



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 23 May 2012

Session 4

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## Scottish Parliament

*Wednesday 23 May 2012*

[The Presiding Officer *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. The first item of business is time for reflection, which is led today by Rashpal Nottay of the Scottish Inter Faith Council.

**Rashpal Nottay (NHS Lothian Employee, Scottish Inter Faith Council):** Thank you for inviting me. It is my great honour and privilege to be here today to lead time for reflection at the Scottish Parliament.

Ladies and gentlemen, I came to Scotland in 1985. When I was invited to join the equalities forum by the City of Edinburgh Council about 20 years ago, I remember that there were few women from a minority background represented at the forum. Times have changed, and now there are many women in leadership positions in Edinburgh. Today, I will be talking about the contribution that Sikhism brings to gender equality.

A great difference between the roles of men and women exists in modern societies. When the first Guru came into light, the role assigned to the female gender was low and unpleasant. In the 15th century, Guru Nanak set up Sikhism. It was the first religion that advocated equality of all people, especially women, and it challenged the caste system. However, prejudices and injustices based on gender still exist. Even today, in the 21st century, it has been difficult to achieve equality.

At the time of the first Guru, Guru Nanak, most Indian women were ill treated and oppressed by their society. They had no freedom or education to make decisions, and their presence in religious, political, social, cultural and economic affairs was practically non-existent. The role of the woman was only to give birth, do household work and serve the male members of society.

Guru Nanak condemned that male-constructed ideology of the inferior status of women and protested against their long subjugation. The ultimate truth was revealed to Guru Nanak through a mystic experience, in direct communication with God. Guru Nanak conveys this truth through bani, Sikh scripture.

"In a woman man is conceived,  
From a woman he is born,  
With a woman he is betrothed and married,  
With a woman he contracts friendship,  
Why denounce her, the one from whom even kings are born?"

From a woman a woman is born,  
None may exist without a woman."

The Sikh Gurus provided women with equal status. They were given equality and religious freedom.

In Indian history, Sikhism was the first religion that granted religious freedom to women. Religious gatherings and kirtan were open to women, who could participate fully in religious ceremonies and receive the baptism—amrit—on equal terms with men. Guru Amar Das Ji authorised some women for missionary work. Guru Hargobind Ji called woman "the equal to man". In religious gatherings, men and women sang and preached without any disparity.

The practice of female infanticide and sati was very common in India. Guru Amar Das Ji condemned the ancient practice of female infanticide and the immolation of a wife at her husband's funeral to become sati. Sometimes a wife was encouraged and forced to burn herself at her husband's funeral to become sati.

A woman was regarded as temptation incarnate. The widow was considered to be cursed and allowed only the basics that she needed to live. The Gurus exposed the folly of such notions. They rehabilitated women in Indian society. They advocated that widows should be allowed to marry. Guru Teg Bahadur blessed the women of Amritsar and said that by their devotion they had made themselves "acceptable to God". Sikh history furnishes the names of many women who inspired men to heroic deeds.

Sikhism was a liberating force for women in Indian society.

"God! Save by Your Grace this world which is in flames.  
Save it by whatever way it can be saved."

## Business Motion

14:35

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-02994, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to today's business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Wednesday 23 May 2012—

after

*followed by*            Stage 1 Debate: Welfare Reform  
                                 (Further Provision) (Scotland) Bill

insert

*followed by*            Financial Resolution: Welfare Reform  
                                 (Further Provision) (Scotland) Bill—[*Paul  
Martin.*]

*Motion agreed to.*

## Welfare Reform (Further Provision) (Scotland) Bill: Stage 1

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-02966, in the name of Nicola Sturgeon, on the Welfare Reform (Further Provision) (Scotland) Bill.

14:35

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** I offer my sincere thanks to members of the Welfare Reform Committee and the many individuals and stakeholder groups who contributed to what has been an intelligent and well-informed discussion during stage 1 scrutiny of the bill. The committee has not had an awful lot of time, due to the Westminster-imposed deadlines to which we had to work in introducing the bill, but it has done a great deal in the time that it has had. I am grateful to the committee and to everyone who has been involved for their efforts up to this point and for the considerable amount of work that is still to be done, about which I will say more later.

It is five months, almost to the day, since we were in the chamber debating whether the Parliament should give its legislative consent to the United Kingdom Welfare Reform Bill, which of course is now the Welfare Reform Act 2012. Members do not need me to remind them of the unprecedented result of that debate, which was our first partial refusal of legislative consent for a UK bill since this Parliament was established.

We took that step for good and serious reasons. First and foremost, there is considerable and continuing concern about the impact of the welfare changes on some of the most vulnerable people in our society. It is worth reminding ourselves that the cumulative effect of the changes will be to take some £2.5 billion out of the pockets of some of the most vulnerable people in our society. I put on record, again, the Scottish Government's opposition, not to the principles of helping people into work and making work pay but to the detail of these damaging reforms, which will hurt people whom we should be protecting in Scotland.

The other reason why the Parliament could not give legislative consent across the board for the UK bill was that we were without adequate detail on a package of reforms that will affect hundreds of thousands of Scots. I have to say that five months on we still do not have much of that detail. By way of emphasising the point, I remind members that paragraph 47 of the committee's report highlights the fact that the committee wrote

to Lord Freud to ask for further detail and received a response that

“The Committee considers ... lacks substance”.

I said in the debate five months ago that

“Welfare is, unfortunately, a reserved matter”—

I stress “unfortunately”—and that it has serious

“implications for devolved services and responsibilities.”—  
[*Official Report*, 22 December 2011; c 4946, 4943.]

The UK Government’s silence on some of the most basic facts, such as the levels of universal credit to be paid, has big implications for our ability to plan the changes that we need to make to our devolved services. The reluctance of the Department for Work and Pensions to engage fully with stakeholder concerns around changes to disability benefit has implications for our health services, our social care services and our advice networks. The reticence on the likely cumulative impact of the reforms has serious implications for our work to better understand the social and economic impact that the reforms will have on Scotland.

I recall that, during that previous debate, Murdo Fraser was keen to tell us all that Iain Duncan Smith had given an assurance that no one will be worse off as a result of the introduction of the universal credit. I am sorry to quote Murdo Fraser when he is not in the chamber, but when he was challenged on that point, he said:

“The UK Government will make that clear.”—[*Official Report*, 22 December 2011; c 4991.]

I am sorry, but it is five months on and the UK Government has not made that clear; in fact, quite the opposite—George Osborne has signalled that he believes that another £10 billion of welfare cuts will be necessary by 2016, on top of the £18 billion-worth of cuts that he is already making. That does nothing whatsoever to assuage people’s concerns; it does nothing to help third sector organisations to maintain the support and services that many vulnerable people depend on; and it does nothing to help us to plan the changes that we need to make to what the committee rightly referred to as “lifeline benefits”.

I have said a lot—for a purpose—about the things that have not happened since our previous debate, but the Scottish Government is, of course, making progress where we can. When we previously debated the issues, a number of legitimate questions were asked about the potential for mitigating the worst impacts of the UK Government’s reforms and our intentions for passported benefits, the social fund and council tax benefit. In the intervening period, many of those questions have been or are in the process of being answered.

On mitigation, we first need to understand what the impacts will be, of course. As well as carrying out our own analysis, we have provided funding to the Child Poverty Action Group and Citizens Advice Direct to help us to understand the details of the changes. However, it is also important to acknowledge the work that is already going on. At its most basic level, mitigating those impacts is about protecting the pounds in people’s pockets, and the Scottish Government has a range of policies in place that are designed to do just that. Universal free prescriptions mitigate the cost of ill health; the freeze on the council tax ensures that vulnerable people have more to spend on the goods and services that they need; and free nursery places ease the cost of childcare. None of those things is a magic bullet, of course, but they all will go some way towards softening the blow of the UK Government’s cuts.

On passported benefits, the committee has rightly been very clear that the considerable expertise of the wider policy community will be crucial. I absolutely agree with that. Indeed, as I said when I appeared before the committee:

“the involvement of stakeholders lies at the very heart of the bill process”.—[*Official Report, Welfare Reform Committee*, 1 May 2012; c 191.]

I told the committee then and repeat today that we intend to have a full public consultation on passported benefits, and we want as much input into that as possible. We want to protect entitlement to passported benefits as far as we possibly can, but we also want to take the opportunity to look at the system of passported benefits and ask whether we can do things better. We have a system in place that has developed in a rather ad hoc way, and it is right to take the opportunity to look at ways in which it might be improved. The views of stakeholders will be crucial in that regard.

Let me be quite clear on that point. Any suggestion during the debate that we might be trying to limit proper scrutiny would be a serious misrepresentation of the Government’s position. Our intention is absolutely to engage with civic Scotland and to listen to what it has to say. I will be very happy to work with the committee on that on an on-going basis. There are interesting ideas in its report about interactive events that we will take on board. That is something that we can collaborate on. As I said at the start, the committee has already been successful with the people that it has brought together and the discussions that it has held. We want to build on that constructively to ensure that people have the fullest possible chance to be heard.

I turn to the social fund. I am very pleased that the Convention of Scottish Local Authorities has agreed to work with us to ensure that we have

interim successor arrangements in place for April next year. We have set up a joint Scottish Government and local government design and implementation group, and we are funding a post in COSLA to liaise with local authorities.

We are working with the UK Government to bring forward a section 30 order under the Scotland Act 1998 to ensure that our new arrangements can operate within the existing devolution settlement.

Many members raised concerns in the previous debate about the cut to council tax benefit that the UK Government is imposing, and asked what the Scottish Government could and would do to mitigate that. I think that all members would accept that they have the clear answer to that question now.

I am very pleased and proud—because I think that it says something about Scotland and the values that we hold dear—that, due to this Government's decisive action, 558,000 people will be protected from UK Government cuts through the Scottish Government and local government working together. We should all be extremely proud of that.

All that illustrates the work that we have been doing. I am pleased that much of that work is reflected in the committee's report, and that the committee has recognised stakeholders' unanimous support for the bill's general principles and the need for its swift passage so that the secondary legislation can be in place by April 2013.

If we want to ensure—as I am sure all members do—that we are able to maintain the provision of those important passported benefits, we must conclude the parliamentary process for the bill before the summer recess. After that—as I have said—we will hold a public consultation on the changes that we will need to make, and I want and fully expect the committee to play a role in that.

Once the UK Government has finally given us sight of its regulations, we will be in a position to draft instruments of our own. I will say something at this stage about the level of scrutiny that will apply when we bring those instruments forward.

First, I repeat what I said to the committee when I gave evidence: I will pay close attention to the Subordinate Legislation Committee's comments. I make clear—and I hope that members and those listening in the chamber or outside who have an interest in the bill will take this as an open invitation—that anyone who wants to propose ideas for how we can best deliver a sensible and proportionate approach to scrutinising the subordinate legislation in a way that recognises the clear wish of stakeholders to be consulted while still meeting the need to complete the

process on time can be assured that their views and ideas will be listened to, because I am open to hearing them.

As I said, we have a real opportunity—one that we perhaps did not ask for, but which we nevertheless now have—to ensure that we put in place a system for passported benefits that is right and which works for our circumstances. I stress that if we want—as we all do—to ensure that we can continue to provide protection for vulnerable people, we must meet the deadlines that are imposed on us. It is incumbent on us all to recognise the importance of that.

The issue of welfare reform is of growing concern across the chamber and the entire country. I have no doubt that all members know that from their correspondence with constituents: the letters, e-mails and surgery visits that tell of the anxiety, concern and potential hardship that is being visited on disabled people and other vulnerable groups by these UK Government cuts.

The reforms are not of our making: we would not have chosen to implement some of the changes that are being implemented at this time. However, I believe passionately that one of the reasons behind the establishment of the Parliament was to empower politicians in Scotland to protect the most vulnerable. Our duty in this Parliament is to protect the most vulnerable, and this Government will do everything in its power to do that.

More importantly, as we begin to lay out our vision for welfare in an independent Scotland—a welfare system that will have fairness and compassion at its very heart—I believe that people throughout Scotland will come to realise that there is a much better way to help to support the most vulnerable members of society while supporting those who can work into work.

The concept of state benefits goes to the heart of the question of where the ultimate responsibility for the wellbeing of our people should sit. This Government believes that it should sit here, and not with the Parliament in Westminster.

We might not have the levers that we would like to have, but we will do everything in our power to tackle the impacts that I have mentioned as best we can, and we will argue that it is much better for this Parliament to make such decisions in future.

I am grateful to the committee for its positive report and for its support as we prepare to make the changes that the bill will enable.

I move,

That the Parliament agrees to the general principles of the Welfare Reform (Further Provision) (Scotland) Bill.



**The Presiding Officer:** I call Michael McMahon to speak on behalf of the Welfare Reform Committee. You have 10 minutes.

14:50

**Michael McMahon (Uddingston and Bellshill) (Lab):** I point out that, as the Welfare Reform (Further Provision) (Scotland) Bill is a relatively simple bill, I am unlikely to require my full speaking allocation. I hope that that will aid the management of the debate and earn me some brownie points.

The bill is set in the context of its Westminster parent, the Welfare Reform Act 2012. Much of the evidence that the committee heard related to that act or to other welfare reform changes that are already under way. Some of that evidence was harrowing, but I will leave it to others to speak about those issues, if they wish to. I will restrict my remarks to what the committee's report says about the bill.

First, there was much in the bill and in the report on which the committee agreed. Fundamentally, we agreed—given the decision on the legislative consent motion on the Welfare Reform Bill—that, as a Parliament, we must make good on our commitment to take responsibility for these matters.

That was very much the view of stakeholders. Citizens Advice Scotland spoke for many when it said in its submission:

"As the Scottish Parliament rejected aspects of the UK Welfare Reform Bill Legislative Consent Motion, this bill is absolutely necessary to ensure that the citizens of Scotland still have access to passported benefits on 1 April 2013 when a raft of current benefits are effectively abolished and replaced by the new Universal Credit".

Speaking at the start of our first evidence session with stakeholders, Jeanette Campbell of CAS said:

"We all agree that the bill is absolutely necessary".—*[Official Report, Welfare Reform Committee, 17 April 2012; c 93.]*

The Welfare Reform Committee concurs with stakeholders and agrees with the general principles of the bill. We agreed on the main powers that will be taken under the bill: we agreed on the powers that the Scottish Government wishes to take on universal credit and on those that it wishes to take on personal independence payments.

We went further than that—we also agreed some important principles to do with how we felt that those powers should be used, and it is those points that I most want to draw to the cabinet secretary's attention.

We agreed that the powers should be used, in so far as it is possible, to mitigate some of the

problems that the Welfare Reform Act 2012 will create. With that aim in mind, we also agreed that the regulations should be designed—for the transitional period at least—to preserve passported benefits for those who presently qualify for them.

In short, we look to the Scottish Government to protect the most vulnerable of our citizens who will be affected by the changes. We appreciate that it can do that only within the powers that it possesses and we acknowledge that there are no easy answers or, as we put it in the report, that

"there is no magic bullet".

On all that we agreed, but I would be doing the Parliament a disservice if I did not mention, as the report does, that there were some areas on which we did not completely agree. It would be fair to say that Alex Johnstone, as the sole representative of the UK coalition parties on the committee, was not entirely appreciative of our critique of the parent UK legislation or of our "grave concerns" about its impact. He dissented from those findings.

In addition, Jackie Baillie and I did not agree with the committee's view on the process for agreeing the regulations under the bill—we dissented on that. We wanted a more open process for the development of the regulations. First, we wanted a consultation to be held on draft regulations. Secondly, we wanted the affirmative procedure to be used for regulations that would have a significant impact, as the Subordinate Legislation Committee suggested. Thirdly, we wanted an overall policy statement to be produced on the regulations as a whole. It would be fair to say that the committee as a whole was not comfortable with that view or with the prospect of tying the cabinet secretary's hands in what we all accept is a difficult situation and one that is not of her own making.

I think that all members of the committee recognise how important and potentially controversial the regulations will be, in that they will involve deciding who gets free school meals, concessionary travel, blue badges for parking and so on. I know that the cabinet secretary has offered to respond to the Subordinate Legislation Committee's concerns, and we welcome that.

Anything that the cabinet secretary can do to help to overcome the outstanding difference of view on regulations among members of the Welfare Reform Committee would be welcome. Perhaps she could come back to the committee in September, when the picture on the regulations is clearer. We are open to offers.

I close by making it clear that the committee was unanimous on some key issues. We unanimously agreed that the legislation is not just welcome, but essential; we unanimously agreed

that we should speed its passage so that everything is in place in Scotland for the start of the new welfare regime in April 2013; and we unanimously supported the general principles of the bill.

I hope that that gives members a clear starting point for debating the bill. I look forward to the debate.

**The Presiding Officer:** Mr McMahon, you have five minutes' worth of brownie points.

I call Jackie Baillie to speak for the Labour Party. You have 10 minutes, Ms Baillie.

14:56

**Jackie Baillie (Dumbarton) (Lab):** I fear that I will not be earning any brownie points from you today, Presiding Officer.

There was much that I could agree with in the cabinet secretary's opening speech. When we last debated welfare reform in this chamber, I said that we were witnessing

"the single most significant attack on the welfare state in my generation".—[*Official Report*, 5 October 2011; c 2451.]

I also said that it had little to do with fairness and even less to do with social justice, and that the so-called reform was simply a cover for cuts. I have seen nothing to change that view. A total of £18 billion has been stripped from out-of-work benefits and tax credits, and the Fraser of Allander institute estimates that the cuts will amount to £2 billion in Scotland alone.

We well remember David Cameron's words when he said to the Tory party conference in 2010 that

"it's fair that those with the broadest shoulders should bear a greater load".

What utter nonsense that was—just a few months later, he was presiding over a swingeing package of public sector cuts totalling £81 billion, including the £18 billion cuts to benefits.

Further, all that happened while the most affluent avoid paying £120 billion in taxes and bankers continue to award themselves huge bonuses. Disabled people are indeed facing the biggest attack on their rights in my lifetime. The reality of the new Tory-Liberal Britain is that those with the broadest shoulders are the poor, the disabled, the sick and the elderly.

**Mary Scanlon (Highlands and Islands) (Con):** Jackie Baillie has acknowledged how much she is opposed to welfare reform. I inform her that James Purnell, Labour's former Secretary of State for Work and Pensions, is in favour of welfare reform; that Frank Field has said that Labour's flagship welfare policy was an expensive failure; and that

John Hutton, an ex-Labour minister, is at the heart of the reforms.

**Jackie Baillie:** I thank the member for the information, which contained points that she made in the previous debate, so there is nothing new coming from the Tory party. Nobody is rejecting a simplification of the system; we are absolutely rejecting its being used as a cover for the imposition of cuts on the most vulnerable people in our society.

Today, we must focus on the position in Scotland and think about what the changes will mean for people here claiming benefits and what impact they will have on a wide range of passported benefits such as free school meals, free national health service dental treatment, legal aid and the education maintenance allowance. If we do nothing, some people will fall through the net because they will no longer qualify for the new universal credit or the personal independence payment. Their need has not gone away, but that does not matter to the UK coalition. It must, however, matter to us.

Labour's strong belief, which is shared by the committee, is that those who will receive universal credit or a PIP should be eligible for passported benefits. We also believe that those who are currently eligible for benefits under the existing system should remain eligible to receive passported benefits, which will address current need. There would be no real budget increase as the budgeted amounts include an allowance for that wider group already. I will illustrate that point with reference to concessionary travel.

Somebody with a learning disability currently qualifies for free concessionary travel. Given that many will no longer qualify for the disability living allowance or the new personal independence payment, their eligibility for concessionary travel would cease if we did nothing. However, the budget for concessionary travel still contains all the resources that are necessary to cover the continuing eligibility of that group of people. I welcome what the cabinet secretary said about eligibility.

Of course, the challenge arises with new claimants in the future. If we are to address the real need of a new cohort of claimants, we must consider the principles of the type of welfare system that we want. It is not good enough simply to pass on the Tory cuts; our responsibility is to mitigate the damage and protect vulnerable Scots and I expect the Scottish Government to set out that direction of travel, to be clear about its policy intentions and to explain how its regulations add up to a comprehensive whole. The stakeholders involved want that from the Government and, after reflecting on the evidence, the two Labour committee members were clear that they wanted

the same. Unfortunately, that move was blocked by a most interesting grand coalition between Scottish National Party members and the committee's lone Tory—but more of that later.

Labour members support the bill's general principles; as principal movers in rejecting the legislative consent memorandum—a move without precedent in this Parliament—we recognise the need for this enabling legislation. I am very glad that the SNP supported our position to oppose the changes and afford greater scrutiny to the Parliament.

Indeed, scrutiny is the issue that I want to turn to next. I have no doubt that the real interest lies in the regulations, which can make substantial changes to the system of passported benefits. The committee heard that the UK Government had provided insufficient information for regulations to be drafted—although it should be noted that the UK Government appears to contradict that. Whichever is the case, the UK Government will publish its regulations in mid-June, and we will then have all the information that we need to make progress.

The oral and written evidence that the committee received was overwhelmingly of the view that the regulations should be considered under the affirmative procedure. I do not want to earn a reputation as an anorak, but I will run that risk in order to explain to the outside world the difference between affirmative and negative procedure. Essentially, affirmative procedure gives committee members and those outside Parliament with an interest in the subject the opportunity to scrutinise regulations more fully. As it takes 40 days—the same length of time as the negative procedure—there will be no delay. To suggest that there will be a delay and that it will mean that the regulations will not proceed is, in fact, a red herring; indeed, the very stakeholders who are calling for more scrutiny do not want that to happen.

However, evidence in that respect was swept aside as the SNP—together, again, with the lone Tory—decided that it knew best. It ignored the evidence of witnesses and the Subordinate Legislation Committee and I believe that, in so doing, it has diminished itself and the Parliament.

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** On the member's last point, we clearly noted the Subordinate Legislation Committee's position on the matter. As for the general thrust of the member's arguments, I have said repeatedly in committee that the overriding, overarching concern of everyone the committee spoke to and took evidence from was to ensure that the legislation was in place by April 2013 and that there would be no gaps in order to protect the most vulnerable people in our society.

**The Presiding Officer:** I will compensate you for that speech, Ms Baillie.

**Jackie Baillie:** Thank you very much, Presiding Officer.

I thank the member for her intervention, but I recall distinctly what happened in committee, including the way in which the Subordinate Legislation Committee's view was rejected.

I well remember Alex Salmond's statement in this chamber that despite the SNP's majority it would govern as a minority. How disappointing it is that his back benchers did not pay attention to that and instead have used their majority on the committee to block scrutiny with no regard either to the overwhelming evidence presented to the committee during stage 1 or to briefings issued today that they might care to look at.

I used to think that the best committees hunted as a pack; indeed, we need look only at the previous Health and Sport Committee to see the truth of that. Witnesses could not distinguish between members' political allegiances, because the committee cared about the issues and worked together to resolve them. I am genuinely depressed at the way in which the powerhouse of the committee system has been dumbed down. Political differences are one thing, but a deliberate distortion of the evidence is another entirely and we run the risk of the committee system becoming discredited.

That said, I am encouraged by the cabinet secretary's more positive response, which stands in stark contrast to the attitude of her committee members. In that light, I urge her to prove me wrong and agree that all the regulations should be considered under the affirmative procedure to enable greater scrutiny.

Another area that was blocked by the SNP in committee related to looking at the economic and social impact of welfare reform in Scotland. The Government has looked at modelling for the impact on individuals and households, and that is very welcome indeed, but it has not gone far enough. Many of the witnesses acknowledged that the impact on services in Scotland could be huge. I and others have spoken in this chamber many times about the impact on social care services and how charging for services is dependent upon receipt of some of the benefits that are being cut. People will no longer be able to pay for their services and local authorities cannot afford to provide them for nothing. Who will pick up the tab? Those are the areas that we must understand better but, again, the SNP committee members knew better and blocked that.

Looking to the future, there is much that I hope the Scottish Government will do. I urge the cabinet secretary to adopt a national framework that sets

out clear eligibility criteria so that we do not end up with a postcode lottery for support. I recognise that the Scottish Government does not in and of itself have the legislative power to make benefit payments, so we rely on local authorities to do that. They might well be better placed to do that because they are more local, but we need to achieve consistency. Whatever we do, we need to ensure that the system is easy to administer and understand so that we avoid cliff edges and work disincentives when someone makes a return to employment.

One issue that is emerging is the need to ensure that there is sufficient capacity in the advice sector to manage the changes. The uncertainty is already driving people into citizens advice bureau offices across the country, which cannot cope with the ever-increasing workload. As a consequence of the UK Government's decision to provide extra funding for advice agencies in England, we had additional resources of almost £1.7 million each year for this year and the next two years. Those resources have yet to be allocated. I urge the Scottish Government to allocate that funding to the voluntary sector to allow it to provide the advice and support that are so badly needed now.

There is, without a doubt, a need for a much wider debate about the kind of society we want to live in and the kind of support that we want to be in place for some of the most vulnerable people in our communities. We have a real opportunity to have that debate, to rethink how we do things, and to develop a system that works well and is underpinned by fairness and equality and focused on people's needs. It is not a debate to be delayed. With all due respect to the cabinet secretary, people cannot afford to wait until some vague point in the future because everything will be all right if we are independent. That is nonsense; people need help now. I urge the Scottish Government to work with us to ensure that vulnerable people in Scotland are protected now.

15:07

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

Welfare reform is one of the issues of our time. In recent decades, Governments of differing political persuasions have looked at reform of the benefits system and shied away from the challenge. The job of simplifying and streamlining the system should have been tackled long ago but, unfortunately, it was not.

The abiding message that I have taken from the stage 1 inquiry is that everyone believes that welfare reform is needed, but no one is willing to say how it might be achieved other than to look at the UK Welfare Reform Bill and say, "Not that

way." However necessary the change might be, it seems that the time is never right.

For too long, millions of people have been consigned to welfare dependency, and written off with no real support to get back into sustained employment. The changes that are about to be made to the benefits system will ensure that those who are in genuine need get more support and those who could be and should be working are given the opportunity to do so.

Today, we are here to debate the general principles of the Welfare Reform (Further Provision) (Scotland) Bill. The Scottish Parliament decided to reject elements of the legislative consent memorandum on the UK Welfare Reform Bill so Scottish legislation became necessary to allow the Scottish Government the powers that it needs to implement its responsibilities under welfare reform. Although it remains my firmly held belief that the decision to refuse those powers to the UK Government was wrong, I fully accept that, that decision having been made, the provisions that are contained within the Scottish bill are now necessary. That is why, although the committee report is peppered with footnotes to indicate where I objected to specific conclusions, I join the other committee members in supporting the general principles of the bill.

In truth, it would be hard to find anything to object to in the bill, since the entire provisions fail to take up two sides of an A4 sheet of paper. The bill simply grants the powers to the Scottish Government that it would otherwise have had if it, along with its Labour allies, had not set out on an exercise of petty point scoring by denying the Westminster Government a minor part of its powers to act in Scotland. As such, the bill is no more than a fig leaf to cover the Government's embarrassment.

In reality, however, there is a real problem, which was created by the Scottish Government but which nonetheless needs to be solved quickly—that is, the issue of passported benefits. Those include free school meals, blue badges, legal aid, the energy assistance package and a series of other important support measures that are provided by the Scottish Government or local authorities but for which entitlement is based on the claimant's eligibility for one or more of the benefits that are about to be replaced.

One major change that will occur to the benefits system is the introduction of the universal credit from 2013, which will combine into a single payment jobseekers allowance, housing benefit, child credit, working tax credit, income support and employment support allowance. Then there is the personal independence payment, which will replace disability living allowance. A new assessment will be introduced that is intended to

assess people more accurately and consistently to determine who will benefit most from additional support.

The purpose of the bill is to paper over that crack. It does not contain any direct measures; it simply empowers the Scottish Government to make orders to ensure that no one falls through the net. The details will appear in subordinate legislation, which will be introduced at a later date. As of today, neither I nor the Scottish Government have much idea of what that might contain.

Nevertheless, stage 1 consideration of the bill has provided an opportunity for stakeholders to express their concerns about the potential impacts of the changes. Representatives of housing associations have expressed their serious concern that the presumption against direct payments of housing benefit to landlords might result in financial difficulties for housing associations and anyone else who provides homes for benefit claimants. If payments are made directly to claimants, they might not use the money to pay the rent. However, how can we ever expect people to behave responsibly if we do not trust them to take responsibility for themselves and their families?

Another concern is about the assessments of claimants of the personal independence payment. There is ample evidence that attempts to focus the existing support on those who require it the most have resulted in an increase in the number of assessments, which has led to a series of complaints, as individuals feel that they have been called in for the same assessment more than once. The work capability assessment was introduced by the previous Labour Government and was always felt to be too mechanistic. That is why the current minister, Chris Grayling, invited Professor Malcolm Harrington, a leading occupational therapist, to review that assessment. His report, which was produced last October, flagged up several improvements that need to be made, all of which will be implemented in time for the first assessments to take place under the new arrangements.

There is a requirement for increased advice and assistance. On that, I agree fully with Jackie Baillie. Assistance must be made available to those who find themselves in difficulty during this period of change. I have visited citizens advice bureaux that are already experiencing elevated levels of demand. I am aware that local authorities and housing associations are bracing themselves for an increased demand on staff time. Additional resources have been allocated for that purpose in England and Wales, but we need to ensure that something happens in Scotland.

Our benefits system is supposed to be a safety net, yet it has failed some of the least well-off, who

have fallen through it, while others have become entangled in the red tape. Few disagree that welfare reform is necessary. Today, we need the Scottish Government to give us not a prelude to a long stand-off, but a commitment to work together with the Westminster Government to make the process a success.

15:14

**Jamie Hepburn (Cumbernauld and Kilsyth)**

**(SNP):** The debate is welcome across the chamber, perhaps with the notable exception of the Liberal Democrats, who have not bothered to show up. The party started the process with its welfare reforms but it is not represented in the chamber. At least the Conservatives had the grace to come and contribute to the debate.

I am not speaking on behalf of the Welfare Reform Committee, but as I am its deputy convener it would be remiss of me not to thank fellow committee members, the clerks to the committee for their support and advice, and those who gave evidence to the committee. We received a huge amount of very useful information that served to inform not only the report but our work going forward. As has been said, those who gave evidence are uniformly in favour of the bill.

The committee has, by and large, worked very well together to produce a good report. Based on the speeches so far, members might not feel that we worked well together but I think that, by and large, we did so. Indeed, the report urges the Parliament to back the principles of the Scottish Government's Welfare Reform (Further Provision) (Scotland) Bill. We had to do our work in a condensed timescale due to circumstances that were outwith the control of either the Scottish Government or the Scottish Parliament.

Members might not believe it from what we have heard thus far but, as the convener said, only a small number of paragraphs in the report were not agreed unanimously. That shows that, by and large, there is a strong level of agreement across the committee on the way forward. It was somewhat disappointing that Jackie Baillie suggested last week, by way of a press release, that the report had been "butchered". She repeated the point today—I see that she concurs—so that is still her position. Although she did not use quite such trenchant terms as she did in last week's press release, she repeated the point to some extent.

As far as I can recall, only four paragraphs out of 118 were not agreed unanimously, and Jackie Baillie herself dissented from only two of those. Even if I do not have the figures quite correct, members will get the message that not a lot of paragraphs were not unanimously agreed. That

hardly strikes me as a report that has had the proverbial meat cleaver taken to it.

**Jackie Baillie:** The member knows, of course, the tenor and the length of the debate that we had in committee on some of those key points. It is surely not the number of paragraphs that were dissented from but their substance that is important. We feel that the paragraphs have particular import to the witnesses who provided evidence and the member has dismissed that evidence.

**Jamie Hepburn:** Not at all. I, and I hope all committee members, have reflected on the evidence before us.

Let me come to some of the areas of contention. Jackie Baillie suggested clearly in the debate—I do not know whether she deliberately tried to mislead Parliament; I am sure that that is not the case—that SNP members of the committee backed away from the suggestion that the Scottish Government should undertake modelling along the lines of that which the Welsh Government has undertaken. I note that she continues to make that suggestion from a sedentary position. Let me read paragraph 49 for Jackie Baillie. It states:

“The Committee believes that it would be useful for the Scottish Government to continue its analytical work on welfare reform, to also look at the wider economic and social impacts of welfare reform, as the Welsh Government has been doing.”

That is a fairly clear and concise statement that the committee is in favour of the position that Ms Baillie espoused. It may not have been Jackie Baillie's preferred wording, but perhaps she needs to reflect on the fact that, although she is a substitute member of the committee, she is not the committee.

**Jackie Baillie:** I found that last point quite pathetic, to be frank. The reality is that the entirety of the discussion—it took place in private, so I regret breaching that privacy—was about refusing to include those words in the report. Perhaps in future we should discuss reports in public, so that people outside will know the truth.

**Jamie Hepburn:** Far be it from me to say that I found that intervention somewhat pathetic. I thought that my reading out paragraph 49 might have been enlightening for Ms Baillie rather than pathetic. It is a shame that she will not reflect on the reality of the situation.

Jackie Baillie spoke at length about the fact that she wanted a substantial number of statutory instruments to be dealt with under the affirmative procedure. Again, the majority of the committee did not agree that such a specific provision was necessary. I did not get the sense, through the evidence, that such a position was necessary.

Jackie Baillie suggested that the committee had rejected the findings of the Subordinate Legislation Committee. That is not the case. We noted the Subordinate Legislation Committee's recommendations; we did not reject them. It does well for us to report the facts as they are.

It would be a shame if we got caught up in the process—although I have done so myself a little bit today—because this debate should not be about process. There was not an overwhelming amount of time taken up by evidence on that. People are interested in the outcomes that the bill can achieve, rather than in an anorakish argument over process.

There was a clear desire to see mitigation of the effects of the UK Government's welfare reform agenda. Indeed, the committee agreed that that should be part of the work taken forward by the Scottish Government and the Scottish Parliament. Although we agreed on that, we did so on the understanding that there has to be a realistic expectation, as the work has to be done within the limited powers of a devolved legislature that does not have full power over welfare. I see that my colleague Kevin Stewart is here. He was the first person to raise that point, and it was an important point to make.

Do I have much longer, Presiding Officer?

**The Deputy Presiding Officer (John Scott):** You have one minute.

**Jamie Hepburn:** Thank you.

I will touch on what is actually happening—the effects that have to be mitigated. These are well-rehearsed arguments in this chamber; we have debated these matters at some length. We are seeing quite clearly that the people who are already the most vulnerable in our society—groups who are the most likely to be negatively impacted upon by any welfare reforms—are the people who will be most adversely affected by these welfare reforms. Consequently, I hope that the Parliament will resoundingly pass the Scottish Government's Welfare Reform (Further Provision) (Scotland) Bill on the basis that we can do what we can to mitigate the worst effects of the UK Government's welfare reform agenda. As part of the Welfare Reform Committee, I look forward to further scrutinising the bill at stage 2, along with Jackie Baillie, no doubt.

**The Deputy Presiding Officer:** There is a little time in hand, so interventions will be welcomed until the time is used up.

15:22

**Siobhan McMahon (Central Scotland) (Lab):** The Welfare Reform Act 2012 is a missile that is aimed at the heart of the welfare system, with the

potential to inflict extensive damage. As such, it is attuned to the general tenor of UK Government policies. To me, the debate represents what this Parliament and devolution stand for: the ability to do what is right by the people of Scotland. I feel a sense of fellowship with people in England, and because I recognise that we are strongest when we stand together and not apart, I deeply regret that they do not have similar recourse.

A recent report from the Institute for Fiscal Studies states that the reforms that are planned for the next few years will

“cost households an average of £160 in 2012-13, rising to £370 a year thereafter. Households with children and those in the lower part of the income distribution”

will feel

“the biggest impacts as a proportion of income.”

Overall, tax and benefit changes enacted by the UK Government will

“unwind the large increases in the generosity of the tax and benefit system towards low-income families with children under the previous Labour Government”.

Perhaps a more appropriate word would be “rewind”, so intent is the coalition Government on taking us back in time.

All that is before we consider the following: the impact on disabled people of the 20 per cent cut to the newly introduced personal independence payment, which will lead to thousands of disabled people losing their entitlement; the purely arbitrary cap on housing benefit, which will lead to many individuals and families not being able to secure suitable housing; and the countless complexities the act has created by transforming eligibility to passported benefits, which is likely to cause chaos and confusion on an unprecedented level and to trigger a wholesale run on advisory services.

**Mary Scanlon:** Does Siobhan McMahon agree that there should be a benefits cap of £26,000, or a housing benefit cap? Should benefits be limitless?

**Siobhan McMahon:** The key words that I used were “arbitrary cap”, which means that the cap is being applied across the board, regardless of anyone’s circumstances. What is wrong is that the individual is not being taken into consideration.

When I read through the potential consequences of the act, I find the mad rush to rip up the welfare statute book only to replace it with this sorry selection of ramshackle reforms truly astounding. We are therefore extremely fortunate that we have an opportunity to launch a counter-measure that will help us to evade, if not to avoid entirely, a portion of the damage that the act will inflict upon deprived and vulnerable people across Scotland. We cannot let this opportunity go to waste. We must seize it—indeed, we owe it to

those who have no such option to do so. We must establish the extent of the damage and, in so doing, determine what we can do to offset it.

Speaking in the welfare reform debate in December, I argued that devolution of the community care grant presented us with an opportunity to improve on what we have. I read the consultation responses, and they are generally in accordance with what I suggested. The community care grant and the crisis loan should be combined to create a single fund for housing provision. The eligibility criteria should be clear and concise, the application process should be transparent, there should be a rigorous appeals process, and applicants for grants should be able to apply prior to receiving notice of housing. I hope that the Government will continue to note those proposals.

The bill primarily addresses the powers that are to be adopted by the Scottish Parliament as a result of the UK act, but the real detail will be in the subordinate legislation, which is yet to come. As the Welfare Reform Committee noted, the UK Government in general and the Department for Work and Pensions in particular have provided scant information on the practicalities of the act. That lack of detail has proved to be obstructive because it is difficult to plan for legislation or to seek to mitigate its effects without having full knowledge of those effects.

The committee correctly stated that it is for the DWP to undertake a thorough and comprehensive review of the impact of the act on all UK regions and to make that information available to devolved and local governments. However, the continued absence of such a review—not, it must be said, for the want of asking—means that we must take matters into our own hands. As well as conducting its own modelling, the Scottish Government must co-ordinate with local authorities, independent think tanks and the third sector. That will help to establish the scale and nature of the act’s financial implications, and it will inform the work of the Welfare Reform Committee and the Scottish Government, as they attempt to find the appropriate legislative response.

We must ensure that there is the widest possible scrutiny. That seems obvious to me, but when we read the evidence that was provided to the committee and the briefings that numerous charities and external organisations have provided for today’s debate, it quickly becomes apparent that the transparency of the legislative process is a matter of general concern. It is crucial that as many organisations as possible be invited to contribute to the legislative process and that all relevant legislation is presented for scrutiny by the Welfare Reform Committee.

So far, this difficult process has been relatively consensual, and it should remain that way. I am

therefore worried by the prospect of any aspect of the subordinate legislation from the bill being passed under the negative procedure, which allows for no parliamentary scrutiny and allows subordinate legislation to be progressed during recesses. Given the bill's likely impact on the people of Scotland, I find it odd that the Government would even consider such action. Along with some members of the committee and most of those who gave evidence, I believe that the provisions of the bill that will come through subordinate legislation, the majority of which are likely to be significant, should be subject to affirmative procedure. The Scottish Government might say that such a move is unprecedented, but my response would be, "So is this bill."

The only way we can offset the damage that will be done by the Welfare Reform Act 2012 is by working together. The bill is a vital piece of legislation and it deserves—or, rather, demands—the scrutiny and approval of the whole Parliament, and not just the Executive. Governments are temporary, but Parliament, I hope, will be permanent. As such, any significant subordinate legislation should be placed before it.

15:28

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** I am pleased to have been called to speak in this stage 1 debate on the Welfare Reform (Further Provision) (Scotland) Bill, which is an enabling bill. It is always a pleasure to follow my colleague Siobhan McMahon, who always speaks up so passionately for the rights of disabled people.

As has already been said, incentivisation of work and simplification of the benefits system are laudable objectives that we can all support. What is unsupportable is the taking away of the safety net from some of the most vulnerable members of society. That is not in keeping with the basic tenets of a civilised society but, regrettably, that is what the UK Welfare Reform Act 2012 does.

I, too, am pleased to sit on the Welfare Reform Committee. As has been said, we owe gratitude to all the third sector organisations that took the time and effort to contribute, and to all the individuals who took the time and trouble to contact us via our special website mechanism, which was set up to facilitate such contact. Some of the case histories that we received illustrate well the intrinsic problems with the benefits system and the poor way in which it is implemented at present—let alone what we are about to see in the years to come. I also thank the clerks, who worked very hard indeed to keep up with the sheer volume of information that we received.

The bill is an enabling bill, and the reasons for introducing it have been set out clearly in the debate. The Scottish Parliament took a historic vote on 22 December last year to partially refuse to grant legislative consent. We, of course, need the legislation in order to ensure that we in Scotland can act on matters that are consequent on the introduction of universal credit and the personal independence payment.

The bill is therefore enabling legislation and should be seen in that context. It has six sections, whose purpose is to ensure that we can take the necessary steps with respect to passported benefits, such that they will remain in place for April 2013, which is the start date of the new UK headline benefits. That is to be secured by way of subsequent subordinate legislation. There has been much debate about process issues this afternoon and in the committee, and I have listened carefully to that debate. However, as I have said repeatedly in committee, the moral imperative is that measures be put in place for April 2013 in respect of passported benefits, and that there is no gap in provision of what is, in effect, a lifeline benefit for so many people in our society. That is the overarching objective that we should all, as parliamentarians, have.

It has been stated that we have no control over the legislative timetable, which is dictated by Westminster. In an ideal world, we could spend the next years considering specific details of what is to follow, but we do not live in an ideal world; we are nearly at the end of May and, as the cabinet secretary said earlier, we are still waiting for key information from the UK Government about the headline benefits.

So—this is where we are and this is the job that we have to do. As I said earlier, I believe that that has been recognised by all the organisations that have taken the time to be involved in the debate.

**Kevin Stewart (Aberdeen Central) (SNP):** I thank Ms Ewing for giving way.

It is noticeable that the Liberal Democrats are not present in the chamber and yet Willie Rennie has just been on television defending the indefensible as regards welfare reform. Does Ms Ewing think that the Liberals are as culpable as their Tory colleagues, who at least have had the decency to turn up today?

**Annabelle Ewing:** I thank Kevin Stewart for his intervention. I do not want to intrude on the private grief of the Con-Dem coalition, but it says something that at least my fellow Welfare Reform Committee member, Mr Johnstone, and his Conservative colleague have turned up, while the Liberals have not even bothered to send anybody to listen to the debate.



On the important issue of consultation, the cabinet secretary has made it clear throughout that she wishes to have the fullest practicably possible consultation within the timescales that have been dictated to us by Westminster. This afternoon, the cabinet secretary issued an open invitation to all interested bodies and others to submit their ideas on what they wish to see. We cannot have any greater guidance than that is the clear direction of travel that the cabinet secretary wishes to take on the matter.

In the committee, we have gone further than simply looking at the enabling provisions; we have called on the Scottish Government to proceed as far as possible with further mitigation. Of course, the caveat is that we can act only within the powers of the Scotland Act 1998 and within the fixed budget that is available to us. An interesting feature of the process has been the call for further mitigation by a number of the organisations that gave evidence.

That raises the crucial issue of where the power over welfare reform should lie as, far as the people of Scotland are concerned. An increasing number of voices in Scotland are being raised, publicly disputing the UK Government's approach to welfare reform—they seek for Scotland something better and something improved. At the same time, there are calls for the Scottish Government to undo the harm that will flow from the Westminster policies—notwithstanding the fact that the powers and the resourcing of the welfare system still lie with the UK Government. My response to that apparent dilemma is to have a social protection system that fits our society's values and objectives. However, to do that we need the power to set and resource our own policy. In short, we need the normal powers of a normal independent country. Only then will we see real fairness and real social justice in our country.

15:34

**George Adam (Paisley) (SNP):** I am not a member of the Welfare Reform Committee, but I worked with disability groups and community groups in Renfrewshire in my time as a Renfrewshire councillor and I work with them now. That has mainly involved solving problems and seeing what can be done—within the limited powers at local level or even at devolved Government level—to make things better for people. We can still work with the limited powers under devolution, so I welcome the debate.

Independence can and will make the big difference on the issue, which provides a classic example of how Scotland as an independent nation can be different and can make a difference for our people. Unlike Jackie Baillie, I think that independence is not a faraway galaxy or in the far

future; it is in the here and now and will make a difference. If the Presiding Officer excuses me for saying it, independence may offer a new hope for our future. That is my vision for Scotland, as opposed to the negativity of the Westminster Parliament.

I welcome the cabinet secretary's speech and the bill that the Scottish Government has introduced to mitigate as far as possible the effects of the UK Welfare Reform Act 2012. I have said before in the chamber—as recently as in my members' business debate on multiple sclerosis—and I repeat, that we need reform, but not the reform that is proposed. We are dealing with the lives of vulnerable people and with families who have enough to deal with daily without having to face the financial problems that the UK Government is going to leave on their doorsteps.

The UK Government has yet again reduced the Scottish budgetary allocation. It is to reduce by £2.5 billion because of welfare reform, which will hit Scotland's vulnerable people in the pocket. That is a major issue for Scotland and our people.

Earlier today, I met people with acquired brain injury whom Quarriers had brought to Parliament. Those people will have a problem because of welfare reform. It is difficult to diagnose and deal with issues that relate to acquired brain injury and sufferers have problems with short-term memory loss, so when they have an issue with the disability living allowance or the PIP, they might be unable to recall conversations or other things that have happened. Such benefits are to be cut from the top, as 20 per cent is to be cut from their budget.

In other debates, I have mentioned people with multiple sclerosis. Such people can look as if they are healthy, because they are not having an attack and are living their life as normal. However, six months down the line, they might need all the support and help that they can get.

**Mary Scanlon:** Will the member give way?

**George Adam:** I know exactly what Mary Scanlon is going to say, but I will give way.

**Mary Scanlon:** I think that, for once, George Adam does not know what I am going to say. On 17 May, a new appointment was made to the work capability assessment scrutiny group. He is a chap called Simon Gillespie, who is the head of the Multiple Sclerosis Society in the United Kingdom and is a trustee and treasurer of the Neurological Alliance. His appointment will ensure that the voice of people with brain injury or MS—I thank George Adam for all his work on that—is heard.

**George Adam:** Such an appointment might be okay at strategic level, but the day-to-day running of operations might be difficult. We are dealing

with people who, when they wake up in the morning and have to answer a phone call from the Department for Work and Pensions, have difficulty in remembering what day of the week it is, let alone what they did last week and how they filled in a form. Mary Scanlon has just highlighted the major difference between us and her party.

Welfare reform will have an impact on people in our communities: there has been much talk about the difference that people will experience. When I was a member of Renfrewshire Council, its scrutiny and petitions board investigated the impact on Renfrewshire of the economic downturn. The local chambers of commerce said that welfare reform would cost Renfrewshire and the town of Paisley £1 million a year, because people who are on lower incomes tend to use high streets rather than to go to out-of-town shopping centres. That alone could have a major effect on Scotland's towns and high streets.

The impact on people worries me most. When I have hosted debates on MS and dealt with people who have MS, I have heard tragic stories. Luckily, my wife, Stacey, does not have some of the problems that others have. Would we as a Parliament put people through such experiences? I am proud that we have a cabinet secretary who will, along with the Government, stand up for such people.

In Scotland, 346,620 people claim disability living allowance. That is 346,620 people whose lives will change dramatically. Of those people, 308,000—89 per cent—receive the mobility component.

The reform could also have a major effect on how we deal with services locally, as its impact will be not just on high street retailers, but on the services that local authorities deliver.

Today, we are debating a major difference between the Scottish Parliament and its Westminster counterpart. I became involved in politics to help my community, but it was only when I married a woman who has a long-term condition that I began to understand the many issues involved. As an elected member—here and previously on Renfrewshire Council—I have worked with many groups that will be affected by the reform. Every time we make a decision, we must measure its success by its impact on the people of Scotland. This is another example, of which I am proud, of the Scottish Government's having Scotland's people at its heart. We must continue to protect our vulnerable people.

15:40

**Anne McTaggart (Glasgow) (Lab):** The Welfare Reform Act 2012 was described by the Prime Minister as a revolutionary piece of

legislation that would make work pay and protect the vulnerable. We were also told that the reform would help to clamp down on benefit fraudsters who take from the state what they are not entitled to. Yet, the same coalition Government has made no attempt to tackle the tax-evading companies that fail to pay billions of pounds that they owe. Protection of those companies at the expense of some of our most vulnerable groups leads me to believe that the UK Government protects the rich and lets the vulnerable pay dearly.

We often hear in the chamber that the Scottish Government wants more powers for Scotland. The act provides exactly that. Attention now must be on what will be done with those powers. A huge number of questions need to be asked not for partisan political reasons, but because of what is at stake for some of our most vulnerable people.

Members will be well aware that I am a proud supporter of the credit union movement. There is no doubt that credit unions will be at the front line in dealing with people as welfare reform kicks in. However, the impact and scale of the reform suggest that credit unions will be stretched to the extreme, with some possibly being unable to cope with the demands that will be placed on them by the financially excluded individuals and families who will be hardest hit by the welfare reforms. Some credit unions may not have the necessary range of products to deliver relevant services to those who are most affected by the reforms. The credit unions of Glasgow strategy group has been proactive in bringing 34 of the city's credit unions together to co-operate and to try to ensure that they can offer the best possible services. However, in other parts of the country that is not happening. It is imperative that the vulnerable groups who turn to credit unions that may not be able to cope with the increased demand are not forced into the arms of legal loan sharks or backstreet lenders.

It is important that we protect our smaller ethical financial service providers from trying to do too much for too many. Therefore, I ask the cabinet secretary what assistance the Government will provide in research and development for appropriate financial products for the people who are set to take the brunt of the reform. I also ask how the Government aims to support provision of financial advice and how it is supporting front-line organisations to work together in developing actions to mitigate the impacts of welfare reform—specifically with regard to financial products for excluded families.

The bill seems to be based on a presumption that benefits will be paid into bank accounts. Therefore, what provision has been made to ensure that individuals have an appropriate bank account that will allow them to receive their

benefits? Further questions also need to be addressed. Given that much of the access to the new system is expected to be online, are the individuals who are likely to be affected computer savvy or do we need to provide more computer courses? On computing, I have previously raised the fact that the Glasgow area has a poor rate of broadband take-up in low-income households, so there may also be issues about access to the internet for many of the people affected.

Another unanswered question, which I have heard from a number of third sector organisations, concerns the advice that is to be given to recipients. The reform means that benefits and tax credit recipients will be looking for comprehensive advice on all forms of benefits, which are currently all quite specialist areas. The changes suggest that individuals and organisations that give advice will have to increase the breadth of topics on which they provide advice. Again, it is important for them and Parliament to know how that will be orchestrated and what support will be given to ensure that it can be done.

We also need to know what the Scottish Government is doing to identify target groups, where they are located and which areas require particular types of support. Perhaps the Scottish Government's Scottish neighbourhood statistics project could help with that. It is a great tool, which I hope the Government considers promoting.

As I said earlier, there are many unanswered questions that need to be addressed. For the sake of the individuals and families who are supported by benefits contributions, I hope that the Scottish Government listens to all parties who are concerned with providing the answers that are so desperately required.

15:46

**Margaret Burgess (Cunninghame South) (SNP):** As a member of the Welfare Reform Committee, I, too, thank all the organisations and individuals who gave evidence to the committee. I am encouraged by their support for the bill and by their unanimous agreement that the bill be passed swiftly in order to ensure that the secondary legislation that follows is in place well before April 2013.

The key aim of the committee is to ensure that people continue to have access to the passported benefits that, as we have heard, give a great deal of support to many of our most vulnerable citizens. We must not do anything that would delay that and let those people down. That is our priority and the priority of all the groups that gave evidence.

I was a bit disappointed during Jackie Baillie's speech; I wondered whether she had been at the same committee, because what she told us was

not necessarily what took place. I welcome the cabinet secretary's commitment to consult widely and her assurance that the views of stakeholders will be encouraged and considered. She has said that at the heart of the process are the views of stakeholders because they are on the front line. It is a bit disingenuous to try to put a wedge between the Government, the Parliament, the SNP group and the voluntary sector, which is what I think Jackie Baillie was trying to do. That is wrong. This is about people and people's lives.

**Siobhan McMahon:** Has Margaret Burgess read—as I have—the briefings from organisations that want affirmative procedure to be used? Does she agree with that view?

**Margaret Burgess:** I read all the briefings and what I read was very clear: the voluntary organisations want to be able to participate and to have an opportunity to scrutinise. The cabinet secretary has said that she will give them that opportunity. The Government's priority is to ensure that we have legislation in place by April 2013 and that no one misses out. That is certainly my priority. *[Applause.]*

I will focus on a couple of areas of the report on which I think most of us agree. The report recognised that there is likely to be a significant increase in demand for advice and support services and recommended that the Scottish government examine whether it can provide additional support to organisations to which people are likely to turn for independent advice.

We recognise that the DWP has responsibility to provide advice to help claimants to make adjustments and that it should provide advice on entitlements. However, in my view, independent advice is also essential, because that is where people can get practical assistance and assistance to challenge DWP decisions.

Citizens Advice Scotland tells us that in March this year alone, citizens advice bureaux dealt with 122 new employment and support allowance inquiries every day. In tribunals at which CABx provided representation, in 69 per cent of cases the tribunal found in favour of the claimant.

We have heard about the amount of general practitioners' time that is being taken up in writing letters in support of appeals. The report of the GPs at the deep end group, which was published in March, tells of the negative impact of benefits cuts and austerity measures on patient health and GP workload in some of our most deprived areas. A GP commented:

"I observe this again and again that I cannot address medical issues as I have to deal with the patient's agenda first, which is getting money to feed and heat."

I ask the cabinet secretary to consider whether we should support agencies to provide advice

services in GP surgeries in order to allow GPs to concentrate on medical matters.

Siobhan McMahon mentioned online claims, which are the responsibility of the DWP. The committee's convener raised the matter in a letter to the DWP. I found Lord Freud's reply, which we received on 14 May, to be wholly inadequate. Lord Freud said:

"Recent research ... found 78% of claimants currently use the internet".

However, we know that only 61 per cent of people in Scotland have access to broadband, and that the percentage is much, much lower in deprived areas. Lord Freud also made clear that he expects "alternative access routes to be reserved for the minority"

and "kept to a minimum."

I remember the shambles when the DWP changed from paper to telephone claims. I saw at first hand how alternative access worked for people who did not have a phone. People were turned away from DWP offices; people were refused paper forms; people were not allowed to use phones in job centres and were told to go away and use family members' phones; and people who had mobile phones could not afford the bills. People were being batted from pillar to post just to make a claim, and it took months of lobbying by front-line organisations before the DWP adopted a more sensible approach.

We cannot allow that to happen again, so I would like the cabinet secretary to ask the DWP about its proposed alternatives to online applications. What are the alternative access routes? Will the DWP assure us that applications can be made in a DWP office? How will the DWP ensure that claimants can use the technology? What assistance will it provide to third sector organisations to help people to make claims? We need the answers, which are the responsibility of the DWP in the Westminster Government—not the Scottish Government.

I look forward to hearing more evidence and to more dialogue with stakeholder groups and individuals who will be affected by the reforms. However, if we want for our people a welfare system that is fair and that looks after the vulnerable, we have to be in charge of our own social security.

15:52

**Chic Brodie (South Scotland) (SNP):** I welcome the opportunity to speak in this important debate. The Government at Westminster said of its Welfare Reform Bill:

"This Bill reforms ... every part of our welfare system and I look forward to implementing the changes our country badly needs."

Maybe that country needs it, but it is certainly not what I want for my country. It is right that the Welfare Reform (Further Provision) (Scotland) Bill is a buttress to the pernicious, iniquitous provisions of the rather hurried UK Welfare Reform Act 2012.

A key finding of the Institute for Fiscal Studies is that universal credit will strengthen the incentives to work for those who currently have the weakest incentives to work. That might be acceptable if the London Government's economic strategy, to which we are unfortunately tied, were to stimulate rather than depress employment. It might be acceptable if that Government had had the foresight to recognise the wider implications—such as the immediate increased demand on and costs for services such as health and social care—of its rather precipitous, unthinking legislation in the name of economic management. However, we have yet another unfortunate example of the Tory-Lib Dem coalition mantra, "Let them eat cake."

Yesterday, I went to Remploy in Edinburgh with my colleague Gordon MacDonald. We went through some of the issues to see what could be done under the auspices of the Government to save the jobs of those on disability living allowance who also earn incomes. It was sad and concerning to see what might happen if that place closed. I believe that it will not, but it is sad to consider what might happen if the employees were put on the unemployment scrapheap. That will not happen on our watch.

That is why I hope that we show cross-party support to secure the consequences of the bill, which will mitigate the impact of London's Welfare Reform Act 2012. Whatever that impact is in total—we do not yet know what the total impact will be; apparently, we will not know the full details of the proposed reforms until the middle of June—we have the nonsense of the London Government reducing our budget allocation by £2.5 billion on the basis of an as yet unspelled out programme of reforms. If any policy area highlights the difference between London's economic management and the Scottish Government's economic competence, that is it. If anyone has doubts about the Westminster Government's economic incompetence, they should look at the remarks that were made by the managing director of the International Monetary Fund yesterday. I believe and hope that the Opposition parties—and even Alex Johnstone—will eschew any notion of tribalism to recognise the ill-prepared haste of the Westminster act and proposals, and that they will support the motion.

Change is constant. Of course there must be on-going reform but, instead of a meaningful and developed financial and implementation strategy on welfare changes that would have allowed an

orderly exit from poverty and despair and allowed us to redraw society and the support that it needs, we have a hurried hotchpotch of privilege.

**Kevin Stewart:** Does Mr Brodie agree with Aberdeen Action on Disability, whose view I share, that many politicians and the media are billing many folk who are incapable of working as scroungers, and that that is part of the black propaganda during the welfare reform process?

**Chic Brodie:** Yes, I agree with that. However, given the mantra and soundings that are coming from the Westminster Government, I am not surprised that they are being reflected in that way.

If it is anything, the bill is a bulwark against some of the ravages of the Westminster act. It will allow our Government to adopt the powers that it can and its responsibilities within the welfare reform arena, and it will allow us to anticipate the significant problems to be created by the changes in credits such as housing benefits and other passported benefits. Notwithstanding a particular section of the Scotland Act 1998, it will allow our Government and ministers to make provisions under regulations that affect not only universal credit but personal independence payments. How sad the change in the name of the disability living allowance to PIP is. The usual cry on the playing fields of Eton was "Pip, pip!" and that was the cry from senior members of the London Government who threw bread at each other as members of the Bullingdon club. That is sad and rather sick.

There is not one of us who would not support a welfare system that is based on a principle that lifts people out of poverty and makes work pay, but we should not slash and burn, and neither should the Government in London.

The work of the Welfare Reform Committee has to be welcomed and applauded. It is right that we take action now within our limits and where we can to mitigate the effects of the London Welfare Reform Act 2012 on our poor, vulnerable and disabled. The spirit level of fairness in our society is totally out of balance because of the policies of privilege that are exercised year after year by Westminster Governments. It will be up to us to get it back in balance for Scotland and our people.

15:59

**Margaret McDougall (West Scotland) (Lab):** I welcome the opportunity to speak in the debate at stage 1 of the Welfare Reform (Further Provision) (Scotland) Bill. I share the Welfare Reform Committee's concerns about the UK Welfare Reform Act 2012, as the reforms hit the poorest and most vulnerable hardest. They are suffering the hidden cost of undue stress and anxiety in worrying about the effects that the reforms will have on their benefits or whether they will still

qualify for those benefits. I welcome the fact that the Scottish Government has set up the committee and is trying to alleviate the damage that the act will cause. However, many questions remain, a few of which I will cover today.

The Scottish Government estimates that the bedroom tax could affect up to 39 per cent of working-age households in receipt of housing benefit. However, that is only a rough estimate, as many local authorities are still trying to develop a complete picture. Those affected will have their housing benefit cut by 14 per cent or 25 per cent, depending on the number of bedrooms that they are underoccupying. The Scottish Government and local authorities must address that mismatch in the housing stock so that tenants are not unfairly penalised, and do not fall into debt or get evicted because they are no longer able to afford the bedroom tax.

In addition, there are many issues surrounding the proposed universal credit. The new system is designed to simplify the benefit system by moving towards an online and telephone system, but it could have the opposite effect of making benefits more difficult to access. Many people do not have access to an internet connection, and those who try through the telephone system may find that they are missing out on benefits to which they are entitled. In particular, people with disabilities will find it even harder to claim the benefits that they need to survive.

I note that the Scottish Association for Mental Health and Ecas raised concerns with the committee numerous times that the new system could introduce many new problems and issues in relation to claiming benefits, claiming the correct benefits and even filling out the applications correctly. However, I did not find out from the committee report what will happen to benefits staff in Scottish councils. They are a valuable resource with local expertise and they can deal with complex claims. Will they find a new role in helping customers to move to universal credit using an electronic claim form, or will those posts be lost? Will those staff transfer to the DWP under the Transfer of Undertakings (Protection of Employment) Regulations 2006? We simply do not know.

Unison suggests that, if councils do not provide that support, other services such as Citizens Advice will be overloaded with those seeking help, support and advice. If that advice is not available, many people will lose out on benefits to which they are rightly entitled, which could lead to serious financial implications, the loss of lifeline services or—potentially—homelessness due to people not being able to claim housing benefit. COSLA considers that

"Welfare Reform alone could lead to up to an additional 3000 homeless presentations in Scotland."

The committee report noted that Citizens Advice in England and Wales has been allocated additional resources. Although the report acknowledges that it is the DWP's responsibility to provide full and proper advice, we cannot just depend on the DWP to do so. This Government must take action to ensure that independent advice is available.

In 2010-11, Citizens Advice Scotland dealt with 203,462 benefits issues for clients. It expects that figure to increase dramatically—and it is already increasing—with the new changes. The Scottish Government should allocate that vital service additional resources. That money could be taken from the £3.2 million gained from the Barnett consequential for the purpose of investing in support services—or are we leaving the responsibility solely at the door of the DWP?

Where is the provision in the bill for the localisation of the social fund? Community care grants and crisis loans are due to be devolved. Although there is a commitment from the Cabinet Secretary for Health and Wellbeing that there will be a social fund bill in 2013-14, to be introduced in 2015, would it not be more beneficial for such a provision to be included in this bill? It seems unnecessary to create two bills to deal with welfare reform, especially when the community care grants and crisis loans for general living expenses will be abolished from April 2013 and the new social fund bill will not be introduced until 2015—

**Nicola Sturgeon:** Will the member give way?

**Margaret McDougall:** In a second.

A series of interim arrangements will be put in place till then.

**The Deputy Presiding Officer (Elaine Smith):** Cabinet secretary.

**Margaret McDougall:** I am in my last minute.

**Nicola Sturgeon:** Ms McDougall came on to the point that I wanted to make anyway.

**Margaret McDougall:** Already cash-strapped councils will find it very difficult to cope with the costs of administration and new software, particularly if they do not know what the details of the new system will be, and claimants will be worried that vital support will not be there when they need it most.

I urge the Scottish Government to work closely with COSLA—I welcome the cabinet secretary's announcement that she will create a post in COSLA to work on those critically important areas—and to adjust the bill so that it deals with the social fund, or to provide answers to the Parliament on what provisions will be in place. The

Scottish Government did not put us in this position but, although I see the bill as a good start, many questions remain to be answered and many aspects are not covered by the bill. We need to be more forward thinking on those issues so that we can put in place the necessary provisions and support now, instead of trying to implement them when the problem is already on our doorstep.

**The Deputy Presiding Officer:** We have a little bit of time in hand if members want to take interventions. However, that is entirely a matter for them.

16:06

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** When one hears the words "welfare" and "reform", the assumption is normally made that something positive is intended, such as new measures to improve opportunities for our more socially deprived communities or radical new thoughts on how to tackle some of our more intransigent social problems. Alas, in the case of the UK coalition Government's Welfare Reform Act 2012, there was no such positive intention; there was merely a determination to reduce the cost of providing welfare by £18 billion. There has been no adequate consideration of the direct impact that that will have on those who are dependent on benefits and zero assessment of the broader social impact. In addition, I regret to say, there is little sign of compassion and little indication of caring about the outcome or the consequences for the lives of individuals, families or their communities. It is estimated that some £39 million is to be drained out of my local economy, which will have obvious consequences for businesses and communities.

An immediate example of the coalition Government's crude grab for cash without logic or consultation is what has happened with housing benefit. I welcome the fact that, in effect, responsibility for housing benefit is being devolved to Scotland. It costs £400 million to provide that important support to the most vulnerable in our society. As someone who has spent the past five years as a councillor dealing with housing benefit issues, I know how important housing benefit is to so many people in my constituency of Midlothian North and Musselburgh, in particular. Despite that, we found that Westminster had arbitrarily lopped 10 per cent off the £400 million, so that Scotland would receive only £360 million. That was done without any adequate discussion or negotiation and with no adequate reason, other than to save cash.

I am pleased that the Scottish Government, working with COSLA, will make up that shortfall. The pensioners and those on low incomes will also be pleased. Without that intervention, they

would have had to shoulder yet another impossible financial burden imposed by Westminster. However, that £40 million had to be found from somewhere, given the cuts that the coalition budget has made to the Scottish budget, and there is no doubt in my mind that the money would have found a good home elsewhere.

Choices are hard in the current financial situation and Westminster seems to excel in making bad situations worse. From April next year, most in-work and out-of-work benefits will be replaced with the universal credit. The intention is supposedly to simplify the whole system—if only that were the intention. The changes that are being made impose penalties on the most vulnerable in our society. Simplification of the welfare system is to be applauded, as is any proposal to make work pay and to lift people out of poverty. The UK Government's proposals will result in deep and damaging cuts to benefits and services that are a lifeline for the most vulnerable in our society.

We know that the Scottish Government has made strenuous representations to the Westminster Government and that it is working hard to mitigate the impact of the Westminster act, but a limited amount can be done because, for the most part, welfare is a reserved matter, over which the people of Scotland exercise little influence. Without the tools being placed in the hands of the Scottish people so that we can make our own decisions and determine our own priorities, we simply have to do as we are told. That is not democratic and it is not acceptable.

The Welfare Reform (Further Provision) (Scotland) Bill is intended to help mitigate the worst effects of the Westminster act. I welcome the fact that the Scottish Parliament is seeking to manage some of the worst aspects of Westminster's legislation. Unfortunately, the Scottish bill will only help the situation, not obviate the consequences.

One of the most serious impacts of the Westminster act is on how we support the most vulnerable people in their homes. Here, the pace of the change and the technical complexity of the change, coupled with a lack of detail, create a considerable challenge.

The intention to uprate the local housing allowance rates by reference to the consumer prices index decouples increases in that allowance from the housing market, which is more accurately reflected in the retail prices index. That means that theoretical rent increases will be linked to general inflation only, which creates the danger that social rents will become increasingly divergent from the market in which they must operate and will perhaps become unsustainable in the long term. The decision makes no economic sense and is

clearly simply a money-saving exercise that has been conducted by someone who does not understand economics and is distanced from social reality.

A major assumption in the 2012 act is that claimants will be forced to accept smaller accommodation, which will be cheaper for the Government to pay for. Accordingly, penalties are introduced where the property is deemed larger than the occupant needs. Again, I question the understanding of basic economics of the people who make that assumption. On paper, it appears reasonable. However, it does not take a PhD in mathematics to work out that, between the social landlords and the commercial landlords, the range and type of housing stock that is envisaged simply does not exist.

**Jamie Hepburn:** Does the member agree that not only do we lack the range of housing but, more often than not, the commercial landlords will charge more, which could result in a net increase to the public purse?

**Colin Beattie:** The member is absolutely correct. There are many examples of councils contracting to private landlords at a far higher price simply in order to find housing for homeless people.

In Midlothian, the major part of which forms part of my constituency, there are around 4,500 people on waiting lists for houses. Of those, 40 per cent, or 1,800 people, are single people of all ages. There is virtually no prospect that either studio flats or one-bedroom properties are going to be built on the scale that is needed to alleviate that problem. For many of those people, the only prospect is to be accommodated in current housing stock as it becomes available, which means waiting for many years before they have an opportunity to have a settled home. The Westminster Government is again proving its lack of economic sense by trying to fit a round peg into a square hole.

**Mary Scanlon:** Given the member's expertise in economics and his assertion that the Westminster Government does not have any economic sense, does he think that it is economic sense to pay £2,000 a week—£104,000 a year—in housing benefit? That is a sum that few families in Scotland could ever afford.

**Colin Beattie:** Where the Westminster act falls short is in allowing for the needs of individuals. Newspapers talk a lot about people being paid thousands of pounds in benefits, but they are talking about a tiny number of people. The vast majority of payments are well within limits that are being laid down at the moment. The likelihood of individuals falling into serious debt—perhaps with loan sharks—and the risk of rent arrears due to

the new system for allocating income support and benefit are high and much increased under the Westminster act.

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

**Colin Beattie:** I cannot exaggerate the potential consequences or the negative social impact of Westminster's recklessness. I believe that the bill will help to ameliorate the outcomes and uphold the principles of social justice.

16:14

**Elaine Murray (Dumfriesshire) (Lab):** Last year, the Parliament took the unprecedented step of deciding that it was not prepared to let the UK Government legislate for us on the devolved issues covered in its welfare reforms. For that reason, I regret that the First Minister has not attended today's meeting of the joint ministerial committee on welfare reform. His presence at that meeting would have indicated the strength of the Scottish Parliament's opposition to the UK Government's reforms, and I am sure that Mr Swinney or Mr Ewing could have attended the energy event in Aberdeen in his place.

**Kevin Stewart:** As an Aberdonian, I have to stress the importance of the all-energy conference to jobs in Scotland. Surely Dr Murray will recognise that our priority at the moment must be to increase the number of jobs in the country.

**Elaine Murray:** I am a bit surprised that Mr Stewart does not think that Mr Swinney would have been well able to do that had he attended the conference.

We need to pass the bill to enable work to be carried out on introducing the legislation that will cover the areas of devolved competence, principally with regard to passported benefits. Parliament has debated aspects of the UK act, including the impact of housing benefit reforms, but it was not until the Finance Committee examined the bill's financial memorandum on 18 April that I really became aware of how little consideration the UK Government appears to have given to the impact of the reforms.

Few people would oppose reforms that made the benefits system fairer, easier to implement and more efficient or ensured that benefits were received by the people who needed them rather than those who might be defrauding the system. However, not only are the UK Government's reforms driven by ideology and the desire to cut public expenditure, they are being introduced on a very tight timescale, especially in view of the complexity of unravelling their consequences. It almost seems as if Iain Duncan Smith and his colleagues had not thought through the impact on

passport benefits and public sector agencies such as local authorities and the national health service. Perhaps they did not much care. When the bill team gave evidence to the Finance Committee, I told them that everyone was struggling in the dark because they did not have enough information. Of course, that is not the bill team's fault.

The problem of addressing the changes to passported benefits is not unique to Scotland; the same process will have to be undertaken in England, Wales and Northern Ireland. The other devolved Administrations have taken action to model the impacts of tax and benefit reforms with a view to protecting their residents where possible. Like Siobhan McMahon, I am sorry that vulnerable people in England do not have the same protection.

To understand the implications, we need sight of the UK secondary legislation, which will set out the practical details of the operation of the reforms. However, less than 11 months before the reforms are due to take effect, information on the criteria for universal credit or personal independence payments, for example, has still not been made available. Because of that uncertainty, the bill's financial memorandum is able to set out only the current costs of passported benefits, not the potential cost implications of any reformed system. As a result, the bodies that responded to the Finance Committee's call for evidence found it very difficult to judge what the financial impact might be on them.

In fact, because of the sparsity of information, the Finance Committee did not submit a formal response but instead agreed that the committee convener write to the convener of the Welfare Reform Committee, who also happens to be a member of the Finance Committee, enclosing the evidence that we received and asking for clarification from the cabinet secretary on the timing, the nature and the level of detail of the financial information that the Scottish Government will provide with its subordinate legislation. We look forward to receiving that clarification. I am sure that I am not speaking out of turn when I say that the members of the Finance Committee are keen to play their part in scrutinising the secondary legislation.

The Subordinate Legislation Committee recommended the use of the affirmative procedure, but some stakeholders have asked for a higher level of scrutiny. For example, Children 1st suggested that the superaffirmative procedure be used for the first regulations produced after the bill is passed and that regulations be published in draft form to enable full consultation with stakeholders. Citizens Advice Scotland believes that



"regulations"

and

"policy on passported benefits"

must

"be scrutinised by the Welfare Reform Committee"

and CPAG urges us

"to ensure that ... urgency, attention and scrutiny is given to the detailed regulations that will follow on from the Bill".

Although the SCVO only notes the dissent of my colleagues Michael McMahon and Jackie Baillie on the need to scrutinise the regulation, its briefing highlights

"a positive opportunity for partners and stakeholders ... to work together to develop these powers for positive effect".

**Jamie Hepburn:** Will the member give way?

**Elaine Murray:** No. I have given way once already.

I appreciate that the UK Government is imposing a tight timescale, but that must not exclude the pressing need to ensure that we get this complex process right. It is those public and third sector organisations that work most closely with people who are in receipt of passported benefits that will be best able to advise on and contribute to regulation. We need to be able to properly examine the financial implications of its implementation. As CPAG states,

"Whichever approach is taken it is absolutely vital that draft regulations are made available and adequate opportunity given to scrutinise and suggest amendments before they are laid."

Citizens Advice Scotland also provided a briefing on the welfare changes that have already been introduced, including the changes to working and child tax credits and ESA that were introduced last month. More than 73,000 families in Scotland have already lost child tax credits worth £545 a year, and more than 11,000 have lost working tax credits worth up to £3,870 a year. People are already struggling to cope and, frighteningly, the IFS has advised that 88 per cent of the cuts are still to come. They are certain to impact on other services, and poverty and the requirement for support and advice will increase.

The impact of the changes needs to be thoroughly modelled and scrutinised. I urge Scottish ministers to concentrate on those issues, and work with stakeholders and Parliament rather than yield to the temptation to use the situation to make constitutional points, as some SNP members have done today.

16:21

**John Mason (Glasgow Shettleston) (SNP):** I could have intervened on that last point. If Elaine

Murray and others do not think that the constitution is important, they should think a bit more about history and the future. We are having this debate because the constitution is important and Labour members should welcome the fact that we can have such a debate. I argue that people in England could have the debate as well, because they have their own Parliament, but perhaps it is slightly different for them. Even though they keep saying it, I do not believe that those members really believe that the constitution is unimportant.

The scope of what we can do in the bill is limited, as is the extent to which we can mitigate the effects of the UK act. Anything that we can do to simplify the system is to be welcomed. It has been made clear this afternoon that the first problem that we have all faced has been the timescale. Some members have said that things have been a little bit rushed, but the Government and the Parliament have had very little choice about how quickly to make the legislation. As has been said, we must do all that we can to protect vulnerable people and, sadly, that might sometimes mean that not all the t's are crossed and not all the i's are dotted.

A further problem is the lack of information that we have had from Westminster. It likes to think that it sets the standard for parliaments everywhere, but the standard has been pretty poor in this case.

I specifically want to talk about the social fund and crisis loans, and I welcome Nicola Sturgeon's comments about working with COSLA in that regard. I know that she wanted to intervene earlier and, if she wants to, I am happy to let her intervene on that point.

**Nicola Sturgeon:** I am always delighted to help my colleague out with a strategically placed intervention. I was going to intervene on Margaret McDougall but she eventually made the point that I was going to make. We need to have the new arrangements in place by April 2013, but we do not intend to introduce a bill until later than that. It is important to stress the fact that we have an agreement with COSLA to put in place from April 2013 interim arrangements with a clear national framework that we can test in practice and use to inform the legislation in due course. I hope that all members, including John Mason, agree that that is the sensible way to proceed.

**John Mason:** I certainly welcome that intervention.

The question of the social fund and crisis loans underlines our present position. We do not have the powers to do all the things that we would like to do. If we look beyond whether a loan is enough or not, or if the loans are even available, how can we expect people who are on a miserable level of

benefits to pay back a loan? There is something fundamentally wrong with giving people on such a level of income a loan when they should be getting a grant, but it is clearly beyond our budget and ability to do that in the short term. We have inherited that system and we have to do our best with it.

The Finance Committee looked at the financial memorandum of the bill and I will refer to one or two things from what was perhaps one of the more frustrating meetings that the Finance Committee has had. The convener started off the questions by asking:

“How much is the fact that you are operating almost in a vacuum hampering your work?”—[*Official Report, Finance Committee*, 18 April 2012; c 965.]

That was the theme of the discussion after that. We touched on a number of issues, including COSLA’s point that local authorities will have to work with a double system for some time. COSLA wrote:

“since most claimants will only gradually move on to new benefits between 2013 and 2017, parallel systems of entitlement will need to operate during the transition period”.

That will cause problems for local authorities.

Glasgow City Council raised the question whether the DWP, the Scottish Government and local authorities will be able to share data with one another. We await an answer on that. Elaine Murray touched on the issue of consultation with Westminster. To an extent, things were summed up when Mark McDonald said to the bill team:

“You talked about the speed at which the legislation is being put through, but it does not seem to be matched by the speed at which information is being trickled down to the devolved Administrations.”—[*Official Report, Finance Committee*, 18 April 2012; c 974.]

I think that all the committee members felt that.

**Jamie Hepburn:** Does the member therefore share the Welfare Reform Committee’s frustration that, although it wrote to Lord Freud to seek information, he responded very late in the day, just before the stage 1 report was published, and he did not really provide the information?

**John Mason:** Yes, I share that frustration. We still do not know whether Westminster ministers thought through the legislation or whether they were doing it on the hoof and rushing it.

The Finance Committee concluded that subordinate legislation should be accompanied by information on the likely financial implications of each instrument. The best quote on that is from a letter from our esteemed convener, Kenneth Gibson, which states:

“It would be helpful to our future scrutiny if the lead committee could seek clarification from the Cabinet

Secretary on the timing, nature and level of detail of the financial information that will be provided by the Scottish Government alongside its subordinate legislation and the format in which it will be provided.”

We have had a lot of good input from third sector organisations. For example, the Child Poverty Action Group said:

“In the face of damaging UK welfare policies CPAG therefore urges the Scottish Parliament to ensure that devolved powers are used, in the face of UK cuts, to protect, and where possible enhance, the support available to low income families both in and out of work.”

We all agree with that, but the problem is that we are living with limited means. We have to live within the budget that we are given. We would like to expand things, but the budget is being cut. Nicola Sturgeon mentioned fairness and compassion. I could spend longer on the principles, but I do not have time.

Let us remember that the Welfare Reform Act 2012 is the latest harsh welfare reform legislation after the previous harsh Welfare Reform Act 2009, which came in under Labour and James Purnell. I hope that, before too long, we will be able to make the real decisions here, and that we will make better ones.

16:28

#### **Mary Scanlon (Highlands and Islands) (Con):**

Kevin Stewart and others spoke about the absence of the Lib Dems from the debate. It is not out of grace that I come here today; it is my duty as a parliamentarian and as a member of the Conservative Party, which is also in government in Westminster.

It is always an advantage to be on a committee that is considering a bill and to hear all the evidence and discussion surrounding the committee’s report. As other members have done, I thank the Welfare Reform Committee for its work. As I am not a member of that committee, my starting point was the committee’s stage 1 report. Given all the rhetoric that we have heard in recent months, I started looking for hard-hitting recommendations. I appreciate that the bill is an enabling one but, nonetheless, after reading the report, I found in total 24 paragraphs in bold, which are normally loosely termed as recommendations. Of those, I found one recommendation, in paragraph 61, which relates to stakeholder involvement. We all agree that that is absolutely essential.

Against the background of the rhetoric, there was more support for the general principles and for universal credit than I thought there would be. In various paragraphs, the committee “notes” issues; one paragraph raises “concerns” and another raises “grave concerns”; another asks the Scottish Government to consider analytical trials to

see what works; and one paragraph asks the Government to return to the issue of eligibility, as stakeholders do not have

“a common or articulated view”.

Although I have listened carefully to the debate, I am still not sure, despite all the criticisms of the eligibility criteria from Colin Beattie and others, whether the Scottish Government will bring forward its own eligibility criteria. It would be interesting to know that.

A report's conclusion is usually where one would find the committee's overarching concerns. However, the first conclusion

“brings the collective concerns from stakeholders ... to the attention of the Scottish Government”.

Meanwhile, the second and final conclusion

“looks forward to engaging further with stakeholders”.

I agree with all that, but I was a bit shocked, because I had expected something stronger.

**Jamie Hepburn:** I sense that there is disappointment on the Tory benches that the report has not been as critical as it might have been of the UK Government's welfare reform agenda. I suggest that the member looks forward to the committee's future reports.

**Mary Scanlon:** I will certainly keep a close eye on its reports and will respond in as honest and accurate a manner as I always do.

I make no apology for putting it on the record again that Labour's former Secretary of State for Work and Pensions pointed out that

“Nine out of 10 people who came on to incapacity benefit expect to get back into work. Yet if you have been on incapacity benefit for more than two years, you are more likely to retire or die than ever get another job.”

The removal of bureaucracy and the merging of seven different benefits into one has been widely welcomed. As Jamie Hepburn said—I agree with him on this point—it is the outcomes that are important. Rather than joke about the fact that we might agree on something, I say that I think that there is more that unites than divides politicians on the issue.

Labour's work programme scheme paid providers 53 per cent of the fee to place a person in a job. The new system will give work providers 5 per cent to get a person in a job and the remaining 95 per cent is paid over two years to ensure that people who need the support get it to help them hold down employment. No money is paid to the provider if the person becomes unemployed.

**Mike MacKenzie (Highlands and Islands) (SNP):** Will the member give way?

**Mary Scanlon:** No. The member has not been in the chamber for the whole afternoon, anyway, and I have a short amount of time.

Although George Adam dismissed the strategic changes, they are important. The DWP has already accepted the recommendations made in two reviews that Professor Harrington carried out to improve the assessment. The changes were needed.

I welcome the fact that the chief executive of the Multiple Sclerosis Society has been appointed to the independent scrutiny group that is overseeing improvements to the work capability assessment. He will provide a voice for the charity sector as the scrutiny group oversees Professor Harrington's third review, which is now out to consultation—the consultation ends on 30 June.

There has also been an outcry from Labour and the SNP about the capping of benefits. That outcry was not shared by the majority of people who took part in a recent YouGov poll that was carried out across Scotland. It found that 72 per cent of people supported the £26,000 benefit cap, which is 3 per cent higher than the figure from the same survey in England.

The benefit cap will have a top limit of £26,000, which is equivalent to a salary of £35,000. The average salary across Scotland is £22,694 and the average salary in the Highlands is £20,000. Members should tell people who are working whether they support the benefit cap. I have not been able to get information out of anyone today about whether it is supported.

Something else that others have not mentioned is that households receiving DLA, PIP, attendance allowance and war widows allowance—and many other benefits—are exempt from the cap. No one has mentioned that.

Another reason for the establishment of the Welfare Reform Committee in the Scottish Parliament was to examine—I support this—the effects of the legislation on benefit claimants in Scotland. Apart from when I had a quick cup of tea, I have listened to every word that has been said in the debate. I would like to know: what have the 40 Scottish Labour MPs been doing at Westminster?

**Jackie Baillie:** Will the member take an intervention?

**Mary Scanlon:** I have less than half a minute left.

It is not as if Scotland is not democratically represented at Westminster, so what are they doing?

I have heard members say that the level of appeals upheld is up to 70 or 80 per cent—that is

not true. In fact, both the company running the work capability assessments and the DWP have based the figure on the 39 per cent who were considered fit for work. Of those, 37 per cent appealed, and 39 per cent of those appeals were successful. That results in an overall 14 per cent success rate for appeals, because 39 per cent of 37 per cent is 14 per cent. We need to get that accurate.

I am still not clear about what the Scottish Government will do to mitigate the measures contained in the Welfare Reform Act 2012. I am sure, however, that Labour and the SNP have significantly raised the expectations of the more than half a million people who are on benefits in Scotland. I think that those people deserve to know exactly what is planned and I hope that they will not be disappointed.

16:36

**Drew Smith (Glasgow) (Lab):** We have had a useful debate. It started off lively, but we have been moving slowly towards consensus. We have made a lot of progress since we first discussed this issue last year and then, most recently, about five months ago. I add my thanks to the committee convener, committee members and the clerking team. I particularly echo the appreciation from the Labour seats and around the chamber for the work done by many people in the voluntary sector, who, for a protracted time, have had to prepare information and evidence on the impact that welfare reform will have in Scotland—even if that evidence has been, in the words of the committee, “unrelentingly depressing”.

Earlier this week, I had the privilege of attending the General Assembly of the Church of Scotland. Ian Galloway, convener of the Kirk’s Church and Society Council, addressed the coalition Government when he said:

“Austerity is a word we hear a lot at the moment. It has a sort of moral, stiff upper lip quality about it. It sounds like something that might do us all good. The reality is somewhat different. Food banks are opening across the UK at a rate of one every four days. If austerity means that we all have to tighten our belts, and perhaps especially those who can most afford it, then so be it. However, what is really happening is that the most vulnerable are being punished out of all proportion.”

Tory and Liberal members may not like to hear that—as Kevin Stewart and Jamie Hepburn have pointed out, Liberal members so dislike hearing about it that they will not listen to it—but that view is shared by not just the church, but many, if not all, of the members on the Labour and the Government benches.

The welfare reforms will cut support to some of the most vulnerable people in our society, and the committee is right to highlight its grave concerns

about the impact that cutting £2.5 billion worth of benefits will have in Scotland. I am pleased that, as a Scottish Parliament, we have a clear majority for seeking to mitigate the worst effects of some of the most disgraceful changes that the coalition parties are seeking to implement.

**Mary Scanlon:** Does Drew Smith think that it is right that people on DLA are left for years or decades without reassessment when their condition may have deteriorated and they may need a far higher level of support and help? Does he not agree that reassessment is necessary?

**Drew Smith:** The member almost makes a reasonable point. We all expect that there is a role for assessment to ensure that people get what they are entitled to and what they require. There is no role for assessment to be used to harass people or to attempt to punish them through bureaucracy.

Labour and the SNP have come together to agree that another way must be found. In rejecting the most offensive parts of the LCM, we agreed to set up a special committee of this Parliament, and the Scottish Government introduced its bill, which we have debated today at stage 1.

Jackie Baillie made it clear that the Labour Party supports the general principles of the bill. However, the test should be whether the bill meets the expectations and intentions that we had when we embarked upon the legislative process.

We should remember that we have been debating a unique piece of legislation this afternoon, as was highlighted by Michael McMahon and most recently by Elaine Murray. This is the first time that this place has rejected UK proposals in an area where a UK solution would, in our view, have been desirable and where the bulk of power and legislative authority resides at the UK level.

At the outset, the Scottish Parliament was clear. We wanted a Scottish welfare reform bill that put in place a framework to ensure that benefits could be provided to those who require them, and a bill that did that in a timescale that met both our needs and, more important, the needs of those people. We wanted a bill that provided new ways of testing eligibility for passported benefits. We wanted clarity to ensure that devolution of the social fund works to assist anyone who needs to rely on it. Most important, we wanted a bill that mitigated the worst effects of the UK Welfare Reform Act 2012 in respect of the devolved aspects.

We also wanted an opportunity for public debate about what assistance and support the Scottish Government and local government should provide. We wanted a workable set of proposals that local government and others would be able to

implement and which provided the appropriate resources to ensure that they could do their jobs.

All in all, that was a lot to expect from a short bill that largely provides enabling powers, and Labour members and others have raised concerns about whether the bill lives up to our expectations of it. We heard concerns from Siobhan McMahon about community care grants, from Anne McTaggart about financial and digital inclusion, from Margaret McDougall about housing benefit, and from both Margaret McDougall and Margaret Burgess about advice services, to which I will return later.

In effect, what we have is enabling legislation that could provide interim measures that are designed to safeguard the entitlements of those who rely on any or several benefits that are provided by devolved or local policies. That is welcome. Furthermore, we appear to have support for the principle that new applicants in groups that are currently eligible for a passported benefit should have access to what they need regardless of what future support they might have under universal credit. That is also welcome, if that is what the cabinet secretary is committing to today.

We now need much more work to be done on how that future eligibility will be assessed. In that regard, the scrutiny role of the Parliament and the committee that it set up for this express purpose will continue to be vital. The committee's ability to work together and provide the required level of scrutiny has perhaps not been the best example of how that should be done, as we have heard today. However, it should be a clear conclusion of the stage 1 debate and the debate that has taken place in the voluntary sector that the further powers that the Scottish Government is seeking to take require a robust procedure that involves the affirmation of the Scottish Parliament. All of us who are signed up to doing something about this deserve no less, and the cabinet secretary should welcome the challenges to ensure that we are doing all that we can to mitigate, rather than demand acquiescence to the view that the Government always knows best.

Elaine Murray was right to point out that it is regrettable that the First Minister missed the joint ministerial committee meeting today, but I am sure that we are all pleased to see that the Minister for Public Health has hot-footed it back from that meeting. We look forward to hearing what information the UK Government provided. As we heard in the debate, it has been a frustration of the committee that it has not received more information from the UK Government, so I hope that more information was provided today.

We should be clear that the consultation that will follow the bill should be as full and active as possible. As Michael McMahon said, it needs to be based on draft regulations. We need to consult on

proposals, because people need to know what they are commenting on and what the options are. I commend the Poverty Alliance for its evidence and its participation in the change model, which was showcased recently at the poverty assembly and which is one way of showing how people who rely on benefits should be involved in shaping what happens next.

The clear conclusion that I believe should be taken from this debate and from the evidence that the committee heard at stage 1 is that we need to do much more on the provision of information and advice as full implementation of the attacks on our welfare state draws nearer. Margaret Burgess was right to raise that point. Last year, our CABx dealt with 203,462 new benefit cases, which represented a third of their total case load, but in the same year funding for their advice services fell by 9 per cent.

All the indications are that demand will explode as benefit cuts are implemented and anxiety about new assessments increases. That could result in advice services in Scotland simply grinding to a halt. In contrast, the Scottish Government is accruing £1.7 million a year in consequential due to increases in advice service funding in England and Wales. Why are we still waiting for the SNP to pass on that money to the front line?

Understanding what is happening to real lives out there is the Government's test on welfare reform. Arguing over words and lines in a committee report is not the response that Scotland needs from its Parliament. Pocketing cash that could make a difference to the cash in the pockets of real people is not what is expected of the Scottish Government. Further, any attempt by the Government to obfuscate future parliamentary scrutiny of its actions by seeking to make use of a less onerous scrutiny procedure will not do either the SNP or the people whom we are trying to help any good whatsoever.

We will support the bill at stage 1, but I hope that the cabinet secretary will reflect seriously on the concerns that have been raised in this debate and that will no doubt be raised as we go forward to stage 2, and try to put in place a bill that can do what we all want it to do, which is to mitigate the effects of the welfare reforms.

**The Deputy Presiding Officer:** Cabinet secretary, you have until 4.58.

16:45

**Nicola Sturgeon:** Thank you very much, Presiding Officer.

I thank all members who have taken part in the debate. It has been a good and well-informed debate that has done the Parliament great credit.

I begin my closing speech as I started my opening speech, by thanking the Welfare Reform Committee. During the debate, we heard of the breadth and depth of committee members' experience. Their insight into and knowledge of the issue contributed greatly to the debate.

I thank Michael McMahon for his opening speech on behalf of the committee. I was struck by a comment that he made in an interview that he gave *Holyrood* magazine. I will quote it because I think that it sums up the role and importance of the Welfare Reform Committee. He said:

"The greater challenge will be to now demonstrate to those organisations who fear the impact the changes will have on the already vulnerable individuals they work with that"

the creation of the Welfare Reform Committee

"was not an empty gesture."

I absolutely agree with and support Michael McMahon's remark.

I acknowledge—as I did in my opening speech—that the committee has already enjoyed a great deal of success in bringing stakeholders together and in ensuring that we have an informed, intelligent debate that can help the Government to formulate the policies and proposals that we need to take forward.

I will not make a habit of quoting Michael McMahon at length in the chamber, but given that I have a little bit of time at my disposal I will quote him just once more. He also said that what the committee wants to be able to say is:

"We heard you. We set the committee up, and here is the change you can see because of that."

I believe that stakeholder organisations will see a change. It is important that they now have a forum where they can make their views heard. They can bring to the table their vast knowledge, experience and expertise and expect to see that expertise reflected in the work of the Parliament.

The creation of the committee also rights what has been for too long a deficiency in the life of the Parliament. We have had too small a part to play—and too little to say, perhaps—in the vital decisions on welfare in Scotland. The establishment of the committee is a welcome step towards a greater involvement for the Scottish Parliament in setting the welfare agenda for the people of Scotland. It is a welcome step on the road to the day when, as an independent Parliament, we can take these decisions here ourselves. That point was well made by John Mason and others.

I do not have time—even in my extended slot—to respond to all the individual points that were made during the debate, but I can usefully respond to some of the key themes that emerged.

No doubt we will have more detailed discussion of some of those points as we progress through the bill process.

The first theme is that of scrutiny. Jackie Baillie and others raised the level of Parliamentary scrutiny that will apply to the subordinate legislation that will flow from the bill. I addressed that issue—substantially, I think—in my opening speech. Jamie Hepburn, Margaret Burgess and others also dealt with the point extremely well.

It was telling that most of Jackie Baillie's speech was about process and not substance. I hope that this can become a point of consensus: I think that that shows that members across the Parliament and people outside the Parliament see that the Government is doing the right thing within the powers and resources that it has to protect the most vulnerable people in Scotland from the worst aspects of the 2012 act. We have done that and will continue to do that, because that is the right thing to do.

I will talk about the process issue. As I said in my opening speech, I remain open to constructive suggestions—indeed, I invite them—about how the consultative process can be made as expansive and as meaningful as possible. I repeat that the Scottish Government will make every effort to ensure that stakeholder views are listened to.

It is important for members across the chamber to reflect on the fact that, if we as a Parliament had not partially rejected the legislative consent memorandum at the end of last year, we would have had no opportunity to scrutinise the legislation. The powers would have been passed in March as part of the UK bill and this Parliament would have been bypassed until the regulations were laid, which will happen later this year. I want what we do to be meaningful and expansive, but anything that we do in the Parliament as a result of partially rejecting the legislative consent memorandum provides greater scrutiny than would otherwise have been possible.

Another point on which members must reflect is that, although the deadline of April 2013 is not of our making, it absolutely must be met. We would fail and let down the vulnerable people whom we are trying to protect if we allowed a gap to open between that date and when we put provisions in place. I say on the Government's behalf that I am not prepared to see that happen.

A lot of work has to be done on the front line to change the administrative systems and processes that deliver passported benefits. I listen carefully to stakeholders, who have acknowledged that an additional parliamentary process might not necessarily achieve greater engagement than we can achieve through guidance and partnership

working. We must and will always balance the need for additional layers of parliamentary process and scrutiny against our absolute priority, which is to ensure no interruption in the provision of such lifeline benefits.

I say in response to Michael McMahon that I would be happy to return to the Welfare Reform Committee in the autumn to discuss the stakeholder responses to our consultation over the summer and to consider any ideas that have been proposed. I would then return early in 2013 to discuss the detail of the changes that we will make. That is the right way to proceed, as it will balance consultation with the driving priority of putting the provisions in place timeously.

I will touch on the theme of mitigation, which was raised by many—if not all—members, including Jackie Baillie, Jamie Hepburn, Annabelle Ewing, Siobhan McMahon and Chic Brodie. The Scottish Government's position on mitigation is simple and has two aspects.

First, we fundamentally believe that the Department for Work and Pensions should pick up the cost of its reforms. We have made that case to the department on a number of occasions. Michael Matheson is just back from London, where he made that case again today, although he tells me that he did not have much success. That is because the UK Government is—disgracefully—still withholding the detail that we need to make progress. Margaret Burgess and others raised important questions about issues such as advice services and digital inclusion that the DWP requires to answer. We will continue to press it on those matters.

Secondly, we in the Parliament have a duty to mitigate as far as we can. We will continue to do that through the actions that the finance secretary has taken on council tax benefit and the proposals that we will make on passported benefits and the social fund successor arrangements.

Some members mentioned the particular impact of the reforms on disabled people, about which I will make a couple of points. Siobhan McMahon made several points very well, and George Adam and Anne McTaggart also addressed the matter. I take a lot of issue with many aspects of the reforms, but I absolutely deplore what the UK Government is doing to the budget for disabled people's support, which will see current spending fall by something like £250 million a year. The only way in which the DWP can achieve that saving is by giving existing claimants less, by cutting the number of claimants or by doing a combination of those things. However, the DWP has not yet told us how it will effect the cuts. Mary Scanlon complained that the SNP and Labour are raising expectations, but I would rather do that than raise the level of uncertainty among vulnerable people

in a climate that has been created by the Tories and the Liberals.

Mary Scanlon also said that she did not find the committee report hard hitting enough. Craig Tucker, an ordinary member of the public, wrote to the committee. He said that if losing entitlement to the enhanced rate of PIP

"were to happen, then I risk losing my Motability car. This would be devastating for me. I could then lose my job ... I would also lose my independence."

I do not know whether that is hard hitting enough for Mary Scanlon, but that brought the issue home to me. As everybody in the chamber knows, I am a politician who likes to find consensus where she can. However, I say to Mary Scanlon that, on this issue, there is more that divides the Government and the Tories than will ever unite us.

**Mary Scanlon:** There have been criticisms of the Westminster Government: that it has introduced a benefits cap of £26,000 a year—equivalent to a £35,000 salary—and a cap on housing benefit, which the SNP Government does not accept. Will the Government not accept any cap at all on those benefits?

**Nicola Sturgeon:** Yet again, it suits the Tories to talk about the easy cases, the people who misuse the system or the very few people in Scotland to whom a housing benefit cap would apply. Time and time again, they ignore the impact of the reforms on the most vulnerable in our society, who depend on the benefits system as a safety net. That is the reality, and we will take no lessons from the Tories on those issues.

It has been a good debate that will help the Government, in progressing proposals, to ensure that we do what we can to mitigate the worst effects of the changes. I hope that members who are concerned about the level of scrutiny reflect on the fact that the Welfare Reform Committee was brought about only as a direct result of the vote last year on legislative consent. Without that, there would have been no opportunity at all for Parliament to scrutinise the bill.

It is my strong and passionate belief that we would be much better off taking these decisions ourselves, here in this Parliament. Jackie Baillie said that we cannot just wait for independence. I agree with that. We cannot just wait for independence, and we will not. That is why the Government is taking so much action right now.

**Jackie Baillie:** Will the cabinet secretary give way?

**Nicola Sturgeon:** I am in my last minute.

Jackie Baillie's position that it is better to live with Tory cuts than to take responsibility into our own hands in this Parliament is illogical and a

counsel of despair. That is not a position that the Scottish Government will take. We believe that there is an alternative to Tory cuts—it is called independence.

## **Welfare Reform (Further Provision) (Scotland) Bill: Financial Resolution**

16:59

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-02778, in the name of John Swinney, on the financial resolution on the Welfare Reform (Further Provision) (Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Welfare Reform (Further Provision) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.—[*Nicola Sturgeon.*]

**The Presiding Officer:** The question on the motion will be put at decision time.



## Business Motions

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-02993, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 30 May 2012

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Motion on the Diamond Jubilee

*followed by* Scottish Government Debate: The Implications for the Scottish Economy of the Current Eurozone Situation

*followed by* Standards, Procedures and Public Appointments Committee Debate: 1st Report, 2012, *European Strategy* and other minor rule changes

*followed by* Legislative Consent Motion: Finance (No. 4) Bill – UK Legislation

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 31 May 2012

9.15 am Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Land Registration etc. (Scotland) Bill

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time  
Education and Lifelong Learning

2.55 pm Scottish Government Debate: Scotland's Future

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 6 June 2012

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 7 June 2012

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Government Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.15 pm Themed Question Time  
Finance and Sustainable Growth

2.55 pm Stage 3 Proceedings: Agricultural Holdings (Amendment) (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business—[*Paul Martin.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-02995, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a stage 1 timetable for the Scottish Civil Justice Council and Criminal Legal Assistance Bill.

*Motion moved,*

That the Parliament agrees that consideration of the Scottish Civil Justice Council and Criminal Legal Assistance Bill at Stage 1 be completed by 26 October 2012.—[*Paul Martin.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-02996, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a stage 2 timetable for the Police and Fire Reform (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that consideration of the Police and Fire Reform (Scotland) Bill at Stage 2 be completed by 15 June 2012.—[*Paul Martin.*]

*Motion agreed to.*

## Parliamentary Bureau Motions

17:01

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of two Parliamentary Bureau motions. I ask Paul Martin to move motion S4M-02997, in the name of Bruce Crawford, on substitution on a committee, and motion S4M-02998, in the name of Bruce Crawford, on approval of a Scottish statutory instrument.

*Motions moved,*

That the Parliament agrees that Jamie McGrigor be appointed as the Scottish Conservative and Unionist Party substitute on the Rural Affairs, Climate Change and Environment Committee.

That the Parliament agrees that the Official Statistics (Scotland) Amendment Order 2012 [draft] be approved.—  
[Paul Martin.]

**The Presiding Officer:** The questions on the motions will be put at decision time.

## Decision Time

17:01

**The Presiding Officer (Tricia Marwick):** There are four questions to be put as a result of today's business.

The first question is, that motion S4M-02966, in the name of Nicola Sturgeon, on the Welfare Reform (Further Provision) (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Welfare Reform (Further Provision) (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S4M-02778, in the name of John Swinney, on the financial resolution on the Welfare Reform (Further Provision) (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Welfare Reform (Further Provision) (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** The next question is, that motion S4M-02997, in the name of Bruce Crawford, on substitution on a committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that Jamie McGrigor be appointed as the Scottish Conservative and Unionist Party substitute on the Rural Affairs, Climate Change and Environment Committee.

**The Presiding Officer:** The final question is, that motion S4M-02998, in the name of Bruce Crawford, on approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Official Statistics (Scotland) Amendment Order 2012 [draft] be approved.

## Deaf Awareness Week

### **The Deputy Presiding Officer (John Scott):**

The final item of business is a members' business debate on motion S4M-02580, in the name of Jenny Marra, on deaf awareness week. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament notes Deaf Awareness Week, which runs from 7 to 13 May 2012; supports the work carried out by organisations across the country that help people who are deaf or hard of hearing; understands that these organisations aim to create a world where hearing loss does not limit or label people, where children who are deaf are able to achieve their full potential and where people value and look after their hearing; understands that 850,000 people in Scotland are affected by hearing loss and that, for around 6,000 people, British Sign Language (BSL) is their first language; further understands that, by 2031, over 1.2 million people in Scotland could have hearing problems; believes that there are many barriers for deaf and hard of hearing people, including access to public services, progressing in the education system, finding employment and overcoming social exclusion, and commends the efforts of everyone contributing to and coordinating Deaf Awareness Week.

17:03

### **Jenny Marra (North East Scotland) (Lab):**

Presiding Officer, thank you for allowing me to bring this debate to the chamber.

As the motion says, deaf awareness week is an opportunity to note the exceptional work across the country of organisations that support people who are deaf or hard of hearing. In my role as convener of the cross-party group on deafness I have seen at first hand the commitment of many groups and their determination to make a difference to the lives of Scotland's deaf and hard-of-hearing people.

During deaf awareness week this year there were a number of initiatives throughout Scotland, and there were some great ideas for raising awareness. In Edinburgh, for example, volunteers set up so-called doc squads and handed out communication tips to local general practitioner surgeries and health centres. Members might think that doctors would be among the last groups of people in need of such guidance, but the evidence shows that even professionals can benefit from it. Currently, only 45 per cent of people who report hearing loss to their GP are referred on for further support and intervention.

Unaddressed hearing loss continues to be a systemic problem in Scotland. It is estimated that 500,000 people could benefit from a hearing aid, but only 160,000 people have one. That leaves around 340,000 people suffering from hearing loss without a hearing aid to help them. Evidence has

also shown that there is a 10-year delay in people seeking help for their hearing loss. It is clear that we can make things better.

That leads me to the most critical part of deaf awareness week and the reason why I lodged the motion. It is imperative that we, as policy makers, continue to tackle the barriers that face deaf and hard-of-hearing people in accessing the help and support that they need to live a life that is free of limits and to gain the ability to reach their full potential. Barriers exist for the deaf and hard of hearing in all areas of life in Scotland. Whether at work, school or home or in doing the weekly shop, what are everyday tasks for most will unnecessarily turn into difficulties for some. A recent survey of 500 shops in Scotland showed that 80 per cent did not have the necessary equipment to make them accessible to deaf and hard-of-hearing people. Some 45 per cent of people have said that they have missed their name being called in doctors' and dentists' waiting rooms, and there is a 38-point gap in attainment between deaf and non-deaf pupils in secondary 4 in this country.

We can do quite a lot to address those issues. In relation to educational requirements, the National Deaf Children's Society has stated that deafness itself does not represent a complex additional support need—the complexity arises as a result of the ability or otherwise of local education provision to deliver the appropriate quality, quantity and scope of support to allow a deaf child to flourish.

What is therefore required is greater political awareness in the Scottish Parliament and our local authorities of the issues that deaf and hard-of-hearing people face, coupled with greater political will to invest the resources and create the policy that will help to alleviate the problems. I have heard that claim many times in meetings of the cross-party group on deafness over the past year. In those meetings, many members of the cross-party group have argued that better guidance for and education of public and private bodies would make a great difference in overcoming some of the obstacles that deaf and hard-of-hearing people face.

There is still no guidance from the Scottish Government on what constitutes effective early intervention for deaf children and their families, for example. That means that the families of many newly diagnosed children—90 per cent of whom are born to parents who have little or no prior knowledge of deafness—have little direction on where to turn for support or, indeed, little knowledge of the support to which those children are entitled. As a result, deaf children are immensely disadvantaged from the start of their lives, as the communication between them and

their parents becomes increasingly difficult. As the attainment gap between pupils shows, that can prove to be a major impediment to children achieving as they progress through the school system.

Some good work has been done in the Parliament to improve the guidance on specific issues in order to tackle some of the problems that are faced by those who are deaf or hard of hearing. Very recently, for example, my colleague Neil Findlay sought to address the lack of guidance on minimum acoustic standards in classrooms by lodging a motion for debate that encouraged the Government to address those standards. Without minimum acoustic standards in schools, the attainment of hard-of-hearing children can suffer unnecessarily, as they struggle even further to take in vital information and, given all the social pressures involved, have all the barriers that children face in admitting that they have such difficulties.

As Neil Findlay's motion highlights, guidance on minimum acoustic standards already exists in England and Wales, but not in Scotland. That is a good example of where just a little political will could make a significant difference for deaf and hard-of-hearing children in Scotland. I urge members to support that motion, and I ask the minister to address the issue in his closing remarks.

Another positive development in Parliament, which has been closely monitored by the cross-party group, is my colleague Mark Griffin's proposal for a British Sign Language bill. The bill would seek to tackle the fundamental problems of low awareness among the general public and in public bodies of the needs of those who are deaf or hard of hearing, and the shortage of BSL interpreters, which, if addressed, would significantly increase access to information and services for many people. On that note, I warmly welcome Paul Belmonte, who I believe is somewhere behind me in the public gallery providing BSL interpretation.

Those two developments—Neil Findlay's motion and Mark Griffin's proposal for a member's bill—are positive steps in tackling what I believe are surmountable barriers that exist for deaf and hard-of-hearing people in Scotland. The challenge that lies ahead for us as we leave the chamber today, as deaf awareness week has passed for another year, is to harness the political will and make available the resources to ensure that we can make those achievable changes and make Scotland an entirely accessible place for those who are deaf and hard of hearing.

17:11

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** I thank Jenny Marra for bringing the debate to the chamber. I will concentrate my remarks on one organisation with which I have been working over the past year, and its amazing group of volunteers. That organisation is Action on Hearing Loss—formerly RNID—which is about to celebrate its 101st birthday in a few weeks. I welcome its director, Delia Henry, and her staff who are in the gallery tonight. I have had a great year working with Action on Hearing Loss and celebrating its centenary. Last October, at the Scottish National Party conference in Inverness, I hosted an event for the organisation and ate birthday cake with its staff. A few months later, at a reception here in Parliament, I ate more birthday cake with them.

My experience with Action on Hearing Loss began much earlier in the year, on one of my first official visits in my constituency of Strathkelvin and Bearsden, when I visited its hear to help project in the Kilsyth Road sheltered housing. The three-year project is funded by the Scottish Government and the Co-operative. It is volunteer led and provides a maintenance service that—among other things—replaces batteries and tubing in hearing aids. One benefit of that is that it saves audiology specialists' time, but the most important thing that I learned from visiting the project is that it provides a personalised service for hearing aid users, either in their home or in a location that is convenient for them.

On my visit to the Kilsyth Road sheltered housing, I met a fantastic volunteer called Irene Fyffe—not forgetting Muffin, her hearing dog; I hope that Mr Q does not mind my referring to another support dog. I heard just recently from Action on Hearing Loss that Irene Fyffe—whom I so enjoyed meeting—won a champion volunteer award in the “champions the cause” category earlier this year. She also manages the service at the Golden Jubilee hospital in Clydebank, which was a runner-up in the Patient Experience Network national awards. It is evident that the volunteer-led personalised service from Action on Hearing Loss is not only doing great work for individuals in our communities, but is being recognised throughout Scotland and the United Kingdom for that marvellous work.

As members can see, I am finishing by trying out my BSL in order to say, “Thank you” to Action on Hearing Loss and to all the volunteers who are involved in it.

17:14

**Neil Findlay (Lothian) (Lab):** I hope that the Deputy Presiding Officer will forgive me because I will have to leave the chamber when I have finished my speech to meet his boss at half past 5.

I am referring to the Presiding Officer, not to Ruth Davidson.

I will speak briefly about one specific point—which Jenny Marra made—about access to education for young people with hearing disabilities. It relates to the way in which new schools are constructed and the building standards that apply to their construction. Currently, there is no statutory guidance that sets out mandatory acoustic standards for new-build schools in Scotland. There are mandatory minimum standards in England and Wales and, crucially, compliance with those standards is a prerequisite for securing Government funding, which is how we could ensure that such standards happen.

The National Deaf Children's Society has carried out research that demonstrates that, for the 3,500 deaf children in Scotland, poor acoustics are a real barrier to their fully accessing the curriculum and education. However, it is not just a case of assisting those who have hearing difficulties—the issue goes wider than that because improved acoustic standards would help all pupils. I have worked in schools where the acoustics are very good and in others where they are not so good. Poor acoustics are a difficulty not just for pupils, but for teachers.

I have had disappointing answers to recent parliamentary questions to the Government. On 2 May, the Cabinet Secretary for Education and Lifelong Learning advised me that the Government has no plans to introduce minimum acoustic standards for school buildings. That is extremely disappointing and I hope that the Government and the minister will have another think about that. Bringing in minimum standards would be a simple and cost-effective step. I will continue to campaign for that step to be taken because, as well as being simple and cost-effective, it is just one that we should take.

17:17

**Humza Yousaf (Glasgow) (SNP):** As members who have spoken before me did, I thank Jenny Marra for, and congratulate her on, securing this important debate, in which I am delighted to take the opportunity to speak. That said, in the office block in Glasgow where my office is, the office of Action on Hearing Loss is a few floors above and the National Deaf Children's Society's office is on the floor below, so I have the feeling that if I had not spoken in the debate, I might—quite rightly—have had a few disgruntled knocks on my door.

In her motion, Jenny Marra commends those hard-working organisations for supporting Scotland's deaf and hearing-impaired community. One of the first video blogs that I did for my

website was with the director of Action on Hearing Loss, Delia Henry, who I think is in the gallery. I did it during the festive period at the end of last year, in the midst of the centenary celebrations that Fiona McLeod mentioned. I did a bit better than Fiona McLeod did in that I sampled no fewer than four centenary celebration cakes. It is a tough job.

The point that Delia Henry made is that isolation is one of the biggest problems that members of our deaf communities suffer. What must it feel like to go to a Christmas party, a house-warming or a work night out, and see everyone engaged in copious amounts of banter and yet be simply unable to take part because of the background noise? The idea of having to spend a night in a corner of the room nursing a drink by themselves will put off many deaf people from going out with friends, family and colleagues. We all know too well the dangers that isolation can bring, but sometimes we overcomplicate matters. Not everything requires a strategy or a grand master plan as a solution. Sometimes just taking the time to talk to someone in that situation can do the world of good.

Jenny Marra's motion also touches on some of the many barriers that our deaf community faces, but we need only scratch the surface to imagine how many additional barriers many deaf and hearing-impaired people from our black and minority ethnic communities face. However, it is heartening that more and more organisations are tackling that issue. I first had the pleasure of visiting NDCS's BME families project back in 2007. Right from the offset, it amazed me what a difference it made to people just to have the opportunity to sit with other families who were going through a similar experience over a samosa and a cup of tea.

The isolation that is experienced by many BME deaf community members involves not only external factors and the lack of access to services, but a lot of internal cultural factors. Going to the mosque, the gurdwara or the Hindu temple plays a big part in the lives of Muslims, Sikhs and Hindus across the country. It is a matter of great shame that so many of those institutions are so ill-equipped to meet the religious and spiritual needs of their deaf members, so that is something that I want to do a lot more work on.

There is a lot that politicians can do to ensure that we are including people in the deaf community in the political process. I have had the pleasure of holding advice surgeries specifically for the deaf community. They have been well received; I imagine that many members have held similar events. However, I wonder whether political parties do enough in that respect? How many of us went out of our way to reach out to the deaf

and the hard of hearing to find potential candidates for the recent local government elections? When we devise party broadcasts, do we make them in a format that is accessible to the deaf community? What about the upcoming referendum campaign, which is quite rightly being described as an incredibly historic moment? We have to ensure that all communities have their voices heard, on all sides of the debate.

There is much food for thought. Once again, I thank Jenny Marra for securing the debate. I hope that organisations such as Action on Hearing Loss have another hundred years of success. There will be plenty of cake for future generations to enjoy, and they will do a lot of good work, too.

17:21

**Annabel Goldie (West Scotland) (Con):** I, too, congratulate Jenny Marra on securing the debate and thank her for her motion. It is not only timely, given deaf awareness week in May, but it deals with a condition that affects many families in Scotland.

I, too, pay tribute to the many charities that support individuals who suffer a degree of hearing loss, and their families. Those charities, many of which have been mentioned today, do excellent work and really make all the difference. We have come a long way since deafness was regarded simply as an unfortunate fact of life, with little more than primitive and obtrusive hearing aids being available for those who suffered from deafness.

My initial awareness of the condition was due to the fact that, in her early 30s, my mother experienced significant loss of hearing. Only as I grew older did I realise how isolating and discriminatory deafness was for her. I realise now how frustrating it was for her when shopping, travelling or just leading her everyday life. Her deafness blocked communication; when communication is blocked, it is frightening. Further, there is the embarrassment of asking someone to repeat what was said and, on repetition, of still being uncertain what was said, and there is the feeling of a lack of confidence about one's ability to cope.

It was only as my mother got older that I really understood how isolating deafness can be. She tended to shun company because of being unsure whether she could hear, and because background noise, which was amplified by her hearing aid, made the situation more difficult.

I welcome the positive changes that have taken place over several decades, even in the years since the inception of Parliament. The dramatic improvement in visual signs on public transport and elsewhere makes an enormous difference, and the prominence of British Sign Language is

another major step forward. It is marvellous to see it being deployed in Parliament this evening to benefit the members of the public who are attending the debate.

The specific support that is now available to deaf children from charities such as the National Deaf Children's Society is inspiring. Thanks to influencers like that body, much good work is being done and will be done. I applaud its efforts to ensure that early-years professionals in health, social care and education understand the need to remain vigilant about emerging hearing loss in children.

**Kezia Dugdale (Lothian) (Lab):** Does Annabel Goldie know that I was born with hearing problems and that my hearing loss was not identified until I was in primary 2? I often wonder what would have happened had my primary 2 teacher not identified it. Does she acknowledge the role that teachers play in ensuring that children's attainment can be developed?

**Annabel Goldie:** I do, and I think that Kezia Dugdale's testimony is poignant and makes the point extremely well.

If hearing loss can be isolating for an adult, it can be devastating for a child. However, there have been steady improvements in our schools. Personally, I would always prefer it if a child with a hearing impairment were able to attend mainstream education. As has already been pointed out, there are important preliminary steps that can be taken prior to designing a new school. Neil Findlay spoke eloquently about that, and I have supported his motion on the matter.

Next month, in my own area, I am scheduled to visit the Lenzie headquarters of the charity Deafblind Scotland, which works with adults who are dual sensory impaired. It will be difficult for most of us to imagine what that must be like but, as Jenny Marra rightly pointed out, barriers still exist. Today, as I strolled through Regent Road park on my way to Parliament, enjoying the lovely sunshine, I felt richly blessed to watch a wren on a low branch and to listen to an animated group of long-tailed tits. Let those of us who can see and hear never forget how fortunate we are and whether in politics, driving a bus, selling train tickets, serving in a shop or dealing with the public in some other way, let us show patience and understanding to those who face challenges that we know nothing about.

17:25

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I, too, congratulate Jenny Marra on securing the debate.

I want to focus on Hearing Dogs for Deaf People, which was first brought to my attention by Lesley Stewart, a borderer, and her lovely hearing dog, Molly. I recall that some 10 years ago in the first session Lesley and her colleagues brought their dogs to Parliament—which was then at the Assembly Hall of the Church of Scotland—and many parliamentarians found the meeting to be extremely useful and eye-opening. Hearing dogs not only do significant things for their owners, but provide immeasurable companionship that removes the isolation to which members have already referred. I hope in the coming months to organise a presentation similar to that in the first session with owners bringing their dogs to Parliament and showing what they can do.

What do hearing dogs do? They are trained to alert owners to doorbells, telephones, text messages, alarm clocks, fire alarms and many other things that we take for granted. As I have already said, they also become a channel of conversation between their owners and other people. As soon as people pat the dog, see its jacket saying that it is a working dog for Hearing Dogs for Deaf People and start chatting, the deaf person is immediately drawn in and no longer isolated.

Puppies are socialised for 12 months and receive basic obedience training; they also undergo quite stringent health tests. After that, they go into intensive training. There are currently 750 hearing dogs and since the charity's launch—this is its 30th anniversary year—it has placed more than 1,600 dogs with owners in the United Kingdom.

I want to quote from the experience of a young hearing dog owner, Sam, who says:

“Ember does lots of different sound work with me ... If mum were to say to her ‘Sam’ she’d run to wherever I was, nudge me, I’d ask her what it was and she’d lead me back to mum.”

His dog also pulls the covers off him to get him out of bed—I could have done with one of those dogs for my own sons, but there we are.

Ember has also helped the family. Sam’s mother says:

“One of the best things for me is that Sam sleeps now. We had nine years of”

not getting much

“sleep. When he takes his hearing aids out he can’t hear anything so he used to get up”

to see

“where we were several times a night”.

The family got burgled and because Sam could not hear he was always anxious that they would be burgled again and he would not know about it.

Of course, he has the dog now and his mother says:

“He’s more settled and more confident and I worry less about his safety. People will come ... and speak to him and it makes Sam interact where he wouldn’t necessarily have done before.”

That is one of the huge benefits of hearing dogs for the deaf.

I must conclude by mentioning the borderer, Lesley Stewart, who introduced me to all this, and her wonderful dog, a tiny black wonder known as Molly. I attended a sign language presentation with various deaf and hard-of-hearing people—it turned out to be a bit of a test to find out whether we could lip-read—and I had the privilege of Molly resting her head on my foot for 30 minutes. She was such a charmer. She went to sleep but, unfortunately, so did my foot.

17:29

**Dennis Robertson (Aberdeenshire West) (SNP):** It is a great privilege to speak in the debate this evening as the deputy convener of the cross-party group in the Scottish Parliament on deafness.

Prior to being elected to this wonderful Parliament, I had the great privilege of being the client services manager for an organisation called North East Sensory Services, which brought together blind, partially sighted, deaf and hard-of-hearing people. I was privileged to manage a team of social and rehabilitation workers who provided an invaluable service to both communities. In the initial stages, both sides showed some reluctance to come together but once they realised that they had a lot in common, many of the people, who were elderly, realised that they had dual sensory impairments.

One of the first tasks that I had in that post was to ensure that we were providing the services that both groups required. I will focus on those who are deaf and hard of hearing. It was a great privilege to be able to set up the services for lip-reading classes in Moray and Aberdeen. Again, it was a fantastic honour to set up the services for our staff, who all got involved in learning BSL. To that end, I commend Stephen Joyce of Deafblind Scotland, who tried in vain to teach me some BSL. I have some language skills for speaking with deafblind people, but I am probably not a great receiver because I always think that people speak far too quickly on my hand and their spelling is far better than mine. They must use abbreviations.

The work that all such organisations do is immense. I was talking to Delia Henry last night and I asked her what one thing she would like to see brought to the debate tonight. It was a difficult question, but she sought some advice and she

said, "Stigma. We need to remove the stigma for our deaf and hard-of-hearing people." We all have a big job to do in trying to remove the barriers for the deaf and hard-of-hearing people in our society and removing the stigma of having hearing loss.

I commend the work that happens in Grampian. The audiology service in Grampian Health Board is fantastic. A problem is that many people do not go in the early days when they begin to feel that they are losing their hearing. They might not go because of the stigma or because of the fear of being issued with a hearing aid. I went to Grampian's audiology service and when I was issued with my hearing aid I suddenly realised that I was hearing things that I had not been able to hear for many years. My wife is delighted that she does not have to ask me twice to do something, but I can still turn a deaf ear to some of that occasionally. Having a hearing aid ensures my safety. I am now able to pick up the frequencies of the signal crossings that I could not hear appropriately before.

Neil Findlay mentioned acoustics, and they are incredibly important, whether it be in the classroom at school, college or university, in other public buildings, or in GP practices and hospitals. Noise bounces off hard surfaces. It is essential that we do all that we can to ensure that those who are deaf and hard of hearing are in environments in which they can use what little hearing they might have to the best of their ability.

17:34

**Mark Griffin (Central Scotland) (Lab):** Like other members, I congratulate Jenny Marra on securing this debate on deaf awareness week, which will raise the profile of the week inside Parliament and, I hope, among the wider population.

Before I came into Parliament, I had a degree of awareness about deafness. My great-grandparents were a deafblind couple and, when I was growing up, I heard stories about how they coped with everyday life and raising a young family. My great-grandmother would tie a piece of string to my grandmother's foot while she was in her cot. Because my great-grandmother could neither see nor hear the baby crying, she used the movement of the string to alert her to the fact that the baby needed something. Hearing stories like that as I was growing up brought home the reality of the barriers that deaf people face.

As we have heard, approximately 850,000 people in Scotland have some form of hearing loss, which equates to about one in six of the population, and the number is expected to jump to 1.2 million by 2031. About 5,000 to 6,000 of those people use British Sign Language as their first

language. There is a lack of awareness and understanding of BSL among the hearing population, which means that deaf people do not have access to the same information and services as hearing people.

Even where provision has been made to make information available to BSL users, there are often difficulties with arranging interpreters. In Scotland, the entire deaf community has to rely on 80 dedicated sign language interpreters whereas, in Finland, which has a similar population and deaf population, there are 750 interpreters. Access to services across the public sector is piecemeal. A recent report by Action on Hearing Loss on access to social services in Scotland highlighted the wide variation among local authorities on access to just one service area.

Action on Hearing Loss surveyed BSL users regarding their experiences of access to healthcare. Of those surveyed, 61 per cent said that they had put off going to a health appointment because they were worried about communication problems; 68 per cent had asked for a sign language interpreter to be booked for a GP appointment but did not get one; 57 per cent had been confused about how to take their medication because no sign language interpreter was provided; and, most worryingly, 10 per cent had definitely taken medication incorrectly because no sign language interpreter was provided to help them understand the directions from their GP.

When people start taking health risks by missing appointments or taking medication incorrectly, something has to be done. The Government and public authorities, in consultation with BSL users and those with an understanding of the language, need to draft action plans on how they will open up access to information and services. That would allow public authorities to measure their performance against other bodies and to share best practice across Scotland. The plans could be scrutinised by national charities and groups to assist authorities in making progress towards any targets that they set, and we as parliamentarians could scrutinise public bodies, particularly those that come under Government direction, to ensure that they perform satisfactorily.

As Ms Marra pointed out, 90 per cent of deaf children are born to hearing parents, who tend to have limited or no prior knowledge of deafness. If their child then goes on to use BSL, how will they communicate with their parents and brothers and sisters to the same level as hearing children do? Unless the family has the financial means to learn BSL, a child can easily become isolated in their own home. I ask the minister to say how the Government plans to address the issue of families that do not have the financial means to take BSL classes.



17:38

**Annabelle Ewing (Mid Scotland and Fife) (SNP):** I, too, congratulate Jenny Marra on securing the debate. I thank her for providing us with the opportunity to highlight deaf awareness week. At the outset, I formally recognise the excellent work that is done on behalf of deaf people by a range of national and local organisations and individuals throughout the country. I welcome our visitors in the public gallery and the signer.

Jenny Marra is to be praised for her continuing support in the Parliament for deaf people. As well as lodging several motions on deaf-related issues, she added her name to a motion that was lodged last year by my colleague Jim Eadie.

**Dennis Robertson:** I thank Annabelle Ewing for taking an intervention, but I ask her please to slow down to enable the signer to keep up.

**Annabelle Ewing:** I thank my colleague Dennis Robertson for that salutary message. I apologise to the signer. I am conscious of the time limit, so I was racing ahead there. I will take Mr Robertson's advice and slow down.

Last year, Jim Eadie lodged a motion in support of the campaign by the Scottish Council on Deafness to ensure that lip-reading becomes part of hearing loss rehabilitation and that support be given for the training of lip-reading tutors so that that essential skill can be offered to all people with a hearing loss as part of their rehabilitation. I fully support that campaign and I hope that we can see some progress on that in the months to come.

I pay tribute to the National Deaf Children's Society and to Action on Hearing Loss Scotland. Both organisations do a tremendous amount of work and we have received very helpful briefings from them on the debate.

There are around 3,500 deaf children in Scotland, about 83 per cent of whom are educated in mainstream schools. Of course, being deaf is rightly not regarded, in and of itself, as amounting to a learning disability. It is therefore important that, when it is appropriate, deaf children are educated in the mainstream system. Nevertheless, the statistics give us cause for some concern, because they show that there is an attainment gap between deaf children and their hearing counterparts. That tells us that more perhaps needs to be done to provide more targeted assistance for pupils who are deaf or who have learning difficulties.

I understand that, since 2007, a local record of deaf children pilot project in NHS Tayside and NHS Lothian has enabled healthcare professionals to record a range of information about all deaf children. That information will be

extremely useful in assisting local health, education and social care teams to plan their workforce and resources to meet needs and to improve the service that is provided to deaf and hearing-impaired children. The more detailed knowledge we have, the better we can respond to the needs of society.

I am confident that we in the chamber are conscious of the huge impact—it has been alluded to by all the members who have spoken—that a loss of hearing would have on our lives. We must remember that as we seek to formulate policies, so that we ensure that we do our best to get the policy right.

Acoustics in school buildings, in particular, have been mentioned. As Dennis Robertson said, the importance of acoustics should be taken into account in all places of learning. I am not conversant with all the details of that debate, but I support the principle that we have to ensure that every child has the same chance—and it is the best that we can make it—in their learning environment. I hope that we will hear more on that issue when the minister winds up the debate.

**The Deputy Presiding Officer:** Thank you. That is an example of less being more.

17:43

**The Minister for Public Health (Michael Matheson):** As others have done, I congratulate Jenny Marra on securing the debate and on lodging her motion, which illustrates a number of important points about the value of deaf awareness week. One of the important points that she made is that it gives us an opportunity to recognise and to celebrate the work that is undertaken by a range of organisations that represent and improve the lives of people in Scotland who have hearing loss or deafness. An important part of that work is their raising of awareness of hearing loss, which is a growing issue and one that I think we can do more to tackle.

I was grateful that Action on Hearing Loss offered me the opportunity to have my hearing tested last year at the Scottish National Party national conference. I was delighted when I was given a clean bill of health and informed that the results showed that my hearing is fine. However, when I shared the results with my wife, she was not persuaded. It is important that we take every opportunity to encourage people to have their hearing tested as and when appropriate.

The motion correctly highlights the challenges that we face—in particular, the demographic challenges. As the motion sets out, it is estimated that in the region of 850,000 people in Scotland are affected by hearing loss; by 2031 the figure

could be more than 1.2 million people. We have to plan and deliver services in a way that recognises that with the demographic shift to an ageing population profile there are likely to be more people with hearing loss, visual impairment or dual sensory loss, so we need to ensure that we plan services in a way that can most appropriately meet their needs. However, we must also recognise that we have to face up to that challenge while budgets are squeezed as a result of reductions in the Scottish Government's budget. Although that is a challenge, it also provides us with real opportunities to look at how we are doing things and to see whether there are different ways of doing things that would be much more effective in helping to support people with hearing loss or deafness.

The motion mentions barriers; a number of speakers have spoken about tackling the barriers that individuals with hearing loss may experience. Essential to any approach to tackling those barriers must be the founding principle of ensuring that people with hearing loss or deafness are afforded the opportunity to live as independently as possible: to live an independent life in which they can make the right choices for themselves, have control over how things are done, be treated with dignity and be given the freedom to make decisions. We must keep that in mind when we move forward on tackling the barriers.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** I had the great pleasure of visiting the Ayrshire mission to the deaf in Kilmarnock on Monday. One of the big issues that it raised with me was the difficulty that deaf people have in dealing with the corporate world, particularly on the telephone. Many businesses will still not speak to anyone other than the customer on the telephone. Perhaps the Government could look at persuading our friends in the corporate world to allow proxies to represent deaf people on the phone, and for that to somehow be embedded in the system. I am sure that it would be a great help to deaf people.

**Michael Matheson:** Willie Coffey has made a valid point. I am aware of the difficulties that people who support people with hearing loss or deafness can have in approaching the corporate world to make representations on their behalf.

That is similar to how some carers find themselves in difficulty in trying to address the needs of a cared-for person. There is more that we can do. For example, we are considering a carers authorisation card that would give carers permission to access information on behalf of that cared-for person. There may be parallels that we can draw from the experience that is being piloted in a couple of health board areas in Scotland. That could also be used with the corporate world by those who have hearing loss.

Several members mentioned British Sign Language—an issue that Parliament has recognised for some years. The first British Sign Language debate was led by Winnie Ewing and we had a signer in that evening. I remember attending that debate and recognising the value of BSL. As a Government, we recognised BSL as a language in March 2011. We are trying to address some of the British Sign Language-related issues. We are working with a number of organisations, including the Scottish Council on Deafness, the British Deaf Association, and the Scottish Association of Sign Language Interpreters to develop and to support an infrastructure to train and register BSL teachers, to make available an increased number of sign language classes, and to increase the number of qualified sign language interpreters.

Mark Griffin made the valid point that clearly there is more for us to do, and, as a Government, we will consider what further action can be taken with our partners in addressing the issues. We will also give consideration to Mark Griffin's member's bill when he introduces it.

Some members referred to issues relating to the paediatric audiology service. In 2009, we brought in new standards to improve the quality of paediatric and adult audiology services. We are now into the third year of the process. Each health board undertakes an annual assessment to evaluate and track the extent and nature of progress. So far, the indication is that improvements are taking place, but I accept that there is still space for improvement.

The Government is determined to continue to make progress. That is why we have made a commitment to bringing forward a new sensory impairment strategy. We want to allow the various stakeholders to help to form how we will develop policy in the coming years to ensure that we meet the demographic challenge that we face, that we continue to build on the improvements that we have made in recent years, and that progress continues.

**Jenny Marra:** Will the strategy include or consider minimum acoustic standards in schools?

**Michael Matheson:** We are going to consult on the strategy, so those who wish to make representations on that issue will be able to feed them in. I do not want to say what will and will not be in the strategy.

I mentioned the challenge that we face, but as I said, there are opportunities as well. We will continue to work with our partners to try to ensure that we realise those opportunities and that we continue to improve services for people in Scotland who have a hearing loss or suffer from deafness.

*Meeting closed at 17:51.*

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