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Official Report

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Wednesday 13 June 2012

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[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. Our time for reflection leader today is Baroness Caroline Cox of Queensbury, founder and chief executive officer of the Humanitarian Aid Relief Trust and guest speaker at the national prayer breakfast for Scotland.

Baroness Caroline Cox of Queensbury (Humanitarian Aid Relief Trust): Presiding Officer, members of the Scottish Parliament, ladies and gentlemen, I thank you for the opportunity to share a brief reflection.

My Christian faith is often challenged and sometimes very shaky. One of the greatest challenges is the reality of suffering. As a nurse, I daily encountered the suffering of other people's illness and death; in my personal life, I grieved for the death of my brother aged 22 from cancer. Now, much of my time is spent with people who are suffering from war, persecution and oppression around the world.

As a Christian and someone who tries to believe in a loving, omniscient God, how do I reconcile that belief with the horrors that I witness? It is often with great difficulty, but I humbly offer one insight. This came to me in Sudan at the height of the war in 1994, after walking through killing fields, when my faith was profoundly challenged.

Incongruously, the idea occurred to me that one reason why we, who live in freedom and relative abundance, may fail to come to terms with such suffering is perhaps reflected in how we keep Christmas. Of course we rejoice in the birth of baby Jesus and the manifestation of God's love but, in all the festivities, we tend to forget that, while Mary was celebrating the birth of her son, other mothers were weeping for their sons who were killed by Herod.

My thoughts continued to Good Friday. When Christ was dying in agony, all his mother could do was stand at the foot of the cross, while the sword of grief pierced her heart. Finally, it occurred to me that perhaps part of any Christian's calling should be to be prepared to attend whatever Calvaries our Lord may call us to, and to be present, as Mary was, in heartbroken love and immense respect. For, at the foot of the cross, we can glimpse some insights into the redemptive power of sacrificial love.

Those Calvaries may be on our own doorsteps, but those of us who are privileged to visit victims of persecution are often humbled and inspired by their courage, faith and love. A lady from the Karen tribe in Burma, Ma Su, who was shot by a Burmese soldier, is just one example of such reconciling love. When I asked her how she felt about the soldier who shot her, her reply was simple:

"I love him. The Bible tells us we must love our enemies. So of course I love him. He is my brother".

Her words echo Christ's words on the cross, praying for forgiveness for those who were inflicting his death. They demonstrate the power of redeeming love, show how God can be a very present help in trouble and testify to his faithfulness, which endures from generation to generation.

I thank you for letting me share those brief words.

Victims and Witnesses (Improving Services)

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-03278, in the name of Kenny MacAskill, on improving services for victims and witnesses.

14:34

The Cabinet Secretary for Justice (Kenny MacAskill): I am grateful for the opportunity to open the debate on making justice work for victims and witnesses. Under the Scottish Government's making justice work programme, we are bringing forward the most radical reforms of our courts and tribunals for at least a century. The programme sets out a vision of Scotland's justice system as one that is accessible, cost effective and efficient and where disputes and prosecutions are resolved quickly and fairly.

To create such a system, it is vital that we improve the support that is available to victims and witnesses. No one chooses to be a victim of crime, and the impact on people's lives can go on long after the courts have moved on to other cases. Victims must be seen not as passive spectators or mere users of services but as people who have a legitimate interest in how the justice system operates.

Witnesses fulfil a vital civic duty, which must be recognised and treated as such. Without witnesses, there is no mechanism by which crimes can be investigated and prosecuted; no way of testing evidence; no way of ensuring that those who commit crimes are found guilty and punished appropriately; and no sense of community or society. Without witnesses, the justice system simply cannot operate. If witnesses are to come forward, they must feel confident that their contribution will be valued and, more important, that they will be supported.

That is why improving the experience of such individuals is at the heart of the making justice work programme. It is also why, in our manifesto and our programme for government, we committed to bring forward legislation during this session of Parliament to ensure that victims' rights are central to improvements in our justice system and that witnesses can fulfil their public duty effectively.

Significant progress has already been made in this area, including some important legislative changes. For example, witnesses can now see their statements again before they give evidence; the courts can grant anonymity for witnesses in appropriate cases; in human trafficking cases, children up to the age of 18 have an automatic

entitlement to standard special measures; and the coverage of the victim notification scheme, which used to apply to custodial sentences of four years or more, has been extended to custodial sentences of 18 months or more.

Although much has been done, much remains to be done. Today's debate is an opportunity to explore some of that work, to debate the proposals that we put forward in our recent consultation paper, "Making Justice Work for Victims and Witnesses", and to discuss any other measures that might improve the support that is available to victims and witnesses.

In developing our proposals, we have been guided by a number of basic principles, which I hope will receive broad support across the chamber. We believe that victims and witnesses should know what is going on in cases that affect them and should know what to expect in relation to proceedings, which should include knowing whether hearings will go ahead as planned. They should feel confident in coming forward, knowing that their personal safety will be protected, and they should be able to contribute effectively to cases that affect them. They should have access to appropriately tailored support before, during and after proceedings. In addition, we believe that offenders should pay for the injury, loss and distress that they have caused, when that is possible and appropriate.

Although it is inevitable that the current focus is on the proposed victims and witnesses bill, we should recognise that significant progress is already being made in realising those principles.

David Stewart (Highlands and Islands) (Lab):

Has the cabinet secretary estimated what revenue the proposed victim surcharge would bring in in the next few years?

Kenny MacAskill: We are looking at those matters. The answer is that that will depend. I am happy to share whatever information we have to date, but the measures that I am talking about today are being driven not by the need to raise revenue but by a point of principle. We want to enter into discussions and work out for what offences it will be appropriate to apply the victim surcharge because, clearly, there are some that it would be inappropriate to deal with in this way. I am happy to share information with other parties. Off the top of my head, I cannot remember whether such financial information is available, but I will write to the member on the issue, while assuring him that what we are proceeding with is based on principle as opposed to raising revenue. Clearly, in a time of financial austerity, revenue will be of interest to those who require it, especially victims organisations.

In addition to the legislative changes that I have mentioned, a range of projects is being led by our justice partners under the making justice work programme. They are aimed at delivering improvements that legislation alone cannot address. For example, witness non-attendance is a major reason for adjournment in summary trials and it has an obvious impact on victims and other witnesses. Earlier this year, the Crown Office launched a pilot to text witnesses to remind them to attend court. Similarly, the getting people to court project, which is aimed at making sure that critical participants in cases attend court, is now under way. As part of that project, pioneering research is being commissioned to help us to better understand what factors influence attendance at court and what we need to do to improve. From having been at some briefings, I know that there is a small minority of people for whom nothing seems to work other than various sanctions, but there are many other people for whom we can improve the system.

Other initiatives are being led by organisations such as Victim Support Scotland. With the backing of the £30,000 that the Scottish Government provided in 2009, Victim Support Scotland created a victims fund to help those who have no other access to support. That fund has been used to meet the immediate needs of victims such as funeral costs, the cost of redecorating a victim's home following a violent incident, and help for a woman who has disabilities to purchase a second-hand mobility scooter after she was attacked and her scooter was vandalised. Such a practical use of funding can be key in helping victims to recover from what is often a traumatic experience, which is why we have just agreed to provide a further £30,000. We believe that such immediate practical support is often more appropriate than a compensation payment that might come many months or even years down the line.

As I hope members will appreciate from those varied examples, the proposed victims and witnesses bill should not be seen in isolation. It will simply be a continuation of the improvements that have been made over the past few years, and it will be the basis of further improvements.

That said, we believe that a bill can make a real difference, so we have proposed a broad package of reforms in our recent consultation paper. Some of the proposals focus on making offenders pay towards the cost of providing support services. For example, we have proposed the introduction of a victim surcharge, which could be applied in cases that result in a court fine and would raise funds that can be used for the benefit of victims. The victims fund has already been shown to be effective, and I know that Mr Stewart and members throughout the Parliament support that. We have also proposed requiring the courts to

consider compensation when victims have suffered injury, loss or distress, and the introduction of restitution orders, which would give the courts an additional option to make offenders pay towards the cost of supporting police officers who have been the victims of violence while carrying out their duties.

Other proposals are aimed at ensuring that victims and witnesses have access to better information about cases, that they can have more confidence that cases will go ahead as planned, and that they are served by organisations that have clear standards of service. Ensuring the adequate protection of vulnerable witnesses is also crucial. We have proposed the widening of access to special measures such as the use of a screen or giving evidence remotely via a video link, and the creation of an automatic right to such measures for victims in sexual offence or domestic abuse cases.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Can the cabinet secretary give an assurance that the category of victims of sexual offences and domestic abuse will include victims of stalking?

Kenny MacAskill: I am assuming that that will be the case, but I will confirm that for the member. Given the nature of that offence, I would be surprised if that was not the case. We are consulting on those matters. Like Mr Chisholm, I am aware of the deep distress that stalking causes. I am delighted that the Parliament has invoked legislation on that and that, as on other matters, we are leading the way in the United Kingdom. We must ensure that it is easier to convict the perpetrators of that offence, although Mr Chisholm makes the valid point that we must also protect the victims. I will confirm that point to him.

The bill will ensure that Scotland complies with the forthcoming European Union directive to establish minimum standards on the rights, support and protection for victims of crime.

As is the case in the making justice work programme generally, the reform will be a shared enterprise. No single organisation holds all the answers or can deliver reform by itself. Our proposals will be refined and delivered in collaboration with victims organisations and our justice partners. That will be particularly important when proposals might increase demand for certain services. We will continue to work closely with the Crown Office and the Scottish Court Service to fully understand the implications for resource management, which is especially crucial in the current financial climate.

The process of consultation and engagement has already begun. During 2010-11, we talked

extensively to various victims and witnesses groups, such as Scottish Women's Aid, Rape Crisis Scotland and Children 1st, to identify issues that impact on confidence in the justice system and the willingness of people to report crime. In the coming months, we will continue the discussions with victims organisations, which serve us well, and with individuals who have been victims. As Mr Chisholm will know, the measures on stalking were driven tirelessly by Ann Moulds. That work, along with the responses to our consultation paper, will inform the development of the bill.

I am delighted that there is broad cross-party support for providing better support for victims and witnesses. I am grateful for the support that I have had from Opposition spokespeople and other members. Parliament is united on the issue. I hope and believe that that consensus is reflected in the principles that the Government has set out and is trying to follow. How we treat victims and witnesses must be a measure of the success of our justice system as a whole, so we all have an interest in driving reform. We are keen to build on the consensus as the bill is developed and when it begins its parliamentary passage. We are happy to spell out the approach in due course, which is why I am delighted to accept the Labour amendment.

In approaching the task, we must be ambitious and innovative. We must not shy away from radical ideas if they are necessary to improve the system. Some changes might be difficult, especially in the current financial climate, but we must resist the temptation to leave things the way they are simply because that is the way that they have always been. I am confident that, by working closely with our justice partners, by embracing innovative solutions and by being unafraid to take a bold approach, we can build a justice system that has the interests of victims and witnesses at its heart while ensuring the utmost fairness and transparency of process for the accused.

I move,

That the Parliament recognises the importance of victims and witnesses of crime in the justice system; believes that such individuals should feel confident in coming forward and have access to information about cases affecting them and appropriately tailored support before, during and after proceedings; believes that offenders should pay where possible and appropriate for the injury, loss or distress that they have caused by contributing to support for victims, and welcomes the Scottish Government's consultation on detailed proposals to give effect to these objectives.

14:49

Lewis Macdonald (North East Scotland) (Lab): Scotland's devolved Parliament has had a strong focus on support for victims and witnesses since its beginnings 13 years ago. The Labour-led

devolved Government was committed to tackling crime and the causes of crime, starting from the recognition that victims often live in the same communities as perpetrators and that it is just as important to support victims and give witnesses the confidence to come forward as it is to catch and punish the offenders.

That was why the first devolved Government launched the Scottish strategy for victims in 2001, which aimed to turn the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power into a reality for people in Scotland. That Scottish strategy was designed in co-operation with partner organisations such as local councils and health boards, and voluntary organisations such as Victim Support Scotland. It recognised that most victims and many witnesses were frightened and shocked by their experiences, but typically had few rights in the justice system, which was focused on the guilt or innocence of the accused rather than on the impact of crimes on others. Victims needed much greater support from the justice system and from public bodies, and there was clearly a challenge for voluntary organisations, too.

Everyone now recognises that support from the justice system is important right through the weeks and months leading up to court appearances, a time which can be just as traumatic for many victims and witnesses as the immediate aftermath of the crime. The Scottish strategy took a lead in recognising that victims needed practical as well as emotional support; financial assistance; advice about what to expect in court; access to all the information that is needed to understand the justice system and what was happening in their own case; and an opportunity to play a greater role in the justice system.

The longer-term aim, as expressed by ministers at that time, was to increase public confidence in both the police and the courts, in order to strengthen the justice system. Ministers recognised that that was never going to be a one-off initiative and that it had to be able to adapt to changes in the justice system and to the demands placed upon partner organisations. As ministers said in 2001,

"The strategy thus represents the start of a process, not the end, and it will evolve and develop through time".

That was the intention then, and I hope that today's debate means that that process of evolution and development can now move forward and that, as the cabinet secretary has said, it will do so with broad, cross-party support.

It is important to remember how much of the system we have now has come into being only in the past 10 years, for example through the rolling-

out of the witness service to all the sheriff courts across Scotland; the extension of Strathclyde's witness protection scheme to the whole country; legislation to allow victims to be told when the person who is convicted of a crime against them is due to be released from jail; the introduction of a child witness support system to improve the evidence-giving process by providing separate rooms for prosecution witnesses in courts; and the provision of advice in languages other than English. Those are all significant changes that have been made with broad support, and which were made in the period of that earlier Government. The work that was done then and has been done since has enabled many more people to access the services of organisations such as Victim Support Scotland because of the funding that has been made available.

It is worth recalling that the Vulnerable Witnesses (Scotland) Act 2004 and the Criminal Procedure (Scotland) Act 2004 date from only eight years ago and that they achieved many of the things that the strategy originally identified as targets. Indeed, Hugh Henry, who was then the Deputy Minister for Justice, said at the time:

"we need to build on the good work that has already taken place, as well as take into account the changes that have happened since 2001."

That is reflected in today's debate and I hope that that view will be supported by ministers in the present Government.

The cabinet secretary rightly pointed out that changes have been made since 2007 that have added further to what was done in the previous few years. For example, there has been an increase in the number of victims who can benefit from the notification scheme that was launched in 2003. However, we must acknowledge the scale, the pace and the focus of reform in the past five years compared with the previous five years. I hope that today's debate, which has been a long time coming, will enable us to move that agenda forward.

Victims and witnesses have remained a top priority for this party in opposition as in government. Our pledges in our most recent manifesto included the creation of a victims fund requiring convicted offenders to pay towards the cost of victim support services; tougher action to tackle domestic abuse, including the extension of Glasgow's successful dedicated domestic abuse court throughout Scotland, as well as more powers for police and courts in response to breached civil protection orders; a further increase in the scope of the victim notification scheme; and a charter of victims' rights, monitored by a victims commissioner, to ensure that the justice system plays its full part in supporting victims and witnesses.

We recognise that, in the consultation paper that the cabinet secretary mentioned, the present Government has taken forward many, although not all, of the proposals we made in 2011 and previously. Of course, we welcome the fact that it has done so, but we believe that there is room for further progress.

We would like the Glasgow model of a dedicated court for dealing with domestic violence and abuse to be rolled out beyond our major cities to offer the same level of protection to victims and potential victims throughout Scotland. We would also like the model of a domestic abuse task force that has been developed by Strathclyde Police to be pursued elsewhere in the country. Given the Government's timetable for establishing a single police force within the next few months, it would be helpful if ministers could today indicate their support for that model of tackling domestic abuse. *[Interruption.]*

The Presiding Officer: Can whoever has their phone on please switch it off?

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Presiding Officer, I apologise to the member. I thought that I had switched it off, but I am obviously incompetent with this thing.

The Presiding Officer: Thank you, Ms Grahame.

Lewis Macdonald: Christine Grahame's apology is, of course, acknowledged and accepted. I thank her for that helpful intervention, which I am sure will not cost me too much speaking time.

We believe that measures of that kind can and should be taken and that we can build on the proposals already included in the consultation document. For example, it is laudable that the consultation document talks about calling on public bodies to

"set clear standards of service for victims and witnesses."

That is good, but it will be effective only if mechanisms are put in place to ensure that it happens. That is why Labour proposed that there should be a victims commissioner and a charter of victims' rights, which were among the few proposals from our manifesto not included in the consultation document.

Our approach is to make the protection of victims the responsibility of an independent champion. Unlike other parts of the criminal justice system, their entire focus would be on the rights of victims. We believe that that is the right approach.

If ministers will not take our word for it, perhaps they will listen to Peter Morris, whose sister Claire was murdered by her husband, Malcolm Webster,

in Aberdeenshire in 1994. Mr Morris has won broad support for his campaign to improve victims' rights, most famously getting the name of Claire's killer removed from her tombstone in an Aberdeenshire cemetery.

Mr Morris believes there should be a single point of contact for victims and their families from the time a crime is committed to the end of the court proceedings, and I believe that a victims commissioner would meet that requirement. Mr Morris also has strong views about compensation of victims. A victim surcharge to pay towards the cost of supporting victims is a good idea, mirroring as it does Labour's proposals for a victims fund. However, to make it work, courts must be given the power to enforce payment of the levy and mechanisms must be put in place to ensure that the money that is raised is used to support victims, is not swallowed up in administrative budgets and does not displace money that would otherwise come to victim support organisations from Government.

We therefore welcome many of the specific commitments that are in the consultation document, but we believe that more could be done and we look forward to working with ministers and other parties on getting the detail right.

However, we are clear that victims should not have to wait another five years for those good ideas to be put into action. That is why we lodged our amendment, which seeks a clear timetable for the introduction of the necessary legislation. I am grateful to the cabinet secretary for indicating at the outset that the Government is happy to accept it.

We believe that developing support for the victims of crime must be a process, not an event. Just as there is no magic solution to reoffending, so there is no one action that will make things right for those who have been abused, attacked, robbed or violated or who have lost a loved one as a result of crime, or for those forced to witness such crimes.

As Peter Morris and thousands of others will testify, early and on-going action is what victims and witnesses need to see, and that is what we call for today.

I move amendment S4M-03278.2, to insert at end:

“, and calls on the Scottish Government to set a timetable for the introduction of the necessary legislation.”

The Presiding Officer: Annabel Goldie has seven minutes.

14:59

Annabel Goldie (West Scotland) (Con): Thank you, Presiding Officer. My normal challenge when

speaking is to ensure that audiences remain awake. I fear that, if I speak more slowly, the situation can only deteriorate.

I welcome the opportunity to debate what can be done to improve services for victims and witnesses. For too long those people have been the silent and voiceless presence in our criminal justice system. They should be at the heart of it. Our criminal justice system needs to prioritise those who have been wronged and those who are prepared to stand up in court for those who have been wronged. Their voices must be heard.

I therefore welcome the publication of the Scottish Government's consultation. Although it is overdue, it includes a number of important measures. The six objectives of the victims and witnesses policy are: that they should know what is going on in cases that affect them; that they should know what to expect; that they should feel confident that their personal safety will be protected; that they should be able to contribute effectively to cases; that they should have access to appropriate support; and that offenders should pay for injury, loss or distress caused. Those six objectives are eminently sensible; that will, I think, also be the overwhelming view of the public. The Scottish Conservatives fully support the objectives, but it is cause for concern that such rudimentary objectives are not already being met by our criminal justice system.

On the proposals in the consultation, I agree with many of the key suggestions. Taken as a whole, they appear to address the legitimate interests of victims of crime and witnesses, and they represent a sensible discussion on how to improve public confidence in our criminal justice system. For example, allowing victims to make oral representations to The Parole Board for Scotland will give them an important say in decisions about releasing prisoners. The creation of a duty on relevant public agencies to set clear standards of service for victims and witnesses is also sensible—although it must not turn into a box-ticking exercise.

I welcome the aspiration to improve the way in which cases are managed so that victims and witnesses are much clearer about stages and timings. Too many people who are involved in criminal cases experience delay after delay in court. It makes them angry and frustrated and saps their confidence in the whole system.

David Stewart: Does Annabel Goldie agree that it is inconsistent that prisoners have their own commissioner but victims do not?

Annabel Goldie: That certainly seems to be illogical. The proposal could—with tweaking—go a long way towards addressing the needs of victims. The situation might then be adequately addressed.

On delays in the system, I have been a victim of crime and have had to watch the progress of the prosecution system. Even I found it frustrating and difficult to ascertain, at any one time, what stage the case had got to. Like the cabinet secretary, in my time as a practising lawyer I did some criminal work, and I know that professionals find it equally frustrating to not know exactly what to expect when attending court. We have been talking for years in Parliament about delays in court, so action is timely.

On compensation to victims, a victim surcharge has been in operation in England since April 2009. What have we been doing up here? Compensation to victims is important, but I argue that just as important is the reassurance that the perpetrator is being appropriately punished and rehabilitated and that active steps are being taken to stop reoffending.

That leads me to what is missing from the consultation document. What is surely as important to victims as having a say in proceedings, being properly informed about what is going on and being compensated when appropriate, is the knowledge that the punishment that is handed out reflects the crime that has been committed and, crucially, that the sentence that is imposed by the court will be the sentence that is served by the offender. Currently, offenders who are sentenced to a term of less than four years are automatically released after serving half their sentence. Prisoners who serve longer sentences are released at the halfway point in their sentence, or after they have served two thirds of it.

As the cabinet secretary knows, the Scottish Conservatives have repeatedly called for the ending of automatic early release of prisoners. To its credit, the Scottish Government appears to agree, because the Scottish National Party included that policy in its 2007 and 2011 manifestos, but it has failed to act on that promise.

Christine Grahame: It is commendable that Annabel Goldie has agreed that the cabinet secretary has taken steps in that direction, but does she agree that we need more prisoner places before we can end automatic early release and that, to that end, the Government has had a building programme to address prisoner places?

The Presiding Officer: Ms Goldie, I will compensate you for the intervention.

Annabel Goldie: Thank you very much, Presiding Officer.

In response to Christine Grahame's intervention, the building programme is, I presume, precisely what her party took into account when committing the policy to its manifestos in 2007 and 2011. If it did not, why was it misleading the public? One of the best ways of standing up for the victims of

crime would be to scrap automatic early release so that victims would know, at the time of sentencing, for how long the perpetrator will remain in prison.

Paragraph 110 of the consultation document states that

"The Scottish Government is committed to giving victims an input into sentencing policy".

I am pleased to tell the cabinet secretary that the Scottish Conservatives have already asked Scots what they think about automatic early release of prisoners. In 2009, we commissioned a poll of 1,183 adults, which found that 95 per cent respondents were against automatic early release.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): Will the member give way?

Annabel Goldie: I am sorry, but I am pushed for time and I have already taken an intervention.

Automatic early release of prisoners is a discredited anachronism that perplexes judges, betrays victims, bewilders witnesses and angers the public. The Government must act to end that unpopular policy, and that is why I have lodged the amendment in my name. Unless we address automatic early release—I gather from the sedentary chatter from the SNP that that is a hot spot—we will leave a massive void in how we support victims.

I move amendment S4M-03278.1, after "support for victims" to insert:

"believes that the best way to stand up for the rights of victims and witnesses would be to establish honesty in sentencing by ending the automatic early release of prisoners."

The Presiding Officer: We now move to the open debate. We have a fair amount of time in hand; the six minutes for speeches will be a generous six minutes, and members will be compensated if they take interventions. I look forward to a lively debate.

15:06

Mark McDonald (North East Scotland) (SNP): On Annabel Goldie's comment, my understanding of "Strike it Lucky" is that participants had to avoid hitting hot spots.

The Scottish Government, in introducing the bill, has recognised that although a great distance has been travelled in relation to the role of victims and witnesses and how the justice system operates in relation to them, the journey is not yet complete and there is still work to be done.

I was interested by an article that was recently published in *The Guardian*, which commented on an Institute of Public Policy Research report that suggested that

"Police forces should develop crime-tracking applications" to allow individuals to "follow their cases through the system".

Furthermore,

"The IPPR found that not knowing about what was happening in a case was a key cause of frustration for victims and undermined their confidence in the criminal justice system."

I was struck by how that perhaps complements some of the work that is being done by Victim Support Scotland on case-progress information. It has developed a pilot in Tayside in which

"Victims and witnesses of crime will be supported through, and gain speedier access to, case progress information in an understandable way."

Those two issues seem to me to be matched quite closely together, so I am interested to hear the Government's view on that and how the suggestion in the IPPR report might be progressed.

Lewis Macdonald spoke about Peter Morris—I want to focus on that subject for the remainder of my speech. I encountered Mr Morris in the north-east of Scotland, and I was struck by some of his testimony as a witness and, by extension, as a victim of the process. I note that one of the Government's proposed key principles is that

"Victims and witnesses should have access to appropriately tailored support before, during and after proceedings."

I want to focus much of what I have to say on that because it relates to the matter that Mr Morris was obviously campaigning on. As Lewis Macdonald rightly highlighted, Mr Morris's sister Claire was murdered in 1994, although the trial was not brought until some 17 years later when new evidence came to light.

I first encountered Mr Morris when he was trying to reclaim his sister's grave, and it is worth putting on record the excellent work of the Aberdeen Law Project, which is a student-led clinic that did a huge amount of work to assist Mr Morris in that endeavour.

Mr Morris petitioned the Parliament on victims of crime. His view was very much that, although the perpetrators of crime are delivered sentences, there is also often a silent sentence that is served on those who are the victims of crime and, by extension, on their families.

Mr Morris undertook a walk to Parliament, which unfortunately had a personal cost for him because he was forced to have one of his legs amputated below the knee after it became infected. However, I walked the first 10 miles of that walk with Mr Morris from his sister's graveside to the village of Newburgh in Aberdeenshire. On the way, we discussed the issues that he was trying to raise.

One of the things that he felt was difficult was that there can be gaps in support for victims because of compartmentalisation of the justice process, in that each component of the justice system has its own role. Victims often feel, therefore, that they are being passed like a parcel from organisation to organisation as each organisation's role closes and another's begins.

Hanzala Malik (Glasgow) (Lab): Will the member take an intervention?

Mark McDonald: I will finish my point, first.

One of the difficulties is that gaps emerge and individuals often fall into them. One of the key things that we need to do is find out where the gaps are and decide how best to close them to ensure that victims do not fall into them.

The Deputy Presiding Officer (John Scott): Humza Yousaf.

Hanzala Malik: No.

The Deputy Presiding Officer: I am sorry. It is Hanzala Malik. I beg your pardon.

Hanzala Malik: Thank you very much. I am not sure that Humza would appreciate that, but I certainly do. [*Laughter.*]

I compliment Mark McDonald for what he said about victim support. Does he agree that there should also be support for people who speak different languages? So many languages are spoken across Scotland today and huge challenges are faced in that regard. I hope that he will agree that we need to concentrate on that and ensure that we get it right so that victims are fully supported in dealing with the difficulties that they face.

Mark McDonald: Hanzala Malik has made an excellent point and I am sure that the Government will be acutely aware of the need for appropriate support to be given to victims whose first language is not English and who may not be fluent in English, so that they can be helped throughout the process.

Peter Morris petitioned Parliament on the suggestion of having case companions. I believe that the suggestion has merit, but unfortunately it was not received favourably by the Association of Chief Police Officers in Scotland. I worry that that response may be driven to some extent by the attitude to which the cabinet secretary alluded in his opening remarks: people sometimes fall into the trap of thinking that because things have been done in a particular way for so long, that is how they should be done, so they perhaps become averse to change. However, I believe that the case companion idea merits consideration.

The article in *The Guardian* that I referred to earlier said:

"The IPPR also said criminal justice agencies should automatically refer victims to online support networks, or agencies such as Victim Support should set up forums."

I believe that to ensure that victims and witnesses make a successful transition to support, there needs to be better signposting. Organisations need to work more closely—hand-in-hand—if the idea of having a single point of contact is not taken forward. We must ensure that victims and witnesses have appropriate signposting and that organisations do not necessarily think that their role in the process is finished.

Lewis Macdonald: Will the member take an intervention?

Mark McDonald: I am afraid that I am already over my six minutes. I will get into trouble if I take an intervention.

The Deputy Presiding Officer: We can be generous.

Mark McDonald: In that case, I will take Mr Macdonald's intervention.

Lewis Macdonald: I am grateful to the Presiding Officer and to Mark McDonald.

Does Mark McDonald agree that the single point of contact issue might be resolved by a proposal along the lines of the proposal for a victims commissioner that I mentioned in my opening speech?

Mark McDonald: I am aware that Dave Stewart raised that issue previously in Parliament, but it is not a subject with which I am overly familiar. However, I am one of the people who do not believe in dismissing ideas at the outset; we should consider suggestions at every possible opportunity. I am sure that the cabinet secretary will take on board constructive suggestions along the lines outlined and at least give them some scrutiny to see whether they would be workable within the system that he is looking to set up.

I think that I may have exhausted the Presiding Officer's generosity. I hope that my comments and suggestions have been constructive. I will leave it for others to make their own suggestions.

15:14

Mary Fee (West Scotland) (Lab): Support for victims and witnesses is paramount. It is good to see that the Scottish Government has finally, after five years, got the issue on the agenda.

A proposal that I feel would benefit victims and witnesses is that we improve the information that is given to them. Case-specific information can help victims and witnesses to understand more about their cases and make it easier to understand the sentences that are handed down to offenders. However, the proposal on improved case-specific

information should be extended to help the families of the accused as well as victims and witnesses. More information about cases being provided will make the whole justice system easier to understand and more transparent at a particularly stressful time in people's lives.

Provision of more information would also help to improve public confidence in the Scottish justice system. However, the Scottish Government needs to ensure that victim and witness information is adequately protected. The proposed online information hub will need ample protection to ensure that information on victims, witnesses and accused persons is not stolen, and that it complies with data protection laws.

I welcome the proposal that there be a victim surcharge. Scottish Labour proposed a similar idea in its 2007 manifesto. It is essential that the money be reserved in order to help the victims of crime and to make a difference to their lives. Our justice system should be supporting victims and witnesses while handing out appropriate punishment to offenders.

In his ministerial foreword to the consultation paper the Cabinet Secretary for Justice said:

"How we treat victims must be a measure of the success of our justice system as a whole."

I agree. However, what concerns me is the lack of support in the justice system—and the lack of rhetoric on them in the consultation report—for children who have incarcerated parents. Children are the forgotten victims in the justice system. Last week marked the third European prisoners' children week. The European Network for Children of Imprisoned Parents estimates that one in 100 children in the EU has a parent in prison. That vulnerable group receives little support from governments or justice systems across the EU.

In Scotland 27,000 children a year will experience one of their parents being sent to prison. Children of prisoners suffer the consequences of the parent's offence without being guilty of it. The problems that those traumatic experiences cause in a child's development can be felt well into adulthood. Children experience a family member's imprisonment as a bereavement. Their responses can include acting out or becoming withdrawn, deterioration in performance at school and increased risk of substance misuse. They suffer mental health issues at three times the rate of other children.

Margo MacDonald (Lothian) (Ind): I am certainly not an expert in this field—Mary Fee has obviously studied it much more than I have. I am interested to hear whether she thinks that the child of a person who is in jail should be told the truth

about their parent's offences and, if so, from what age?

Mary Fee: When it is appropriate, children should be told why their parent has been incarcerated. The matter is age sensitive; the amount of information would depend on the age of the child, just as would giving children information about any topic. I would welcome more information being given to children.

Studies in America have found that children who have a parent in prison are 71 per cent more likely to commit crime later in life. Nobody can deny that those children are victims. There is little support from the Scottish Government for such children during a time when their homes are being torn apart and it is difficult for them to comprehend why.

The Scottish Government provides funding of £137,712 to Families Outside to support children and families who are affected by imprisonment. That amounts to £4.92 a child, which is not nearly enough. If how we treat victims is

"a measure of the success of our justice system as a whole"

I ask the cabinet secretary why no support is given to vulnerable children who suffer the consequences of a crime that they did not commit. Just a few changes could go a long way to help those children while reducing the risk that they will commit crime later in life.

I have spoken before about the need to introduce child impact assessments, and I hope that the cabinet secretary will meet me to discuss them. Children's interests should be represented in decisions about custody and release, even if the child's best interests are outweighed in individual cases. A child impact assessment would provide essential information to ensure that the child is cared for and supported appropriately. There is a key role for solicitors in flagging up such information to the court. The information might or might not affect the judge's sentencing decision, but its provision will fulfil a duty of care to the child under the Children (Scotland) Act 2005. That is something that the adult-focused criminal justice system tends to overlook.

The child is also overlooked during their parent's arrest. Guidelines should be introduced for the police so that, when they arrest a parent, they minimize disruption and avoid unnecessary trauma to children by providing the most supportive environment that is possible during and after the arrest.

Margo MacDonald: I am interested in this subject and think that I might learn from Mary Fee. If such children need a supportive family background to replace one that they have lost, I

presume that we might think about fostering. However, there is a shortage of fostering places. Should the children of prisoners have priority, or is it not a problem? I do not know.

Mary Fee: I do not think that the first step should automatically be for the child to be placed in some form of care. Often, when a parent is arrested, members of the wider family are around but are not given the financial, emotional or psychological support to care for the child. A package of support around the child might mean that they were able to stay within the wider family rather than be taken into care.

The Deputy Presiding Officer: I would be grateful if you would draw to a close.

Mary Fee: The Scottish Government has an opportunity to help all victims of crime, including the children of offenders. They are innocent and they should be treated and respected as such. I hope that we will not miss the opportunity to help that vulnerable group. With the right support, children of incarcerated parents will not be left behind and will not continue to be the forgotten victims of the justice system.

15:22

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I commend Mary Fee for campaigning for the children of prisoners and for the specific examples that she gave. I was particularly interested to hear what she said about child impact assessments.

However, I thought that Mary Fee was a little ungenerous in her earlier remarks, when she criticised the Government for not having done very much for victims and witnesses to date. Legislation is not the be-all and end-all, nor is it always the cure. Although I welcome the proposed legislation for further consolidation of the recognition of the particular requirements of witnesses and victims, a lot has been done during my time in the Scottish Parliament—not by me, but by the Parliament—with regard to such things. As has already been mentioned, we have the victim notification scheme and victim impact statements, and there is recognition of the great work that is done by Victim Support Scotland. I was told today that its office in my constituency in the Borders has dealt with 1,000 cases this year. Some of them involved antisocial behaviour, which we do not always include in the category.

I want to make some initial comments and give some initial thoughts on the consultation and the proposed legislation. The first question that I ask myself is, "Who is a victim?" The division of people into the categories of witnesses and victims can be artificial, because on many occasions the prime witness will be the alleged victim. I use the word

“alleged” because, at that stage of court proceedings, the person is not actually regarded as the victim. It is a difficult definition to accept, but that is a fact. In such circumstances, we must insert the word “alleged” because we must be careful not to pre-empt or predetermine the outcome of a prosecution.

Not all prime witnesses are the nicest of people. The old lady who has been battered over the head is obviously a victim to the world, but some may be pretty well thuggish themselves. They might well be a victim, but they might not be. We must be careful with language because we must never pre-empt the outcome. The onus is on the Crown to prove guilt beyond reasonable doubt.

However, legislation must define the terms “victims” and “witnesses”. A victim cannot have been directly involved in the alleged or proven crime, even in some minor way. Criminal activity can affect not only the individual but their family, their neighbours and the behaviour of an entire community; they, too, are victims of a form of collateral damage.

That brings me to the victim surcharge which is, as my old history teacher used to say, a good idea. However, the devil is always in the detail. The fact is that every individual deals with stress and trauma in a different way and the question is whether the surcharge follows the eggshell skull principle that is set out in civil law on delicts, in which the issue is the damage done, not what an individual did to cause that damage. For example, someone who has been the victim of a burglary might have had their life destroyed; they might not have seen the burglar, but the burglary itself has put them in a state of fear and alarm and caused enormous psychological damage.

On the other hand, someone who has been physically attacked might be able to deal with the situation. How do we assess compensation in that respect? Who will assess it? How long will the process take? I do not know the answers to those questions. Moreover, who will collect once the assessment has been made? What will happen if that money is not paid out? Those are fair questions. After all, the law is a tool; it must be practical.

How will the financial contribution of the convicted person be assessed? Do they have family commitments? Are they stable, or do they have an erratic lifestyle? How often are they assessed? Having been a civil legal aid lawyer, I know how difficult some cases can be, with people having to be kept constantly informed of changes in financial circumstances. Those are all practical questions. They do not mean that I disapprove of the principle itself, but it needs to be made to work.

Will controversy arise if a victim receives less or more than another victim of the same type of crime because of the effect on them or, indeed, because of the financial circumstances of the accused who has now been convicted? What will be the basis for assessing those circumstances? Someone might read in the newspaper that a woman who had her handbag snatched got such and such compensation, see that someone else who had their handbag stolen got more and ask “Why?” We have to consider all the details.

Margo MacDonald: My friend asks why there should be such a difference. I suggest that it might lie in the fact that one person who has been attacked can, after a period of recovery, return to their life more or less as it was before, while another cannot.

Christine Grahame: That is the very point that I am making. People will be asking what the difference is. Moreover, over what period of time will that damage be assessed? Someone who looks very bad at one point might be fine a year later, while someone else might be damaged for years. The surcharge is just a one-off payment. Furthermore, how will it interact with Criminal Injuries Compensation Authority awards? I do not know.

Much has been made of the experience of witnesses in trials, but I think that there are other problems with process, particularly at pleading diets. For example, the prime witness—the alleged victim—might at one point see the procurator fiscal and the defence counsel with their heads together in the well of the court and talking away to each other and, the next thing they know, the accused person is pleading to a different charge. The procurator fiscal might look at the charge sheet, decide—properly—that the evidence will not support the original complaint and say to the accused, “If you agree to plead to this or that, we will convict you of it.” The alleged victim sits there, not understanding what has happened and thinking that there has been jiggery-pokery.

Annabel Goldie: Will the member give way?

Christine Grahame: I did not mean to introduce Miss Goldie after talking about jiggery-pokery.

Annabel Goldie: I thank Christine Grahame for taking my intervention anyway. Does she accept that sometimes the scenario that she has described has been induced by the defence counsel saying to the prosecutor that they are minded to plead to a lesser charge?

Christine Grahame: Indeed. The point is that the prime witness, who has been leaning forward to try to follow the intricacies of the discussion in the well of the chamber, never receives an explanation of what has happened. They come to court expecting a trial, but none takes place.

Begging the Presiding Officer's indulgence, I want, finally, to highlight an issue that concerned the Justice Committee: the amount of not only press coverage but tweeting and use of other social media sites such as Facebook pre-trial, during a trial and post-trial. As has already been pointed out, some prime witnesses get a pretty tough time when they return to their communities because they will be seen as grassing up the community. We need to examine that as well.

Presiding Officer, I thank you for indulging me.

15:29

Roderick Campbell (North East Fife) (SNP):

We can all be victims. From the lonely pensioner who loses money in a telephone scam, up to the highest judges in the land—as we saw in Edinburgh last week—none of us can guarantee that we will not fall victim to crime. I do not wish to sound too pessimistic, but virtually anyone in Scotland could find themselves in a victim situation or, indeed, witnessing a crime, without any prior warning.

As the cabinet secretary states in the consultation paper,

“No one wants to be a victim of crime and the impact on their life may go on long after the justice system has moved on to another case.”

For those reasons, we, as a Parliament, have a duty to respond to the needs of witnesses and victims.

It is clear that statutory protection for victims and witnesses is important. We must ensure that victims and witnesses receive the support that they need, from the first point of contact with the justice system—usually the police—right through to the post-sentencing period. We must ensure that victims and witnesses feel that they are part of a system that recognises them as individuals, as well as recognising the rights of the accused.

Lewis Macdonald properly referred to the history of the strategy for victims. I welcome this Scottish Government's support for victims to date, including investment to tackle violence against women, investment in specialist domestic abuse courts and investment in a variety of public information that is available online and in leaflet form. I particularly welcome the £900,000 of funding that has supported organisations that deal with murder, suicide and victims of human trafficking—a very serious issue that was debated in the chamber at the end of February. We have also made progress with the introduction of victim statements in serious cases and with the extension of the victim notification scheme. However, we can do more.

The consultation on the proposed Scottish Government bill identifies six key objectives for

victims and witnesses policy. Together, they seek to ensure that those involved are well-informed, are confident of protection, have access to tailored support and receive damages from the offenders who are responsible for their predicament. Those are laudable aims.

The Government's proposals in the victims and witnesses consultation include concrete provisions such as the victim surcharge, which, whether the rate that is set is fixed or variable, will be a considerable step forward if it can make a significant impact in alleviating hardship among victims. A similar proposal, as Annabel Goldie mentioned, was introduced in England and Wales a few years ago. We would obviously seek to avoid the computer system problems that they had when that scheme was set up.

The consultation recognises the need to ensure that payment of compensation by offenders to victims is done through a payback procedure that is as clear and speedy as possible for the victim, but it also recognises, realistically, that some crimes are perpetrated in which no one is clearly identified as a victim.

Mandatory consideration of compensatory awards is clearly a step forward, although the assessment will remain a matter for the court. Clear service standards may represent only a small step forward but can eliminate much misunderstanding. Automatic special measures for those who suffer sexual offences and domestic abuse are a big improvement. Screens, supporters and TVs elsewhere in court buildings can really help to reduce the stress and distress that victims and witnesses routinely suffer. From my personal experience, I know that supporters, in particular, can provide much reassurance to very nervous witnesses.

As things stand, special rights are available as standard only to children in Scotland. I welcome the proposed extension of the definition of the age of a child to 18. Accordingly, I strongly support the Government's proposal to extend standard special measures to victims of sexual offences and domestic abuse. I also welcome the cabinet secretary's comments on stalking. Only a couple of months ago we had national stalking awareness day, and we really need to do much more to protect the victims of stalking.

The problem of case management affects courts across Scotland every day. It leads to much frustration and annoyance being aimed at the justice system as a whole and its practitioners. It also leads to wasted expenditure, as we were advised in evidence to the Justice Committee in our discussions on the budget last year, and as referred to in Audit Scotland's report into Scotland's justice system. Clearly, we must do better.

As Annabel Goldie mentioned, improved rights to allow victims to make representations to the Parole Board is a small but significant change.

Let us not forget the basics. Victims and witnesses need to know what is going on when they are involved in a crime. It is in their interests, and in the interests of the justice system generally, for them to know exactly what is happening with regard to process, outcomes, their rights and responsibilities and the services that are available to them.

Scottish Government publications, such as "Making a Victim Statement", which guide victims in plain terms through the process of making a formal victim statement to court, are important improvements that reduce the uncertainty and anxiety that inevitably arise at the prospect of appearing in court. I strongly welcome the Government's proposal to create a right to information for victims in support of the principles of the draft EU directive. As the consultation also suggests, there is scope for using modern methods of communication to much greater effect.

The victim's understanding of the sentencing process should never be ignored if confidence in the system is to be maintained, although I caution against the suggestion that that is somehow an easy task.

Margo MacDonald: I find the member's remarks fascinating. I would be interested to hear his comments on what Christine Grahame said about the newer means of communication. Does he share her concern that they might be misused?

Roderick Campbell: I share that concern, but courts and the justice system must move with the times and recognise the benefits, as well as the difficulties, of modern methods of communication.

The consultation makes the eminently sensible proposal that the issue of whether there should be a closed court could be considered far earlier in the proceedings in appropriate cases, to help victims and witnesses understand well beforehand what the court process is likely to involve. To turn up on the day and not be certain whether the public will be admitted is a source of much anxiety.

I am happy to support the Government's proposals in the consultation and I look forward to reading the responses from interested individuals and organisations. We must recognise that no criminal justice system can survive without the co-operation of victims and witnesses. We, as a society, need properly to recognise that contribution.

15:37

Duncan McNeil (Greenock and Inverclyde) (Lab): This has been an interesting debate, and it

has been interesting to listen to the expert views of many solicitors who have participated in it: the majority of members who have spoken up to now are or were legal practitioners. However, as the subject is the rights of victims, I will follow Mark McDonald's lead and discuss the stories and experiences of constituents who have come to me because, as victims, they have felt let down by the justice system.

A woman came to me who had suffered domestic abuse, harassment and violence for many years at the hands of her former partner. He appeared in court but was let off by the sheriff with the warning that, if stitches had been required following the latest assault, he would have gone to prison. Within months, he was back in court. He had gone to her house and stabbed her, as a result of which she required an emergency procedure and hospitalisation. The stabbing also took place in front of an infant. Despite the brutality of the attack, however, he did not receive a custodial sentence. Given that the woman's previous experience was of another sheriff saying that if she had required hospitalisation he would have gone to prison, she was amazed that the process could lead to such an outcome.

My constituent made representations and we spoke to the procurator fiscal. We argued that the decision was unduly lenient. Most people are not aware that there is an appeal process that can be followed by the Crown if it believes that a decision is unduly lenient, but the time in which such discussions can take place is very constrained. My constituent has appealed, but how long the appeal will take and whether it will be successful is another test for the courts.

We all know that people who have been convicted of serious crimes have the right to appeal—we frequently read about such cases—and that some appeals are dealt with relatively quickly. I ask the cabinet secretary whether the consultation will address the imbalance in the system, and whether he will ensure that victims are not passive participants in the process, as he suggested, and are made aware of their right to make representations to the fiscal and the court if they think that there has been undue leniency.

Another constituent, who raised his head above the parapet after witnessing a murder, has been badly let down. After giving his witness statement in court, he and his family were subjected to systematic intimidation. In direct breach of their bail conditions, the accused would stand outside my constituent's house, looking into the property, threatening physical violence and threatening to petrol bomb the home.

Despite the threats of physical violence—which are hard to prove, of course—and the fear and anxiety that they caused the witness and his

family, the court did not enforce the bail conditions. That surprised my constituent, given that the police had thought it necessary to install a panic button in their home. That is another example of the disconnect between services that Mark McDonald mentioned. Such inconsistency does much to affect people's confidence in coming forward as witnesses to less serious crimes.

I could go on, but this will be my final story from my constituency. Many members will be familiar with John Muir, who campaigned for tougher sentences for people who are convicted of knife crime. His son Damian was stabbed to death in Greenock nearly five years ago by someone who had numerous convictions and who had been let out on bail but had breached the bail conditions. I am sad to say that in my 13 years as an MSP that is not the only murder case that I have come across involving a perpetrator who was out on bail. There is an issue there.

I know that it is difficult to address such issues—if it was easy we would have sorted them—but I wanted to talk about the issues that victims have raised with me and about the inconsistencies in the system. The responses from the justice system cause confusion and uncertainty and sometimes add insult to injury, compounding the trouble that victims face. What is more, such inconsistency undermines people's faith in the justice system. People lose faith and stop reporting crimes, and criminals go free as a result.

I welcome a number of the aims in the Government's consultation paper, such as improving the information that is available to victims and witnesses about the cases that affect them, involving victims more in the judicial process and giving victims the opportunity to make oral representations to the Parole Board. I also support the principle of

"Requiring the courts to consider compensation in every case where a victim has suffered injury, loss or distress",

although I heard what Christine Grahame said about the practical problems in that regard.

I also take the point about how such an approach might relate to the criminal injuries compensation scheme. However, there are anomalies in the scheme. If someone has the misfortune to suffer a serious assault, as another of my constituents did, the loss of earnings for the first 28 weeks is discounted and is not compensated for. For a low-paid worker who has a temporary contract at Amazon, the financial impact is immediate, whereas someone who works in the public sector will not have the same concerns during that period, because under their contract they are normally provided with help.

The Deputy Presiding Officer: You must close now. You are well over time.

Duncan McNeil: I appreciate that I have run out of time, Presiding Officer, and I thank you for allowing me to make a small contribution to the debate.

The Deputy Presiding Officer: We have used up a lot of time, so it would be appreciated if members take no more than seven minutes, although they should probably take less time than that.

15:45

John Finnie (Highlands and Islands) (SNP): The aim of making justice work is laudable but will not be without its challenges. It is clearly important that every part and every level of the justice system works.

We have heard a number of members say that victims need witnesses: there can be no justice without them. That seems self-evident, but it is worth repeating.

I listened intently to what Lewis Macdonald said about the evolving nature of changes in this area of the criminal justice system. I see the consultation as part of that evolution in advancing the treatment of witnesses and victims, building on the discussions to which the cabinet secretary alluded.

The police practices with which I am familiar from a previous career have evolved, too. I give the example of domestic abuse. In the mid-1970s, the options for dealing with an offender were their removal from the house by way of arrest if there was sufficient evidence—invariably, there was not—or encouraging them to go elsewhere. That was totally unsatisfactory. It is clear that the wellbeing of the victim, multi-agency efforts to ensure that there is no repetition and the awareness of the effects on the wider household, not least the children, are now seen as important. I noted with interest Mary Fee's remarks about the difficulties that children face, and concur with many, but not all, of them. Even the community suffers as a result, so the question of who is a victim is important.

We have seen improvements in the treatment of victims of sexual assault, rape and child abuse. A multi-agency approach, in line with the getting it right for every child programme, is perhaps a model that can be built on.

The ministerial foreword to the consultation document states:

"Being a witness is an important civic duty".

Is that civic duty being discharged? I have long held concerns about people being referred to Crimestoppers as the first port of call for the police service. It is clear that there is a place for

anonymous calls, but we must empower communities to defend themselves. Previously, as a councillor, and now, as an MSP, I have forwarded on a number of occasions criminal intelligence that has been provided to me by constituents on a confidential basis, and I will continue to do so. It is very easy for me to say, "Give your name to the police," but I do not knowingly live beside a drug-dealing neighbour who has visited violence on people who call at their house, often with the use of weapons. I appreciate that it is not easy for victims.

The police are often the first port of call for both witnesses and victims, and the police service needs to have understanding. It is clear that there can be a conflict of interests. For instance, a householder who wants a drug-dealing neighbour to be dealt with will want them to be dealt with immediately, whereas the police—perhaps understandably on occasions—will want to find the optimum time to raid the premises so that they can have the best possible impact on drug dealing in the area. The initial response from the police is crucial to victims and witnesses. They do not need to know how busy the police are; they do not need a lecture on the law of corroboration; and they do not need to know how frustrating it is for police officers to deal with juveniles. Rather, they need to be listened to and responded to positively.

Again, I pose the question: who are the victims? An individual criminal act in a household can produce many victims. As we know to our peril, if we do not get things right, entire neighbourhoods can be victims. We can place all the measures that we like into supporting victims through health, social care and the third sector, but the criminal justice system needs witnesses, and how we treat them is very important. Police officers in the houses of people who have come forward as witnesses must deal with those people sensitively. A flagging system for persistent witnesses should be utilised so that they are not continually asked the same questions when they phone. I know of constituents who no longer phone because they do not want to go through the rigmarole.

Preventative spend is key to everything. We need to avoid creating victims. There is certainly a record number of police officers that is in some way contributing towards what is a 35-year crime low. The consultation paper says:

"Victims and witnesses should feel confident in coming forward and that their personal safety will be protected".

It is clear that visible police patrols can play a part in that.

Prevention work with young people and advice provided to schools are very important, as it is often forgotten that young people are

disproportionately the victims of crime. Action can be taken on cyber-crime and bullying.

I turn to some of the key proposals. On the victim surcharge, I recall the publicity around the introduction of compensation orders, and I therefore believe that it is important that, after an initial peak, we do not lose the meaningful contribution that such a move could make to the process. It is important that the surcharge is a credible alternative to criminal injuries compensation. It is significant that the criminal, rather than the public purse, pays that compensation.

Special measures, which have been mentioned, are very important, particularly for victims of sexual and domestic abuse. We heard from Roderick Campbell how special measures can be a positive experience. It is important that we embrace technology, and I make a plea for rural areas not to be disadvantaged. We should harness the opportunities for videoconferencing: it should not in any way undermine the rights of the accused person, but we need to use it to best effect. If it proves to be an inconvenience, it should be an inconvenience to the accused rather than to the victim or the witnesses. In the longer term, issues such as court design must be taken on board.

With regard to restitution orders, it is shocking that there were nearly 5,000 convictions for assaults on police officers between January 2010 and March 2012. That figure is for convictions: it is not the overall figure for prosecutions, nor does it include assaults that were never reported.

An attack on a police officer in the course of their duty is an attack on the criminal justice system. Restitution orders, which would involve compensation being paid to a treatment and rehabilitation centre, would send a significant signal not only to the accused but to police officers.

I welcome the consultation, and I hope for the fullest engagement.

15:51

Alison McInnes (North East Scotland) (LD):

Like other members, I welcome today's debate and the consultation, although I am disappointed that we have had to wait a year for the Government to move ahead with this much-needed work.

We should put protecting and enhancing the rights of witnesses and victims of crime at the heart of our work on the justice system. Often—perhaps too often—when we look at the justice system and justice issues in the context of reform, it is easy to forget that crime is not simply a

collection of statistics. Rather, it is the story of people whose lives have been adversely affected through the actions of others. We must remember that, and do all that we can to provide the support and protection that those people deserve.

Although we are fortunate that we have in Victim Support a solid service that people in Scotland can access, we should not be complacent. Ultimately, Victim Support and other charities like it comprise volunteers and can work only within the bounds of the laws and the legal framework that we have in place. It is therefore vital that we ensure that those laws offer victims and witnesses the best possible protection in order that support organisations can be at their most effective.

As a party, we have put forward a range of measures that are designed to improve the situation for victims of crime in Scotland, and we hope that the Government will be able to take them on board in shaping the forthcoming bill. They include relatively straightforward measures such as reducing the amount of time that is taken to resolve summary cases, and more innovative thinking that involves looking at the experience of victims at each stage of the justice process.

That begins with the vital issue of support. Part of our wide-ranging vision for justice reform involves increasing the amount of paid work that takes place in prisons. Through that, we would like a means to be developed that would allow a contribution to be taken from prisoners' wages to be used to help to provide additional funding for victim support measures. We believe that that would provide a more constructive approach than the consultation's proposal for a surcharge to be applied, and it would re-emphasise the idea of offenders making reparations over the course of their sentence.

We would like more action to be taken to ensure that the experience of court for victims and witnesses is improved. That should start with moves to ensure that they are not harassed and intimidated by the accused or the accused's family while in court. We recognise that there can be practical difficulties in ensuring that victims and witnesses do not have to mix with the accused's family or friends, but that is an area in which more needs to be done. I would welcome moves to improve the type of information that is made available to those attending court, particularly information that makes sentencing easier to understand.

Members on the Justice Committee have been scrutinising the Criminal Cases (Punishment and Review) (Scotland) Bill, and our evidence taking has highlighted just how confusing sentencing in Scotland is. Although I do not agree with the Conservatives that ending automatic early release is the best way to stand up for the rights of victims,

that would certainly make the process fairer and more comprehensible.

Moving beyond the support that can be offered, we would like changes to be made to how the compensation system works. However, our concern is less about the priority given to collection that is discussed in the consultation and more about the policy.

We do not believe that the existing system, wherein it is incumbent on the victim to recover from the offender any compensation that the courts have awarded them, is right. Rather, we believe that when a victim of crime is awarded compensation, either through a compensation offer or a court order, they should receive payment directly from the state. It would be up to the state to pursue repayment from the offender through the work of fine enforcement officers.

Finally, we would like the existing victim notification scheme to be widened, so that victims are told when the person who committed the offence against them is eligible for release from prison or when—these circumstances are rare—they are unlawfully at large.

We believe that those proposals are key steps in the right direction and that they are a move towards making the justice system less intimidating, and the process of going through it less of an ordeal, for victims and witnesses of crime in Scotland.

However, it is important to note that although improvements can be made through a victims' and witnesses' rights bill, many aspects that need to be addressed cannot be addressed in isolation. Audit Scotland's recent report, "An overview of Scotland's criminal justice system", highlighted that inefficiencies in processing cases cost the criminal justice system at least £10 million in 2009-10. Furthermore, repeated delays in processing cases can have a negative effect on people's confidence in the system and an adverse impact on the health of witnesses and victims.

Therefore, we should consider the Government's consultation alongside our entire justice system reform programme. Compensation should be looked at at the same time as reforms to our prison system are planned, making the experience for victims and witnesses better in court should be considered when decisions are made on whether local courthouses should be retained, and the needs of vulnerable victims and witnesses at every stage of prosecution should be viewed in the wider context of the making justice work reform programme.

If we are to reshape Scotland's justice system successfully, we must put victims front and centre every step of the way. As others have said, no one chooses to be a victim of crime or a witness. The

justice system must serve and protect such people, and we must ensure that our work is shaped around them.

15:56

Nigel Don (Angus North and Mearns) (SNP): It has been a very interesting debate. When we have a consensual debate about issues that we all understand, we can bring our own experiences to it. I have experience of helping the victim of a very serious personal crime over a long period, and I would like to reflect on what I learned from going through that experience with her.

I emphasise—I am sure that the cabinet secretary know this, but I want to ensure that we have got it—that there is a considerable difference between information and advice. I will stick with the generality of that for a moment. Information might very well be provided online—that is undoubtedly the way in which modern technology is going—but advice, I suggest, should generally be given by a person. Advice about what someone should be doing that is given online is likely to be incomplete and to be misunderstood by some. In this case, we are dealing with people whom we do not want to misunderstand anything.

If we take the view mentioned by some members that both witnesses and victims are victims, we need to ensure that people who have found their way into the legal system involuntarily get the best possible advice on how to cope with it. In that regard, I repeat that we must ensure that when those people get advice, they get it early, and they get it from someone who can provide it in terms that they understand and who can get feedback that tells them that it has been understood.

Annabel Goldie: I am listening with interest to the point that Mr Don makes, which is certainly worth exploring.

My experience was that the victim information service was very good. Was his experience similar?

Nigel Don: Indeed. I make the point simply to distinguish between information and advice. In my friend's case, the experience was very good, but it was based on the fact that she dealt with a single person in the victim support system, whom she made contact with pretty early on.

That leads me to my second point. There is nothing new about this, but having a single point of contact, whether for advice about how to go on with life or for information about a case, is crucial. Whether that comes from the prosecution service or the police is neither here nor there, although I guess that it should come from the prosecution service the moment that it has been decided that

someone is going to be prosecuted. The victim support system should ensure that there is a single point of contact with someone with whom it can work properly.

Margo MacDonald: On that point, the member seems to be envisaging a multidisciplinary role. That suggests that the job would be a new one. Would much cost be involved?

Nigel Don: I do not think so. In my experience, the victim support lady was well capable of providing advice one way or another, getting hold of the appropriate help from other people and pointing folk in the right direction. The point is that there should be a single point of contact and that advice needs to come from a person, especially given the fact that every victim is traumatised and many will not be able to cope with that trauma.

I am conscious that my time has flown away, so I will pick up on one other issue, which goes back to a point that Lewis Macdonald made early on in the debate. It is a well-known fact that victims, witnesses and perpetrators often come from the same community. I suspect that that is the norm. It occurs to me that there might be some cases—and they are likely to be the least serious cases—in which it might be appropriate for the justice system to go to the community rather than everyone having to go to the justice system. For someone in the centre of Aberdeen, where I lived once upon a time, there would be no issue. However, for people who live in my constituency, which is some distance from both Aberdeen and Dundee, a case could be made—and it should probably be considered now, while the Scottish Court Service is thinking about court buildings—that, in appropriate, relatively minor cases, the court could go to the community rather than people having to go a significant distance to the court.

I do not want to elaborate on that point. I can see that there would be many issues to consider, and it would plainly not work in complex cases that need special measures; that would be extraordinarily difficult, if not impossible. However, I make the plea that, in the process of considering where courts go, we should consider the point that hearings do not necessarily need to take place in court buildings that are extremely expensive to maintain. That is one of the drivers behind the current courts review. Some hearings could go to the local town hall. I wonder whether the cabinet secretary could consider that idea.

16:02

David Stewart (Highlands and Islands) (Lab): A few short months ago, I had the privilege of meeting Peter Morris, a Scottish champion for victims and a man who is dedicated to the cause

of victims' rights. He was mentioned very vividly by Lewis Macdonald and Mark McDonald. He marched from Aberdeenshire to present his petition to Parliament, ignoring his own health and wellbeing for the needs of others. His march led to a hospital bed and the loss of his leg, and was born of family trauma—the murder of his sister Claire by Malcolm Webster.

At the conclusion of his four-month trial, which was the longest ever trial for a single accused in Scotland, Webster was jailed for 30 years. The jury heard how he had drugged Claire before staging a fatal crash just eight months after they wed. She burned to death on a lonely country road in rural Aberdeenshire, as her husband callously told the emergency services that there was no one in the car with him. The death was originally ruled to be an accident, and Webster netted more than £200,000 in life insurance. Webster was also found guilty of staging an almost identical attempt on a second bride in New Zealand.

After the verdict was announced, Peter Morris said:

"There is now justice for Claire. The guilty verdict of murder has proven that Malcolm Webster is a wicked murderer ... I feel today is a good day as the psychological sadism over me and my family and many other people is now broken. As the truth came out, it broke the web of deception Malcolm Webster had created around him."

For the evangelistic campaigning work of Peter Morris and the memory of Claire, I certainly welcome today's debate.

The consultation paper is sensible, coherent and makes a good contribution to developing services for victims and witnesses. As we have also heard, it builds on Labour's work in the area: in setting up Scotland's first dedicated domestic abuse court, in Glasgow in 2004; and in respect of the victims fund in our election manifesto last year.

I will focus on a gap, which has been mentioned several times: the lack of a Scottish victims commissioner. Many members will be aware that my Commissioner for Victims and Witnesses (Scotland) Bill was introduced just over two years ago and had a legacy hearing at the Justice Committee shortly before the end of the previous parliamentary session. The bill's main objective was to promote, protect and safeguard the interests of victims and witnesses and to ensure that they were projected to the heart of the justice system in Scotland. The objective is to have a champion who ensures that the needs of victims and witnesses are met. I believe strongly that the champion must have a high profile, be difficult to ignore and ensure that the needs of victims and witnesses are centre stage.

In a sense, I believe that I have seen the future, in that I have met the previous victims champion

for England and Wales, Sara Payne, and Louise Casey, who was the Commissioner for Victims and Witnesses for England and Wales. I have also taken part in a videoconference with one of the four victims commissioners for Northern Ireland.

My motivation has two elements. First, I have been inspired by the work that Victim Support Scotland and other voluntary organisations, such as Barnardo's and Scottish Women's Aid, have done to deliver support to victims and witnesses throughout Scotland. Victim Support Scotland's 2007 manifesto call for a victims commissioner inspired me to introduce the bill, and I have a couple of years' personal experience of working at senior level in a national charity. Secondly, I have been greatly affected by the experiences of constituents. We have heard from many members about constituents who have been forced into the criminal justice system through no fault of their own and who have been left hurt, confused and angry.

I will give one more example. I recently saw a young woman constituent who, with her daughter, was awakened in the middle of the night by the noise of petrol being poured through the letterbox. They escaped the inferno that the house became purely because neighbours found a ladder outside, which allowed them to escape, literally as the house went up in flames around them. When I talked to that constituent, the worrying thing for me was that she thought that the court was another ordeal in her cycle of humiliation and that she was a bit player in a drama in which she had no script.

I concede that the situation for victims and witnesses in Scotland has greatly improved as a result of a range of initiatives, such as the victims strategy, the use of victim statements and the victim notification scheme. However, although improvements have been made, a great deal more needs to be done. A number of important and effective voluntary organisations work in the interests of victims and witnesses, but there is not one co-ordinating voice and no one has the statutory power to examine failures. I believe that there is a gap between victims and victims organisations, and the Government.

Can we say that every relevant authority is meeting the requirement to protect victims under existing legislation and that there is a good balance of power between those who work in the interests of victims and witnesses and others in the criminal justice system? I believe that a commissioner would enhance the work of existing organisations and take it to the next step. A commissioner would be central to the justice system.

I mentioned the Commissioner for Victims and Witnesses for England and Wales, Louise Casey. In evidence to the House of Commons Justice

Committee in November 2010, she said that her role as victims commissioner was

“to challenge the whole of the Criminal Justice System to do right by victims and witnesses.”

That was the intention of my bill. The commissioner would be responsible for championing the rights of victims and raising awareness of their situation. The commissioner would work with voluntary organisations, politicians, the police and others throughout the sector.

It is important that victims are protected from an uncaring bureaucracy that is often unintentionally hurtful and damaging at a time of great suffering. Witnesses suffer trauma, too. About 40 per cent of witnesses are victims and many offenders are victims, too. The proposed role is that of an independent champion, operating with victims, service providers and the Government, working outside, but looking in. The role would provide a new route map for victims, reflecting the new European rights, as covered by the Stockholm programme. It would be a move towards a system change, so that, in Louise Casey's words, victims would no longer be “the poor relation” of the criminal justice system.

16:09

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): It is a pleasure to follow David Stewart's speech, which was extremely thoughtful indeed.

I am grateful for this opportunity to contribute something to the debate and to share with the Parliament some personal experiences that are relevant to the topic. I am pleased to see the work coming forward and I am sure that it will be well received by victims and witnesses across Scotland.

As the cabinet secretary, ministers and members will know, on 8 February, the Public Audit Committee issued a report to Parliament following up on the work that was carried out by Audit Scotland on the criminal justice system. It made a number of recommendations that chime with the approach that is being taken in the current consultation paper and which will hopefully become part of the new bill.

Audit Scotland reminded us that we spend some £857 million a year on our criminal justice system and said that

“there needs to be significant improvement in ... how well victims and witnesses are supported and kept informed about what is happening in their case”.

If we take a closer look at what Audit Scotland was saying, it becomes clear that while we can see in great detail the offender's journey through the criminal justice system—from committing their

crime through to being arrested and charged, appearing in court, being sentenced, and then serving their time—and, even beyond their sentence, their journey back into society, which is just as well developed and supported, what is not at all clear is the victim's pathway through the process, including where they enter or leave the system and who looks after them throughout their journey. Since the victim is the person whom we are supposed to be serving in our justice system, it seems strange to me that support mechanisms for victims are not as well developed.

I can attest to that from personal experience. Some years ago, I was the victim of an attack by a mindless drunken thug. However, from the day on which I spoke to the police and gave them a statement, there was no further contact with me, other than a letter referring me to a victim support agency. I heard nothing from the fiscal service about what the outcome of the case was and was told that I could get the information if I phoned in and asked for it.

Sadly, that is still the case for people. Only yesterday, the local fiscal in my area confirmed that in certain summary cases we still do not routinely inform victims of the outcome that was reached in their case. I say to our Government ministers and to members in the chamber that that is not the way to treat victims of crime. Victims must be treated with respect and have a right to be informed of the outcome that the justice system has reached in their case, no matter how minor the offence is regarded as being. If we can inform the offender of the outcome—as happened in my case—we must surely inform the victim, too.

I am greatly encouraged to see the Scottish Government placing considerable emphasis on the issue in the consultation paper, and I am hopeful that that commitment will be clearly stated in the new bill's proposals. Indeed, the draft European directive makes no distinction between the victims of different types of crime or the information that they should receive, so I look forward to that principle being applied to all victims.

Another issue that continues to give me cause for concern is how we support and protect witnesses who may be called to give evidence in court—Duncan McNeil and Alison McInnes touched on the issue earlier.

A few constituents have told me about having appeared at court as witnesses only to be confronted by the accused's family members either outside the court or within the corridors of the court buildings. That can be an extremely intimidating experience for many witnesses, and we need to do more to guarantee the protection of witnesses from the kind of intimidation that can and does go on in such circumstances. Again, I

am heartened by the objectives that are set out in the consultation paper about protecting the personal safety of witnesses, but I would be obliged to the minister if she would expand a little on whether the issue of offering further protection for witnesses is on the Government's radar.

If time permits, I would like to address the issue of the rehousing of offenders in our communities upon their release—in some cases, they have been rehoused close to the families of murder victims—and I would also like to pay some attention to the information that is given to and shared with families in such circumstances. Incredible distress can be caused to families. The Scottish Prison Service and local councils need some additional powers to address the issue, so that families feel that they are involved and consulted.

Members have commented on the wider aspects of the consultation. It is encouraging to see that a much sharper focus on victim and witness issues is at the forefront of the Government's thoughts.

Making offenders directly accountable for the damage that they have done to their victims through a surcharge or compensation payment scheme is to be supported. Most offenders currently think that they pay their debt to society by serving their time or paying their fine. It is welcome that such a scheme will get the message over that it is their victim who is owed the apology, the compensation or whatever is deemed to be appropriate.

The proposals chime with what my constituents have been sharing with me for a number of years and, as a victim of crime, it gives me some comfort, too, that the Government is addressing these long-standing issues. Doing so will greatly improve the support we give to victims of and witnesses to crimes in Scotland.

16:16

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): The rights of victims and witnesses are much greater than they were in 1999. I welcome the further proposed extensions that the cabinet secretary has outlined. Those extensions are, to some extent, driven by the draft European Union directive, which results from the new justice competences of the Lisbon treaty.

The problem—or challenge—is how those rights can be enforced, because there has been, and still will be under these proposals, an absence of mechanisms that allow people, victims in particular, to enforce them. I am told—when the Minister for Community Safety and Legal Affairs winds up, she will tell me whether I am right—that, in Australia, victims can go to court to enforce their

rights. We should perhaps consider that option, but the victims commissioner proposed by David Stewart would also be very helpful in that regard.

Notwithstanding the progress that has been made, especially post-2001, it is fair to say that progress on the matter has sometimes been slower in Scotland than in England, perhaps because of the strength, and sometimes the resistance, of the Scottish legal establishment.

Special measures for witnesses had to be driven through. Although I welcome the extension of special measures to victims of sexual offences and domestic abuse, there is scope for much greater extension of special measures. Indeed, Victim Support Scotland has called for all witnesses to be allowed access to special measures. I hope that that option will be considered in the context of the forthcoming legislation.

I also support further specific measures for victims of domestic abuse. Lewis Macdonald and others have mentioned domestic abuse courts. I know from having twice visited the court in Glasgow how effective it has been. The court, which has specialist sheriffs, and the victim support service in Glasgow, called advice, support, safety and information services together—ASSIST—have been crucial in providing much better support for victims. I hope that the model can be rolled out further across Scotland. I welcome the fact that such an approach has just started in Edinburgh.

I also support widening the scope of the victim notification scheme, so that all victims of domestic abuse are informed when a perpetrator is released. Lewis Macdonald reminded us that that was a specific proposal in Labour's manifesto at the last election.

That leads on to the subject of information, which is central to the proposals. I welcome the proposals to give more information to victims and witnesses. However, we must ensure that protections are in place, especially with the proposed online information hub. I note that the IPPR's recent report on information for victims recommended that there should be accessibility via mobile phone and a secure website. It will be worth looking at the detailed proposals in that report when we consider our own legislation.

We must always think of victims and witnesses in the context of the information that is publicly available. In a recent justice debate, I raised concerns about court websites and the information that is available to everyone in the world who goes online and visits them. The cabinet secretary referred to protecting the personal safety of victims and witnesses. A lot of information about my constituent's divorce was on a court website, and

her safety was put at risk. In fact, she became a victim. Obviously I do not want to go into the specific details of her situation, but I know that she wants me to raise the general issue of the information that is publicly available on court websites. As I indicated when I referred to the matter a month or so ago, her bank details were on the website. Although those have now been removed, she is concerned that her address is still available.

We need to look at that issue in the context of protection for victims and witnesses and not just allow the Court Service to do whatever it wishes in that regard. There is a democratic role for politicians in doing that. I know that the information commissioner is taking a close interest in that particular case and in the general issue.

A lot of information happens not online but in a one-to-one situation. Victim information and advice in our courts provides information to many victims. We need to look at the nature of that service and the extent to which it is sensitive to the concerns and needs of victims. I have been told by a constituent that VIA is perceived by her simply as an arm of the prosecution service. She did not feel that it was really sensitive to her needs and her situation. That is another aspect that we need to consider.

I welcome the proposals to make offenders pay and restitution orders for police officers. John Finnie referred to the shocking figures of 5,000 assaults on police officers in the past two years. However, we should remember that 12,000 council workers and 13,000 national health service workers were subjected to violence. Therefore I would support the proposal from the Royal College of Nursing that the bill should be widened to cover those workers.

Like other members, I welcome the proposals in general but hope that they can be built on.

The Deputy Presiding Officer (Elaine Smith): Finally, Jamie Hepburn has a generous six minutes.

16:22

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I welcome the debate. There have been a number of considered contributions, which demonstrates the broad consensus on the issue.

In many criminal cases, there is a lot of attention on the perpetrator of the crime; all too often, the victims of crime are forgotten. I am sure that we all have stories of constituents who have felt a little let down by the system. Mark McDonald and Duncan McNeil testified to that in their speeches. However, although they do not speak of a justice system that is broken, perhaps it is not quite

perfect. David Stewart had a good turn of phrase—I hope that I caught it correctly—when he spoke of the system as sometimes being unintentionally hurtful. That is probably a fair description. The system is not broken but maybe it is not perfect and requires some attention.

For that reason, I welcome the Government's consultation on victims and witnesses. As Mary Fee did, I refer to the foreword to the consultation paper. I welcome the fact that the cabinet secretary says that victims are

“not merely passive spectators but people with legitimate interests and needs”.

We would all recognise that. It is important to remember those affected by crime and to emphasise the support that we can give to those who witness crime. I look forward to the consultation and the proposals that emerge from the responses to the consultation.

Of course, it is important that the Government sets out its stall, which it has done in identifying the key principles for the consultation. I welcome those, the first of which is:

“Victims and witnesses should know what is going on in cases which affect them”.

That is important because, all too often, people feel passive in the face of the justice system. It is therefore vital that victims or witnesses know what to expect from proceedings, which includes hearings going ahead when scheduled. A number of studies and surveys have been undertaken that indicate that victims and witnesses do not feel particularly valued within the court process, which is somewhat understandable if they do not feel that they are getting the information that they require to better understand the process that they are involved in.

The next principle is:

“Victims and witnesses should feel confident in coming forward and that their personal safety will be protected”.

It is perfectly understandable that many people, particularly those who witness crime, are sometimes a little reticent about coming forward because they fear for their safety. Again, in the ministerial foreword, the cabinet secretary made the important point that

“Being a witness is an important civic duty and one which should be recognised and treated as such by both the public and those within the justice system.”

He went on to make the point that it would be hard to prosecute any cases without witnesses coming forward, so we must have that as a key principle.

I do not want to refer to all the key principles, but the last one that I want to speak a little more about, which many members have touched on, is:

"Offenders should pay for the injury, loss or distress that they have caused".

That builds a little on the work that we have seen done, because criminals already pay back to wider society through the cashback for communities scheme, which I think all members' constituencies have benefited from—I certainly know that my constituency has. It extends beyond societal recompense—which is important—to recompensing the individual victim. Victim Support Scotland has called for that approach in the past and I am sure that it will welcome the fact that the Government is acting in that regard. Points were made about the issues involved in taking forward such a scheme—Christine Grahame raised a few—but that approach is a good idea and I certainly support it.

I have spoken about the broad consensus in the debate. However, it is unfortunate that the Tories—through Annabel Goldie's amendment—have sought to use a debate on better supporting victims and witnesses as a Trojan horse for opposition to automatic early release. I do not want to break the consensus, but the subject has been raised and it merits some attention.

The first point is that, contrary to what has been said, the Scottish Government has taken steps through the Criminal Justice and Licensing Act 2010 to act in the area of automatic early release. Indeed, the Scottish Government has a manifesto commitment that it is working towards, seeking to meet the criteria set out by the McLeish commission and reduce the short-sentence prison population before moving to act on the issue further.

Annabel Goldie spoke about a survey undertaken by the Tories. Clearly, members of the public will respond that they do not like automatic early release—I understand that. I just wonder whether, when the Tories undertook the survey, they prefaced the question by pointing out that it was the Prisoners and Criminal Proceedings (Scotland) Act 1993, which was introduced when they were in government, that first raised the issue of early release. I somewhat doubt that they went to the public and pointed out that they created the issue in the first place.

I will not talk about that further for fear of breaking the consensus that has been struck today. Those minor differences should not mask the shared concern that we have across the chamber. We all broadly support the Government's consultation and I look forward to seeing what concrete proposals emerge.

The Deputy Presiding Officer: We turn to closing speeches. We have some time in hand for interventions, if members wish to make them and

others wish to accept them. I call Annabel Goldie, who has a generous seven minutes.

16:29

Annabel Goldie: Thank you, Presiding Officer. I reassure Jamie Hepburn that I have publicly declared, including in this chamber, that a Conservative Government in the 1990s introduced automatic early release. It accepted afterwards that it had got it wrong, which is why it enacted, before 1997, a statute to terminate automatic early release. However, the incoming Labour Government did not implement the act. The point is that we have an opportunity in this devolved Parliament to discuss such issues. I say to Jamie Hepburn that I think that it would be remiss of me, as an Opposition politician, in a debate about victims, not to raise an issue that I think goes to the heart of public confidence in the justice system and is certainly an issue that perplexes the public.

That said, the debate has been interesting and largely consensual, in that members agree that more must be done for victims and witnesses. The Scottish Government consultation document contains a number of sensible policy suggestions and is therefore to be welcomed as informing the drafting of legislation. However, as I said, I am not here to agree with everything that the Scottish Government does and I think that the proposals are slightly deficient in urgency and ambition. As a number of members have said, it has taken rather a long time for the Government to consider the issue. The SNP's 2011 manifesto included a commitment to introduce a victims' rights bill, but it was not included in the Government's subsequent legislative programme. It has taken over a year to publish the consultation document, so we are unlikely to see a draft bill until much later in this parliamentary session.

To his credit, the cabinet secretary acknowledged in 2010 that support for victims was an issue. However, the pace is ponderous and I share Lewis Macdonald's concern about how to make the progress on the issue that I think we all want. I support his desire for a timetable in that regard.

I must also raise some questions about the Scottish Government's ambition in this area. As I stated earlier, the six objectives for victims and witnesses identified in the consultation document seem to me to represent what victims and witnesses should at the very least expect from a criminal justice system. Throughout the consultation document there are references to the draft EU directive on establishing minimum standards on the rights, support and protection of victims of crime. The directive, indeed, informs many of the Government's proposals. The Scottish Government boldly claims:

"These emerging international standards raise the bar internationally and challenge us to raise our game here too."

However, rather than raising the bar, the EU directive is a set of expected minimum standards for victims. Is it really the Government's aspiration for Scotland that victims and witnesses should be given only the minimum level of support? Let us try to be a little more ambitious than that.

There have been some compelling and thoughtful contributions to the debate. I noted particularly those made by Duncan McNeil, David Stewart, Willie Coffey and Nigel Don, who made an important point about whether we could bring the forum of justice to where the people are in the community. I think that there is a precedent for that in the form of the Scottish Land Court, which is a mobile court that convenes where a problem has arisen. In my days as a lawyer I was involved in its proceedings when we met on an island. There is therefore a precedent to consider in that regard, on which the cabinet secretary might want to reflect.

Nigel Don: I am grateful for the member's support, but I must point out—although it might not be in my interests to do so—that civil courts, from which we do not expect somebody to do a runner, can much more easily be placed out in the country. We obviously have a problem with criminal proceedings in which someone is probably in irons in one way or another for some part of the process. Getting criminal cases out to the countryside may not be easy, but it seems to me that there must be some cases for which that would be appropriate.

Annabel Goldie: I was just trying to help.

I have some points on the consultation document that I urge the Scottish Government to consider. Perhaps the minister could address some of them in her closing remarks. I note the document's reference to the importance of information sharing among justice organisations, which I think we would all agree with. Can the Government confirm whether it has considered that issue in relation to the soon-to-be-established single police force? Is the information technology system for the new force being developed to ensure compatibility with the systems of existing organisations?

The Government proposes the introduction of a mechanism whereby those who carry out assaults on police officers will be required to pay to support the specialist non-NHS services that treat or assist the victims of those assaults. That is a commendable and laudable principle, but I wonder whether it is logical to extend that type of support to police and yet exclude from that support other public sector workers at risk, such as fire officers and NHS workers. I merely make that observation.

I cannot help but notice that the consultation proposes to extend the definition of a child witness to someone up to the age of 18. That would certainly extend automatic entitlement to support to 16 and 17-year-olds. It would bring Scotland into line with England, Wales, Northern Ireland and indeed the United Nations Convention on the Rights of the Child, so it appears to be a sensible suggestion. However—forgive me for being mischievous—how is that policy consistent with the SNP's position that 16 and 17-year-olds should be given the vote in the forthcoming independence referendum?

I hope that this debate and the Scottish Government's consultation are the first steps towards producing robust, workable legislation that will seek to give victims of crime a strong voice at the heart of Scotland's criminal justice system. However, I reiterate, despite the reservations of Mr Hepburn, that however worthy many of the proposals are—and they are worthy—the elephant in the room is sentencing and automatic early release. If we do not address that, we diminish everything else that we try to do for victims and for witnesses. I ask members to recognise that and to support the amendment in my name.

16:36

Jenny Marra (North East Scotland) (Lab): Proper treatment of and protection for victims and witnesses of crime are critical features of our justice system if we are to do better at securing convictions for those who have committed serious offences. In our manifesto last year, Scottish Labour made a substantial commitment to create a safer, fairer way for victims and witnesses of crime to navigate our justice system. I am glad that Scottish Labour's vision has been partly shared by the Government. However, substantial improvements can still be made. Our amendment, which I am glad that the Government has accepted, looks to the Government to give the Parliament a timeline for when those changes will be rolled out, so that we can build upon its commitments together.

Our manifesto commitment was to do better for victims of some of Scotland's most prolific and serious crimes through a series of innovative and far-reaching policies. One such policy was to create a dedicated victims commissioner to help victims navigate the legal system and champion their rights within it. Having a dedicated position, as my colleague Dave Stewart—who put forward the idea and the bill a couple of years ago—eloquently put in his speech, would ensure that standards are constantly being enforced, innovated and complied with. Many members across the chamber have raised the idea of a victims commissioner, or at least a point of contact

or focus for victims. Although the SNP's pledge to create duties on relevant public agencies serves part of that purpose, I urge the minister to outline how those standards will be enforced and monitored in the way that a dedicated commissioner could have done. Without ensuring that those duties are sufficient, or adhered to correctly, the effectiveness could be seriously reduced.

Labour also committed to rolling out specialist domestic abuse courts such as the one that we set up in 2004 in Glasgow. It has been highly effective in bringing persistent offenders swiftly to justice. Such courts are efficient—they are tailored to focus on domestic abuse specifically and have victims at their centre.

Although I welcome the SNP's commitment to introduce rights to television links for victims testifying in court, I urge the Government to consider the value of having swift convictions in local specially tailored courts as well.

I also urge the Government to consider fully the impact on victims and witnesses of a reduction in the number of courts in Scotland, on which it is consulting, and which would remove the vital link between justice and the community.

Christine Grahame: Although the business of looking at the courts that we have at present is out for a long discussion elsewhere, does the member accept that some of them disadvantage victims? Some courts are in ancient buildings and victims are put beside witnesses for the prosecution, with defence witnesses in the same room. That cannot be good.

Jenny Marra: The member points to a legitimate concern about some court facilities and the way in which some things are organised. However, we do not agree that the solution to those administrative and organisational difficulties is to close courts. We argue that many of those buildings should be refurbished so that we can more properly deal with victims' and witnesses' issues in them, thereby keeping justice in local communities.

The increased use of technology is not an excuse for closing down courts. Examples such as the Glasgow domestic abuse court show that there is significant value in local justice. The SNP has before it a successful blueprint for the creation of specialist courts that are tailored towards victims of domestic abuse and other crimes. With the right amount of investment and political will, such courts could make a difference to the women, children and men across Scotland who suffer through the horrors of domestic violence every day.

Along with creating a victims commissioner and rolling out specialist domestic abuse courts, Scottish Labour pledged to create a victims fund

from a levy on offenders, which would help to fund victim support services. I am glad that the Government has made that pledge a reality. Support for victims organisations such as Scottish Women's Aid is a critical link in the chain to break the cycle of violent and sexual crime, and the announcement is warmly welcomed by members on the Labour benches.

However, across Scotland, funding to victims organisations is being cut. In Dundee, the Government has withdrawn funding from the Women's Aid children's service, despite its having been funded for years previously, and in Aberdeen, Rape and Abuse Support has had £50,000-worth of investment pulled by the Scottish Government. Those organisations work round the clock to look after vulnerable people, many of whom use them as a place of last resort. I ask the minister, in closing, to reflect on the SNP's failure to fund those organisations. I seek a reassurance that the victim surcharge will not exist simply to plug the gaps in spending that the SNP has created. That is not how a victims fund should operate, and I hope that the minister will reflect on that in her closing remarks.

Jim Eadie (Edinburgh Southern) (SNP): The member is always a source of clarity in her contributions. I therefore ask her what the budgetary impact would be of creating a victims commissioner. Does she not agree that it is better to put resources into the victims fund so that victims in Scotland have the benefit of them, rather than creating yet another tsar, as new Labour was fond of doing in the 1990s?

Jenny Marra: Our proposal for a victims commissioner was to be funded by a victim surcharge, but if the Government was to put forward a proposal, I am sure that it might have its own ideas on how it was to be funded.

As well as the victim surcharge, I welcome the Government's commitment to compensation for victims of crime who have suffered injury, loss or distress. In many areas of our law, victims are left without any reparation for the damages done to them, and a further emphasis on redressing that imbalance is a welcome development. As cuts to the criminal injuries compensation scheme are biting down on victims' rights to compensation, Scottish Labour is keen to ensure that the Government makes sufficient provision for those who are losing out. Duncan McNeil pointed out the 28-week period of no compensation for victims, which is a stark reminder of the disadvantage that victims face in the compensation scheme.

When it was in government, Labour embarked on the most ambitious programme of reforms for victims and witnesses in 30 years, and we are keen to ensure that that legacy is continued. To that end, this consultation is a welcome, if overdue

development. Although the measures within the consultation do not in our opinion go far enough, there are many aims that we support, and we will contribute fully towards their development. Ensuring that our justice system accounts for the needs of victims and witnesses appropriately, creating a victims fund that will do more than just plug the gaps in funding, utilising technology for remote testifying, and maintaining and enhancing compensation for victims of crime are all measures that we support.

I urge the minister to take on board our comments, particularly those on specialist domestic violence courts and other existing measures that could be rolled out across Scotland. I look forward to working with the Government to make our justice system work better for victims and witnesses.

16:45

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): I thank members for their contributions to the debate. Underlying all that has been said is a broad agreement in the chamber that the interests of victims and witnesses of crime should be at the heart of reforms to the justice system. Let us all agree, at the outset, that there is probably no perfect justice system anywhere in the world and that it is our job to make Scotland's system as good as it can be, although we acknowledge that it is not perfect now and never has been.

The truth is that there are flaws, as there have been for a number of years. However, I believe that we have an opportunity to make our justice system far better than it has been. Central to that is how we treat victims, and how victims feel they have been treated must be a measure of that system's success. Obviously, victims are a crucial part of the justice system, but witnesses are a crucial part, too. We must recognise the clear problems and distinctions that are attached to both groups.

If witnesses are to come forward and report what they have seen or heard, they must have confidence in the system. They must have confidence that their contribution will be worth while and that they will be supported as witnesses, just as victims must have confidence that they will be supported as victims. Improving the experience of both those groups of people is at the heart of the Government's making justice work programme, which is quite broad and runs over a number of areas. That is why we set out various proposals in our recent consultation paper, some of which have been discussed today.

The cabinet secretary outlined general principles that will be vital to judge our success in

improving the information and support that are available to victims and witnesses. Those principles, which I hope will have broad support, are worth reiterating. Annabel Goldie ran through them in her speech, but it is worth putting them on the record again.

Victims and witnesses should know what is going on in cases that affect them—we all have examples from our constituencies in which that simply has not happened, for victims or for witnesses. They should know what to expect in relation to proceedings, including that hearings will go ahead when scheduled—again, we all have experience of constituents who simply did not understand the processes and did not have them explained to them. People should feel confident in coming forward that their personal safety will be protected—we have heard a number of cogent examples this afternoon in which that has simply not been the case. They should be able to contribute effectively to cases that affect them, and they should have access to appropriately tailored support before, during and after proceedings. Also, offenders should pay for the injury, loss or distress that they have caused.

There has been a bit of discussion about victim surcharge. It is worth saying one or two things about that, as a number of members raised the issue. We are considering ways by which such a surcharge might be brought in, whether it should be a flat rate or pro rata, and what level it should be set at. Even at a basic and minimal level, it would produce a fund of money that would go right back to where it was needed—that is an important point to make.

We believe that the proposals in the consultation paper will make a real difference to victims and witnesses. Measures such as the victim surcharge, which I have just mentioned, and the restitution orders will ensure that offenders contribute financially to the support that their victims need. We want to see that happening in our system.

Extending the availability of special measures will enable vulnerable witnesses to give evidence effectively. Special measures were mentioned by a number of members, and we are considering extending them and even creating an automatic right to them in certain cases. I heard what was said by several members, particularly Malcolm Chisholm, about the possibility of extending special measures. It is worth remembering that there is sometimes a capacity issue about what can be done and where it can be done. Not all of our court buildings are capable of being used in some of the ways that we would prefer to use them in order for special measures to be taken. That is one of the issues that we must understand and take on board. There is no magic wand that

can be waived to make all the special measures that might be brought in easily introduced in the current circumstances. Nevertheless, we are considering them carefully—I hope that members will accept that assurance on my part.

Hanzala Malik: I am a realist and I know that some court buildings have outlived their usefulness. Nevertheless, local people—particularly victims—still need local courts where they can go. Sometimes, we take our eye off the ball in supporting our victims, especially the vulnerable, the very young and the elderly, and local courts are very important. I am open to the idea of refurbishing buildings or selling some of the older buildings that have outlived their usefulness in order to develop new ones. I know that it is a challenge, but I am sure that we can work something out.

Roseanna Cunningham: I welcome that. We must all accept that, in parts of the country, there is a huge challenge confronting us in our court buildings. In my constituency, there is an issue about wheelchair access to Perth sheriff court. At the moment, people in wheelchairs find it almost impossible to get into the court, which is not an acceptable situation for anybody to be in.

Improving the information that is available will help victims and witnesses. The availability of high-quality information is consistently raised as a key factor in determining the experience that individuals have of the justice system, but there are issues around the question of providing information, as was noted by several members including Nigel Don, Malcolm Chisholm and others. We will commission a feasibility study into how we can provide much better information for victims and the public about specific cases. Some security questions arise out of the provision of information, such as who will get access to the information and what precisely the information will be. Malcolm Chisholm highlighted the fact that one can overprovide information to those to whom it might be better not to grant access. There is a whole set of issues around that, and we will consider the matter carefully to see how we can manage all those issues, including data protection. I hope that that is understood.

Lewis Macdonald: During the debate, the minister heard calls from Nigel Don, Mark McDonald and Margo MacDonald, as well as from Labour members, for a single point of contact for witnesses in dealing with the justice system. At this juncture, can the minister tell us—

The Presiding Officer (Tricia Marwick): Mr Macdonald's microphone is not on.

Lewis Macdonald: I hope that the minister heard my question. In the light of the issue that was raised by a number of members about a

single point of contact, will she tell us the Government's response to that proposition?

Roseanna Cunningham: We understand why that would be regarded as a big step forward and we are happy to consider the matter. There are issues to do with security and policing, so the proposition is perhaps not as simple as it appears to be on the surface. We will consider the issue, among other things.

I had better press on, because I have only four minutes left. The planned bill is important, but we need to see it in the context of other initiatives that are being planned or undertaken under the making justice work programme. Our focus is on the package of reforms as a whole and on how we can improve the experience of victims and witnesses, whether we do so through legislation or by other means. Let us not get so focused on legislation that we forget that there are other ways of making the experience better. The bill is part of an on-going programme.

In addition, the EU directive will soon be finalised, and the proposals in the bill will help to ensure that we meet our obligations under the directive, as we are required to do. However Ms Goldie might feel about a directive that will set only minimum standards, we will be expected to give evidence that we are meeting its demands.

Dave Stewart spoke passionately about his proposal for a victims commissioner. I understand where he is coming from, but our rough costing of the proposal suggests that it would cost in the region of £0.5 million. We think that half a million pounds would be far better spent directly on victims than on creating a new public body or appointment.

We are maintaining the level of funding to organisations that support victims and we will improve support through the bill.

The criminal injuries compensation scheme was mentioned by several members, including Jenny Marra, who managed not to mention that the salami slicing of the scheme began under a Labour Government. Of course, the scheme is reserved. I appreciate Jenny Marra's generosity in asking the Scottish Government to step forward and fill every gap that is opened up by the Westminster Government, by providing more money, more courts and more of everything, but the truth of the matter is, as she must know, that it will not be possible for us always to close the financial gaps that a Westminster Government opens up.

We regret the impact that the proposed changes will have on some groups of victims, but we acknowledge that the CICS is in need of reform and we are keen that changes should result in a faster, simpler and less bureaucratic scheme,

which is more focused on victims who are seriously affected by crime.

Jenny Marra: Will the minister give way?

Roseanna Cunningham: I am sorry. I am in my final minute and I must press on.

A full examination of costs will take place as our proposals are developed, in collaboration with the Scottish Court Service and the Crown Office, and the position will be set out in full in the financial memorandum that accompanies the bill. We are looking into the longer term, because we want to explore a separate compensation scheme for Scotland, but in the meantime we will continue to work to ensure that the Scottish Court Service and the Crown Office will be able to work practically and efficiently in the context of the measures that will be in the bill.

We are talking about an area on which there are few disagreements in principle. We need to get the detail right. We want to improve the system for victims and witnesses. We will be as bold and ambitious as we can be and we will make radical changes where necessary. I encourage members and other people who have listened to the debate to respond to the consultation paper and to engage with the bill as it goes through the Parliament.

Business Motions

16:59

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-03311, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for tomorrow, Thursday 14 June.

The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford): I advise the Parliament that the reason for the revision is to allow for a statement from Richard Lochhead on the fisheries negotiations in which he was involved yesterday. The revision was discussed by all business managers, and it was agreed that the statement should be inserted into the business programme.

Motion moved,

That the Parliament agrees the following revision to the programme of business for Thursday 14 June 2012—

delete

2.15 pm Themed Question Time
Rural Affairs and the Environment
Justice and the Law Officers

2.55 pm Scottish Government Debate: Young
People and Economic Growth

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

and insert

2.00 pm Themed Question Time
Rural Affairs and the Environment
Justice and the Law Officers

2.40 pm Ministerial Statement: Reform of the
Common Fisheries Policy

followed by Scottish Government Debate: Young
People and Economic Growth

followed by Parliamentary Bureau Motions

5.15 pm Decision Time—[Bruce Crawford.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-03285, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 20 June 2012

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Equal Opportunities Committee Debate:

Women and Work

followed by Stage 3 Proceedings: Criminal Cases
(Punishment and Review) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 21 June 2012

9.15 am Parliamentary Bureau Motions

followed by Scottish Conservative and Unionist
Party Business

11.40 am General Question Time

12.00 pm First Minister's Question Time

2.00 pm Themed Question Time
Health, Wellbeing and Cities Strategy

2.40 pm Ministerial Statement: Rail

followed by Scottish Government Debate: Growing
the Visitor Economy

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 27 June 2012

9.30 am Time for Reflection

followed by Parliamentary Bureau Motions

followed by Scottish Parliamentary Corporate Body
Question Time

followed by Stage 3 Proceedings: Police and Fire
Reform (Scotland) Bill

2.30 pm Continuation of Stage 3 Proceedings:
Police and Fire Reform (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 28 June 2012

9.15 am Parliamentary Bureau Motions

followed by Stage 3 Proceedings: Long Leases
(Scotland) Bill

11.40 am General Question Time

12.00 pm First Minister's Question Time

12.30 pm Members' Business

2.15 pm Themed Question Time
Culture and External Affairs;
Infrastructure and Capital Investment

2.55 pm Stage 3 Proceedings: Welfare Reform
(Further Provision) (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time—[Bruce Crawford.]

The Presiding Officer: Patrick Harvie has asked to speak against the motion.

17:00

Patrick Harvie (Glasgow) (Green): The United Nations conference on sustainable development—also known as Rio+20—will take place from 20 to 22 June. In the recent members' business debate on the summit, there was broad support for the Scottish Government's decision to attend the conference. Stewart Stevenson will be there with colleagues. During that debate, regarding the Government's decision to attend the conference, my colleague Alison Johnstone asked the minister whether the Government would seek time to bring a full debate to the chamber, in Government time, on the outcome of the summit.

I speak to the business motion in order to seek a commitment from the Government to hold such a debate in the week before the recess. It is expected that there will be two stage 3 debates in that week, but it seems possible that there will be very few amendments to debate, so there is a good chance that there will be time in hand to include a debate on the outcome of the Rio+20 conference.

The conference objectives are to renew the global political commitment to sustainable development; to assess the woefully limited progress that there has been towards meeting the previous commitments; and to address new and emerging challenges that the world faces. Those issues will affect the lives of people all over the world, and they are directly relevant to the Scottish Government's commitments on climate justice, among other matters. I urge the Government to commit to devoting time in the chamber to debate the outcome of that important conference.

17:02

The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce Crawford): Patrick Harvie knows that I had a discussion about the matter with him two weeks ago, I think. The Government fully recognises the importance of Rio, and the Minister for Environment and Climate Change fully recognises the importance of reporting back to the Parliament.

We are very sympathetic to Patrick Harvie's request; indeed, the minister is keen to have a debate on the issue. However, there is a problem. Patrick Harvie thinks that there will be two stage 3 proceedings in the final week before the recess, but there will be three. Stage 3 proceedings on the Police and Fire Reform (Scotland) Bill are planned for the Wednesday morning, and those proceedings may well go into the afternoon, depending on the number of amendments that we

have. Requests from Opposition members and others may yet be made about the time for closing speeches on the motion. Such debates usually last for just an hour, but members may well request extra time. It is planned that we will deal with the Long Leases (Scotland) Bill on the Thursday morning, and requests may be made for a longer closing debate on matters to do with the Welfare Reform (Further Provision) (Scotland) Bill.

Patrick Harvie must know that, at this stage, I cannot possibly tell how many amendments will be lodged, but I assure him that, if space is available on that day, we will do what we can to fit in a debate on Rio+20. Apart from those three stage 3 proceedings, other important Government business will need to be discharged that week, and it would be premature at this stage for me to give an absolute guarantee that that can happen. However, I give Patrick Harvie an assurance that, if space is available, we will do all that we can. Indeed, the minister is pushing me to do exactly the same thing.

The Presiding Officer: The question is, that motion S4M-03285, in the name of Bruce Crawford, be agreed to.

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-03286, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, which sets out a stage 1 timetable for the Freedom of Information (Amendment) (Scotland) Bill.

Motion moved,

That the Parliament agrees that consideration of the Freedom of Information (Amendment) (Scotland) Bill at stage 1 be completed by 16 November 2012.—[*Bruce Crawford.*]

Motion agreed to.

Decision Time

17:04

The Presiding Officer (Tricia Marwick): There are three questions to be put as a result of today's business. The first question is, that amendment S4M-03278.2, in the name of Lewis Macdonald, which seeks to amend motion S4M-03278, in the name of Kenny MacAskill, on improving services for victims and witnesses, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S4M-03278.1, in the name of Annabel Goldie, which seeks to amend motion S4M-03278, in name of Kenny MacAskill, on improving services for victims and witnesses, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McGregor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, Brian (Aberdeen Donside) (SNP)
 Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Hume, Jim (South Scotland) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)

The Presiding Officer: The result of the division is: For 47, Against 63, Abstentions 5.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-03278, in the name of Kenny MacAskill, on improving services for victims and witnesses, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament recognises the importance of victims and witnesses of crime in the justice system; believes that such individuals should feel confident in coming forward and have access to information about cases affecting them and appropriately tailored support before, during and after proceedings; believes that offenders should pay where possible and appropriate for the injury, loss or distress that they have caused by contributing to support for victims, and welcomes the Scottish Government's consultation on detailed proposals to give effect to these objectives, and calls on the Scottish Government to set a timetable for the introduction of the necessary legislation.

Mountain Rescue Teams

The Deputy Presiding Officer (John Scott):

The final item of business is a members' business debate on motion S4M-03136, in the name of Liz Smith, on Scotland's mountain rescue teams. The debate will be concluded without any question being put.

Motion debated,

That the Parliament pays tribute to what it sees as the outstanding work carried out by Scotland's 28 mountain rescue teams including Tayside Mountain Rescue, which it considers gives selflessly of its time to assist others; notes that Scotland's mountain rescue volunteers went out over 500 times in 2011 to seek and rescue those in need of assistance, frequently in difficult mountainous terrain, poor weather conditions and often at night; recognises the pressure on what are largely voluntary funds and the new challenges facing Scotland's mountain rescue teams in the face of public sector reform to emergency services, and would welcome a general public in Scotland that is educated about the responsibilities that it has to be well equipped and well prepared when heading to the hills.

17:07

Liz Smith (Mid Scotland and Fife) (Con):

There was an article in the Sunday newspapers last weekend that ventured the opinion that, once people reach the age of 40, their spirit of adventure declines. The article went on to say:

"by the time people are out of their 40s altogether they will opt for a more sedate lifestyle more of which will be based indoors rather than outdoors".

It also said that, once people are over 50, they become very risk averse.

I will leave members to ponder which description best fits me but, in recent months, it has been an enormous privilege for me to undertake some work with the Tayside mountain rescue team and to see at first hand the extraordinary commitment that it makes—unpaid and often in very challenging circumstances—when it provides support to members of the public who find themselves in difficulties on the hills or at sea.

Our 27 mountain rescue teams, which are assisted by three police forces and two Royal Air Force teams, are staffed by some of the finest professionals in Scotland: more than 1,000 in all. Last year, 668 persons were assisted by our teams, and a total of 24,000 hours was required in deployment, 24/7 on all 365 days.

The teams give selflessly of their time to assist others, frequently on difficult mountain terrain or in dangerous waters, in treacherous weather conditions and often at night. They do so at a time when the relatively small amount of public money that they receive is under considerable pressure, and when charitable giving is constrained by the

effects of the recession. When one considers that it costs a minimum of £6,000 to scramble a helicopter these days and that the annual grant to mountain rescue teams is £339,000, that pressure is put into perspective.

Fundraising is not easy. The mountain rescue service would be the first to admit that it is viewed as very specialist, in the sense that it is relied on by only a very small number of people. It is not easy for it to compete for public money with organisations such as cancer charities, Barnardo's or the Royal Society for the Prevention of Cruelty to Animals, which obviously have a much wider public appeal. It is true that there are some additional funds that can be provided to assist with extra staff, additional equipment and the mountain weather forecast website—whose accuracy is usually first class—but we should be in no doubt about the pressure under which mountain rescue teams find themselves when it comes to financing their activities.

The issue also needs to be seen in the context of the fast pace of technological change. For example, the newest global positioning system and avalanche detection monitors that are now commonly used in the Alpine countries, which I had the privilege of watching in operation, are extremely hi-tech and expensive. I was told that, in some cases, costs have risen by up to 40 per cent in the past few years, so there is concern about how to balance safety needs with the finance that is available.

The teams are under pressure for a variety of other reasons. First, a growing number of people come to Scotland to enjoy our magnificent mountains and rugged scenery. Although that is extremely good news for us and is greatly to be welcomed from a tourism perspective, it brings its challenges. The number of older walkers and climbers is growing, and statistics indicate that an increasing number come from abroad and outwith Scotland, which makes it difficult to ensure that the public—in the widest sense—are fully educated about the potential dangers.

We often see tourists who are excited by the thought of scaling Ben Nevis or Cairngorm heading out with inadequate clothing and kit. It is easy to understand why if they come from countries where a reliable summer climate means that there is little danger in the hills. That is not so in Scotland, especially this year, when the extraordinary change in weather patterns that we experienced in the spring meant that we jumped from near Mediterranean temperatures to Arctic ones in the space of 48 hours, which had significant implications for climbers and the equipment that they required. Even in mid-May this year, some of our hills—even in places such as Glen Affric and Glen Cannich—were unusually

thick with snow and became places for crampons and ice axes rather than the ordinary walking kit that we would normally expect to use.

Public awareness is a major concern for Scotland's mountain rescue teams. The issue is how best to educate a largely ill-informed public and how to ensure that our schoolchildren grow up with some understanding of the responsibility that is required if they choose to venture on to the hills. On 10 December 2010, there was the high-profile case in the media of some climbers who ill-advisedly set out in Glen Doll against very strong advice from weather forecasters and the Met Office, only to cause 42 volunteers, a helicopter and a full medical team to be involved in their rescue. They appeared to have little appreciation of just what was required in bringing them back to safety.

Raising awareness costs money and requires a considerable amount of time on the part of the experts, who are already required to undertake intensive training. It is an issue that concerns them greatly, and one that requires some imaginative thinking if we are to make our hills a safer place.

There are controversial debates about how much signage can be displayed without spoiling our countryside and whether additional personal insurance should be considered. I understand from some members of the mountain rescue teams who have recently been on training exercises in Austria that we have many lessons to learn from some of the Alpine countries on better co-ordination of the emergency services. Such co-ordination saves valuable time on a call-out and can save lives.

It is on that theme that I would like to finish, given the impending public sector reform changes. New structures for police and fire services will have considerable implications for mountain rescue teams. There is already close co-operation between the Mountain Rescue Committee of Scotland and the Association of Chief Police Officers in Scotland, but the officers of both are wary of some of the implications of the new structures and what they will mean for the best delivery of local services.

John Finnie (Highlands and Islands) (SNP): Does the member accept that, in many cases, rescues are co-ordinated across force boundaries? For example, in the Cairngorms, Northern Constabulary and Grampian Police will be involved. Also, the member mentioned the RAF teams. There is a history of co-ordination across services and across forces.

Liz Smith: Indeed there is. I thank the member for that intervention. My point is that mountain rescue teams are reporting that there is better co-

ordination in some other countries. At a time of public sector reform, we must bear that in mind.

Given the lessons that have been learned, we need careful strategic planning that involves all our emergency services, and I know that the Scottish Government is working hard on that. There is a genuine desire to maintain and enhance the voluntary nature of mountain rescue teams, and that needs to be thought through in the context of public sector reform and the financial savings that are required.

In two weeks, after what has been a 30-year adventure for me, I hope to climb my final Munro. In that time, I have thankfully not been involved in any incidents, although it can happen to any climber, however experienced and well equipped they are. I have, however, witnessed three mountain rescues, one of which was particularly dangerous because it was on the Cuillin ridge when a climber had fallen a considerable distance into the very inhospitable gully of Coire a' Ghrunda. The skill of the mountain rescue team, the helicopter pilot and the medics was second to none, and I am quite sure that that was the reason why a potential fatality was avoided.

These men and women, who give of their time so selflessly, are one of Scotland's greatest assets. We must do everything that we can to support them.

17:15

Jean Urquhart (Highlands and Islands) (SNP): I welcome the debate and congratulate Liz Smith on bringing it to the chamber.

I am grateful for the opportunity to pay tribute to the crucial work that is undertaken by every mountain rescue team in Scotland, particularly with so many being operational in my region, the Highlands and Islands. I have occasionally seen team members as they have come back from a successful search and I know the work that they put in and how exhausted they can be after a search. Success is often theirs, and I have seen that too.

As anyone who has climbed a Corbett or scaled a Munro knows, the beauty of our natural landscape viewed from atop one of our peaks is breathtaking. For helping those who fall foul of the elements in that pursuit, our mountain rescue team volunteers deserve our thanks. In 2010, the Scottish mountain rescue team volunteers went out more than 500 times, frequently contending with rugged terrain and often in poor weather conditions or when it was dark. In total, volunteers were deployed for 26,000 hours in 2010, a figure that is made all the more impressive by their year-round commitment to their voluntary role. The Lochaber mountain rescue team in my region

attended 72 of those incidents, occasionally in conjunction with other teams, displaying a blend of professionalism and commitment to community service that is an example to us all.

It must be remembered that we have a part to play in ensuring the continuation of such a vital voluntary service. The Scottish Government has given £339,000 to the Mountain Rescue Committee of Scotland for 2011-12, increasing the general funding stream by £12,000 and providing a one-off grant of £12,000 towards communications equipment. That funding was welcomed on BBC Radio Scotland on Saturday morning by Jonathan Hart, the chair of the Mountain Rescue Committee, who hailed the support and the tremendous opportunities afforded to mountain rescue teams by the move to a single Scottish police force, while maintaining strong local connections. I was particularly pleased to hear him say that he sees the service working more effectively rather than less.

Responsibility for mountain safety must also be shared by the public at large. The Mountain Rescue Committee's 2010 report points out that

"Summer Hill walking is responsible for more incidents than any other mountain activity."

Therefore, although those of us who are not into winter climbing or rock climbing might think that they are the only activities that affect the mountain rescue teams, the majority of work is caused by people who just set out for a walk, sometimes, as I have seen, in high-heeled shoes.

The 2010 report also says:

"One third of all mountaineering incidents result from a slip or trip."

Although it would be impossible to permanently eliminate human error and abnormal weather conditions, we can reduce the number of accidents by continuing to educate ourselves about how best to prepare and how best to take care of ourselves while we are enjoying Scotland's hills and mountains. I hope that, with continuing support from the Government and the public, and the well-earned publicising of their work, we can help our mountain rescue teams to go from strength to strength. I support the motion.

17:19

Rhoda Grant (Highlands and Islands) (Lab): I congratulate Liz Smith on securing the debate. I am pleased to pay tribute to the work of the many volunteers who make up the mountain rescue service for their hard work and efforts to rescue people on the hills. From speaking to volunteers in the service, I have learned that many of them do it because they work in the hills or because they love leisure pursuits in the hills and want other

people to gain similar pleasure from those areas. They volunteer happily to support others, which is to be commended.

Members have spoken about equipment that has been provided by the Scottish Government. It is right that the volunteers should be equipped as well as possible. Some volunteers perhaps do not have a great deal of private wealth, so we need to ensure that they are well provided with safety equipment. They also need good communications equipment, because it is difficult to find people who are lost on the hills. Some people do not leave good instructions about where they are going, so if someone falls or another accident happens, it is difficult to pinpoint exactly where they are. We therefore need good communications.

I am lucky enough to have been out with an RAF search and rescue team. It was supposedly a training exercise, but we were called out to a real-life rescue. As we got close to the spot where the mountain rescue team said that the people might be found, we all had to take a window and start looking, because it was almost impossible to pinpoint the spot. As a result of everybody in the helicopter looking, we eventually found the people, who were rescued and made a full recovery.

Many people come to Scotland to climb our hills and take part in outdoor activities. Fort William is recognised as the outdoor capital of the United Kingdom, and some of the best mountains and climbing are found near there. Many people, such as Liz Smith, are involved in Munro bagging, which brings an awful lot of people to Scotland and makes a huge contribution to our economy. We have moved away from people just coming to stay in a place—they now want to see and do. The mountain rescue teams make that possible and boost our local economies just because they are there, making that activity safer.

Members have touched on the insurance issue. From my discussions with rescue teams, I believe that they are not keen on an insurance requirement because they see it as a barrier to people making use of the hills and enjoying leisure pursuits. We all know that a minority of people take risks and go out on the hills ill-prepared and without the correct knowledge. We have to do more to ensure that those people are educated about the dangers of being on the hills. Good public information must be available for tourists and the like who do not go into the hills daily. However, I would not like us to move to a situation in which people need to be insured to use the hills. People who are unprepared would not know that they had to take out insurance, so such a provision would deter only those who are responsible and safe.

I pay tribute to the volunteers who provide the mountain rescue service. As well as the service to those who use the hills, they provide a service for the rest of the country. I am grateful for their work and I wish them well in future.

17:23

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I, too, congratulate Liz Smith on securing this debate. As a hillwalker who managed to get up Ben Nevis last September, I certainly appreciate the mountain rescue service although—thank goodness—the team did not have to come out for me that day.

Approximately 80 per cent of mountain rescues in Scotland take place in areas that are either in, or overlap, my constituency of Skye, Lochaber and Badenoch, and eight mountain rescue teams cover the constituency, including those in Glencoe, Ben Nevis, the Cairngorms and on the Isle of Skye.

In 2009, the number of incidents in the Northern Constabulary area, at the heart of which is my constituency, was an incredible 251. The second-highest figure was 72 incidents, which was in the Central Scotland Police area. I quote those statistics to make the point that, of the 27 mountain rescue teams that are affiliated to the Mountain Rescue Committee of Scotland, the busiest are in my constituency. Since the new year, the Lochaber and Glencoe mountain rescue teams have had 75 call-outs.

The Highlands of Scotland have long been praised for the beauty of our majestic mountains and the glorious glens that stretch out before walkers. Mountain rescue is vital to visitors and residents alike.

The Cairngorm team has 43 unpaid volunteers, and the website states that

“all decisions ... are taken in the best interests of the casualty without the thought of recompense or of the cost of the operation.”

The provision of the service is costly for mountain rescue volunteers. In 2009, the Lochaber mountain rescue team devoted 2,122 hours to attending incidents. Each rescue team is modelled differently, and in the Highlands the teams have adopted a northern model, which means that they operate on behalf of the police without police involvement and deliver best value to the public purse. I commend that model to the Government. As part of a local service, team members know the weather, the contours of the hills and their colloquial Gaelic names, and it is important that the service remains local after the creation of a single police force.

It is because of the dedication and sacrifice of mountain rescue teams that I warmly welcomed the Scottish Government's much-needed announcement last December of an increase in annual grant funding to the Mountain Rescue Committee of Scotland. The money is being spent on equipment and on a project manager, as well as being distributed among the mountain rescue teams, to be spent as they see fit.

Mountain rescue volunteers still have to do a lot of fundraising, however. The Cairngorm team reckons that its members raise more than half of its £100,000 annual running costs. Although the Mountain Rescue Committee of Scotland is adamant that mountain rescue is sustainable only if it is voluntary, members of the rescue teams find it difficult to give the time that is needed for fundraising.

In Lochaber, the rescue team has been calling for more than just financial support; it also wants a helicopter to be based in Lochaber. As it is, a rescue helicopter can take up to an hour and a half to reach the busiest mountain rescue locations in Scotland as it travels from Prestwick, Lossiemouth, Stornoway or Shetland to Lochaber. A helicopter in the area would much better serve the needs of mountain rescue teams and would save lives. Last year, the Lochaber mountain rescue team called for the assistance of a helicopter on more than 50 occasions, so there is a definite need. As John Stevenson, who was leader of the Lochaber mountain rescue team for four years, said:

“having a helicopter ... would mean you're taking minutes rather than an hour, and time in any rescue is absolutely crucial.”

I support the team in its aim, and hope that the minister can give some support on this important matter.

17:27

Nanette Milne (North East Scotland) (Con): As I congratulate Liz Smith on bringing the debate to Parliament, I would also like to commend her significant climbing achievements in Scotland and abroad and wish her every success when she tackles her final Munro at the end of the month.

Liz Smith raised some important issues in her opening speech. The two that I will stress are the importance of maintaining and enhancing the voluntary nature of mountain rescue teams while recognising the need for strategic planning involving all sectors of the emergency services as they face up to public sector reform, and the need to ensure that people who venture on to Scotland's hills and mountains know the importance of being properly equipped and

prepared for the conditions that they may meet due to our rapidly changing weather patterns.

The Braemar mountain rescue team is the one that I know best, so I will pay tribute to its members. It was formed in 1965 and continued a long tradition of local people giving aid and working closely with the local police mountain rescue teams—a tradition that persists today. Over the years, it has included many unsung heroes—local men and women who, out of love of the hills and concern for their fellow human beings, venture out into our hills and mountains in all weathers and conditions, with most of their activity going unnoticed, and seldom talked about by the team members themselves.

Currently, there are 39 members in the Braemar team and, since the beginning of last September, they have completed 32 rescues, from finding missing skiers to helping fallen walkers. In addition to its rescue work, the team has an annual programme of lectures and visits to raise public awareness, and it provides emergency telephones at Derry Lodge and the Spittal of Glenshee, which help to maintain mountain safety and rescue services throughout the north-east of Scotland.

Mountain rescue teams are heavily reliant on voluntary fundraising to maintain their essential and expensive equipment, and there are undoubtedly significant challenges for them at the present time. However, their very essence is their voluntary nature, and public sector reform, especially the creation of a single police force, must take that into account and support that volunteer base, by helping it to develop alongside appropriate public sector financial support.

I once co-ordinated a group of young Conservatives on a sponsored climb of Lochnagar in aid of Braemar mountain rescue. Team members came with us and led our younger members up the more challenging routes, while the rest of us went up the standard path to the top. We had a great day, the young guys learned a lot and we handed the team well over £800—at that time that was a significant sum—which they greatly appreciated. Many groups regularly undertake similar fundraising activities for charity. I encourage more of them to donate at least some of the proceeds to mountain rescue teams, which would put those funds to excellent use.

I will finish, if I may, with an anecdote about an encounter some years ago that left an indelible impression on my memory. On our way back to the Linn of Dee after climbing Ben Macdui with my family on a fairly dismal summer day, on which we encountered some unpleasant misty conditions at the top, where we had to rely on my husband's skills with a compass to ensure that we got down again safely, we met a family of three—a grandfather with his son and grandson—who were

heading where we had just come from but were convinced that they were going towards Braemar. We managed to persuade them to turn round and come with us, and we saw them safely back to Braemar. They were already tired when we met them, they had little food left—having spent the previous night in the Corroir bothy, because of bad weather—and they had no transport from the Linn of Dee to Braemar. They were new to hillwalking and, although they had made the right decision to go home in view of the inclement weather, their inability to map read had resulted in their going in completely the wrong direction. I am in no doubt that, if we had not happened to meet them, they would have become completely lost or worse, and would have become another mountain rescue statistic. The experience was a salutary lesson for that family, and for my own children, on the importance of map reading and other directional skills when venturing out into our mountains, even in summer.

Liz Smith has secured a very important debate and I look forward to hearing the minister's response to the concerns that she has raised.

17:32

Aileen McLeod (South Scotland) (SNP): I, too, congratulate Liz Smith on securing the debate.

It is wholly appropriate that we take the opportunity to congratulate our mountain rescue teams and volunteers across Scotland on the courageous and tireless commitment that they give to saving the lives of others and, more generally, to ensuring that the outdoors are safer for us all to enjoy.

There is an understandable tendency to associate Scotland's mountain rescue activities with locations north of the central belt but, of course, mountain rescue teams also exist across the south of Scotland. I take the opportunity to pay tribute to the Moffat and Galloway mountain rescue teams, which cover hundreds of square miles of the south of Scotland and often join forces to support one another in emergency situations.

Galloway alone is home to more than 40 summits in excess of 2,000ft, which are referred to as Donalds. The highest peak in southern Scotland is the Merrick, at 2,766ft, and the area is also home to countless miles of hill and forest footpaths and cycle trails, whether it be the Cairnsmore of Fleet or along the cradle of Scotland's independence, as it is known, which starts and ends at Bruce's stone overlooking Loch Trool, or along the Rhinns of Kells.

Since the Galloway mountain rescue team was formed in 1976 it has responded to more than 400 incidents—in all weather conditions, day and night—which have covered a wide range of

emergency situations. Happily, the vast majority of the incidents are resolved successfully.

One of the extraordinary aspects of our mountain rescue teams—one that is greatly cherished by those of us who enjoy outdoor pursuits—is that they seldom, if ever, publicly criticise individuals who have found themselves in difficulty, even when some criticism might be justified.

That is why I am particularly pleased that Liz Smith's motion calls on those of us who enjoy outdoor pursuits to be properly equipped when we take to the hills, to have a basic understanding of map reading, as well as of the conditions that we are likely to encounter, and to ensure that someone knows where we are going and when we are due to return. If we take more responsibility in those ways, we will not only reduce the chances that we will need to be rescued, but will greatly increase the chances of our own survival and the survival of others, should we find ourselves in difficulty.

I urge those who seek to try the wonderful outdoor pursuits that Galloway has to offer to visit the hill safety page of the Galloway mountain rescue website before they set out. I urge them, while they are on that website, also to visit the fundraising pages. Funding is an issue that is of constant concern to the teams of volunteers who work tirelessly and selflessly in difficult conditions to ensure the safety of the public. When the Scottish Government increased its funding for mountain rescue teams last December, Deputy Chief Constable Andy Cowie, the mountain rescue lead for the Association of Chief Police Officers in Scotland, said:

"there is no doubt that without the bravery and commitment of these volunteers, the police in Scotland would find it very difficult, if not impossible, to fill the gap that would be created."

The funding was also welcomed by Galloway mountain rescue team chairman Derek Hamilton, who said that the extra funding would assist the work that was being done to refit their new mobile control facility vehicle.

However, it is not only Government that supports the activities of our mountain rescue services. As is the case elsewhere, the Galloway mountain rescue team enjoys considerable support from a range of local and national companies that generously assist with provision of essential clothing, communications and transport. The support of local communities and the general public is important, too.

It is a genuine privilege to pay tribute today to our mountain rescue teams throughout the country. They are staffed by dedicated and courageous men and women of all ages and from

every walk of life, who give their time and skills so that we, the general public, can enjoy our outdoor pursuits in comparative safety. I express my sincere gratitude to the scores of volunteers who give their time to local mountain rescue teams. They are an inspirational group of people, who deserve more than just our thanks. I am looking forward to spending at least part of my summer out and about in the Galloway hills, and to doing so safely. I support the motion.

17:36

Jamie McGrigor (Highlands and Islands)

(Con): As a Highlands and Islands MSP, I congratulate Liz Smith on securing this debate on an important subject, and on being on the verge of completing the ascent of all the Munros in Scotland, which is no mean feat, to say the least.

I pay tribute to all the mountain rescue services in Scotland for the lives that they save and thank them for the personal risks that they take in order to do so. Like the men and women of the Royal National Lifeboat Institution, those men and women are heroes and members of the finest of clubs, with the highest of principles. I particularly commend my local mountain rescue team in Oban, which is often out on Ben Cruachan, and the Glencoe mountain rescue service, which does so much.

I cannot leave the chamber without mentioning Hamish MacInnes of Glencoe—a man who is revered in mountaineering circles and who, with his colleagues, has brought help and succour to so many people in distress. I commend his writings on mountaineering to those who have not been lucky enough to read them.

If ever a service could be said to be an outstanding example of the best of the big society, it is the mountain rescue services of Scotland. They have earned the gratitude of so many. Long may they continue to do so.

The Deputy Presiding Officer: I call Roseanna Cunningham to close the debate.

17:37

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):

As you can see, Presiding Officer, I am going to try to read my speech from my iPad. It is the first time that I have tried this in the chamber, so there may be one or two hiccups, for which I apologise in advance.

I congratulate Liz Smith on securing the debate. I am sure that everyone in the chamber agrees with her sentiments. Although I do not profess to be a Munro bagger, from time to time I have been able to wave to Liz while we have both been out

walking separately. I congratulate her on what is about to be a personal achievement. I am sure that she has enjoyed every single minute of it.

The civilian mountain rescue teams in Scotland are a powerful example of the culture of voluntary service of which Scotland can be proud. My colleagues Michael Matheson and Fergus Ewing have been actively involved in mountain rescue teams in the past so, even within the Government, we know how important the teams are.

In 2011, the mountain rescue teams were deployed 573 times and committed more than 23,000 hours throughout Scotland to search for and rescue those in need of assistance. That is a remarkable achievement by a service that is staffed entirely by volunteers. The teams are a vital service to those who use Scotland's hills and mountains.

Many mountain rescue teams get involved in building community resilience in lowland areas. We have become accustomed to thinking about them only in terms of the high hills, but they are important in lowland areas, too. We need only look back to the severe winter of 2010, when Scotland experienced the worst winter weather since 1965, to discover mountain rescue teams transferring patients to hospital when road ambulances could not function and transporting doctors and other essential workers to and from work. Their efforts supported the NHS and kept vital services going. There is no doubt that mountain rescue teams provide excellent support to emergency services and to Scottish communities, as well as just simply saving lives in our mountains, hills and remote areas.

The Scottish Government supports the Scottish mountain rescue service financially and it has an excellent and productive on-going working relationship with the Mountain Rescue Committee of Scotland. That is a partnership that we are very proud of. In December, the Cabinet Secretary for Justice announced at the Ochils mountain rescue centre that the Scottish Government would increase the Mountain Rescue Committee's annual grant funding by 4 per cent, from £300,000 to £312,000. Scotland is the only part of the UK that provides an annual Government grant to voluntary mountain rescue teams, so let us at least give ourselves a pat on the back for that.

Members may be aware that the new facilities in the Ochils were built with financial support from St John Ambulance in Scotland, which has provided significant funding for mountain rescue bases and transport since the late 1990s. I commend its continuing support for the mountain rescue teams. The Government has provided a further £12,000 for communications and is providing a further £50,000 in partnership funding over two years—last year and this year—towards a project

manager's post. Overall, funding in 2012-13 will total £322,000, which will help to continue the delivery of a first-class, front-line, voluntary service that is free at the point of delivery.

The motion highlights the need for public education, and I think that we all agree on that. Through sportscotland, the Scottish Government provides funding of around £155,000 each year to the Mountaineering Council of Scotland to promote public education on mountain safety issues. There are a number of different organisations involved in the network. The funding supports a mountain safety adviser to provide education to the public. That includes skills courses, free winter safety lectures and online training resources that target the common causes of mountaineering incidents, such as poor navigation, bad planning and the effects of winter conditions.

The MCS provides a range of services, such as mountain training and the mountain weather information service. A further £137,000 goes to the avalanche information service at Glenmore lodge, which also plays a key role in information gathering.

I will pick up on a couple of the points raised by Liz Smith. I think that she said that the cost of calling out a helicopter is £6,000. That may very well be the true cost of each call-out but, of course, that is not a charge as such on the mountain rescue services, the Government or anybody else, because it is borne by the Ministry of Defence, which treats each call-out as a training exercise. I think that I am right in saying that Prince William is still a pilot who is used in exactly that type of scenario.

Liz Smith also mentioned personal insurance. That approach is superficially attractive, but I think that I am right in saying, along with Rhoda Grant, that it would not be universally welcomed by the mountain rescue teams. Apart from the point forcibly made by Rhoda Grant that it would put barriers in place, there is a fear that it would result in professionalising what is currently a voluntary service. In Switzerland, the mountain rescue workers are full time and paid, and that is done through insurance.

Dave Thompson: One of the issues that have been raised with me is the harmonisation of insurance for the mountain rescue teams. Will the minister look at that and bring our services up to the best standards, which are those in the northern area?

Roseanna Cunningham: I am happy to look at anything that will help the situation and, if Dave Thompson wishes to write to me, I will see what can be ascertained for him.

The move to single services next year was mentioned. When that happens, land-based search and rescue will continue to be a police responsibility, which will give us an opportunity to further improve co-ordination. In any case, circumstances must already be worked out across different services. I assure the Mountain Rescue Committee that officials are engaging with police and fire representatives and other organisations about future resilience arrangements.

I will quickly mention, for obvious reasons, the Tayside mountain rescue team, as the motion recognises how well it is linked to existing resilience structures. It is important that the team assisted in the development of the Tayside strategic co-ordinating group's rescue plan, which is looked on as a good example by other parts of Scotland because of its effective, joined-up, multi-agency approach to incidents.

Liz Smith referred to the increase in the number of overnight visits to Scotland. I cannot be the only one in the chamber who listens to radio reports about someone in difficulty and, while waiting with a sinking feeling to hear what happens to them, learns that they are individuals from outside Scotland who started off their walk or climb on a beautiful day only to discover very soon that they were in a different climate altogether, not understanding what our climate is like. That point was well made by Liz Smith.

I have no doubt that, with continued support and assistance from the Scottish Government and others, the voluntary mountain rescue teams will rise to the increasing challenge. They represent the very best traditions of community voluntary service. I am sure that members will join me in sincerely thanking them for their admirable courage and dedication in assisting, wherever and whenever they are called upon, all who need them.

Meeting closed at 17:45.

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