that the scheme's benefits would outweigh its costs only if the line was extended to the whole of Britain.

Why should Scotland not be included? As the recent flight delays due to volcanic activity suggested, Scotland's economy should not be forced to rely on short-haul air travel. Scottish businesses should not need to wait 30 years before being connected to their larger European market. In that timescale, many of us, I am sad to say, will not be here to see the results. In Europe, fast rail has become the norm, so why do UK parties insist on tossing Scotland aside when we should be building direct connections to Scotland's major centres? We should not just accept the crumbs off the table.

Patrick Harvie: As I will say later, on balance I support the call for high-speed rail, but is Kenneth Gibson not overegging the pudding a bit when he says that businesses in Scotland are forced to rely on short-haul aviation? A journey time of four and a half or five hours to London is entirely doable, so the member overstates his case, frankly, by suggesting that any business or businessperson would not take that option.

Kenneth Gibson: To be honest, I think that Patrick Harvie shows a shocking lack of knowledge of business. All the studies have shown that significant economic benefits would arise from a high-speed rail link precisely because

it would reduce journey times. I realise that, if it was up to Patrick Harvie, we would still be at the horse-and-cart stage, but we need to move on.

What about our environmental goals? How will Scotland be a leader through reducing our carbon footprint when our businesses are dependent to a large extent on air travel? Reduction of our emissions from road and air travel must be key to achieving our targets. Given that Edinburgh is the second most visited city in the UK, how will we welcome more and more visitors in future years? We cannot expand our airports while we wait for a future generation to install a better way.

Dr Dan Barlow, who is head of policy at WWF Scotland, has said:

"Aviation is the fastest-growing source of climate pollution so it is critical that alternative, more sustainable transport options are promoted."

Colin Elliff, of 2M Group, told the Parliament:

"I envisage that the typical energy consumption of high-speed rail travel will be about one fifth of that of air travel. The environmental benefits are probably being understated at the moment."—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 18 November 2008; c 1056.]

One of the main arguments in support of high-speed rail is that it could improve capacity on the UK rail network.

Alex Johnstone: Will the member give way?

Kenneth Gibson: If I have time, I will give way later. I always like to take interventions from Alex Johnstone, but I need to move on.

The Transport, Infrastructure and Climate Change Committee's report on high-speed rail cites

"written evidence provided by National Express on the impact on French domestic aviation of the introduction of new high-speed TGV lines. This states that prior to the introduction of the TGV Mediterranean service ... rail held only 22% of the air-rail market between those destinations. Within four years of the introduction of the TGV service, the market share held by rail rose to 65%."

The report also cites others, who said:

"The lesson from other countries is that we must have vision and be bold. No one ever said that this kind of major shift would be easy: it requires political buy-in, vision and people working together."—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 18 November 2008; c 1056.]

To reduce demand for polluting short-haul flights, Scotland cannot be left behind. Labour's white paper described a connection to Scotland as a potential extension to be decided upon later. Far too often we hear of Scotland's needs being decided on later. Why cannot our needs come first for once? I recall driving from Glasgow to Southampton 20 years ago. The deadly A74—as it was—took me to the border, from where, as if by

magic, there was the M6 and motorway all the way down to London and the south coast. Scotland should not be a forgotten tail-end Charlie in rail as it has been in road. I am suspicious of the coalition agreement's phrase about completing the project "in phases", which Alex Johnstone mentioned. Clearly, that is a message that Scotland will, indeed, be last.

Alex Johnstone: My intervention is on the carbon efficiency of the railways and the effect on CO₂ emissions. Is Kenneth Gibson sure that the figures that he gave are properly representative of the UK mix of generation capacity rather than the much more nuclear-based capacity of France?

Kenneth Gibson: I do not accept that for a minute. Whichever way we look at it, rail uses less energy than other forms of transport do.

In its white paper, Labour goes on to admit that, if Scotland is not included in the first phase, a two-tiered build of high-speed rail will provide barely faster Glasgow to London times than are available at the moment. I say to Charlie Gordon that we hear of pinch points and straightening out bends, but we should be a bit more ambitious than that in the short-to-medium term.

If Scotland is not part of the first stage of high-speed rail, the long-term benefits to the whole of Britain will be drastically reduced. The real benefits will come from the planned connection to and from Scotland, as Network Rail recommends. The UK parties must commit to this. It should be no surprise that the Scottish National Party is committed to ensuring that Scotland is part of the first phase. I have not quoted the minister thus far; I will do so now:

"There has never been more interest in high speed rail in the UK as there is now. 2010 is the year for decisions on the future of high speed rail. The planning starts now and we need to be part of that process."

The new coalition Government in Westminster—

The Deputy Presiding Officer: I am afraid that the member's time is up.

15:36

Pauline McNeill (Glasgow Kelvin) (Lab): The time has come to make a serious commitment to faster trains. We need high-speed rail that competes with air; a turn-up-and-go network that goes long distances in the shortest possible time. That concept should not fail to attract public support, particularly as it also includes the prospect of reducing carbon emissions. It is a pity that the Scottish Green Party does not, on balance, wholly support that idea.

If we do not make a firm commitment to high-speed rail now, we will have missed the greatest opportunity in a generation to revolutionise

transport. It is disappointing that the new coalition Government does not seem to have given a firmer commitment to the project today, although I appreciate that there is time for the detail to emerge. I remind the party opposite that Theresa Villiers promised to bring forward high-speed rail by two years to 2015. I hope that that is still the Conservative party's position.

Jeremy Purvis: I am holding a copy of the previous Labour Government's 150-page command paper of March this year. Will the member remind the Parliament of the commitment in the document to the delivery of high-speed rail to Scotland?

Pauline McNeill: As Mr Purvis well knows, the Conservative party said that it could bring forward high-speed rail, but we did not hear that from the coalition Government today.

In supporting the amendment in Charlie Gordon's name, I draw the Parliament's attention to the critical need to shorten journey times including from Edinburgh and Glasgow to London. Even a commitment to high-speed rail now will not see that in place until nearer 2020. The public will be disappointed that we cannot achieve it sooner. Investment needs to be made in the existing rail network. That said, we need now to make the commitment to high-speed rail.

The previous Labour Government was responsible for getting high-speed rail firmly on to the agenda. Indeed, I lost count of the number of times that Lord Adonis, the Secretary of State for Transport, visited Glasgow central station in my Glasgow constituency to make the case for high-speed rail.

Glasgow City Council, the Strathclyde partnership for transport and the City of Edinburgh Council respectively are leading the way in calling for the business need for high-speed rail to be addressed. High-speed rail for Scotland has to be "central, not peripheral" to the design of HS2—I agree with those words. Scotland lost out before in terms of Eurotunnel. We cannot allow that to happen again.

Stuart McMillan (West of Scotland) (SNP): Will the member give way?

Pauline McNeill: I am sorry, but I do not have time.

Given that the HS2 report said that almost half of the increase in rail demand is from Scotland, the clear economic imperative is for Scotland to be included from the outset in any scheme. In fact, the argument is made that the way to secure Scotland's inclusion is to build the infrastructure from both ends with the Scottish Government preparing the groundwork for that by way of its national planning framework.

The former UK Government went beyond the recommendations of the HS2 report by making a commitment to route alignments to Manchester and Leeds. It proposed to secure a fleet of trains that are capable of running on high-speed and existing classic lines. Any part of the route that is high speed will benefit the whole journey time from parts of Scotland to London. It is important to recognise that any progress that we make is progress.

I believe that, if we can even get journey times down to three and a half hours, that will bring about a huge modal shift of passengers, who will choose rail over air. It makes sense that not having security checks in advance will mean that that change will happen.

Business users in Scotland have complained bitterly about the autumn flight schedules, which reduce their scope because of poor timetabling. A chief executive of a large development company that is based in London complained to me recently that the autumn schedule made travel to Scotland more difficult. It is clearly imperative to give business users another choice in how they travel to our cities.

Every country in the world has started to plan or build high-speed rail. In my recent trip to the US for Scotland week, we were briefed by two different organisations with differing views on the investment that was needed to create a network across the United States. For example, high-speed rail that would link Tampa and Orlando, reducing journey times to 90 minutes, demonstrates that even America is making a huge shift in policy from air to rail. However, like us, the US is already playing catch-up compared with other countries, for example, Spain is spending \$348 million. It is important to recognise that we must keep up with what is happening in other parts of the world.

I believe that ministers must use the national planning framework to pave the way to make high-speed rail possible. Being part of the UK has obvious benefits as we make the case for Scotland being in the first phase. I know that the minister, Stewart Stevenson, has argued hard for that, but I suggest that he would have to argue much harder if Scotland was outside the UK. The new Secretary of State for Scotland has a job to do in this regard, and I would like to think that he, too, was saying to the Secretary of State for Transport, Philip Hammond, that Scotland must be in the first phase of any high-speed rail.

15:41

Christopher Harvie (Mid Scotland and Fife) (SNP): I declare an interest as the president of the Scottish Association for Public Transport.

In 1840, a stagecoach took 42 hours to make the Edinburgh to London journey, and a paddle steamer took about the same time. A hundred years before that, the journey took a fortnight. By 1848, that had been cut to 12 hours by steam train. The actual building of the York to Edinburgh railway took three years, without dynamite, earth movers, structural steel, concrete or computers, but with the input of navvies. In the various schemes that are being advanced to us today, the quickest time to build the line seems to be about 16 years. One wonders what happened to progress in the interval.

That raises two questions. What are the delaying factors? Is the system itself right? The delays have historical causes; lawyers and landowners will take their time to make the sort of money that keeps them happy. Britons who do not manufacture very much value real estate and will sell it as profitably as they can. Can we economise by using existing transport routes? Well, the west coast upgrade came in at something like £9 billion to £10 billion above budget. When travelling on it, one wonders what that money was actually spent on. The complexity, of course, as we have found with the Edinburgh trams, arises from the stuff that is already there and the disruption that is involved in getting rid of it.

High-speed rail is the thinking man's motorway. Both entered the scene simultaneously around 1960 with the opening of the M1 and the start of Japan's Shinkansen programme: the first line from Tokyo was completed for the Olympics in 1964. Japanese industrial success followed it; it did not just give rise to it. The system is now Japan-wide and none of its trains runs late. In 2010, Britain has one short high-speed line, from London to the mouth of the channel tunnel, which enjoys a particular European record status, having cost the most to build of any line in Europe, at £23 million per mile.

The choice is stark. In fact, it is starker than anyone has made out here, because before the lawyers have finished there is a very good chance that oil will have run out or will be on the downward slope of the Hubbert curve. When getting the stuff out of new and difficult surroundings works, that postpones things up to a point; when it does not, as with the Deepwater Horizon, the global costs are penal. The cost could be \$500 million today and perhaps £10 billion in toto. Political upheavals and inflationary pressures from the expansion of the new industrial economies of Brazil, Russia, India and China must also be factored in. Peak oil will make our decisions for us. Electric and hydrogen cars still face intractable developmental problems, and there are essential fuel-oil uses in air, sea and road freight transport. So, when we hit the \$200 to

\$300 barrel, that will whack down on the automobile age like the guillotine.

We must think several moves ahead, and conventional steel-on-steel rail will not be enough. We can leapfrog it by using new technologies that are being developed—not only in transport—using computers and sophisticated software. That means that we must study and train our specialists in the countries that have already made the breakthrough. Where? It will most likely be China which, according to the *Financial Times*—which is the voice of God—plans to build more than 30,000km of track, most of it high speed, in the next five years. I goggled at that story and had to look again, but there it was. That is the same length of time that it has taken us not to build a 60km line from Edinburgh to Galashiels. It is good to see that Stewart Stevenson has now made a start on that, but a Chinese minister would probably have extended it to Spain by now.

For four years, a magnetic levitation system has been in operation between Shanghai and its airport. That is a technology that I commend to the Parliament. The maglev has no moving parts, it has only an electrical induction motor, but it offers higher speeds than conventional high-velocity trains and lower maintenance and installation costs, as it uses its own track.

Patrick Harvie: I am sure that Chris Harvie, who understands peak oil so well, also recognises that there will be constraints in electricity supply whatever mode of electrical generation we require. Does the maglev's mammoth electricity consumption not give him cause for concern?

Christopher Harvie: Mr Harvie has not read the *Die Zeit* interview with one of the scientists involved in the test track in Germany, who admitted that the type of computing that governs electricity supply is derived from the 1980s and that improvements in the just-in-time supply of electricity to the track would lower that type of cost well below the costs of the conventional steel-on-steel high-speed train. If we had such a system, there would be great economies in rolling stock. For example, the Edinburgh to Glasgow service could be worked by three units as opposed to 16 to 24 units. A maglev train is, in effect, a plane at a height of 1cm.

The Deputy Presiding Officer: I am afraid that the member's time is up. I am sorry.

15:48

Tom McCabe (Hamilton South) (Lab): There is a distinct feeling of déjà vu about the debate. If we were as good at building high-speed links as we are at talking about them, we might not be lagging as far behind the rest of the world as we are. For reasons that completely escape me,

although there seems to have been no difficulty in making the case for high-speed rail across Europe and in Asia—those countries and economies have surged ahead, improving the quality of life and choices of their citizens as well as their economic competitiveness—we in Britain have been stuck in a time warp that has reduced economic mobility and damaged our environment. It is high time that we recognised our shortcomings not in words but in deeds. There are 3,700 miles of high-speed track in Europe, and it is estimated that that figure will more than double to 9,000 miles in the next 10 years. It beggars belief that such progress can be made in continental Europe while we prevaricate and condemn our citizens to outdated, inefficient and uncomfortable modes of travel.

The benefits of a high-speed link to London for the business community in Scotland are both substantial and obvious: employees can keep in touch, can work on the train and can arrive refreshed and in a far more positive frame of mind. All of those things make the case for the benefits of using a high-speed link over air travel.

As we pursue ambitious climate change targets, it is surely time to recognise that we should be doing all that we can to reduce inter-city air travel, both within the United Kingdom and between the UK and continental Europe. If it is time to recognise that, it is surely time to act.

I am glad that Mr Johnstone had the decency to mention the caveat in the new Government's document. It could also be called the latest excuse. Any look back over history—Mr Johnstone mentioned that—shows that excuses, or phases, usually mean that Scotland will be last. It is up to Mr Johnstone and his new-found friends to ensure that that does not happen.

Gavin Brown (Lothians) (Con): Tom McCabe seems to be happy to criticise other parties. He talked about excuses. In 2008, the then Secretary of State for Transport, Ruth Kelly, said that a proposal for high-speed rail was

“hugely damaging to Britain's national interests”.

What does he say about that?

Tom McCabe: I am sure that Gavin Brown was listening to my opening remarks. I think it is implicit in what I have already said that the actions of all Governments over a long period have been insufficient in the area, and that they have been shamed by the actions of Governments throughout Europe, and now in Asia. I hope that the member will understand from those words what I think of the words that he quoted.

There is a unique opportunity for our Scottish Government to work in harmony with the new UK Government to progress a high-speed rail link. The UK Government has just scrapped the third

runway at Heathrow—I presume in the knowledge that there is a need to replace lost capacity and to do it in a way that is more sustainable and which will allow us to begin the long process of trying to match the forward thinking that has been exhibited for so long in continental Europe and, again, more recently in Asia.

The 125-mile stretch of track between Amsterdam and Brussels that opened last year cut journey times between the two cities by 30 minutes, and the journey time on the Amsterdam to Paris route dropped by almost an hour. The east European TGV track that opened in 2007 reduced journey times between Paris and Stuttgart and it now links Paris, Munich, Basle and Zurich, all with substantially reduced journey times. The high-speed link between Rome and Milan took an hour off the journey, while the Barcelona to Madrid link reduced the airlines' share of journeys between those cities to just 40 per cent.

Whatever else we do, we must act, and given how far behind we are, we must consider all the options. There is a lot of merit in what Christopher Harvie said. The projected cost of high-speed rail is £60 million per kilometre, and the projected cost of maglev is £30 million per kilometre. In an environment where, as the new Government's document recognises, there is fiscal restraint, it is surely justifiable to consider all the options that can bring progress more quickly and more widely across Britain. One reason for the difference in the cost is the fact that the land take that is required for maglev is one tenth of that for high-speed rail.

One thing is clear. Whichever option we choose, it is time to give our citizens, our environment and our economic competitiveness a chance. Adoption of a system that allows our citizens to travel and communicate far faster and by far more sustainable means is in our country's long-term interests and will allow us to stand up and compete effectively with other parts of the world.

15:54

Jim Tolson (Dunfermline West) (LD): The Scottish Liberal Democrats have always been committed to the establishment of a high-speed rail link from London to Scotland and have been calling for such a link for some time.

Under plans that were established by the previous UK Government, an initial link between London and Birmingham was proposed, with the intention to extend the route into a Y-shaped network by taking it on to Leeds and Manchester respectively. We believe that the Scottish Government must engage with the new UK Government as the development of the UK network progresses, and that both sides must work constructively to ensure that that happens. If

we secure simultaneous development from both London and Scotland, the Scottish Government, whatever its political flavour, must agree to contribute financially from day one.

By developing any proposed link from the northernmost and southernmost points simultaneously, we could minimise the possibility of economic disparity between the north and the south. It is possible that such an approach would also allow work to proceed at a faster pace. Furthermore, starting the process at both ends at once may provide a strong incentive to develop the route in its entirety.

The full historic concordat—I am sorry; the full historic coalition agreement between the Conservatives and the Liberal Democrats in Westminster has been published today. Section 30 of the text provides a reassuring focus on a whole-UK solution. The new Government says:

“Our vision is of a truly national high speed rail network for the whole of Britain.”

The Scottish Liberal Democrats have been calling for a high-speed rail network linking Scotland and the rest of the UK for years. We will write to the new UK Conservative Secretary of State for Transport, Philip Hammond, to put the case for Scotland. We will urge him to look at innovative approaches to the route's development that could benefit the whole of the UK.

Fundamentally, high-speed rail offers three distinct benefits. The first relates to capacity. As well as providing new services for passengers, high-speed rail will, because it will run on new, purpose-built lines, free up space on the traditional railway lines. Secondly, high-speed rail offers significant environmental benefits. It is estimated that 224,000 tonnes of CO₂ could be saved each year as a result of reductions in the number of short-haul, cross-border flights. Thirdly, the introduction of a high-speed rail link in Scotland could contribute significantly to stimulating Scotland's economy. Research by various groups has suggested that those benefits could amount to between £7 billion and £20 billion.

It is not only the Liberal Democrats who want the full potential of high-speed rail to be realised in Scotland; many other well-respected organisations do, too.

Kenneth Gibson: Other well-respected organisations?

Jim Tolson: I am glad that the member picked up on that. The Scottish Chambers of Commerce said:

“The Government's Heathrow decision”—
to cancel a third runway—

“therefore adds further weight to our calls for Scotland to be included from the outset in plans to develop the UK's High Speed Rail network. Both the Conservatives and Liberal Democrats have long expressed their enthusiasm for HSR and it is now time for delivery.”

High Speed 2 Scotland, which represents business interests in Scotland, said:

“Independent research has estimated the economic benefits of HSR to Scotland to be in excess of £7bn, and there are significant environmental and productivity benefits to be gained from the modal shift from air to rail that such an investment would bring to Scotland.”

Friends of the Earth Scotland said:

“Suggesting a high-speed rail link from London that ends in Birmingham is like swapping a horse for a donkey mid journey.”

KPMG has suggested that a UK high-speed rail network has the potential to boost annual economic output by between £17 billion and £29 billion by 2040.

In the Government's strategic business case, our own transport minister, Stewart Stevenson, argues that the case for high-speed rail in Scotland is “clear”, “compelling”, “crucial” and “current”. He says that the case is compelling because

“There is strong agreement that Scotland's economy will benefit from a high speed rail link connecting us to London and beyond.”

He says that the case is clear because the development of high-speed rail

“will lead to improved journey times and encourage modal shift, will address emerging capacity issues, and will bring economic, social and environmental benefits.”

He claims that the case is crucial because

“There has never been more interest in high speed rail in the UK as there is now. 2010 is the year for decisions on the future of high speed rail. The planning starts now and we need to be part of that process.”

He claims that the case is current because the

“Scottish Ministers have confirmed that a high speed rail link between Scotland and London is a national priority”,

and points to the link's inclusion in the national planning framework 2. Unusually, I find myself in agreement with Mr Stevenson.

To summarise, the Scottish Liberal Democrats and our historic coalition Government partners believe that whether for economic or environmental reasons, or simply to allow people to get to their destination more quickly, the whole of the UK should benefit. I hope that members across the Parliament will agree with us.

16:00

Gil Paterson (West of Scotland) (SNP): To highlight where Scotland stands when it comes to

the prospect of benefiting from a high-speed rail link, I must first put into context the chance of our goals being met. Some 50 years ago, construction began on the M74. Today, that vital project remains incomplete. Promises from London Governments that the work would be completed were never fulfilled, in contrast to the massive road projects in England, where project after project was started and completed. It was left to this Scottish Government to put resources into the M74 and finish the job.

There is the Channel tunnel, which was given the go-ahead with another promise that Scotland would have a direct connection to Europe. What a laugh, and what a lie. To make that journey is so convoluted for Scottish travellers that many do not bother. Let us not forget, when rolling stock for the new project is being discussed, that after building and buying the rolling stock for the Europe to Scotland journey, it was used for domestic English services. A direct European service is no longer on the agenda for Scotland.

At least this time we have not even been promised a high-speed rail link for Scotland. London does not need to hoodwink us, because it knows that nothing will happen. On the previous two occasions on which it clawed the feet out from under us, nothing happened—no threats of resignation from a Tory or a Labour Secretary of State for Scotland. London knows where its personal bread is buttered, and it is not here.

All the statistics show that the best place to start a high-speed rail link would be as far away from London as possible. It would make a significant and immediate contribution to the environment. Getting people off planes and using more environmentally friendly modes of transport is the priority if we are to tackle the problems of climate change.

Robert Brown: I hear the point about the case for starting the link in Scotland, but I wonder how realistic that is when we do not have detailed proposals for the Scottish end of the project.

Gil Paterson: We have to talk about it before we can develop it. Give us the commitment and the money, and I am sure that it will happen overnight.

Despite the experts suggesting that the link should start in Scotland, the project will start in the south of England. Should history repeat itself, the rail line will also finish there. Unless we—as a people and a Parliament—stand up and say that there will be a penalty to pay should that happen, Scotland will be sold down the railway yet again.

In the USA, a plan is unfolding that is a hybrid strategy between individual states and the federal authorities—a plan that looks well beyond a state boundary or even the borders of the USA, as from

day one it includes a connection and route well into Canada. The scale of the USA project and its physical and financial obstacles are enormous. A UK-wide project is chicken feed compared to those plans, yet the USA will deliver a high-speed rail network because it knows the strategic and economic importance of the project to the individual states and to the USA as a whole. Call me an old cynic but the “whole”, when referring to the USA, is not the same as “whole” in the context of the UK.

If we look at what is on the drawing board so far, vital is vital only for England, with any strategic economic importance stopping at the border. In Scotland, the chambers of commerce know just how a high-speed rail link will affect them and the damage that it would do to our economy if we were, yet again, left out.

My challenge to the Parliament is simple: what will happen to ensure that the bit that has been forgotten by Westminster is not left out again? We need a high-speed rail link just as much as England does, and at the same time.

16:05

Cathy Peattie (Falkirk East) (Lab): Most people would agree that high-speed rail is a good thing. There are, however, those who argue that we cannot go on increasing rail capacity forever, and that people should travel less.

On the first point, it is worth noting that even with new high-speed lines, we will still have fewer miles of track than in the heyday of rail. On the second point, I would, of course, agree that there is a lot of technology that can help us to travel less, and I have argued that greater flexibility in work arrangements could benefit employers and employees and reduce travel. However, personal contact will remain important and people will continue to travel. Increasingly, our families are dispersed around the country, and often around the world. People migrate to find work and pursue their careers. Students go where the courses that they want to study are provided and, although they might keep in touch by phone or through Facebook, that is not a patch on a proper visit. People are not going to abandon holidays—although they might decide that a train trip is less likely to get cancelled. As for politics, could we really operate purely by remote access? For business travel, videoconferencing could be used more widely for many purposes, but building relationships in business needs the personal touch. There are also some events for which people really have to be there—sport, music and theatre are not quite the same when watched on television.

People will travel, and we need to ensure that they can do so in the most environmentally friendly way possible. We have to ensure that rail is an attractive alternative to air travel. That is fairly easy to do when volcanic ash is playing havoc with our airspace, but what about the rest of the time?

There are undoubtedly things that can be done in terms of pricing, facilities and convenience to make rail provision more attractive—accessibility would be the first thing on my list. We could even make it a little faster, and electrification can help to limit emissions. Line improvements would allow Virgin's Pendolino trains to go faster on the west coast main line and would help to facilitate more freight travel. Developing a high-speed rail service between Glasgow and Edinburgh would also contribute to an earlier completion date for the high-speed rail link to London. However, to make the most of rail, we need London to Scotland high-speed trains.

Our continental colleagues already enjoy the benefits of high-speed rail with the TGV in France, the ICE in Germany and the AVE in Spain. France and Spain each have 60 times more high-speed track than we have in the UK, and Italy has 16 times more. On the AVE, the 385-mile journey from Madrid to Barcelona takes just two and a half hours. Compare that to a journey from Edinburgh or Glasgow to London, which is roughly the same distance, and it can be seen that a high-speed link could halve the current four-and-a-half-hour journey, which would give trains the edge over planes. The Madrid to Barcelona air route used to be very profitable, but many passengers have now switched to the train. Zaragoza is on the line and has also reaped benefits as an expanding business hub.

The UK Government's cancellation of the proposed third runway at Heathrow will strengthen demand for a high-speed rail line. Given that added impetus, I would be disappointed if the new UK Government now created further delays by going back the drawing board, rather than getting on with the plan that has been agreed. I would also be angry if the plan for the initial stretches to Birmingham and Manchester were to be followed by Government heel-dragging when it came to the Scottish connection.

Governments around the world are accelerating new investment in transport infrastructure as a response to the economic crisis. We need to ensure that the route from London to Scotland is developed sooner rather than later.

It is, of course, unlikely that the high-speed network will be extended beyond Edinburgh and Glasgow anytime soon. That being so, we need to ensure that there are fast rail links to Dundee,

Aberdeen and Inverness, or there will be a continued reliance on air travel.

The UK is falling behind our European neighbours. The issue that we are discussing is not a matter of prestige; it is a matter of making economic and environmental progress. Will we restrict our economic potential by dithering and delaying? Will we continue to rely on slow and increasingly crowded trains that make people prefer to fly? Or will we get on with it and build a London to Scotland link that is fit for the 21st century?

16:10

Patrick Harvie (Glasgow) (Green): Stewart Stevenson began the debate by referring to the Transport, Infrastructure and Climate Change Committee's report on the potential—that is a key word—benefits of high-speed rail. I went in to that inquiry a little more sceptical than I was when I came out of it.

I wondered whether, if we committed £20 billion or £30 billion to one very expensive project, the people who rely on ordinary commuter rail and bus services throughout Scotland might wish that we had instead spent money on their priorities, on which they rely on a daily basis. However, I came out of the inquiry recognising that there is a case—several cases, in fact—for high-speed rail, and that if it is to be built, it should be built to Scotland and it should connect to the European network rather than using a fundamentally different technology.

There is a case based on capacity constraints, as the existing rail network is under severe pressure. There is little doubt that there is an economic case, even though there are three or four different views on the scale of the economic benefit that can be achieved. There is also an environmental case, but it is not the same case. Even if the environmental benefits could be achieved, they will depend on the other action that we take. It is sad that the motion and the three amendments before us fail explicitly to recognise that concern.

We should make no mistake: there are those who will happily paint their economic argument with a bit of greenwash and not mean a word of it. There are others who may want to do the right thing but have not grasped that high-speed rail must replace, rather than being an addition to, domestic aviation.

I will quote some of the evidence that we heard in the Transport, Infrastructure and Climate Change Committee. One witness stated:

"we want increased connectivity across all modes. We started by considering any extra capacity that a high-speed rail line would provide, rather than any trade-offs."

Another witness said:

"I do not consider high-speed rail services to be an alternative; I consider them to be an addition".—[*Official Report, Transport, Infrastructure and Climate Change Committee*, 11 November 2008; c 1003.]

He spoke about the benefit of shifting to high-speed rail from road journeys as well as from aviation.

It is important that we make a proper comparison with other modes of transport. Research that the Department for Transport carried out in 2007, which takes into account the carbon cost of construction as well as operation, shows that high-speed rail would be less carbon intensive than aviation, but that it would produce more CO₂ than either road or conventional rail.

A great deal has been said about modal shift—taking journeys out of the skies and putting them on to the rails—but we must consider where all the future passengers of high-speed rail might come from. If some of them are currently travelling by air and we get them on to the rails, that is all well and good, as long as we follow the logic through and ensure that the airlines do not continue to operate those routes. If the planes keep on flying, the carbon keeps on being emitted. Those emissions will be cut only if the planes do not fly.

We have heard from some members a case for a new rail route that is nothing more than predict and provide: building capacity for ever-increasing demand. Kenny Gibson deepened that concern when he talked about how we can welcome more and more visitors every year. That concern does not go away; we need to consider the case for using air passenger duty to disincentivise domestic aviation, if that lever is devolved to us.

There is a case for opposing airport capacity increases, which were approved by the Parliament only last year, and for not using any slots that are freed up for extra long-haul aviation.

Stewart Stevenson: Will the member take an intervention?

Patrick Harvie: I am afraid that I have debated the point with the minister on many occasions. I need to move on.

Beyond that, it is vital that we do not build a new high-speed rail route only to find that huge numbers of passengers are moving from less polluting modes such as conventional rail or road transport.

Robert Brown: I understand Patrick Harvie's point, but does he accept the modal shift argument, which is that, if the journey time is shortened, there will be a substantial shift from the more heavily polluting air travel? That is the big gain from a high-speed rail link, on environmental grounds, economic grounds or whatever.

Patrick Harvie: That is potentially a substantial gain, but there is also a substantial risk if we get modal shift from less polluting modes such as conventional rail, road and the poor cousin of transport, the coach, which is the least polluting mode of any that are available to us now. We must also consider the risk that we will generate new journeys. If we simply cater for ever-increasing demand, we will continue to have this problem.

Ultimately, what we will be forced to accept in transport debates, whether as a result of physical capacity constraints, climate change targets, peak oil, or the wider energy constraints—which those of us who oppose nuclear power in my party, in the Scottish National Party and in the Liberal Democrats will have to acknowledge—is that demand reduction must become part of the transport picture. We have accepted that on domestic energy and on waste management and we will have to accept it on transport too. That does not mean abandoning travel; it means not imagining that we can travel ever more and ever further every year. Such an approach to transport is fundamentally unsustainable, whatever new modes we build.

16:16

Stuart McMillan (West of Scotland) (SNP): Before I start, I will make a wee comment about Jim Tolson's remark about the Lib Dems being a respected organisation. I would say that that is stretching it a wee bit far, and I am sure that the public will tell the Lib Dems that next year in the elections to the Scottish Parliament.

The debate has been interesting and it has been fairly consensual—

Jim Tolson: That was hardly a consensual start, Stuart.

Stuart McMillan: I said "fairly consensual".

The one thing that has come out of the debate is that Scotland wants a high-speed rail link to the south of England. The economic benefits to Scotland, particularly the central belt cities, are unquestionable—and will be to other cities en route. For me, the most important aspect is connectivity between Scotland and elsewhere in the UK. Another important aspect is the link to the European Union.

It is imperative that the high-speed rail links in the UK are not delayed. Britain has already fallen far behind many European countries, as we heard from Tom McCabe, whose contribution on that aspect of the debate was interesting—I commend him for that. We should seek assurances from the new UK coalition Government that Scotland will not be left behind when the high-speed rail timeline is finalised.

I will touch on a few statistics. Over the past 12 years, passenger numbers on the UK rail network have grown by 50 per cent, which is the fastest rate of growth anywhere in the EU. Long-distance travel has increased by 65 per cent since 1994, and the last time that rail was used by as many people was in the post-war period, when the rail network was twice as large as it is now.

The economic benefits of a high-speed rail link would be extensive. Although we recognise and appreciate that “capacity issues” have a different complexion on networks in south-east England than on the journey from London to Scotland, the need for a new rail link is becoming dire, as new research shows. The west coast main line is likely to reach capacity by 2014 and demand is still growing, despite the recession.

Recent studies have also shown that the introduction of a high-speed line between London and Scotland’s central belt potentially would bring tens of billions of pounds into the economy. The same studies show that the benefits would outweigh the costs only if the high-speed line runs the entire length of the route between England and Scotland.

Robert Brown: Will the member give way?

Stuart McMillan: I must make some progress first.

Over the past year, 7 million air and rail trips were made between London and Scotland’s central belt, but only one in six of them was by rail. It is clear that rail cannot compete with air travel unless travel times are less than three hours.

On that issue, I will touch on part of my personal life from a few years ago. From November 2000 to June 2003, I worked in London and went home most weekends. Usually, I flew home with whichever flight company was the cheapest that particular weekend. I took the train a few times, but I became disillusioned with it because of the problems that I encountered time and again. If the service had been better and cheaper, I would have used it more often. The argument that high-speed rail would be beneficial to modal shift is totally accurate. A journey of merely two hours and nine minutes from the centre of London to Scotland’s central belt would provide an attractive alternative to a short flight. High-speed rail has the ability to be the equalising factor. Similar links between Lille and Paris and Barcelona and Madrid account for 85 per cent of travel between those cities.

All those points, and the other points that we have heard in the debate, raise the question why the London-based parties have been so reticent to commit to the creation of a high-speed link between Scotland and England from the outset.

Robert Brown: That raises the question of what part the member thinks the Scottish Government should play in bringing about such a link instead of whingeing about the UK Government.

Stuart McMillan: Give us the borrowing powers—actually, give us independence—and then we could try to work with the London Government to make high-speed rail happen even more quickly.

Another aspect of my personal experience that I want to bring to the debate is that, when I was a student, I studied in Europe for a while and travelled extensively there. The joined-up approach, the efficiency and the value of the journeys that I made highlighted to me how much more advanced than Scotland and the UK some of our EU neighbours were. If we want Scotland and the UK to be more economically competitive, a high-speed rail link between Scotland and England is vital.

Time will tell what the new coalition Government will do. It would be unfortunate if it decided to set up an entirely fresh study, as that might take 18 months just to complete and bring to the consultation stage. When we compare the UK with the rest of Europe, one wonders how we got so far behind. It seems simple to me that we have been held back by the complacency of the London parties at Westminster in the past—there is potentially complacency at present, too—and a lack of drive and ambition. If we are to modernise our railway, we must make progress quickly. It is noteworthy that, as other members have touched on, Spain and France have 60 times the number of miles of high-speed connections that the UK has, and that even Italy’s limited high-speed network is 16 times bigger than Britain’s. Should we praise Italy, France and Spain’s developments, or should we look with contempt on the British Government’s complete lack of ambition in the past?

16:22

Sarah Boyack (Edinburgh Central) (Lab): I want to pick up on that final question with which Stuart McMillan left us. He asked why rail projects have not been promoted, but we need only consider the Scottish Government’s cancellation of the Glasgow airport rail link and the central Scotland rail hub that was to have been based around Edinburgh airport—

Stuart McMillan: Will the member give way on that point?

Sarah Boyack: No, because I am only 20 seconds into my speech and I did not interrupt the member. If he lets me finish the point, he will find that it is that railways are infinitely more complex and expensive than roads. Our engineers know

how to build roads. Railways are much harder to build. To see that, one need only consider the political response to the tram scheme in Edinburgh and the cost overruns. There was nothing like that in Glasgow for the M74 northern extension. That issue is fundamental to politics. Unless we accept it, we will not understand the obstacles to high-speed rail and other types of rail investment.

There has been agreement among members on the issue, which is useful. Our job is to ensure that a high-speed rail line is built in the UK and that it comes to Glasgow and Edinburgh. That is the bottom line for every party in the Parliament, so we should ensure that the UK Government hears that loudly and clearly. We must also ensure that the right route is chosen, that it suits us and that we achieve the best possible journey times for Scotland. We need to use the debate to ensure that Scotland is not left behind as the UK network begins to be built. We have to hope that colleagues from all parties in the Parliament and at the UK level will lobby the UK Government.

The issue is not only about trying to get Scotland linked in. There is a real danger that the analysis of the previous Labour Government and the research that it commissioned will be thrown out. If it is, at least a year and a half will be added on to the project. I hope that people will ask the new Government to think long and hard before it chucks out all that work.

A lot of good, respectable work has been done. Charlie Gordon made an excellent case for that work. Railways cannot just be imagined up. We know that in Scotland. I did not get to open one of the railway projects that I commissioned, because such projects take time. Stewart Stevenson is the lucky person who gets to open them. Political certainty over time is needed.

We need the right route and to ensure that it is entirely additional to the east and west coast main lines. Stuart McMillan was absolutely right about the creaking infrastructure on the east and west coast main lines. Even with the important upgrades that we have seen on the west coast main line and those that are planned for the east coast main line, there will simply not be the space to accommodate the train speeds that are needed if we are going to get journey times down below three hours. Physically, we could not do that consistently for every train that goes from Edinburgh or Glasgow to London.

No member has mentioned rail freight. With full passenger lines, rail freight will not be able to expand to pick up opportunities. If there are going to be much tighter restrictions on carbon emissions, we must get freight off the roads and on to the rails. That means freeing up capacity on the east and west coast lines, and on regional networks south of Edinburgh. Therefore, we must

have a totally separate line, and that must be put loudly and clearly on the agenda.

Last night, we had a reception in the Parliament for the Scottish branch of the Royal Town Planning Institute. Afterwards, I reflected on the time that it takes to get major rail infrastructure in place. We make things particularly difficult for ourselves in the UK. I know that the new planning laws that have been passed at UK level will help the process, but members should not underestimate the power of back benchers or of MPs whose areas the new line will run through. Only last month, the new Secretary of State for Wales said that she would defy the party whip, as her constituency comes first in all instances. She was not happy about the high-speed rail link going through her constituency. I do not want to pick her out; other MPs will have the same view.

That partly answers Tom McCabe's point about China. Other countries do not have the same democratic hurdles that we put in the way of our big infrastructure projects. There are good reasons for our democratic accountability processes, but we must ensure that we get agreement. If we can get cross-party agreement in the Scottish Parliament and in the House of Commons, that will help to get a railway put in place. However, members should not underestimate the capacity of our planning system to make the process long.

That is why Scotland needs to play its role now. I urge the minister to consider the line in Scotland. If we can cut to the chase and ensure that we get the UK Government to consider Scotland now and not see us as the end of the process—it should ensure that we are part of the process—we can go ahead and start to look at the construction process in Scotland. We need to get things through the planning system in Scotland and ensure that there is certainty. At the very least, we must get the Glasgow to Edinburgh high-speed rail connection in place so that we can link into the wider UK network. There is an opportunity that we must seize. We have an opportunity because Scotland is part of the UK and we are members of the Scottish Parliament. We must ensure that our voice is heard loud and clear. The new Con-Dem coalition colleagues must take the message on board down south and MSPs must use our powers of opposition in Scotland and as part of the UK process. We need to speak with one voice from Scotland and ensure that the rail link happens. If we let the existing process go to seed and have to start from scratch, that will add years to the process and make our discussions academic. For Scotland's environmental—

The Presiding Officer (Alex Fergusson): You must close, please.

16:29

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): Broadly speaking, Sarah Boyack made a constructive speech in direct support of the Liberal Democrat amendment, which contains the thrust of the argument that we have been putting forward.

Some very good speeches have been made. I enjoyed the *vive le Royaume-Uni* speech from Alex Johnstone, but I am tempted to say that I was slightly distracted by the image that Professor Harvie tried to provide us with of the Chinese transport minister building the Borders railway to Spain. That would be a feat of engineering in respect of which even the Chinese might raise their eyebrows.

Many of my constituents in the Borders would expect me not to go without making the point that simply a normal-speed service would suffice to reverse the error of 1969 and provide rail services to the Borders.

As the minister said, the estimate is that high-speed rail would make a huge contribution of £25 billion to the Scottish economy, which is about a quarter of Scottish gross domestic product. High-speed rail is probably one of the biggest infrastructure investments that would contribute directly to the Scottish economy's long-term success that any UK Government, working with a Scottish Government, can make. That is why having some cross-party consensus is necessary.

General agreement has been reached on the case for high-speed rail. Sarah Boyack and others expressed concern about the pace of delivery. It is fair to acknowledge that if Labour had signalled in its first year after taking office in 1997 its vision for a high-speed rail network throughout Britain—when John Prescott was responsible for setting out what he said was a strategic view for transport throughout the United Kingdom—we might, 13 years on, have been going towards the delivery stage rather than the detailed scoping stage.

It is worth noting again that the UK coalition Government says in its agreement that it is committed to establishing a high-speed rail network as part of measures to fulfil the joint ambitions of creating a low-carbon economy and having the infrastructure that we require throughout the rail network in the United Kingdom. Those valuable aims are anchored in the programme for government.

The position that the previous Labour Government left, which Charlie Gordon and Pauline McNeill slightly embellished, was in a document that was published not much more than a month ago. That proposed a high-speed service to link London purely to Birmingham, Manchester, the east midlands, Sheffield and Leeds, with

connections to existing main line routes to extend the service to Liverpool, Newcastle, Glasgow and Edinburgh. The reference to connections to existing main line routes in the conclusion on page 151 of the UK Government's command paper did not—unfortunately—appear in any speech by a Labour member today. The previous Labour Government had a bit of a vision deficit.

To an extent, a similar concern relates to the Scottish Government. I have mentioned the Borders railway. Although the bill to promote the railway received royal assent in the summer of 2006, it is due to be operational eight years later, in 2014. When the project received royal assent, it was proposed that passengers would be able to access Edinburgh airport through the Edinburgh airport rail link, as Sarah Boyack said. People in the Borders, which is the biggest landmass in Europe without a rail service, could be connected without changes to a network of international connectivity. However, the cancellations of EARL and of GARL are worrying illustrations of the Scottish Government's lack of commitment to hard infrastructure to support rail and other transport modes.

Stuart McMillan: Last week, I met a constituent who is a rail expert and has worked in the rail industry for more than 30 years. My constituent said that GARL was not economically viable and would not have the required passenger numbers and that, if the private sector was so positive about it, that sector should pay for it. Does Jeremy Purvis agree?

Jeremy Purvis: I agree with the Parliament, which voted to support GARL after considering the scheme. Supporters included nationalist MSPs for Glasgow, who I recall said that GARL was a “fantastic project”.

What do we expect from the Scottish Government? Simply saying that high-speed rail should happen is not enough. Development planning, environmental impact assessments, possible compulsory purchase issues and strategic planning links will all require to be considered as part of high-speed rail coming to Scotland. It is within the Scottish Government's remit to make decisions on all those issues that are consistent with Scottish Government policies that the Parliament has approved. All that work needs to be done.

It is slightly odd that one SNP member after another, including members of the nationalist Scottish Government, should speak in favour of handing over to a UK body planning and delivery of infrastructure in Scotland. In today's debate, Alex Johnstone's *vive le Royaume-Uni* approach—not separation from the United Kingdom—offers the prospect of delivering high-speed rail. I cannot imagine the Spanish

Government ringing up the French Government and asking, "Would you mind extending the TGV to Madrid—and, by the way, will you pay for it, too?"

16:35

Gavin Brown (Lothians) (Con): Today's debate has been interesting and, in large part, consensual—at least on the broad principles. The debate has been informed by a number of key sources, but I draw particular attention to the report that the Parliament's Transport, Infrastructure and Climate Change Committee—convened by Patrick Harvie, who spoke earlier—produced a year ago. The debate on that report a year ago was extremely good. Developments since then have made today's debate, too, a good one.

A couple of unusual comments were made in the debate. For the first time, blame was laid at the door of the current Conservative-Liberal Democrat Government, which has apparently not done nearly enough during its first nine days in office to lay tracks all the way through. We heard the interesting argument that high-speed rail would happen far faster simply by Scotland having independence, especially if we had some borrowing powers. Cathy Peattie was right to say that politics cannot be done by remote access, but an examination of whether that improved outcomes might make an interesting study.

The debate has been broadly consensual. It is important that it should be, because high-speed rail is an enormous, very long-term project that will impact on the whole of the United Kingdom. It will straddle several elections both north and south of the border, so it will probably straddle several Governments both north and south of the border. Therefore, it is critical that we proceed with a degree of consensus.

Many members pointed out that the UK is behind Europe and many parts of Asia on the issue. As Christopher Harvie indicated, we have only 50 or 60 miles of high-speed railway, so we must take forward the issue with a strong degree of consensus. Today's announcement in the programme for government, which Alex Johnstone and Jeremy Purvis read out, is an important one. There is a vision in black and white of a truly national high-speed rail network for the whole of Britain.

As Alex Johnstone pointed out, given the financial constraints that exist, we will have to achieve that vision in phases. The Government is being realistic and is facing up to the position in which we find ourselves.

Charlie Gordon: The member suggests that high-speed rail will have to be introduced in

phases, because of financial constraints. How does he react to Network Rail's assertion that the business case shows it paying for itself?

Gavin Brown: The business case is extremely good, and over time the project will pay for itself. As I recall, the HS2 report suggests that, for every pound spent, there will be £2-worth of benefits. However, that does not allow us to escape from the reality that all of the money must be paid, the infrastructure must be bought and laid, and the workforce must be paid before the benefits accrue. The fact that there is a good business case for something does not mean that all of it can be built at once, before the benefits accrue. That is why many projects happen in phases. Logically, that must apply to a project of this size, scale and scope.

Many speakers from all parties have set out the economic benefits of high-speed rail. The increase in speed from 125mph to well over 200mph, the reduced journey times, the increased productivity and the figures laid out carefully by the minister must be welcomed.

If the increased speed and reduced times work out, that will lead us to what Patrick Harvie described as the tipping point—and a degree of consensus has been reached that it is around three hours for a journey between Scotland and London. If we can get the journey time down to three hours or below, people will most likely move from the plane to the train.

We have heard the stats for journeys between London and Scotland at the moment. Only one in six takes place by train. Between Newcastle and London, however, the journey time is that bit shorter, and only 60 per cent of those journeys take place by plane, as opposed to 80 per cent of journeys between Scotland and London.

I was greatly encouraged by the figures that the minister produced. I have not checked their veracity, but I will take them at face value. In his view, judging from the research that he has seen, 67 per cent of journeys could take place by rail if we get the journey time down to three hours. I think that he gave the figure of 80 per cent if we get it down to two and a half hours. If we reach that point, we get to the nub of it all—we get the environmental benefits. We do so only if the number of plane journeys is reduced.

We do not just get the carbon efficiency benefits, as has been outlined. I also draw attention to a point that Alex Johnstone made: if we can reduce the number of flights between Scotland and London, environmental benefits accrue to the south of England—around Heathrow, Gatwick and Stansted—not just in carbon efficiencies but in reduced noise pollution and less gasoline and so on coming out of the

aeroplanes. That would be an enormous environmental benefit down there.

For all those reasons, I support the amendment in the name of Alex Johnstone.

16:41

Charlie Gordon: The excitement that I said I felt during my opening speech has been somewhat dissipated by what has been an oddly unsatisfactory debate. On the face of it, we have all pretty much said that we want the same thing: a high-speed rail network between London and Scotland as soon as possible. The action of the new Con-Dem Government in cancelling the third runway at Heathrow should give great impetus to that objective.

Alex Johnstone appeared to share my excitement when he referred to a “brave new world”, without a hint of irony and without apologies to Aldous Huxley. He also spoke about financial constraints and emphasised the legitimate environmental concerns of voters who live near Heathrow airport. Presumably, he and his coalition partners are equally concerned about voters who might live on the proposed route for HS2’s line between London and Birmingham.

We know that the new coalition Government has tweaked the outgoing Government’s plans by insisting on the necessity of a railway station at Heathrow airport, linked to high-speed rail. There will be not much change out of £2 billion for a railway station that, no matter where at Heathrow it is situated, will be in the wrong part of the complex for a great many travellers. However, that is not, in itself, a catastrophic tweaking.

In their interventions, Robert Brown and Jeremy Purvis made many attempts at dissembling. Mr Brown worked like a switch engine. Mr Tolson gave the show away when he spoke about the devolved Scottish Government making a financial contribution to the project. Excuse me, but the proposal concerns a new UK trunk railway line, serving different parts of the United Kingdom. In my view, it is principally the responsibility of the UK Government.

Jeremy Purvis: What does Mr Gordon mean by “principally the responsibility”? Some planning aspects should of course be paid for by the Scottish Government, should they not?

Charlie Gordon: I already elicited from the minister the comment that we need to make provision for high-speed rail within national planning framework 2 in Scotland. I have repeatedly made the point—I made it again today—that how we serve Glasgow and Edinburgh by high-speed rail could make a vast and

incremental contribution to the UK’s high-speed network if we choose the right options.

I make no apologies to Kenny Gibson for talking about removing pinch points and straightening bends in the meantime, because we need to develop a market for high-speed rail. That can happen incrementally to a degree, although there is a tipping point, as has been said. It might be different for different people—for some, the tipping point might be at 3.5 hours rather than 3 hours.

Christopher Harvie rightly bemoaned the planning delays that we have in Scotland because of the might of the property owners and property lawyers. Sarah Boyack alluded to that too. I do not advocate the Chinese solution; I advocate the French one, which is to take out the public chequebook and say to such people that the project is in the national interest, so their mouths will be stuffed with gold but they must get out of the way very quickly.

I share Tom McCabe’s frustration at the sheer competitive disadvantage at which our constant falling behind on high-speed rail puts us. I do not necessarily share his whole-hearted enthusiasm for maglev, because I wonder how we would fit it into the narrow country in which we live, but I do not look down on that technology, which is successful in some other contexts.

Gil Paterson described himself as an old cynic, and who am I to disagree? I simply point out that, in a previous incarnation, I took John Prescott to court to prevent him from doing some of the things about which Mr Paterson complained.

Patrick Harvie banged on about demand reduction. At least he says that he is on our side in wanting high-speed rail, but I do not think much of his aspirations for the tourism industry. Thousands of Glaswegians, including my constituents, rely on jobs in that industry.

Patrick Harvie: Does Charlie Gordon share my concern that those jobs in the tourism industry might still be reliant on visitors from long-haul aviation when oil hits \$200 or more a barrel? Do we not need to reorient our economy around local tourism?

Charlie Gordon: Well, when alternative jobs are available, I am sure that my fellow Glaswegians will be interested in taking them up. Until then, they have the right to remain sceptical.

What worries me is what the Con-Dems have not said today. Do they endorse Network Rail’s route and, if not, what route do they endorse? If they have another in mind, how long will it take? Why do they keep saying that there are financial constraints when the business case is strong? Are they really serious about high-speed rail? Many of us are.

16:48

Stewart Stevenson: The debate has thrown up a number of key questions: about the route; about whether we should press ahead with building a high-speed rail line southwards; and about the key issue of how it should all be paid for. The fact that there is a huge return does not alter the fact that we have to lay out money before the return is delivered to us.

Charlie Gordon described himself in his opening remarks as an old railman. He is desperately unkind to himself. From the elevated age from which I view such matters, he is but a young broth of a boy. He referred to Network Rail's new line study and the sound business case that derives from that. We should all pay close attention to that study. It has been developed by those who run the railway and understand the metal that we have.

In his closing speech, Charlie Gordon referred to the need to make incremental change in the existing network, such as removing pinch points and working on bends. We are, of course, doing those things. We are also considering whether some of the speed limits on the existing network are now necessary in consequence of some things that have happened.

Charlie Gordon also pinpointed, as others did, the need for extra capacity on the network. Indeed, in many parts of the world—including France, where the TGV is held up as an exemplar for Europe—the whole reason for a high-speed rail link was driven by capacity rather than speed. The increased speed was merely a consequence of the fact that a new line had to be constructed.

The need for a local high-speed line between Edinburgh and Glasgow was also mentioned in the debate. In many ways, of course, that is the aim of our Edinburgh to Glasgow rail improvement project. With the EGIP, we will bring the travel time down from around 52 minutes to around 35 minutes. Huge amounts of money would take us down to 20 minutes without delivering the same scale of benefit. Clearly, we are addressing the need for that direct connection. However, it is vital that both our major cities are served independently by the proposed high-speed rail link, rather than simply one of those cities being served via the other.

Robert Brown: In saying that both cities must be served by the high-speed rail link, does the minister accept the case that both city centres must be served? I think that there are issues with that.

Stewart Stevenson: Yes, it is certainly true that the city centres must be served. I will enter a note of caution that the city centre can encompass a relatively large area of the respective cities. We are talking to the councils about that and we have

preliminary views as to what that might mean. To give an example without indicating outcomes, I think that it would be formidably difficult to provide at Waverley station the length of platform that is required for high-speed trains, which will be 400m long. Even the half-length train that might come to Scotland will be 200m long. As Waverley has no platforms of that length, the stop might need to be placed a little bit further to the west. In Glasgow, we probably have the opportunity at Glasgow Central to provide the platform extension that would be necessary, but there are capacity issues on the approach. The point that I am making is that we understand the issue and are engaged in it.

Alex Johnstone correctly pinpointed how railways were central to economic development in these islands. However, such development was not all pain-free. Whereas every town had its own clock up to that point and could go its own way, the railways standardised time. We are now under the cosh of time, Presiding Officer, again thanks to the railways.

Very properly, Alex Johnstone also pointed to the substantial environmental benefit that people in west London might derive from the reduction in noise and pollutants from plane engines. That precisely illustrates why the question of who derives the benefits from high-speed rail—and, therefore, who should contribute to its funding—is a complex one with which we need to engage. The issue is not susceptible to quick responses.

The word has been that high-speed rail will start in 2017. However, the previous Secretary of State for Transport indicated to me that he expected that three and a half to four years would be required for the legislative process alone at Westminster, even under the Transport and Works Act 1992, which is similar to the Transport and Works (Scotland) Act 2007. In part, that is because of the bicameral nature of the Westminster Parliament, where proposals must be scrutinised by committees in both Houses of Parliament. Therefore, far from having the planning advantages that the Chinese Government might have, we have substantial difficulties, both north and south of the border, in dealing with these issues.

It is also worth pointing out that getting the planning arrangements to the same stage as has been achieved by HS2 for the proposals that are before us will probably cost in the order of £400 million to £600 million. That estimate is based on what it has cost to produce the most recent command paper. Therefore, the decisions involved are not trivial.

Kenny Gibson talked about energy. Electric trains of the kind that we are discussing would save 25 per cent on costs, mainly because of

regenerative braking, which makes a big difference.

I listened with interest to Christopher Harvie, who was, as ever, extremely well informed on the history of railways. I had not realised that Japan's Olympics rail link was a spur to the country's modern development.

Tom McCabe made a thoughtful and useful speech. Clearly, he will continue to take an interest in the subject. He spoke of high-speed rail cutting 30 minutes from the journey from Amsterdam to Brussels. That example illustrates that it is perfectly possible for different jurisdictions to collaborate to deliver on the railways. In Ireland, the railway between Belfast and Dublin has been refitted. Although that is not a high-speed rail line, cross-border working was achieved nonetheless.

It is on that basis that we—good collaborationists that we are—have been working with the Department for Transport and HS2. It is important that we continue to do that. Frankly, our input is important. As the project moves forward, we will not close our minds to taking the work more directly into our own house. At the moment, we have an expert team working on the project. Members of that team have built up the skills, and it is entirely proper that we continue to work with them. That is why, at this stage, we cannot support what is encompassed in the Liberal amendment. That is not because what is proposed is intrinsically wrong, but because now is the wrong time to make the decision that the amendment calls for—it is simply too early to do so.

Patrick Harvie made some rather astonishing suggestions. He said that high-speed rail generates more CO₂ than conventional rail does. I know that he relied on DFT factors in coming to that conclusion, albeit that he fundamentally disagrees with the DFT when its factors show that the project in Scotland that is causing the greatest amount of CO₂ at the moment is the Edinburgh trams. That may seem slightly unlikely, but the conclusion is derived using DFT figures. On the Parliament having approved additional airport capacity, my answer is no, we did not do that. Finally, coaches have increased their carbon footprint by 10 per cent over the past five or six years.

Sarah Boyack rehearsed some old arguments about GARL, EARL and cost overruns. Under this Government, the Airdrie to Bathgate line is on budget and it is staying on budget. Similarly, the M74—for which we placed the contract—is staying on budget, as is the M80.

The debate has been interesting. We have stated our preference for a broad alignment that

takes Edinburgh and Glasgow into the equation. We will, of course, work with the new Administration at Westminster. As I said, I have made initial contacts with Philip Hammond on other matters. It is clear that we will be able to have a rational discussion.

Funding issues have to be discussed. It is not clear as yet how HS2 will be funded in England, far less anywhere else. We do not use the regulatory asset base—

The Presiding Officer: Order. There is too much noise.

Stewart Stevenson: We need to have a robust way of ensuring that we harness private and public resources to deliver high-speed rail to make sure that the benefits that we know will come are delivered.

The opportunities that are before us are substantial. However, we have to accelerate what is happening on high-speed rail. We heard from the Conservative party that it wants to include Heathrow airport. As long as doing that does not slow down journey times to Scotland, that is a matter for those south of the border. It is important that we have the shortest possible route from London to Scotland and that we have access to trains that will speed up our journeys.

At the time of the DFT's announcement, the Conservatives were scathing of the plans, saying:

"Labour have got high speed rail wrong ... Their line to Birmingham leaves the North, Scotland and Wales out of the massive social, economic and regeneration benefits of high speed rail."

Clearly, there should be—and I look for—a change in direction from the UK Government that gives us new opportunities to press the case for high-speed rail for Scotland.

I reiterate that, on this agenda, as on so many others, Scotland is absolutely not peripheral but central. Scotland is central to the business case for high-speed rail in the UK. It is absolutely essential that Scotland is included in the planning for high-speed rail at the outset, free from bias—including our own. The Scottish Parliament should speak at decision time with one voice. We should send the clearest and most unambiguous message to London that we need to be part of this project from the outset.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Alex Fergusson): The next item of business is consideration of Parliamentary Bureau motions. I ask Bruce Crawford to move motion S3M-6359, on committee membership, and motion S3M-6360, on substitution on committees.

Motions moved,

That the Parliament agrees that—

Alasdair Allan be appointed to replace Aileen Campbell on the Education, Lifelong Learning and Culture Committee;

Stuart McMillan be appointed to replace Willie Coffey on the Equal Opportunities Committee;

Dave Thompson be appointed to replace Angela Constance on the Justice Committee;

Alasdair Morgan be appointed to replace Alasdair Allan on the Local Government and Communities Committee;

Aileen Campbell be appointed to replace Alasdair Morgan on the Rural Affairs and Environment Committee;

Angela Constance be appointed to replace Dave Thompson on the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that Maureen Watt be appointed to replace Aileen Campbell as the Scottish National Party substitute on the Justice Committee.—
[Bruce Crawford.]

The Presiding Officer: The questions on the motions will be put at decision time.

Point of Order

17:01

The Presiding Officer (Alex Fergusson): I believe that I have a point of order from Patrick Harvie.

Patrick Harvie (Glasgow) (Green): Thank you, Presiding Officer. On Tuesday this week, the Transport, Infrastructure and Climate Change Committee rejected on a vote of five to three an affirmative instrument setting out the Scottish Government's climate change targets. Now, I think few of us were surprised that we were not being presented with the much-vaunted 3 per cent per annum targets that were a Scottish National Party manifesto commitment and which ministers initially confirmed as a policy target when they came to power. In fact, we were presented with targets that were almost non-existent for the first few years.

Members: The point of order?

Patrick Harvie: With a little patience.

Members: Oh!

Patrick Harvie: For the most important early years until 2013 there is almost a flat line in emissions. I asked Stewart Stevenson repeatedly in committee what process the Government would undertake if the committee rejected the order, but he repeatedly refused to answer. Yesterday, we received a letter with the new proposal: a new order will be introduced that will include an additional 0.5 per cent cut in 2012, which is after the current Government's term in office. That proposal will apparently be put to the Parliamentary Bureau next week, with a view to bypassing further committee scrutiny and going straight to a vote in the chamber.

Many statutory instruments pass without a great deal of comment, but this one should not be allowed to. What is being proposed is that a Government that has been happy to trumpet the Climate Change (Scotland) Act 2009 around the world is seeking to slow down our cuts in emissions from what they were before the 2009 act even existed and to defer the responsibility for serious action on climate change until halfway through the next session of Parliament.

Presiding Officer, I am not represented on the Parliamentary Bureau, so will you take a proposal to the bureau when it meets next week to amend next week's business to allow proper time for debate in the chamber, so that members have the opportunity to challenge the attempt to pass the buck on responsibilities that should be met by this Government this year?

The Presiding Officer: As always, I am grateful for prior notice of the point of order. I can certainly confirm that the bureau is due to consider this matter at its meeting on Tuesday.

The Minister for Parliamentary Business (Bruce Crawford): Further to that point of order, Presiding Officer. In response to the point of order that was raised, I inform you that adequate time will be set aside next week to debate the matter properly.

The Presiding Officer: As I said—

Bruce Crawford: That is what I will recommend to the bureau.

The Presiding Officer: It will be up to the bureau to decide on that. As I said, the bureau will consider the matter on Tuesday.

Decision Time

17:03

The Presiding Officer (Alex Fergusson): There are 10 questions to be put as a result of today's business. I remind members that in relation to the debate on a high-speed rail link, if the amendment in the name of Charlie Gordon is agreed to, the amendment in the name of Alex Johnstone will fall.

The first question is, that amendment S3M-6350.2, in the name of Kenny MacAskill, which seeks to amend motion S3M-6350, in the name of Hugh Henry, on protection for workers, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-6350.1, in the name of John Lamont, which seeks to amend motion S3M-6350, in the name of Hugh Henry, on protection for workers, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

Against

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)

Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 16, Against 59, Abstentions 40.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-6350.3, in the name of Robert Brown, which seeks to amend motion S3M-6350, in the name of Hugh Henry, on protection for workers, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Allan, Alasdair (Western Isles) (SNP)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Campbell, Aileen (South of Scotland) (SNP)
 Carlaw, Jackson (West of Scotland) (Con)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Goldie, Annabel (West of Scotland) (Con)
 Grahame, Christine (South of Scotland) (SNP)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)

Ingram, Adam (South of Scotland) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 73, Against 0, Abstentions 42.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-6350, in the name of Hugh Henry, on protection for workers, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament believes that further measures need to be taken to deter violence against shop workers and other workers delivering a service to the public; notes with concern the finding of the Scottish Crime and Justice Survey 2008-09 that, of those adults who had jobs involving contact with the general public, 35% had experienced either verbal abuse or physical abuse; recognises that there has been a 78% increase in violence and abuse against Scottish shop workers over the last three years, according to Retailers Against Crime; welcomes the Freedom from Fear campaign organised by the Union of Shop, Distributive and Allied Workers (USDAW), which seeks to make shops and shopping areas safer for staff and customers; acknowledges the efforts of the trade union movement as a whole to highlight the continuing problems of violence for those workers with direct contact with the public; recognises that there have been year-on-year increases in prosecutions under the Emergency Workers (Scotland) Act 2005; believes that the Parliament and the Scottish Government should take further action to ensure that workers can carry out their duties without facing violence or intimidation by accepting that a comprehensive approach to changing Scotland's relationship with alcohol is required, which includes effective enforcement of existing laws and innovative, evidence-based policies; recognises that attacks on public sector workers are treated with gravity under existing law, and believes that effective prosecution through the courts of such offences and the further development of non-legislative measures, including evidence sharing and partnership working, are an appropriate response to violence against workers delivering a public service.

The Presiding Officer: The next question is, that amendment S3M-6349.1, in the name of

Charlie Gordon, which seeks to amend motion S3M-6349, in the name of Stewart Stevenson, on a high-speed rail link, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Robison, Shona (Dundee East) (SNP)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North East Fife) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 99, Against 16, Abstentions 0.

Amendment agreed to.

The Presiding Officer: Amendment S3M-6349.2, in the name of Alex Johnstone, is therefore pre-empted.

The next question is, that amendment S3M-6349.3, in the name of Robert Brown, which seeks to amend motion S3M-6349, in the name of Stewart Stevenson, on a high-speed rail link, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brown, Gavin (Lothians) (Con)
 Brown, Robert (Glasgow) (LD)
 Brownlee, Derek (South of Scotland) (Con)
 Carlaw, Jackson (West of Scotland) (Con)
 Finnie, Ross (West of Scotland) (LD)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South of Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 O'Donnell, Hugh (Central Scotland) (LD)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Tolson, Jim (Dunfermline West) (LD)

Against

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Keith (Ochil) (SNP)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Aileen (South of Scotland) (SNP)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Constance, Angela (Livingston) (SNP)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Eadie, Helen (Dunfermline East) (Lab)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)

Ferguson, Patricia (Glasgow Maryhill) (Lab)
 FitzPatrick, Joe (Dundee West) (SNP)
 Foulkes, George (Lothians) (Lab)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marilyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grahame, Christine (South of Scotland) (SNP)
 Gray, Iain (East Lothian) (Lab)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Henry, Hugh (Paisley South) (Lab)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kidd, Bill (Glasgow) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McMillan, Stuart (West of Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morgan, Alasdair (South of Scotland) (SNP)
 Mulligan, Mary (Linlithgow) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Paterson, Gil (West of Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Robison, Shona (Dundee East) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

The Presiding Officer: The result of the division is: For 28, Against 87, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S3M-6349, in the name of Stewart Stevenson, on a high-speed rail link, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament welcomes the work of High Speed Two, Greengauge21, the Transport, Infrastructure and Climate Change Committee and Network Rail, among others, which have developed the case for high-speed rail in the United Kingdom during the last year; notes the strong economic and environmental case for extending high-speed rail to Scotland; notes the opportunity to engage with the new Westminster administration to secure Scotland's place in a UK high-speed rail network, and supports work to bring high-speed rail to Scotland at the earliest opportunity, as well as supporting interim steps to reduce rail journey times between Scotland and London.

The Presiding Officer: The next question is, that motion S3M-6359, in the name of Bruce Crawford, on committee membership, be agreed to.

Motion agreed to,

That the Parliament agrees that—

Alasdair Allan be appointed to replace Aileen Campbell on the Education, Lifelong Learning and Culture Committee;

Stuart McMillan be appointed to replace Willie Coffey on the Equal Opportunities Committee;

Dave Thompson be appointed to replace Angela Constance on the Justice Committee;

Alasdair Morgan be appointed to replace Alasdair Allan on the Local Government and Communities Committee;

Aileen Campbell be appointed to replace Alasdair Morgan on the Rural Affairs and Environment Committee;

Angela Constance be appointed to replace Dave Thompson on the Standards, Procedures and Public Appointments Committee.

The Presiding Officer: The final question is, that motion S3M-6360, in the name of Bruce Crawford, on substitution on committees, be agreed to.

Motion agreed to,

That the Parliament agrees that Maureen Watt be appointed to replace Aileen Campbell as the Scottish National Party substitute on the Justice Committee.

Family Nurse Partnership Programme

The Deputy Presiding Officer (Trish Godman):

The final item of business today is a members' business debate on motion S3M-5636, in the name of Ian McKee, on the family nurse partnership programme. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates NHS Lothian on being selected by the Scottish Government as a test site, fully funded for three years, for a Family Nurse Partnership programme, an intensive preventive programme for vulnerable first-time young parents that has a 30-year evidence base showing the potential for improvements in women's ante-natal health, reductions in children's injuries, greater intervals between births, increases in fathers' involvement, increases in employment and earnings, reductions in the need for benefits, improvements in school readiness, reduced arrests and criminal behaviour in 15-year-olds and mothers and that eventually produces savings five times the amount of an initial investment; realises that one measure alone is not the entire answer to challenges in this field but a welcome start, and wishes the project every success.

17:09

Ian McKee (Lothians) (SNP): It is well recognised that the environment around a child in the very early years has an enormous influence on his or her subsequent development and life prospects. For many children, that environment is provided by a parent, or by parents with support from family or outside agencies such as health visitors, nursery staff and the like. However, some need much more help.

Some parents are little more than children themselves. They might be on their own with no family support, low income, poor education and inadequate personal experiences of positive upbringing. I came across such parents in my previous work in general practice. It is not that they do not love or care for their children: indeed, they do, but they lack self-confidence, knowledge and all the other attributes that many of us take for granted. They find it a huge struggle to bring up a child, and some fail altogether. There have been many attempts to help such parents, but those attempts have often had limited or no success. Usually, the reason has been that efforts have been made too late, that they have been too poorly resourced and that they have lacked an evidence base. That is why I whole-heartedly welcome the introduction of a pilot scheme in Lothian—the family nurse partnership programme.

What is the difference between the programme and former interventions? The answer is simple. This one is based on three decades of extensive research in the United States by Professor David

Olds—research that has been shown to be effective in three controlled trials. It is an intensive programme for supporting vulnerable young parents from early in pregnancy. The programme is provided alongside routine maternity care, and the specially trained family nurses who work in it have a close working relationship with a multitude of other services. Nurse participants, who are drawn from a wide variety of nursing backgrounds, receive about 20 days of specialist training, which allows them to focus on the social, emotional and economic context of the client's life, with the ultimate aim of building the client's skills and confidence to enable them to determine their own future. That requires not just professional training but time and continuity. As I said, the support must start early in pregnancy, and input must be maintained for at least two years if it is to have a chance of succeeding.

I can already hear some people saying, "Surely this is very expensive—too costly to be affordable in these difficult financial times." My retort is, "Follow the evidence." The United States' experience is that there is a saving of \$5 for every \$1 that is invested in a family nurse programme. If we look at the statistics, we can see why. The cost of keeping a child in care in our country is about £2,500 a week, and a child with behavioural and offending problems might account for a massive £80,000 a year. Evidence from England, where such schemes are already under way, suggests that the total yearly cost for clients who complete the programme is only about £3,000.

The additional benefits that have been shown in the US include reductions in benefits claimed, increases in income and employment, greater involvement of fathers, fewer unwanted pregnancies, less child abuse, less criminality and—perhaps above all—happier children and more confident parents. For some families, the costs are recovered before the child reaches the age of five.

The pilot scheme in Edinburgh, which is funded for three years, will establish a team of six family nurses, a psychologist and administrative support to serve 150 families. The scheme will be confined to first-time teenage parents who intend to keep their babies and it will be entirely voluntary. Although the US evidence shows that the scheme there is effective, the Edinburgh initiative will be independently evaluated to see whether it works here, because our society is so different.

What are the concerns? I hope that there will be some early signs of success, but the true value of the scheme might not be fully realised for many years. How will its potential be assessed and funded? Will a three-year pilot be long enough to assess properly? England is at least two years ahead of us in family nurse partnerships, so we

will get a little information on how the scheme works within the national health service family before our decision time is upon us, and that might help.

We must resist the temptation to cut corners by watering down the programme that is offered or by subcontracting the work of development and support to other agencies as part of a roll-out on the cheap. All the evidence suggests that that would be a sure way to lose most if not all of the benefits, and the outlay would still be considerable. The fact that the development work is being done under strict licence is some protection against that.

Further questions to be asked include how we can fund the immediate costs of a roll-out to all parts of Scotland and whether the health service should bear all the costs when the benefits are of value to wider society.

Let us resist the temptation to regard the scheme as a panacea for all the problems of vulnerable mothers and their children. Many women would not have become mothers at such an early stage of their lives if suitable services had been available to them. Others cannot cope but cannot be helped by the scheme because of age, parity or inclination. They need help in other ways. However, the family nurse partnership programme promises well, and I commend the Scottish Government and NHS Lothian for embarking on it.

17:15

Jackson Carlaw (West of Scotland) (Con): I congratulate Ian McKee on securing the debate on a subject that has featured in many of the health debates that we have held as a matter of course in Parliament over the past few months. The initiative in NHS Lothian has been alluded to on previous occasions by Ian McKee and Malcolm Chisholm.

Many members will have met or heard speak Dr Philip Wilson. When he gave evidence to the Health and Sport Committee on child and adolescent mental health services, he said:

"there has been an enormous blossoming in the evidence ... on ways of identifying early in life the children who are going to follow a problematic and painful trajectory ... there has been a big increase in the evidence ... on what works to stop the bad things happening. At a policy level, there has been substantial movement towards an emphasis on the very early years."—[*Official Report, Health and Sport Committee*, 25 March 2009; c 1728.]

That inquiry made it patently clear how fundamental the early years are to an individual's development and their mental health later in life. A vast range of variables, including mental health, sexual health, education, involvement in crime and employability can be shaped in the earliest years of a child's life.

David Olds pioneered much of the work that underpins the family nurse partnership in the United States. It is important to bear in mind the reservations of Philip Wilson and others, who believe that we cannot look to the way in which the family nurse partnership has operated in the United States, where health services are such that it has operated almost in a vacuum, away from any other service provision. That is not the case in the United Kingdom, where we have had an active health-visitor service that has performed much of that function.

If one looks at the experience of the pilot in England, it is clear that a pilot can almost be an obstacle to the progress of a wider service. By definition, a pilot involves putting together a unit that must try to perform functions to certain targets. The pilot in England failed to meet the recruitment target of enrolling 60 per cent of pregnant women by 16 weeks' gestation. In addition, there was quite a fall-off—only 53 per cent of expected visits were carried out.

Nonetheless, I welcome the Lothian pilot. It ties in strongly with the direction in which Conservative thinking has moved. I have raised—for no political advantage, as I hope members will accept—health visiting, particularly in Bridgeton and Possil, repeatedly in Parliament. I fear that the changes that we have made in the structure of health visiting have devalued the perception of the profession among the dedicated people who have worked in it, to the extent that many of them are now leaving it and there is a significant shortfall in the number of experienced people who wish to go into it. That is reflected in communities in which there are considerable inequalities and disadvantages, where the very issues that we seek to address through the family nurse partnership programme exist. Our inability to bring people in to provide and maintain such concentrated involvement is an issue.

Scottish Conservatives believe that although the pilot in Lothian is of value, we need to look beyond it to a universal health-visiting service. I know that the minister will say that, to a degree, such a service already exists, but it is not involved in the development and welfare of children over a two, three or even five-year period to the extent that it can identify the issues that the Lothian programme is to identify. If we are to put together a preventive health service that avoids many of the problems that we pay for subsequently, not just in the waste of human talent but, at great expense, in our health service, we need to find a way of providing that universal service across a wider spectrum.

As a party, we would have put more money into health visiting, to ensure not just that a universal service was retained, but that in areas of inequality we could address matters by having more health

visitors who perform the role that the family nurse partnership fulfils.

I look forward to progression of the pilot. I hope that if evidence starts to emerge from developments in England and elsewhere, we can consider providing something near to a national framework for health visiting in Scotland, because I am not sure that it is the right way forward for health boards to pursue different strategies. I hope that we will be able to focus our attention on a community that could benefit enormously from that attention in the long term. It is about developing a talent that is currently being wasted by giving families support that may prevent subsequent breakdown and by giving young people a start that prevents their descent into crime, and other problems that follow from that. If we can do that, we will tackle inequalities in the health service and introduce a much more rewarding health-visiting service for the people who are served by it and the people who work in it.

17:20

Dr Richard Simpson (Mid Scotland and Fife)

(Lab): I welcome the debate. I proposed an amendment to the motion to indicate that the family nurse partnership is part of the comprehensive consideration of child issues by the Prime Minister's Office under Tony Blair. I hope that the Scottish scheme builds on the successes that are being achieved in the English scheme. As Ian McKee said, the scheme was inspired by a similar approach, over many years, by Professor David Olds. In America at least, the results have been impressive.

In 2006, the UK Government announced that it would pilot family nurse partnerships in 10 sites throughout England. Applications were invited from primary care trusts, and local authorities were involved in providing continuing funding and support until the children were 24 months old. That partnership is an important feature that I am not sure is reflected in the Scottish pilot. I do not know whether it is entirely funded by the national health service, or by Government, and whether that will be the case for future waves.

The evaluation of the original pilots in England showed positive outcomes, not only for the pregnant women but for their families and the nurses involved. Those who benefited said that in the beginning they thought that the nurse might be nosy or judgmental, but that was not the case, and most got on well with their nurses. Importantly, we found that the fathers were often involved to a greater extent than might otherwise have been the case.

It is important for the scheme that young parents are able to trust those who are giving them advice.

There were some problems with workload and the burden of lots of paperwork. Paperwork is a feature of pilots, and I hope that that will not occur when this pilot is rolled out, so we should watch that closely.

In England, the scheme has progressed and is now into phase 2, with waves 2, 3 and 4, of 20 sites each, and a planned full roll-out from 2011. As Ian McKee said, England is really going for it—it is not just a one-off pilot. Whether it will continue under the new Conservative-Lib Dem coalition remains to be seen. Scotland appears to be slower, although the minister may be able to give us more information.

I have a number of concerns about the Lothian pilot. My colleague Marlyn Glen has asked a number of parliamentary questions about it. I support and commend the project but it has a top-heavy feel to it. There is a 16 to 20-hour clinical lead, a full-time project supervisor and a full-time lead nurse supervisor—I am not sure how many of those are engaged on the front line. Sometimes, such a top-heavy approach is needed in pilots; hopefully it would not be needed in a roll-out. Nevertheless, if we add on six nurses and an administrator, we end up with a cost of £1.6 million for 150 families. Will that be sustainable if the pilot is successful? As Dr McKee said, it is an important scheme.

I am concerned about the selection process in the Lothian scheme. It applies to mothers under 18, whereas throughout the UK most schemes have been for mothers under 20, although I gather that some have gone up to 23. It is probably acceptable that it applies only to first-time mothers. However, although the group that is being selected in the Lothian pilot is a vulnerable one, other measures of deprivation are identified in research from the growing up in Scotland project—which has published interesting material today—that surely should have been among the criteria. The current criteria include the single eligibility clause, which I presume is a mistake in the notes from Lothian; being under 18; and being a first-time mother. However, in identifying those who might benefit, other measures of deprivation should have been included, such as a parent having no work, poor housing, no qualifications, long-term illness or disability, income below 60 per cent of the median, and an inability to provide some items of clothing or food. I am also concerned about the failure to identify one issue in particular: poor mental health in the mother, beyond the normal period for diagnosis of post-natal depression.

It is important to know whether this family nurse partnership is linking to Home-Start, sure start and to child and family centres—in other words, the developments that the previous Administration

focused on in order to try to create improvement among vulnerable families. As far as I am aware, the Scottish National Party abandoned Labour's pilot scheme on nursery education for vulnerable two-year-olds. What is the exit strategy for these families? They will obviously require continuing support.

How does the family nurse partnership link to third-sector support, during and after the period that it is concerned with? How does it supplant or work with midwifery services, particularly in Lothian, which has a specialist service for people with addictions, who form another significant vulnerable group?

What other projects for vulnerable groups are being trialled in Scotland? Are we trialling the family pathfinder projects from England, the family intervention project, the family group conferencing project or multisystem family therapy? If we put all our eggs in this one basket—which is a pretty expensive basket—we may have problems.

I commend Jackson Carlaw, because the fundamental issue before us involves the question of how we can move from universal health visiting, with screening, to providing actual support for vulnerable families. The previous Administration did not solve that problem and I do not believe that the current one has done so, either. The problem is difficult to deal with in a time of economic restraint, but we must make a serious attempt at solving it.

17:26

Angela Constance (Livingston) (SNP): Like others, I congratulate my colleague and old friend, Dr McKee, on securing this debate. He rightly pointed out that the family nurse partnership has been well researched over a period of 30 years in the United States. As I understand it, it is somewhat inspired by the system of health visitors in this country. I know that the valuable role of health visitors is appreciated by members throughout the chamber. The way ahead for health visitors has been the subject of debate and will no doubt continue to be so.

It is, of course, good news that the family nurse partnership is fully funded by the Scottish Government for three years. I do not doubt that that is money that is well spent on vulnerable first-time parents.

As the member for Livingston, I am acutely aware of the high number of young parents in my constituency. I hasten to add that I do not see that as a bad thing—I do not consider the terms “young parent” and “young mother” to be pejorative. Some 38 per cent of 16 to 24-year-olds in West Lothian have one child or more, whereas the national average for that age range, according to the most

recent census, is 32 per cent. Although the figure for West Lothian does not represent huge numbers of people, I note that the rate of teenage pregnancy in pockets of deprivation in my constituency can be three or even 10 times the average.

Ian McKee's motion points out that one measure alone will not provide the entire answer to the challenge of working with young vulnerable parents. Young parents do not always access services, which often are not designed for them. Further, public policy is often designed to deter young people from becoming parents too soon, although ironically it has little to say when they do.

I am pleased to say that there is a history of good work with parents in West Lothian. The Broxburn family centre has done much pioneering work, combining parenting input with educational input, and the sure start programme has worked well with the department of adolescent and child psychiatry and the department of psychological services at St John's hospital.

I am aware that Barnardo's Scotland has an excellent test programme called you first. One of the two test sites is in Blackburn in West Lothian, just outside my constituency. Crucially, the you first programme, like the family nurse partnership, enshrines the belief that young parents are part of the solution and not part of the problem. They are a resource with whom organisations should work in partnership. All the evidence shows that the relationships that the skilled workers—whether they are nurses or social workers—form with the participants, and the skills that they deploy, are often more important in achieving outcomes than the course content.

The you first test project has had tremendous outcomes. All the participants are on course to achieve qualifications. There are reports that participants have developed better relationships with their children, and 80 per cent of the parents are receiving the benefits to which they are entitled. They have bank accounts, and they have been put in touch with the local credit union.

A general point about the evaluation of programmes such as the family nurse partnership and the you first programme is that we should evaluate not only the outcomes for parents but the outcomes for children. The key objective of all services that work with parents is to improve the life chances of children.

One small caveat to supporting such initiatives is that, as Richard Simpson said, we have to guard against endless pilots. We need to ensure good integration and co-ordination of services, whether those are statutory services, the health service or services in the voluntary sector. We need to avoid duplication, because that is

important in these difficult financial times, and because we need to ensure that we have a good geographical and equitable distribution of services.

It is always worth making the point that parenting, and ensuring that children get the best parenting possible, is everybody's business: every department of Government, local government and the health service.

17:32

Malcolm Chisholm (Edinburgh North and Leith) (Lab): I congratulate Ian McKee on lodging this important motion. I also congratulate NHS Lothian and the Scottish Government on their willingness to participate in and support such an exciting project. They have, to their credit, been very open-minded and willing to learn from other countries.

Many people will say that, given the current financial difficulties, it is not the right time to spend extra money on new initiatives. However, it is important that we examine the evidence and do not take a short-term view of public expenditure. The issue has come up regularly in the Finance Committee's current work on budget scrutiny, and we have heard a lot of evidence that investment in the early years will, in the long run, save a lot of money.

The work of Professor David Olds presents a wealth of evidence. For example, follow-up studies in the United States indicated that children in vulnerable families who received intensive home visiting from health visitors up to the age of two were, by the age of 15, half as likely to have psychological problems and half as likely to have been involved in the criminal justice system as similar children who were not in the programme. We simply cannot afford to ignore such powerful evidence. As we enter our budget discussions in the next few months, we need to think about the long term and recognise that investment in the early years benefits society in the long term.

The key words are "vulnerable families". People may question whether the full spread of vulnerable families have been involved in the Lothian pilot. It is a pilot, so obviously it involves a limited number of people, but we recognise that teenage parents are only one part of the vulnerable category—many others could benefit from the programme. It will always be difficult to decide who participates, but the principle of giving additional, intensive support to vulnerable families is absolutely right. We will see from the evaluation of the Lothian pilot exactly how effective it is, but we can see from the experience in the US and England that the outcome is likely to be positive.

It is a great credit to the Government and NHS Lothian that they have been willing to get involved

in this work. Obviously, I will take a particular interest in it as an MSP representing Edinburgh, and no doubt some of my constituents will benefit from it. We will all examine carefully this work as it evolves and the evaluation of it. We should be prepared to learn the lessons from it and, despite the difficult times that we are in with regard to public expenditure, to commit resources to the early years, because the future of society depends on that.

17:35

The Minister for Public Health and Sport (Shona Robison): I, too, welcome Ian McKee's motion and congratulate him on securing the debate. It has been constructive and many important points have been made, not least Malcolm Chisholm's point about how important investment in the early years is—I whole-heartedly agree.

I am pleased to say that, after an extremely successful recruitment process, which saw more than 60 community nurses apply, the first family nurse partnership team in Scotland has been established. All seven posts have been filled and the team is located in the Craigmillar area of Edinburgh.

The team is now in the process of recruiting first-time pregnant teenagers, who must be under the age of 19. I acknowledge, of course, that there are many other vulnerable parents, but it is right, in a pilot, to focus, here on first-time pregnant teenagers from the Edinburgh community health partnership area.

The programme is licensed by the pioneer of this work, Professor David Olds of the University of Colorado, and it has fidelity requirements to ensure that the potential gains, seen over a 25-year period in the USA, are realised. Ian McKee made the important point that the real benefits take some time to be fully realised, but there are also measurable benefits in the shorter to medium term. We hope in the Scottish model to emulate the success experienced in America, in particular by developing the self-confidence of our young parents to be the parents that they want to be and can be.

The seven family health nurses have started their mandatory masters level education and training, which is an important part of the preparation process. The crux of the success of the programme is the intense strength-based and therapeutic relationship between nurse and client. To achieve that, nurses need to feel supported in their day-to-day work with families, and they will be supported by a psychologist.

The target level of recruitment to the programme is set at at least 75 per cent of all teenagers who

meet the eligibility criteria and we are currently reaching 82 per cent of such teenagers. Those young people do not feel stigmatised, as the programme is being offered universally, on an entitlement basis, to all pregnant teenagers who are becoming parents for the first time.

The programme is offered to all teenagers who meet the criteria, irrespective of where they live or their family circumstances. Early reports show us how important that is. Of the few who have declined the programme, half report feeling well supported by family and friends. We hope to recruit a total of 145 teenagers before the autumn and will support them and their families until their child reaches two years of age.

The family nurse partnership team has worked closely with colleagues in universal services in Edinburgh, particularly in public health nursing, health visiting and maternity services and with other health and social care professionals, including general practitioners and those in social work services. They are creating effective referral pathways to ensure that they reach these mothers-to-be during the key window of opportunity that occurs during a first pregnancy. I have heard about numerous examples of good practice around information sharing, particularly between the FNP team and housing colleagues, which have allowed the right practitioner to intervene at the right time to maximise support for the young mother in advance of the arrival of a new baby. That exemplifies the principles of getting it right for every child, in which a joint approach with a clearly identified lead professional can make a real difference to a family.

In Scotland in 2008, more than 3,000 young teenagers would have been eligible for the family nurse partnership programme, with 70 per cent of them being in the lowest deprivation quintiles. Offering the programme to all teenagers who meet the current eligibility criteria would see us supporting the most vulnerable of our future young parents and offering the best possible start to their children.

As members have said, we need to proceed with caution and learn from the family nurse partnership implementation elsewhere, as well as in Edinburgh. The randomised control trial across 18 sites in England will shape the future of the programme in Europe and will provide us with evidence of the overall benefits, including cost benefits, as the programme is delivered in Scotland. Our evaluation, which is to report in three years, will focus on the transferability of the model into the Scottish context.

Richard Simpson implied that somehow Scotland has been slow in introducing the family nurse partnership. I point out that, in England, the implementation of the programme started in March

2007, but of course the discussions and planning went back to 2006 and before. I have not found evidence of movements at that time on the issue here in Scotland, although they might well have been planned—we do not know. However, when we came into Government in May 2007, we felt that the programme was worth while and that Scotland should trial the system.

Areas of learning have already been identified that could be transferable to all disciplines that support families with children in the early years. Young people have described how they feel respected by the nurses and have said that, by considering their aspirations, hopes and desires, the programme helps them to see a positive future as parents. Although the approach of developing self-efficacy in young people is not new, it has potentially far-reaching benefits when working with that client group.

The potential longer-term gains from the work—such as a decreased number of subsequent pregnancies, longer intervals between pregnancies, children with better school readiness, decreased involvement in crime and healthier mothers and children—will take longer to evaluate, but we know that those key issues, along with health behaviours, are linked to social deprivation and poverty. We must continue to address the early risk factors to improve outcomes. Angela Constance made the point that the programme is not a panacea and that we need to work on other issues.

Jackson Carlaw expressed concerns about how the family nurse partnership relates to the wider pool of nurses and health visitors. We know from Professor David Hall's work that the average health visitor input into families such as those of first-time teenage parents is 10 times the input into other families in the case load. I have asked for the evaluation of the family nurse partnership in Scotland to include a review of how the programme impacts on the work of colleagues who support young parents, particularly in universal services. I hope that that reassures Jackson Carlaw that we are aware of the issues that he raises.

It is early days in the testing of the new model, but the signs are promising. We are reassured by the family nurses in the team, GPs, colleagues in universal services and those whom I have spoken to at recent conferences that the approach makes sense. We now need to work towards measuring the effectiveness of the programme and sharing the learning with others on what we believe is an effective way of supporting young parents and their children to gain a better start in life.

Meeting closed at 17:43.

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