



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Thursday 26 January 2012

Session 4

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## Scottish Parliament

Thursday 26 January 2012

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

### Public Transport

**The Presiding Officer (Tricia Marwick):** Good morning. The first item of business is a debate on motion S4M-01824, in the name of Richard Baker, on public transport.

09:15

**Elaine Murray (Dumfriesshire) (Lab):** Scottish Labour has selected bus travel for debate because we are concerned about the erosion of bus services across Scotland, which is often accompanied by higher fares, and about bus operators' prediction that allocations in the Scottish budget for 2012-13 will exacerbate the situation.

The previous Scottish Executive introduced the concessionary bus fares scheme for older people and all the parties supported that because we understood how important bus services are, particularly to older people who might no longer wish or be able to run a car. That applies to people who are on low incomes, too. Of course, in rural areas, bus services might be so infrequent that not owning a car is not an option.

It is unfortunate that increases in fuel prices and other pressures have led in the past few years to a reduction in bus services across Scotland. Buses have become less frequent; routes have been shortened, which means that passengers must walk further to reach a bus stop; and fares have risen substantially. Fares rose by an average of 7.3 per cent above inflation between 1999 and 2010.

Research by Strathclyde partnership for transport in its area of operation revealed that cuts in bus services were most acutely delivered in the 15 per cent most deprived areas and in semi-rural areas. A week ago, Richard Baker and I asked colleagues to advise us of proposed cuts that they knew of to bus services in their constituencies and regions. It is clear that the reduction in services is escalating. Services continue to be cut and withdrawn. I have been provided with examples from East Kilbride, Aberdeen, Coatbridge, Dumbarton, Kilwinning and Airdrie, and I know of some in my region.

A major concern of the bus companies is the cut to the bus service operators grant, which has been reduced in every year since 2009-10 but which will fall sharply—by £10.3 million or more than 17 per

cent, according to the Scottish Parliament information centre—between this financial year and next year, when it will be £50 million. The Confederation of Passenger Transport UK points out that the cut means that that budget will be 25 per cent less than the £66.5 million budget that the Scottish Government originally agreed with the bus industry back in 2010.

The CPT also points out that diesel prices have risen by nearly 15 per cent in the past year and that it was advised only as late as November last year that the bus service operators grant was to move from being a payment based on fuel consumption to a payment based on the distance travelled. To be fair, that change was intended to assist rural services and to encourage fuel efficiency. I cannot argue with either of those aims but, unfortunately, the late notification of the changes has made it difficult for bus operators to adjust to them.

Scotland is not alone in reducing the bus service operators grant. The United Kingdom Government made a similar announcement in October 2010 and its reduction will be introduced in April. That has already created outrage, as two thirds of authorities in England have decided to cut back on their subsidised services. Communities outside major urban centres will be most severely hit, and petitions on the subject have been submitted to the UK Parliament and others. Transform Scotland predicts a “wave of cuts” similar to those in England as the consequences of the Scottish Government's cut are felt.

**The Minister for Housing and Transport (Keith Brown):** The member mentions the consequences of the cut. Does she realise that such cuts are the consequence of the cut that we have had from Westminster and of the situation that the departing Labour Chief Secretary to the Treasury described when he said that there was no money left? Will she confirm that, if she thinks that the cut is wrong, she will move an amendment to the budget to reinstate the money?

**Elaine Murray:** As Keith Brown knows, the Labour Party cannot lodge amendments at stage 2 of a budget bill, when only the Scottish Government can lodge amendments. Liam Byrne was making a joke for a friend. As I develop my argument, I will tell members more about what we can do with bus services in Scotland.

The problem is not just the effect on the bus companies, but the pressure that is put on local transport authorities, which subsidise socially necessary but commercially unviable routes. As fuel prices are high and central Government subsidies are reducing, bus companies are asking transport authorities for ever-increasing subsidy to match the shortfall. The public sector can ill afford that funding at present.

Moreover, some marginally commercially viable routes may become unviable as the costs to operators increase, with further pressure on transport authorities to subsidise those routes, too. Local government finance is highly constrained, and consequently subsidised routes may have to be discontinued or reduced in frequency.

If bus services deteriorate in frequency or route, people are more likely to use their private cars. That is not a green solution, but people in rural areas who do not have cars become more isolated where bus services may already be very infrequent. Older people may have a bus pass, but no access to any bus to use it on.

That is where demand-led transport solutions such as community transport can make such a difference, and I am pleased that the Government seems to agree with us on that in its amendment. I will make one suggestion. I know that there are pressures on community transport initiatives: two in Dumfries and Galloway had to go to the council for crisis funding last year. I ask the Scottish Government whether there are other ways of supporting those valuable social enterprises, perhaps through including them in the concessionary transport scheme. As it stands, older and disabled people living in remote areas cannot exercise their entitlement to concessionary bus travel.

I know that it may seem as if I am asking for yet more spending on the concessionary travel budget, but it is just a suggestion. The Finance Committee heard yesterday from the Auditor General for Scotland, Robert Black, that £34 million is currently used in funding concessionary travel for people over 60 who are working and using their bus pass to go to work. Retired people living in rural areas who cannot use any type of public transport are possibly more entitled to that funding than people who probably could afford it because they are still in work. I am just asking the Government whether it would be prepared to look at that.

I have referred to the concerns of bus operators with regard to the reduction in the bus service operators grant and the cap on the concessionary travel budget. However, I am not saying that the solution is simply to give more money to large bus companies; the issue of market failure and the role of regulation must be addressed.

Public subsidy—as we have said in relation to other areas—should be used to purchase public goods, and regulation is a mechanism to define the nature of those public goods and to ensure that the public receive value for money. If the market is dominated by a small number of powerful operators and it is difficult for smaller companies or new ventures to enter the market, it is hard to ensure value for the public pound.

At one time, the Scottish National Party believed that some regulation of bus services was necessary, but for some reason it changed its mind before the 2007 election.

**Mark McDonald (North East Scotland) (SNP):** Will the member take an intervention?

**Elaine Murray:** No, I have only a few seconds left—I am sorry.

In support of regulation, I draw the Government's attention to the Competition Commission's report, published in December, which used Fife as a case study. Unfortunately I do not have time to go into the report, but it indicated that one operator controlled 95 per cent of the services, which I do not think ensures competition or that fares are kept low. I urge the Government to look at regulation. My colleague Patricia Ferguson will introduce a bill on regulation of the bus industry, and I hope that the Government will consider supporting it.

On the two amendments, the Conservatives have obviously not moved on since the 1980s when they deregulated the bus services; and as for the Scottish Government, I do not understand how its members do not all have sore arms from perpetually congratulating themselves and patting themselves on the back.

I move,

That the Parliament notes the importance of local bus services, particularly for people on low incomes and older people; is concerned at the withdrawal of bus services and sharp increases in fares in a number of communities across Scotland and believes that these will be exacerbated by the proposed cut in the Bus Service Operators Grant; notes concerns regarding the proposed cap on concessionary fares in 2013-14 and 2014-15; urges the Scottish Government to consider ways in which it can support demand-led transport solutions such as community transport in rural areas; notes the SNP's 2003 manifesto promise to "bring forward legislation to allow the regulation of buses", and believes that further legislative action is required to ensure effective regulation of the industry for the benefit of passengers.

09:23

**The Minister for Housing and Transport (Keith Brown):** I was surprised by the tone of Labour's motion, not least because the Scottish Government supports the bus industry. Our annual funding for the sector still stands at nearly £0.25 billion, which is a generous settlement when one bears in mind—as I have mentioned already—the swingeing cuts to our capital budget. It is interesting that Elaine Murray rightly identifies the other side of the issue, which is what local authorities can do. In England there has been a 28 per cent cut in local authority budgets, which has not been reflected in Scotland.

I will say something positive about our plans for bus, which we will work closely with stakeholders to develop. I will start with a bit of context. Why do we value bus? Well, it is flexible, it carries a large number of people, it promotes sustainable economic growth and it helps with our climate change targets. What do we want from bus in return for our investment? As Elaine Murray said, we subsidise things to achieve a public good. We want affordable, innovative, good-quality bus services and a competitive marketplace that delivers such services, with appropriate but not burdensome regulation. There is currently regulation in the bus industry.

**Richard Baker (North East Scotland) (Lab):** In his discussions with bus operators about the bus service operators grant, what action did the minister take to ensure that fares would not increase, particularly for people on low incomes who rely on buses? In my city, Aberdeen, there is a fare increase of 8.5 per cent.

**Keith Brown:** The largest part of a fare is comprised of labour and fuel costs. Elaine Murray talked about the cost of fuel; Labour's fuel duty escalator has added to the burden over the years and the 15 per cent increase in diesel costs also adds to it. The reduction in the bus service operators grant would justify an increase in fares, if any, of about 1 per cent, not the 7 or 8 per cent increases that are happening elsewhere. That is a decision for the bus operators.

I will talk a bit more about our aspirations for bus. We want to improve connectivity, improve the quality of service, maintain the bus network and increase modal shift, through patronage growth. We can do that in part by maintaining global funding levels for the sector and in part by better partnership working. That is why I am bringing forward to March the inaugural meeting of a new bus stakeholder group. Members of the group will include the regulator, local authorities, operators, customer representatives and the Community Transport Association. We want to ensure that we move forward on partnership working. Some of the best innovations in the bus industry have been the result of close partnership working.

I will talk about specific initiatives. We want to regulate—and we do regulate—service changes. I will take further advice from the traffic commissioner for Scotland and others on whether we should alter the short-notice period for service changes and the fact that such changes can be made throughout the year. We need greater stability of services. On radical service improvement, I want our commitment to, for example, £40 million for the Glasgow fastlink project to showcase what can be achieved when the public and private sectors come together to

crack the infrastructure problems that often hamper growth and patronage of the network.

On technical innovation, I want us to have a stronger low-carbon bus fleet in Scotland. Our green bus fund has delivered 48 new low-carbon vehicles and we recently announced a second round, to the value of £2 million this year. There will be more to come, thanks to the Scottish future transport fund. I very much welcome the associated investment by the operators.

Elaine Murray talked about demand-responsive transport. We have been talking about doing some of the things that she mentions. We want better community services. As of April, I intend to allow demand-responsive transport services that are available to the general public to be registered as local bus services and thereby qualify for BSOG and concessionary travel. We will continue to work with the Community Transport Association on affordable bus services in more remote areas.

We can develop the area further. A constituent of mine is quadriplegic and uses a wheelchair. He cannot access any bus or taxi that is available and he relies on a dial-a-journey service, which, because it does not provide a service to the general public, does not attract concessionary travel income. We are willing to look at that matter.

I was surprised to hear that there is a proposal—if that is what it is—to take away concessionary travel from people over 60 who are in full-time employment, many of whom will be low-paid employees. Richard Simpson made such a proposal before the election, and I have asked in the past whether it is the Labour Party's position. I understand the rationale and I am not suggesting that the proposal is not worth looking at. The Labour Government took such an approach in England. It is good to have clarity.

The bottom line is that overall bus funding for the spending review period is about £248.5 million per annum. To put that in context, there is a reduction of about £7 million on the current figure.

The bus service operators grant is paid as a direct subsidy to operators. For a number of years we have been discussing the need for change to the approach, and the changes that we are making this year reflect those discussions. The aim of the grant was always laudable. It was intended to help to keep fares down and support the bus network and community transport services.

Why, then, are we changing the scheme? BSOG payments currently track the amount of fuel that each operator uses, and more fuel means more subsidy. So, we are removing fuel from the calculation and substituting route length. We are also taking away payment for dead mileage, when there are no passengers at all on the buses. We

believe that those moves will incentivise greater fuel efficiency and emission reductions; they will also tend to benefit rural services, as Elaine Murray acknowledged, providing a degree of protection for our vulnerable rural communities. BSOG will also continue to provide additional incentives for low-carbon vehicles and for some biodiesel fuels.

We are reducing the BSOG funding to £50 million, but we are adding a £3 million investment fund for bus infrastructure. The reduction therefore represents about 1 per cent of fare costs. It does not justify significant fare rises or withdrawal of services.

**Mary Fee (West Scotland) (Lab):** Will the minister take an intervention?

**Keith Brown:** I am sorry, but I am in my last minute.

However, I have agreed that for 2012-13 only the £3 million investment fund will be used to make a transition payment to operators who are most affected by the changes in May 2012. That will give them adequate time to adjust, which is fair, right and sensible

The national concessionary travel scheme is of course the other main funding mechanism, which is rightly celebrated and retains—I think—cross-party support. We have seen its funding increase over the past three years, and we have maintained the annual cap at £187 million for the spending review period. That figure was reached in discussion with the CPT, and we will continue to work with the bus industry to ensure that the scheme remains affordable in the long term.

I believe that the Government has worked hard to provide adequate funding for the bus sector. I look forward to continued partnership working through the new bus stakeholder group in the years ahead.

I move amendment S4M-01824.4, to leave out from “is concerned” to end and insert:

“welcomes the Scottish Government’s commitment to maintain funding for concessionary fares in 2013-14 and 2014-15, despite the public spending cuts imposed by the UK Government; approves the development of a more environmental focus for the Bus Service Operators Grant and the introduction of a new bus infrastructure; welcomes partnership working between the Scottish Government and industry to invest in hybrid buses; urges the bus sector to minimise the withdrawal of bus services and increases in fares, and urges the Scottish Government, the bus sector and local government to develop demand-led transport solutions such as community transport in rural areas and more effective use of legislation and partnership working through provisions such as statutory quality partnerships.”

09:31

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

The opportunity to discuss bus services does not arise as often in the chamber as it might. I welcome the fact that the Labour Party has brought forward this debate. In preparation for the debate, I reread the similar debate on a motion in the name of Des McNulty, which I thought had taken place perhaps a couple years ago, but it turned out to have been in June 2008. We are all getting older, but that is how it goes.

I suspect that many of the same arguments will be rehearsed today, but of course in the intervening time things have moved on. As has been said, the Conservative Party is quite proud of its record of deregulating bus services in the 1980s. Scotland has a great deal to be proud of in what has happened since then, not least that as a result of the deregulation two of the world’s largest transport companies evolved in Scotland: one in Perth and one in Aberdeen. We should never forget that a proper regulatory environment is absolutely essential to the development of good business in the future.

However, we are here to talk about the services that those companies and others provide right here in Scotland. Since the previous parliamentary debate on the subject, there has been plenty of evidence that bus companies continue to invest in higher-quality and more comfortable buses, that they are achieving greater fuel efficiency and that a great deal has been done to improve access for those who find difficulty in accessing public transport. For example, there are buses that can be lowered to allow people to get access. We should do more of that kind of thing, and the evidence is that that is happening.

During the debate so far, we have heard about the changes that are being made to the bus service operators grant. Having read the objectives that have been set out for that grant, I continue to be open-minded and believe that there is evidence that the changes will be positive, particularly in ensuring that we get greater fuel efficiency in our bus fleets and better value for money from the Government.

However, one or two things have not changed since the debate three and a half years ago. It seems to me that we see the differences in a party’s position when it is in opposition compared with when it is in government. The Labour Party, while it was in government, was keen to avoid the regulation of buses, while the SNP was keen to regulate; now, we find that the Labour Opposition wants more regulation and the SNP Government is resisting the calls to move towards a stiffer regulatory environment.

The truth is that flexibility generates good bus services. We all have mailbags that are full of complaints about individual services, but overall the service satisfies a large number of people. Unfortunately, the satisfied customers do not bother writing to us.

**Richard Baker:** Is it not the reality that, when in the previous Executive, we legislated to introduce quality contracts and quality partnerships? We very much regret that none of those has been introduced. They would give more importance to accountability and having fully operational services in local communities.

**Alex Johnstone:** There was a fear that quality contracts and quality partnerships might add costs, so I am not in the least surprised to discover that none of them has been employed. If a thing is not fit for purpose, it will not be used. Therein lies the evidence.

In the time remaining, there are a couple of issues that I need to cover, one of which—bus passes or free transport for the elderly—I was almost afraid to raise but, luckily, Elaine Murray raised it for me. I am not opposed to free transport for the elderly; in fact, I think that it is one of the Parliament's great achievements. However, it is inevitable that the cost of maintaining it will increase over time, and the question must be asked—Elaine Murray has already asked it—whether increasing that budget is an appropriate use of funds for the provision of bus services. As we talk more generally about the increase in the retirement and pension ages, does it make sense for us to continue to give everyone over the age of 60 free bus travel?

There are those who suggest that, to preserve that system and ensure that our pensioners continue to benefit from it in the long term, we must consider whether people at the lower end of that age scale are an appropriate target for those resources. I want that debate to continue in the Parliament, and I would like the Government to engage in it in a more practical way.

The Government is taking other measures that are improving bus services in Scotland. In the past, I have praised it for its persistence in improving our road network. We must always remember that buses need roads and that, as the roads improve, the bus services that run on them can become more reliable, more cost effective and, above all, more punctual.

My final point is about budget.

**The Presiding Officer:** It will be your final point, because you need to wind up.

**Alex Johnstone:** Indeed.

Within global budgets, bus services continue to receive a fair deal. The cost of maintaining any

service is high and, given the pressure that the Government is experiencing, we must accept that tough decisions will have to be taken. It is essential that we recognise that we must make bus services affordable. The one thing that the Labour Party has failed to recognise is that it has some responsibility for the budget pressure that we are experiencing. Even the Labour leader Ed Miliband says that he would not change the funding arrangements that are currently in place, so we all have to learn.

I move amendment S4M-01824.1, to leave out from "is concerned" to end and insert:

"encourages the Scottish Government to explore innovative solutions to the provision of cost-effective bus services such as demand-led transport in rural areas, and believes that the dogmatic demands to re-regulate bus services are inappropriate and potentially counter-productive."

09:37

**George Adam (Paisley) (SNP):** I welcome the commitment to ensure that we will still have concessionary fares in 2014. Concessionary fares were a big issue during the election campaign, particularly among older and disabled people in places such as Paisley, who were keen to ensure that they remained in place.

It is important that we work within the current framework, because the most important people are the users of the service. As others have mentioned, nine out of 10 bus users belong to vulnerable groups or have less capital.

If we look at the history of what has happened with the buses, we find that in Scotland, after regulation, we have an east-west divide. That is largely down to the fact that, in the east, an element of local authority control was retained through councils still having a stake in the bus company, whereas, in the west, the predecessor of SPT, in effect, sold all the corporation buses to whatever commercial company was available.

We need to look at where we are now. I assume that members get up to date with all the relevant political facts and issues before a debate, but I can inform them that there is a statutory quality partnership out there. Believe it or not, ladies and gentleman, it is in existence in Paisley. It has taken Renfrewshire Council only 12 years to use the Transport (Scotland) Act 2001 to get to that position. Mr Baker mentioned that it was the Labour Party that brought that act into being, but it was part of the problem and one of the reasons why it took 12 years for Renfrewshire Council to set up a quality partnership.

**Richard Baker:** If the problem was the ability to introduce such schemes, why did the previous SNP Government oppose our proposed bill to

make it far easier to introduce them? I am afraid that the member is making no sense whatever.

**George Adam:** I think that the sense of the situation is that Labour introduced legislation to try to make things better, but it made things extremely difficult. However, the good news is that, in Renfrewshire, we had the political will to stick to the plan and, in 2007, when the SNP-led administration came in, we worked towards achieving the establishment of a statutory quality partnership, which has made a massive difference in Paisley and given a better-quality service to the people of Paisley.

**Mary Fee:** Does the member agree that, in the wonderful area of Renfrewshire, where we both come from, the public have huge concerns about the proposed takeover of the Arriva services by McGill's, and that there is a great fear that service levels will suffer and services will be cut?

**George Adam:** I expected that question from one of the Labour list members for West Scotland. The whole idea of the statutory quality partnership is that we have a control mechanism within the process that enables us to ensure that we can still get the delivery of service. That is the important thing. The Opposition parties' scare tactics are causing fear among the elderly, the disabled and the users of those services.

It is important that we have control in such situations. The statutory quality partnership gives us control over the type of buses, the quality of those buses, their cleanliness and other issues that users regularly complain about. In Paisley—in, as Mrs Fee says, the wonderful world of Renfrewshire—we are making a difference and are changing things.

It is important that the service user is the main factor in all our decisions. We have to ensure that we can deliver for the bus users in our communities. Thankfully, in Paisley, we are doing that, and we ask that other authorities do likewise. We can deliver a better bus service in Scotland if the political will exists at a local level to do so. We must serve the public good and find the solutions to problems, not create further problems. Working in partnership, we can achieve that.

09:42

**Elaine Smith (Coatbridge and Chryston) (Lab):** This debate matters to my constituents in a direct way. Coatbridge and Chryston has one of the lowest levels of car ownership in the country—nearly 40 per cent of households have no car. Also, as Labour's motion intimates, people on low incomes rely heavily on public transport. Unfortunately, as has been proven time after time, services for the poor are often poor services. That

is clearly shown in the case of buses in my constituency.

For people who cannot afford a car, reliable and affordable public transport is a necessity. If the buses are unreliable, non-existent or overpriced, those who can do so will choose not to use them. However, those with no choice depend on buses to get to their work, the shops or their leisure activities and, without buses, they are trapped. Also, the better the bus links, the more accessible an area becomes and the easier it is for people to find work. The opposite is also true, of course, which is particularly worrying during this time of rapidly rising unemployment in Scotland.

Because of the bus issues that have been brought to my attention, I undertook to campaign for bus reregulation, and thousands of my constituents joined me in signing a petition for better buses. One thing that was perfectly clear during that campaign was that the current, deregulated system is not working in terms of providing those lifeline services in my constituency.

**Keith Brown:** I understand the points that the member is making. If they are true, they must lead to the logical conclusion that she intends to put more money into buses. Is she able to quantify that or to say what model of reregulation she would have, and how much it would cost?

**Elaine Smith:** I will come to the model that I would recommend in order to reregulate the buses, but one thing is for sure: they certainly are not working. I will give the chamber examples of that, in case members are in any doubt.

What is happening in Coatbridge—about which the minister should not be in any doubt, as I have written to him about it often enough—is causing concerns due to services being cancelled or altered at short notice, which causes major problems for commuters. For example, when the Moodiesburn bypass was suddenly opened early, the buses just bypassed my constituents and left them standing at bus stops. Similarly, in Carnbroe and Townhead last year, people were left with no buses at all. On that occasion, I contacted Councillor Fagan at the SPT, which ensured that bus services were quickly provided. However, the SPT cannot always step in, as it has a fixed budget.

Bus timetables and routes are often changed at short notice with no regard for the needs of passengers, and in Coatbridge there is little or no information at bus stops. In November, I addressed a public meeting on buses that was organised by Coatbridge Federation of Tenants & Residents Associations.

**The Presiding Officer:** Excuse me. Mr Hepburn, a member is speaking. Can you calm down?

**Elaine Smith:** Thank you, Presiding Officer.

At that meeting, the SPT advised a further withdrawal of services from Coatbridge by private operators this month. The 62 service, which connects Coatbridge with Glasgow, will cease, cutting off south Coatbridge in the evenings and at weekends. That is completely unacceptable.

Following the 2003 manifesto commitment, which is mentioned in the motion, the SNP conference in 2006 pledged to take bus services out of the control of private profiteers, but that promise was dropped. The Scottish Government is not standing up for ordinary people on the issue. The sad reality is that the SNP seems to be on the side of the big bus companies. If it wants to change that perception, it should immediately evaluate the privatised bus industry and ensure that its focus is on accountability, affordability and service provision. That would show us that the big private profiteers operate simply to boost their already swollen coffers, not to provide a public service.

It is obscene that we allow a few massive private operators to follow a systemic impulse to produce wealth for themselves at the expense of the travelling public. As Karl Marx put it:

"Accumulate, accumulate! That is Moses and the prophets!"

09:46

**Mark McDonald (North East Scotland) (SNP):** Imagine the restrictions that a fixed budget puts in place. Imagine having to deal with a fixed budget that one cannot increase or grow—just imagine that. [*Interruption.*] Presiding Officer, I am having a bit of trouble getting on with my speech while members are attempting to instigate a conversation with me.

**The Presiding Officer:** Mr McDonald, I think that you can cope. Just get on with it.

**Mark McDonald:** The minister, rightly, has called for an emphasis on innovation. Yesterday, while other members were discussing matters here, I was at a full council meeting of Aberdeen City Council at which the council agreed unanimously to proceed with a hydrogen bus project. Its delivery is contingent on agreement with partners, but the council has nailed its colours to the mast on that and is looking to progress with a move that could release a number of hydrogen buses into the Aberdeen bus fleet. They would create zero carbon emissions; therefore, that is an important step forward and the kind of innovation that the minister talked about.

**Elaine Smith:** Will the member consider an innovation that the SPT and Councillor David Fagan are considering? It is a franchise arrangement, like London Buses, which would not necessarily cost the earth.

**Mark McDonald:** I am always interested in best practice from other areas. I am, however, not familiar with the scheme that the member highlights, so I cannot give her any firm commitment on that. Also, the decision does not rest with me.

On the bus service operators grant, the minister has rightly highlighted the fact that, where subsidy is provided, it must follow the passenger. Too often, it has not done that, but the changes that the minister has identified will mean that that will happen. As has been identified in the debate, passengers in rural areas should be a priority given the specific pressures that rural areas face, such as high fuel costs and the distances that people are required to travel to access services. The change to the bus service operators grant will mean that funding is targeted more at rural services, which are in need of that assistance, as are rural communities. That is important.

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

**Mark McDonald:** I do not have time.

The managing director of FirstBus said in the *Evening Express* yesterday that the reason that FirstBus is hiking its fares by 8 per cent is entirely down to changes to the bus service operators grant. FirstBus—a multibillion-pound multinational corporation—has a bit of a cheek if it is claiming that the only way in which it can run a viable bus service is with Government subsidy.

**Drew Smith (Glasgow) (Lab):** Will the member take an intervention?

**Mark McDonald:** No, I do not have the time.

I welcome the clarity on the bus pass that there now seems to be. I simply note that whenever the Government has considered the bus pass, usually with a view to extending its provision, Labour members have run to the communities howling that we are going to take away folks' bus passes. It is a little rich for Labour members to turn around and say that the Government should perhaps consider taking away folks' bus passes when that is the scaremongering that they have used in communities during previous reviews.

**Elaine Murray:** Will the member take an intervention on that?

**Mark McDonald:** I am in my last 30 seconds.

I will make the point to Alex Johnstone on why I think that universality on the bus pass is important. In rural areas, people who might not qualify for a bus pass under a means-tested system often use

the bus pass to access a route that would cease to be viable without the subsidy that the bus pass provides. If changes were made, the people who access the route without a bus pass could lose that service. That is an important consideration: what would be the impact of changes on bus services, many of which are dependent on bus pass users to keep them viable, and what would be the impact on the communities that lose such a service?

There is much that we need to look at in discussing the bus system in Scotland. The minister has identified key areas for consideration, and I think that we should move forward on that basis.

**Elaine Murray:** On a point of order, Presiding Officer. I want to make a clarification, in case it was not absolutely clear from my speech. The point that was raised at the Finance Committee yesterday—

**The Presiding Officer:** Order. That is not a point of order; it is a point of information. You have made your speech; you can ask your colleague to make the point in his summing up. You are wasting time.

09:51

**Paul Martin (Glasgow Provan) (Lab):** I disagreed with almost every aspect of Alex Johnstone's speech, but I agreed with him that the Parliament has not contributed effectively to the debate on bus services and the concerns of communities throughout Scotland about the serious issues that face them in connection with those services.

Even though we have conducted various inquiries into local government and transport in parliamentary committees, we have not considered the fact that something has to be done about the bus deregulation legislation that was passed in 1985. As a result of that legislation, we have seen our local communities being abandoned by bus companies that care little about their needs, despite the fact that those communities and their local authorities have been going out of their way to build an infrastructure that assists bus companies in dealing with the challenges that they face in delivering bus services, for example in areas such as traffic congestion. Indeed, I cannot help but observe that, in a perverse way, we appear to be encouraging the big bus companies to cherry pick in the first place by providing bus lanes, sometimes to the detriment to the needs of local people, who also need services delivered in their communities.

The time is right for the Parliament to take action to protect our communities from the cherry-picking activities of bus companies throughout

Scotland. I do not know what world Alex Johnstone lives in, but I ask him to pay attention to the concerns of my constituents in the Glasgow Provan constituency. In Cranhill, they face serious challenges in accessing bus services. In the Dennistoun community, people face challenges with bus companies cherry picking routes. That is the real world of the challenges that our constituents face throughout Scotland.

As Elaine Smith mentioned, we also need to recognise the impact that the withdrawal of bus services has on vulnerable communities, in Glasgow in particular. In Glasgow, where the car ownership rate is among the lowest in Scotland, people depend on bus services as a lifeline to get them to employment opportunities and hospital appointments. Not to take action would be an attack on those local communities and the most vulnerable in our society. For many of those people, as Elaine Smith said, it is not a lifestyle choice to take the bus. Being able to attend a hospital appointment or an employment opportunity is a necessity.

I believe that we are elected to the Parliament to ensure that the vulnerable are represented. That is why I sought election in 1999 and that is why I believe that we need to put in place a more robust system to deal with bus companies and to bring forward proposals to regulate them. If regulation is good enough for the bankers, it is good enough for the greedy bus companies. Let me clear about this: bus companies need no protection. Stagecoach had half-year profits of almost £80 million and those of First reached just under £60 million, so I hope that the Scottish Government will not seek to protect those companies.

I say once again that it is becoming clear that the time is now right for real action, not just talk about partnerships. We have sought to engage through partnerships for many years. The time is right for those bus companies to recognise that the current legislation favours the cherry picking that has been done for many years.

I welcome the minister's commitment to community transport. I hope that he will commit himself to community transport associations such as the North Area Transport Association, which covers my constituency, and I hope that we can continue to develop such associations. I call on members to support the motion in the name of Elaine Murray.

09:55

**Bob Doris (Glasgow) (SNP):** I start by thanking the Labour Party for drawing attention to public transport issues in Scotland. It does Parliament a service by bringing such a debate to the chamber. Even if I do not agree with the terms of the Labour

motion, it is important to say that I appreciate its bringing up the issue.

I was slightly perplexed by a lot of Elaine Murray's speech. At one point, she said that she did not want to give money to the big bus operators, but then she bemoaned the fact that the bus service operators grant was being cut. Increasing the BSOG would give additional money to the largest bus operators, and it is fair to put that on the record. I would be delighted to hear what Elaine Murray says about that.

**Elaine Murray:** Our motion draws attention to concerns about and possible outcomes of the current situation. The solution that we are proposing is not just to throw money at the problem but to reregulate and ensure that the public pound purchases the best possible value.

**Bob Doris:** I am delighted that Elaine Murray has made that intervention, because she has just emphasised the contradiction in her thinking.

I also want to look at the change from using the amount of fuel used by bus operators to the distance travelled as the basis on which payments are made. That is quite important. When I think about it, the idea of giving a fuel duty discount might have been slightly wrong-headed. Why should a Scottish Parliament have to give a tax break to bus companies to provide a public and social service when the huge oil and fuel revenues and taxes flow down south to London? It is simply wrong-headed. Perhaps the Labour Party should look at itself and take a deep look at that issue.

I point out that forms of bus regulation already exist, and I note that the minister is looking at ways of implementing further regulation where appropriate if it is needed.

I commend my parliamentary colleague George Adam, who spoke about the statutory quality bus partnership success in Paisley. I am aware that similar proposals are being developed in Glasgow, and I hope that they will come to fruition shortly. Indeed, I hear talk that part of that regulation might extend to the fastlink scheme that is being supported with £40 million from the Scottish Government. I do not think that we should pretend that no regulatory levers are being used currently.

That said, I want to be reasonable. I hear that Patricia Ferguson is going to introduce a bill on bus regulation. I supported her bill on factoring, so I will look at her bill on bus regulation. However, I am deeply worried about the unintended consequences of the steps that the Labour Party would take, so I would take some convincing.

I want to look at the community transport aspect of the Labour Party's motion.

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

**Bob Doris:** I want to develop my point. Labour mentioned rural community transport but, in Glasgow, it is inconsistent on community transport. In the north of Glasgow, which is in the region that I represent, the main community transport provider, the North Area Transport Association, has had its funding cut by £48,000—a 100 per cent cut—by the Glasgow Labour Party.

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** Will the member give way?

**Bob Doris:** Absolutely.

**The Presiding Officer:** Ms Ferguson, I am sorry but the member is in his final 30 seconds.

**Bob Doris:** I have heard from disability groups in north Glasgow that are worried about the success and future of the service. Primary schools are also worried. Perhaps the best way of finishing off is—oh, I have lost it. Perhaps I will intervene on Ms Ferguson—oh, I have found it. A small child—

**The Presiding Officer:** Mr Doris, just get on with it.

**Bob Doris:** I apologise, Presiding Officer. When a small child sends me a picture, which I have here, of the local bus company, which has lost £48,000, and the child is worried that they will not be taken to their playgroup, I say that Glasgow Labour should be consistent on community travel. It is clear that it is not.

10:00

**Tavish Scott (Shetland Islands) (LD):** Presiding Officer, you might recall, as I do, debates all the way back in 1999 rather than in 2006. If my memory serves me correctly, you took part in some of them. Murray Tosh used to lead for the Conservatives, Kenny MacAskill used to lead for the Scottish National Party, and Sarah Boyack was the transport minister. I think that the general view across all the parties, including among the nationalists, was that, if we shut Murray Tosh and Kenny MacAskill into a room at the back of the chamber, the rest of us could have got on with a pretty decent transport debate.

Time has certainly moved on, but the debate about quality partnerships or regulation versus competition has not. It is clear that the current minister is dealing with that in the same way that all his predecessors did.

What works and what does not work has been referred to; George Adam was interesting on his council's experience of that. I recall Elaine Smith making a strident speech, which was entirely justified, on that issue many years ago and members of other parties making exactly the same arguments. I also recall that, even in those days, the big bus companies, which have been broadly

attacked throughout the chamber, used to get it in the neck about profiteering, cherry picking, which Paul Martin has just spoken about, and other things. They are still getting it in the neck in 2012.

The conundrum for the Government is where it should or should not legislate in seeking to discover the right balance between regulation and competition. Does competition work? As Elaine Smith and Paul Martin illustrated—Bob Doris hinted at this—there is considerable competition in Glasgow and the west at certain times of the day, but there is not the breadth and depth of services that many members want. That is the challenge that the minister has to consider and find a way through. Has the Transport (Scotland) Act 2001, which was passed by those of us who were members in that session, worked? On the basis of George Adam's evidence, if there has been only one statutory quality partnership in Scotland since then, it is clear that that legislation has not provided the fit-for-purpose model that is needed. If Patricia Ferguson, members of other parties and, indeed, the Government are going to bring forward new thinking on the matter, I welcome that, as I recognised in the role that I had, which Mr Brown now has, that there are no perfect answers. That is why the complexity of the issue is challenging.

I do not think that there should be a one-size-fits-all policy throughout Scotland. As other members have mentioned, there are different circumstances in rural and urban areas and also within cities that do not lend themselves to having one binding piece of regulation. We need a system that recognises the different challenges in different parts of Scotland.

**Patricia Ferguson:** Mr Scott may recall that, in the previous session, a bill on the same issue in the name of my colleague Charlie Gordon fell because it could not attract support from other parties in the Parliament. Is Mr Scott in a position to commit his party on the matter at this stage?

**Tavish Scott:** I am happy to commit to reading whatever proposed legislation members bring forward. I recall Patricia Ferguson taking me to her constituency to show me the challenges that she and her colleagues in all parties faced on the issue. I would therefore be happy to look at any proposed legislation.

In concluding, I want to make a point about the concessionary transport scheme. I see that there is a clear requirement for a review after seven years. I am sure that Mr Brown will tell me if I am wrong about that, but that is my recollection of the system. The benefit of a review is that it allows the Government of the day to consider carefully not just the eligibility points that Elaine Murray and other members have rightly raised but the whole basis of the scheme. I hope that there is a review,

as such reviews are the purpose of good government.

10:04

**Claudia Beamish (South Scotland) (Lab):** I am pleased to be able to highlight the part of our motion that

“urges the Scottish Government to consider ways in which it can support demand-led transport solutions such as community transport in rural areas”.

Across South Scotland and elsewhere, robust and well-organised community transport initiatives are evolving, and they are increasingly developing an interface with public transport. I stress that they are not a reason to cut services, which should be developed, but are an essential complement to what is often a limited service in terms of routes and times. For people of all ages, community transport is a new lifeline that is helping to end rural isolation and bring communities together.

When the Equal Opportunities Committee took evidence on the issue, we heard from the Rural Development Trust in Clydesdale, which runs its minibuses on waste fat from school kitchens. I say to the minister that I hope that support will indeed be forthcoming for such initiatives. As a teacher, I was able to book a minibus to take pupils swimming 15 miles away. It was driven by our headteacher, who became a volunteer driver, thus keeping the costs down. There are also community transport groups in Annandale and Tweeddale, and I am sure that members know of others in their regions.

There are several different models for community transport because such initiatives are demand and community led and they have been developed to suit a range of needs, but that must not be—and does not have to be—a barrier to the interface with public transport and other provision.

Last week, I attended a rural transport solutions event, with Elaine Murray, in Kirkcudbright, at which it was stressed that transport is a crucial element of community structure. The project is funded by the European Union northern periphery programme and it works with a range of local partners—Dumfries and Galloway Council, the south west of Scotland transport partnership, Wigtownshire community transport, NHS Dumfries and Galloway and the Scottish Ambulance Service. I welcome the minister's remarks on partnerships of that kind.

The downtime issue is being addressed. Its most ludicrous manifestation is the school bus sitting idle through the summer holidays. There is potential to save a lot of money by enabling community groups to use school buses. The requirements to train volunteer drivers, pass buses from one group to another and share maintenance

costs do not have to be insurmountable barriers and they should not be an excuse not to develop new partnerships. The approach is already working.

Wigtownshire community transport is working towards becoming self-financing through procurement. I stress that reregulation is essential if local community transport initiatives are to seek procurement in that way. There are also small charges for community bookings.

Further to Elaine Murray's remarks, I note that constituents have approached me as well to request that concessionary fares be extended to community transport. I welcome the minister's remarks on that. One person stated, "Free bus passes are great, but they are useless if there is no bus to catch."

Community transport addresses many rural challenges. It prevents people from having to stay in town all day if there are infrequent public transport services. It enables households that do not have a car to get to their nearest public transport service, which is particularly important for people who live in very remote places. It prevents parents with small children and carers with elderly family members from being left trapped in the house when the only car user has left—in the case of one-car households—hopefully to go to work or training. It enables people in remote places to which public transport will never come to get to appointments, and it enables groups to get together in such areas.

It also stops the branding of transport for groups who feel isolated and enables them to become more integrated in their community, and it enables managers in places such as day centres to get on with their jobs rather than working out the complexities of bookings.

**The Deputy Presiding Officer (John Scott):** I would be grateful if you would close now, please.

**Claudia Beamish:** Community transport is meeting the needs of schools, hospitals, healthcare, social services and tourism by developing sustainable systems, and it will also help us to meet our climate change targets. I commend the model to the Scottish Government and ask it to give community transport as much support as it can.

10:09

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** Like my colleague Bob Doris, I welcome the debate and thank the Labour Party for bringing the subject to the chamber. I suspect that I am like every member in that many of my constituents rely on the provision of reliable, regular bus services, so it is a hugely important issue. In my

constituency, there are some good examples of such services. The Abronhill area in Cumbernauld has good, regular bus services—although we are always willing to see further improvements, of course.

However, some areas, such as the area of Cumbernauld north of the M80, have a particularly poor bus service. It is often assumed that everyone in Cumbernauld has a car but, judging by my postbag, I think that that is not the case in that part of the town. Many people in that part of the world would like to have a decent, regular bus service but do not. I have consistently raised the matter with the relevant authorities. For all the bluster from certain members, it is interesting that the two pertinent authorities in this case—SPT and North Lanarkshire Council—are dominated by the Labour Party and have refused point blank to intervene.

**Jackie Baillie (Dumbarton) (Lab):** Aw.

**Jamie Hepburn:** It is wonderful to see Ms Baillie arriving in the chamber and welcoming my contribution so readily.

**Jackie Baillie:** You are deluded.

**Jamie Hepburn:** It is an interesting posture—

**Jackie Baillie:** Will the member give way?

**Jamie Hepburn:** Of course.

**Jackie Baillie:** I hesitate to say it, but I think that the member is deluded this morning.

**Jamie Hepburn:** I hesitate to point out that Ms Baillie delivered that as well from a sedentary position as she did when she intervened. Welcome to the debate, Ms Baillie.

The posturing from Labour members is interesting because, when they have the opportunity to intervene on the ground, they do not do so. It was also interesting to hear Elaine Murray speak about funding levels for the bus service operators grant. Bob Doris made an excellent point. We hear Labour bemoaning the fact that public money is being funnelled into large bus companies—I understand that point—while in the same breath bemoaning the cut to the BSOG. That position is inconsistent.

As ever, the issue of public transport is raised with no context whatever. Every time we hear a party—usually Labour—bemoaning cuts to individual budgets, no context is given.

**Elaine Murray:** That is a bit rich considering that, if we do make a suggestion—for example when I pointed out what the Auditor General said—it is immediately translated as being Labour Party policy. It makes us rather anxious. I would rather put ideas out there and have them discussed than have other parties immediately

say, "That's Labour Party policy." Let us listen to what others are saying.

**Jamie Hepburn:** I am always willing to listen to discussion, but allow me to make my point. The context is that the Scottish Government's budget has been hammered by the Westminster Administration. That process began under Labour, and we hear that the current cuts are supported by Ed Miliband. If Elaine Murray gives us a little context whenever the issue is raised, we may be more willing to listen to her ideas.

In response to the minister's intervention, Elaine Murray said that it is only the Government that can lodge amendments to the budget at stage 2. Procedurally, she is correct, but, earlier in the budget process, at the committee stage, when the various subject committees report to the Finance Committee, the Labour Party could quite easily have suggested the reinstatement of the bus service operators grant. I am on the Infrastructure and Capital Investment Committee and—I am glad to be corrected—I do not recall a Labour member doing that. It is a bit disingenuous to raise it now.

**The Deputy Presiding Officer:** Before we move to closing speeches, I apologise to members whom I was unable to call in the debate due to its being oversubscribed.

10:13

**Alex Johnstone:** This has been a constructive debate, and one or two positive issues have arisen. In fact, if the Government had been a little more careful when it drafted its amendment, it could even have found itself with Conservative support for it. As it is, though, we may have to abstain on that one.

Karl Marx has been mentioned—it has been a while since we had him in the chamber. A number of members talked at length about regulation. I suspect that some on the benches opposite had nationalisation on the tip of their tongues, but perhaps that was still a step too far.

In both amendments, the opportunity was taken to remove the most attractive bit of the Labour motion, where it mentions demand-led services. In rural areas, there are no shortages of examples of empty buses running while, not far away, there are no bus services to cater for people who desperately need them. We should be looking at demand-led services. Claudia Beamish explained the concept quite well but, unfortunately, at a time when budgets are tight, having both kinds of service is a step too far.

**Claudia Beamish:** Will the member give way?

**Alex Johnstone:** I am sorry—I have only four minutes.

Innovative solutions are out there and we all need to work together to ensure that the Government pursues them.

As for the unintended consequences that Bob Doris mentioned, there will certainly be such consequences if we go ahead with some of the changes that have been discussed this morning. Reregulation—with the aim, I hope, of providing better services—will inevitably add to costs, which, given the finite budget, will mean that services will have to be reduced. We must target resources where they will be most effective, but the Government already has the power to do that without having to tighten regulation.

I have listened to members' comments about the delivery of services. The problem of services being changed without notice is particularly annoying and certainly appears in my mailbag. However, it can be dealt with through tighter management by the companies that provide the service. After all, it is not always the management's fault if a driver decides not to take a particular route.

Mark McDonald seemed to suggest that I was proposing the removal of bus passes from some people and perhaps the introduction of means testing. That is not the case. We should make long-term decisions that allow us to manage costs over time and ensure that those who already have bus passes can continue to have them in future.

Mr McDonald also said that the bus pass system is a subsidy mechanism. Although I fully accept that, in many respects, it is such a mechanism, I am not entirely sure that it should be.

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

**Alex Johnstone:** I am sorry—I am just coming to a close.

Given that, in these times, budgets must be targeted at where they will deliver the greatest benefit to those who require support, I have every sympathy with the Government's position. I believe that it is managing its resources to the best of its ability and is delivering the best service that it can under the current circumstances. We need innovation and new ways of using resources to deliver more. At the moment, we simply do not have the unlimited resource that the Labour Party appears to be wishing for.

10:17

**Keith Brown:** I am struck by the substantial degree of agreement on many of the issues that have been discussed this morning, but I have to say that Alex Johnstone's final point about resources is pertinent—indeed, crucial. Given Elaine Murray's intervention late in the debate, I

think that it would be useful to hear from either Ms Murray or Richard Baker exactly what is being suggested. Are they suggesting that we consider taking bus passes away from over-60s in full-time employment? Is that a suggestion or is it a policy proposal?

**Elaine Murray:** For the record, the suggestion was made by the Auditor General, Robert Black, at yesterday's Finance Committee meeting. When someone such as that makes such a suggestion, the very least that we can do is to look at it. Indeed, I have asked Mr Black to break down his calculations.

**Keith Brown:** I take from that and previous comments—and indeed from the comment made before the election by Richard Simpson, who is not in the chamber, that he thought that it was wrong that he received a bus pass—that it is a suggestion that should be considered. There is nothing wrong with saying that such proposals should be considered. However, as Mark McDonald pointed out, these issues have been used in the past as political footfalls and, sometimes, to strike fear into people that they will lose their bus passes. Nevertheless, I take the proposal in the spirit that Elaine Murray has suggested.

We think that our funding of around £250 million a year demonstrates a real commitment to bus services. I did not have time to mention it earlier, but hard shoulder running on the M77, which Jackson Carlaw, who was in the chamber at the start of the debate, has mentioned in the past, is an extremely important initiative. I certainly disagree with Paul Martin's comments about bus lanes. I believe that they tend to help bus services by making them quicker and therefore more attractive to people, more of whom then use the services. We want to look at what we can do to take that process further.

**Paul Martin:** I have no concern about bus lanes, which we should encourage, but that should not be to the detriment of local communities if services are not delivered in their areas. There should be a quid pro quo—if services are delivered for bus services, they should also be delivered for local communities that are affected by the cuts.

**Keith Brown:** I am not sure that I get Paul Martin's point. If he is saying that bus lanes should be created elsewhere, we can obviously consider that on a case-by-case basis.

Tavish Scott asked for a review of the concessionary travel scheme, but we have had such a review. People often use the cliché that something is constantly reviewed. The scheme is not constantly reviewed—nothing is constantly reviewed—but we are looking at it on regular

basis. That approach has led to changes. For example, the cap that kicks in when the budget level is reached, which was agreed with the transport operators, was one thing that came from the review. However, I give a commitment to Tavish Scott that we will continue to review the scheme. That is only right, because it involves a large amount of public expenditure. Elaine Murray's suggestion could feed into that debate.

Another change in the scheme is that it has been extended to make it easier to access for veterans who have been injured in active service—they can now access the scheme much more quickly and with much less hassle. We extended the scheme in that way before the Westminster Government did so, although it has now done so, too. That is a welcome change. Therefore, changes have happened to the national concessionary scheme and it has been reviewed.

There are issues to do with the proper management of the scheme, which come down to matters such as driving out abuse of the system. A great deal of work has been done on that. It perhaps does not create headlines, but Alex Neil and I have done quite a bit of work with operators on that. As several members have mentioned—and not only those on the Government back benches—there is a drive to ensure that we get the maximum possible effect from the money that we commit. Obviously, the amount that we can commit is constrained.

Jamie Hepburn made the important point that we are not the only players. We give money to local authorities so that they can subsidise bus routes. We provide the BSOG, but we do not subsidise bus routes. At local authorities' request, the money is no longer ring fenced. Some local authorities have been good at ensuring that the money is passed on, but others have not. That is where responsibility lies. It is not always down to the Government when the service that might be expected on a particular route is not in place. The local authorities and, sometimes, the regional transport partnerships have a role in that.

There has been fairly general agreement on the need for further consideration of demand-responsive transport. As I said, we have considered that already and we will continue to do so, particularly in relation to the example that I gave earlier about allowing voluntary organisations that cannot currently access the concessionary travel scheme—even for people who would otherwise qualify for concessionary travel—to do so. That is entirely right.

The motion mentions the SNP's 2003 manifesto, which must have made a big impact when it was produced. Equally, we could refer to Labour's 1983 manifesto commitment to abolish nuclear weapons and various other things that have gone

by the board. Our 2003 manifesto was three manifestos ago, but we are still discussing it. Paul Martin rightly mentioned fundamental problems in his constituency. Those are deep-rooted and long-standing problems. Between 1997 and 2007, the Labour Party had the chance to do something about them. It was in power in this Parliament for eight years. Labour members concede that the problems started before then and lasted right through that period. That is just another issue on which the Labour Party thinks that the long-standing problems that it has left subsequent Governments to deal with are all the responsibility of the current Government. The Labour Party must take some responsibility for those problems.

As Jamie Hepburn said, we must see the issue in context. We have maintained local government expenditure, whereas in England it has reduced by 28 per cent, which produces knock-on effects including, in some areas, the abolition of concessionary travel. We have not done that. We have stuck by the bus industry and, in particular, the bus passenger—that is who we are trying to help in all this. The measures that we are taking and will continue to take demonstrate that. Therefore, I ask members to support the amendment in my name.

10:24

**Richard Baker (North East Scotland) (Lab):** Several members have mentioned that this is not the first time that Labour has brought the issue of bus services to the Parliament. We make no apology for returning to the issue, because we have heard again today, sometimes in feisty discourse, how important bus services are. So often, they are lifelines for communities. That applies in rural communities, such as those that Elaine Murray and Claudia Beamish referred to, as well as in urban areas, as Elaine Smith highlighted.

Members have discussed the many reasons why bus services are vital, but a key reason is their importance to excluded groups and to older people and the disabled. The concessionary travel scheme has been important for those groups. Too often, they have been financially and socially excluded, but there are now no financial barriers to their using buses, whether it be for shopping trips into town or to visit friends and family. That is why the continuation of the scheme is important to us. We also hope that, in future, consideration will be given to extending it into areas such as community transport.

Of course, it is not only older people and the disabled who rely on bus services; they are vital for our economy because they are the method that many Scots use to get to work. There should be unanimity in the Parliament about encouraging

more people to use public transport for such journeys. Affordable bus services are also crucial for those in our society on lower incomes, for whom times are particularly tough right now.

That is why we are so concerned about what is happening in Scotland. A number of important services are being withdrawn from communities throughout the country and, following decisions by the Scottish Government, there are hikes in bus fares as well.

In this debate, I clearly do not agree on every point with the Confederation of Passenger Transport, but its briefing raises important issues. It makes it clear that the Scottish Government was made aware that its decision to cut the bus service operators grant by 20 per cent would lead to fare increases. I am not persuaded by the minister's maths on that issue. In Aberdeen, the cut has resulted in fare increases of some 8.5 per cent, which will start on Sunday. Such increases particularly affect those who are on low incomes, and there is no evidence that ministers made any attempt to take account of that fact in their decision or to mitigate its impact.

**Keith Brown:** Given what he has just said, will Richard Baker say whether he is committed to reinstating that cut during the budget process?

**Richard Baker:** We will vote on the entirety of the Scottish Government's budget. As Elaine Murray said, the Scottish Government is able to lodge amendments at stage 2, but we are not. I very much hope that the minister will lodge an amendment, because the 8.5 per cent fare increases in Aberdeen will hit the poorest, will hurt others in other parts of Scotland and are totally unacceptable.

The situation was made all the worse because of the late notice that operators were given of the cuts. That will be a great disappointment for those who will have to pay higher fares. How will that contribute to the Scottish Government's stated aim of encouraging more people to use our buses?

The Scottish Government says that it wants to use its budget to protect Scotland from the coalition's reckless spending cuts but, again and again, the rhetoric does not match the reality. The situation that I outlined is yet another example of those in Scotland who are least able to afford increased charges having to pay more.

Let us be clear about local authority budgets as well. For councils, the Scottish Government has doubled the cut that it received. It is making the situation doubly bad for local authority budgets, so to say that they have been protected is simply untrue.

We part company with the Confederation of Passenger Transport, the Conservatives and the

SNP on regulation. Paul Martin made an important speech on that. Tavish Scott made some thoughtful comments on the issue, too. Deregulation has not worked. Too many areas have, in effect, monopoly services and no accountability.

**Mark McDonald:** Will Richard Baker give way?

**Richard Baker:** I am fond of Mr McDonald, but he must learn that, if I am to take his interventions, he must take mine in future.

**Jamie Hepburn:** Is it not a bit rich for Labour to bemoan the deregulated framework when, in government, it did nothing about it? Will Richard Baker also reflect on the fact that the traffic commissioner for Scotland, the bus service operators grant and the concessionary travel scheme are all forms of regulation?

**Richard Baker:** We introduced more legislation for regulation. In opposition in the previous session of Parliament, we proposed a further bill, which the SNP opposed. However, to judge from George Adam's comments earlier, we can look forward to the SNP supporting Patricia Ferguson's bill when she introduces it, because the party has indicated that it favours more regulation. On a UK level, we acted on the matter through the Local Transport Act 2008.

Elsewhere in the UK, more regulation is working effectively. We are also starting to see at least some bus quality partnerships in Scotland. We wonder why the SNP, having previously supported reregulation, opposes it so vigorously in government. The more cynical among us might wonder whether Mr Souter had a word in the SNP's ear. As I am not a cynic, I will leave others to muse on that.

It is clear from increasing bus fares and the loss of key services that the Scottish Government is letting down bus passengers and communities across Scotland. We would have thought that a party that aspired to run an independent country would want to show that it could run the buses properly first—right now, it is not managing that. Most Scots would prefer the Government to get on with the job of ensuring that vital bus services are available when people need them, at a price that they can afford.

## Kinship Carers

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

The next item of business is a debate on motion S4M-01828, in the name of Jackie Baillie, on supporting families. As soon as Ms Baillie is ready to speak, she will have 10 minutes.

10:30

**Jackie Baillie (Dumbarton) (Lab):** The debate is about kinship care—it is about the people who provide care for children in an extended family setting and the children who are cared for. According to the 2001 census, some 15,000 children are in that situation.

Some kinship care arrangements are formal—the children are deemed to be looked after by their local authority—but often the arrangements are informal and have been arrived at between families. In 2001, one in 10 looked-after children were placed in kinship care. By 2010, that figure had increased to one in five. Now, more children are in kinship care than in residential care. The number of children who are in kinship care is fast catching up with the number in foster care. We are not sure whether that increase is the consequence of a change in demand or of a better response to existing demand. Whatever the reason, the needs of the children who are cared for in kinship care arrangements cannot be dealt with on the cheap.

The underlying causes of children being placed in kinship care are remarkably similar to those of children being placed in foster care. The children might have experienced drug and alcohol addiction in their families, bereavement, neglect, abuse, violence or illness. It follows from those similar experiences that the children will have similar support needs.

In 2007, the First Minister recognised that position. In an exchange with Labour's former leader Wendy Alexander, he promised to deliver funding so that kinship care allowances would match foster care allowances. That was a straightforward commitment—with no quibbling and no caveats—to provide £10 million to deliver that by 2011. I say three cheers to that.

I acknowledge that kinship care payments are at least being made in every local authority area, but the amounts that are paid and the criteria that apply vary hugely. In all but a handful of council areas, the disparity between foster care payments and kinship care payments remains stark. We need only look at the work that Citizens Advice Scotland has undertaken to see the truth of that.

To be frank, the Government's amendment is churlish. As with so much of the Government's approach, it seeks to blame everybody else. The

Government says that the fault must lie with the previous Labour-Liberal Scottish Executive, although—incidentally—that Executive started the consultation on the need to support kinship carers in 2006. Perhaps the Scottish Government blames the United Kingdom Government. Now, it also wants to blame local authorities.

**Sandra White (Glasgow Kelvin) (SNP):** Will the member take an intervention?

**Jackie Baillie:** Not at this point.

I would be the first to recognise that there are issues to explore in the interaction of benefits and allowances that are paid to kinship carers, but that cannot be used as an excuse for inaction by the Scottish Government. Kinship care is firmly within the Scottish Government's responsibility. It is devolved. The Government needs no more powers to do something to make a difference.

I commend the Scottish Government for taking our consultation and developing a strategy for kinship care in 2007. Then, that strategy enjoyed support across the chamber, as it does now. When the First Minister promised to deliver £10 million so that kinship care allowances would match foster care allowances by 2011, we were all delighted. That was the Parliament and the Government at their best—recognising need, putting in place the right strategy and providing the resources to back that up. A promise from the First Minister himself—it does not get much better than that. He promised to support the army of kinship carers who on a daily basis provide vulnerable children with safety, security and a loving home. We are now in 2012, and the First Minister and his Government have failed to deliver. Is the First Minister a man of his word or is he not?

So, exactly what happened? It would appear that the Scottish Government and the Convention of Scottish Local Authorities came to a new understanding. Let me be clear about this: I do not blame local government. It is for the Scottish Government to signal its priorities. It did so in the concordat, but then it downgraded that commitment. The Scottish Government said that the issue was not important to it any more.

**The Minister for Children and Young People (Aileen Campbell):** Does Jackie Baillie acknowledge that we very strongly recognised the army of kinship carers by legislating for the first time to recognise them formally, which Labour failed to do during two terms in government?

**Jackie Baillie:** I welcome the legislation, which enjoyed support among members on all sides of the chamber, but you promised the £10 million of support. The First Minister promised it. You then signalled to COSLA that it was not important any more. How can you take something that important and negotiate it away? Those children are among

the most marginalised and vulnerable in Scotland today. What did you trade them for?

**The Deputy Presiding Officer:** I ask the member to speak through the chair, please.

**Jackie Baillie:** Indeed, Presiding Officer.

Was it the class size pledge, which was later to be dumped too? Was it something else? I am sure that all members in the chamber want to know what was more important than kinship carers.

**Mark McDonald (North East Scotland) (SNP)**  
*rose—*

**Jackie Baillie:** Mike Russell's letter to COSLA, dated 9 December 2009, is most illuminating. It stated that COSLA had made a "major and significant contribution" to that commitment—in other words, "You can forget about it now—you can use the money for our other, more pressing priorities".

**Mark McDonald** *rose—*

**The Minister for Local Government and Planning (Derek Mackay)** *rose—*

**Jackie Baillie:** That is what Mr Russell said. A promise that was made at the end of 2007 was dumped by 2009.

When we raised the subject of kinship carers at the start of the year, we were told that the Scottish Government had met all its commitments. It said that it had

"supported this with significant financial resources for local authorities."

Those are the same local authorities that were told by the Government that they did not need to bother now.

On the same day came COSLA's response, which challenged the Scottish Government's claim that councils have been given significant resources. Already, the Scottish Government is trying to lay the blame elsewhere, but it has the responsibility and it needs to step up to the plate.

**Mark McDonald** *rose—*

**Derek Mackay** *rose—*

**Jackie Baillie:** The poverty truth commission looked at kinship care and came up with a number of focused and reasonable recommendations that I sincerely commend to the minister. However, it was the words from Jessie—a kinship carer—that struck me most. She said:

"We're saving the system £500 million a year and yet we are expected to just get on with it, with no recognition or help. It has been proven that kinship care is the best situation for these kids. In 6 years I have never known of a kinship child being taken into care ... early intervention most certainly works and if we can give them stability it

would be in everyone's best interest as these kids are the future".

The Government should listen to Jessie—or listen to its very own Twitter queen, Joan McAlpine, who I am delighted is in the chamber. At a kinship care round table, she said:

"it is of great concern that there is a perception that the Parliament has not delivered: Parliament exists to deliver for the most vulnerable people in Scotland."—[*Official Report, Education and Culture Committee*, 17 January 2012; c 634.]

Indeed it does—and so does the Scottish Government. I hope that Joan McAlpine will not label me as anti-Scottish if I demand that the Scottish National Party does something for kinship carers.

Let us have an end to the postcode lottery. We need policies that are centred on the needs of the children who are cared for, access to social work, education, psychological and carers support services, and a fair kinship care payment that is on a par with that for foster care.

I will close with the words of my constituent Anne Schwartz, who is a kinship carer looking after three teenage grandchildren. She says:

"When I started caring for my grandchildren, my life was turned upside down. I lost my job. I felt like I was on my own, with nobody I could turn to for help. We face exactly the same challenges as foster parents, yet we do not get the same financial support or training. The fact is we are getting a raw deal from this government. Alex Salmond made us a promise—it is time he delivered on it. If he had made good on his promise back in 2007, I might have been able to keep my job and hang on to some of my savings. Children in kinship care face the same issues as children in foster care, yet there is a great disparity in that they cannot access appropriate services to meet their needs. At the end of the day, it is the children who suffer out of all of this."

It is about time that the SNP put that right. The First Minister and his Government must deliver on his promise. If he does not deliver, we will know that he and the SNP Government cannot be trusted.

I move,

That the Parliament recognises the crucial role that kinship carers play in supporting the most vulnerable children and believes that they should be supported financially at an equivalent level to foster carers; notes the commitment given by the First Minister on 27 September 2007 to fast-track £10 million to fund this; further notes commitments made by successive ministers for Education and Lifelong Learning and Children and Early Years that this promise would be met via the concordat with local government by 2011 at the latest; regrets that these promises to kinship carers and the people they care for have been broken, and calls on the Scottish Government to ensure that local authorities are provided with the funds to ensure that kinship carers are properly supported and that this promise is finally met.

10:40

### **The Minister for Children and Young People**

**(Aileen Campbell):** I welcome the opportunity to debate the subject constructively, to set out the facts, to show my commitment as Minister for Children and Young People to all Scotland's children, and to show my passion, which is shared by the Scottish Government, for caring for the most vulnerable people in society.

Last year, nearly 16,000 children and young people were being looked after by our local authorities. They are the responsibility of us all. I look forward to closing the kinship care conference in Perth on Monday.

The Scottish Government moved quickly in 2007 to publish our strategy, "Getting it right for every child in kinship and foster care". In 2009 we introduced legislation that recognised kinship care and kinship carers for the first time, offering the chance of a safe, stable, nurturing home with the wider family. The introduction of permanence orders under the Adoption and Children (Scotland) Act 2007 enhanced the chance of a child finding a permanent home with the wider family.

We should acknowledge that kinship carers are unique. They do what they do for love, not money. We recognise their incredible efforts and remain committed to doing all that we can do for them and for their children, and we understand the financial challenges that they experience. By working with our partners in local government we have made progress, and all local authorities are financially supporting kinship carers. We have also worked with the third sector on the provision of support and guidance for kinship carers.

The Government has made progress, but despite positive changes, in discussion with councils and the United Kingdom Government, we have not yet achieved enough. Despite our Government's formal recognition of kinship carers, our efforts have been constrained by a UK benefits system that does not recognise kinship carers' parenting role and even claws back existing benefits when allowances are received.

The Scottish Government secured changes in 2010 to mitigate that effect. Kinship carers can now be confident of receiving housing benefit and council tax benefit without any deduction. Allowances are now tax free, and some kinship carers are up to £50 a week better off. However, those are sticking plasters compared with giving kinship carers access to all benefits that are available to parents, such as child benefit and child tax credit.

Since 2007, the number of children in kinship care has grown more than expected. That is a concern for local authorities throughout Scotland. However, we know that kinship care is an effective

care placement that offers scope for councils to provide a safe, supportive and nurturing environment for children and young people. To get the best from kinship care, we need to continue to invest.

Family support is fundamentally about supporting children and their parents, which is why we are developing a national parenting strategy. The strategy will be for not only mums and dads but grandparents and the wider family, as well as foster, kinship and adoptive parents. In other words, it will be for anyone who is involved in bringing up children. It will cover parenting of children of all ages, from the pre-conception stage, through early childhood, school years and adolescence to adulthood.

At the heart of our strategy will be recognition that all parents might need support from time to time, which will vary according to their circumstances. Our highly successful play, talk, read campaign is an example of action that we are taking to provide advice and support for all parents. The campaign's aim is to promote the importance of positive interaction between young children and their parents or carers, from the very start.

Some parents will require more intensive support. It is vital that they receive such support, so that we can avoid negative cycles in which poor outcomes are perpetuated across generations. For young first-time parents who are particularly vulnerable, we have piloted the family-nurse partnership, which is a preventative, intensive home-visiting programme that is delivered by highly trained nurses.

The programme, which is being delivered exclusively to teenage first-time mothers, begins at the early pregnancy stage and lasts until the child reaches two. It takes a holistic approach to the family, focusing on different aspects at different points, based on the age and stage of the mother and the baby. The programme is based on a deep, therapeutic relationship between the mother and the nurse, leading to long-term positive outcomes for the family.

The Scottish Government has also shown its commitment to moving towards an early intervention approach through the creation of the early years task force, which comprises key children's champions across Scotland. That important group will identify how best to drive further forward our key priorities on parenting, family support, play and early learning and childcare. We have announced funding to support care provision for looked after two-year-olds.

I take very seriously the concerns that kinship carers have raised. We have made efforts to improve what they do and how they do it.

**Jackie Baillie:** I am supportive of much of what the minister says. However, given the terms of our motion, will she tell us what she will now do to ensure that the SNP Government fulfils the First Minister's commitment, so that kinship care allowances will match foster care allowances? That is what we want to know.

**Aileen Campbell:** As I have said, we have been working very hard with local government on the issue, and COSLA has agreed to deliver our manifesto commitment and the resources, given time. The Association of Directors of Social Work has been supportive of efforts to bring meaningful financial support to kinship carers, particularly in relation to the way in which support is delivered through the UK benefits system. We continue to lobby the Westminster Government to ensure that the UK benefits system recognises kinship carers as this Government has done—but as Jackie Baillie's Government never did.

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

**Aileen Campbell:** No, I am going to move on. I want to make some progress.

I remind Jackie Baillie that despite having two terms in office the Labour Party did nothing to recognise formally this important group of carers. It took the election of the SNP Government and our legislation for that to happen. However, we are not complacent and we understand that more needs to be done.

It is unfortunate that this Parliament has no competence over welfare and social security, as that system is under threat from the coalition Government. We will continue to press for changes to the UK benefits system and to have kinship carers recognised as parents. Of course, with independence we will no longer have to lobby Westminster for progressive change to realise our country's vision for a fair, equal and better society.

This Government is committed to ensuring that all families in Scotland receive appropriate and timely support based on their needs. That is what we continue to do through the getting it right for every child approach and our early intervention strategies.

Bringing up children is a hugely rewarding job, but it can also be the hardest job that there is. I have outlined the range of work that we are driving forward to support parents and families in order to break the cycle of deprivation and poor attainment for our children, with a focus on early intervention. We will continue to build on that as we move forward. I will remain committed to ensuring that the child is at the heart of all that we do.

I move amendment S4M-01828.1, to leave out from first "notes" to end and insert:

"welcomes that substantial resources have been provided to local authorities to allow them to provide financial support to kinship carers; recognises that, unlike its predecessors, the 2007-11 Scottish administration acted to introduce regulations to allow financial support to be provided to kinship carers; supports wider efforts to empower families, including the development of a national parenting strategy, the Play, Talk, Read campaign and the roll-out of the Family Nurse Partnership; condemns the UK benefits system as not being fit for purpose as it penalises kinship carers and other vulnerable groups, and calls on the UK Government to fairly support kinship carers."

10:48

**Nanette Milne (North East Scotland) (Con):** I am happy to support Jackie Baillie's motion, though I am sorry that this is the third time since 2007 that Labour has felt obliged to raise in Parliament the on-going lack of adequate support for kinship carers in carrying out their invaluable task.

Progress has undoubtedly been made—I do not think that anyone is denying that—and we hear from Children 1st, which delivers the national kinship care service, that there is evidence of good practice. However, Children 1st also states that support for kinship carers is still inconsistent and that carers are still having to fight for the support that they need and deserve.

The commitment by the SNP Government to put kinship carers on a par with foster carers with regard to financial support is still not being achieved across Scotland—I think that the minister acknowledge that—despite the promise that it would be delivered via the concordat with local government by 2011, which now of course has gone.

The *Official Report* of last week's Education and Culture Committee round-table discussion on kinship care makes interesting reading. Not being on the committee, I read the report in full. Citizens Advice Scotland's kinship care service said that

"kinship carers of looked-after children often feel like the poor relations of foster carers,"

and

"kinship carers of non-looked-after children feel even lower down the ladder of access to services and support."—[*Official Report, Education and Culture Committee*, 17 January 2012; c 610.]

The words of Tommy McFall, who has looked after his granddaughter for 11 years and who took part in that discussion, are worth repeating. He said:

"kinship carers do not want ... parity with foster carers ... We are arguing that the children we look after in kinship care should have parity, as the Scottish Parliament decided in 2007."

He went on to say:

"I make a brief point about other support services, which we sometimes miss. We are talking about some of the most vulnerable and damaged children in Scotland ... I have heard people say that counselling and psychological services are available but, believe me ... support for these kids ... is not there".

He also said:

"There are not enough support services, psychological services or counselling services out there ... When we talk about priorities, the most vulnerable children in Scotland should be at the top of our list of priorities and we should stop making excuses."—[*Official Report, Education and Culture Committee*, 17 January 2012; c 621-2.]

As we know, kinship carers play a hugely valuable role and give enormous, unquantifiable support to their families. They need support, they need respite and they need freedom from serious financial worries. The willing self-sacrifice of people such as Mr McFall gives many children a much better early life than they could otherwise expect and at a fraction of the cost, were the state to be providing their care. That must appeal to a Government that has preventative spend as its mantra.

We know that there are issues with the benefits system—there have been for a long time—but, rather than merely condemn it as not fit for purpose, in that it penalises kinship carers and others, I wish that the SNP, in its amendment, had taken cognisance of the fact that, in the discussions that have taken place on the Welfare Reform Bill, the Scottish Government has made representations to the Department for Work and Pensions on kinship care. Indeed, Nicola Sturgeon has spoken directly to Iain Duncan Smith about the issue, as was confirmed in evidence to the Health and Sport Committee by Neil Couling of the DWP, who said that ministers had been impressed by the case that had been made from Scotland. It is clear that what has been a long-standing matter of concern, not just under the current coalition, is being taken seriously and it is to be hoped that progress will be made.

We owe it to kinship carers to find a resolution to their problems. That needs to be done in a spirit of co-operation and without the political point scoring and grandstanding that we tend to see from the majority SNP Government—it disappoints me that we have begun to see a bit of that in this morning's debate. The army of kinship carers in Scotland are not only saving their relatives and giving them the best chance in life, but saving the country huge amounts of money, and without them the system would collapse.

**Aileen Campbell:** Will the member give way?

**Nanette Milne:** I am just finishing.

I just hope that the support that has been promised to them will be in place across Scotland

before Labour feels the need to hold yet another debate on this important matter.

**The Deputy Presiding Officer (Elaine Smith):** We come to the open debate. Speeches should be a maximum of four minutes.

10:52

**Dennis Robertson (Aberdeenshire West) (SNP):** I am delighted that Jackie Baillie was able to hotfoot it along here—I congratulate her on her endeavours last night with my friend and colleague in a walking on hot coals charitable event. It feels slightly as if we are doing that in the debate.

It is acknowledged that more can be done for kinship carers, but I want to congratulate Aberdeenshire Council, because in my discussions with the council, there has been a recognition that kinship care is extremely important. The council has taken the view of the national guidance in relation to payments for kinship carers, which, it states, should be in accordance with the payments for foster carers. When I discussed the matter with the director of social work, he agreed and acknowledged that there was more to be done. He would welcome further debate on how we can move forward on the issue, and I am sure that the minister will take that on board by holding further discussions with the ADSW and COSLA with a view to securing what I believe was an agreement, through the concordat, to make progress on payments for kinship care and to achieve a degree of unanimity.

Let us put the child at the heart of the debate. Kinship carers provide care that is fundamental for the young children concerned. It is much better that children are with kinship carers rather than in foster or residential care, but it is disturbing to realise that more children will require such care. We should, however, look at what has been done, and I believe that the Government has made progress, as others have agreed.

We have the national advice and support centre, which supports our kinship carers and enables peer-group support as well. We have the centre of excellence for looked-after children, which is still in its infancy but which I believe will make good progress and will become a place to which kinship carers can turn for assistance with providing the devotion and care that the children who rely on them require.

Nanette Milne made an important point: the emotional and psychological needs of some of our most vulnerable children need to be considered properly, and we need to ensure that they are given the support that they need. That is a matter for our local authorities, through social work, for our health boards and for our third sector organisations. I hope that, when we think about

providing those services, we make sure that everything that can be done is done to ensure that a high priority is given to children in kinship care.

**Derek Mackay:** I assure the member that, contrary to what Jackie Baillie has been saying, in no sense has local government been told to ditch or drop any commitment with regard to kinship carers.

**The Deputy Presiding Officer:** You are in your last minute, Mr Robertson.

**Dennis Robertson:** Welfare reform will have a damaging effect on our kinship carers. Nanette Milne said that Westminster has taken the evidence from the Scottish Government and thinks that we have made a good case. What we require from the UK Government is a commitment to our kinship carers.

10:56

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** Kinship care should be of vital concern to this Parliament and to this Government, not least because the outcomes from kinship care placements are better than those from foster care.

It is quite clear that the First Minister's promise in 2007 to match the foster care allowance has not been fulfilled. That is undisputed. Although, by 2010, most councils had started to make some payment, a new postcode lottery has been established, and COSLA is now saying that the full payments cannot be made. As Joan McAlpine—we seem to be quoting her a lot today—said:

“Financial provision ... is often inadequate.”—[*Official Report, Education and Culture Committee*, 17 January 2012; c 634.]

The Government's response is, once again, to shrug off its responsibilities and blame local authorities and the UK Government. In other words, as usual, it is everybody else's fault. Meanwhile, there are 20,000 kinship carers providing care for some 15,000 children.

My biggest disappointment with Aileen Campbell's speech is that she seemed to refer only to children who are looked after formally, when there is a larger group of children who are looked after informally, whose needs we must address as well. Many have a background of neglect due to drugs and alcohol. As with other carers, we rely on the good will of kinship carers and their sense of family responsibility. Indeed, I would say that we are taking gross advantage of their good will.

I will describe to the chamber the history of one such carer. June Cotier is 78 years old. Her 19-year-old grandson still lives with her, as he has done, along with his sister, from an early age. Like many kinship carers, she received those two

children into her care without any warning. For many years, she received no support, training or advice. In particular, she received no advice about the likely damage to the children as a result of the loss of their parents.

Like other carers who have been discussed this morning, June had to give up work. She was not assessed—indeed, she was hidden—until she went to her general practitioner when she was having problems. She was, therefore, in the group of informal carers that I am talking about. The health visitor and the school must have known about her situation but, despite the report “Getting Our Priorities Right—Good Practice Guidance for Working With Children and Families Affected by Substance Misuse”, which was published in 2002, and the GIRFEC approach, which appeared in 2006, there is still no statutory duty on communication.

**Aileen Campbell:** I entirely take on board the issues that Richard Simpson raises. However, in my speech, I talked about the national parenting strategy and interventions that we can make early on in order to support kinship carers, who, as a group, say they that need more than just money and that they need support as well. That is why we have commissioned Children 1st to run an advice service and give support to kinship carers.

We realise that professionals need to communicate issues to one another, and we are making efforts to ensure that early intervention is effective.

**Dr Simpson:** I listened to the minister’s speech, which she has just repeated. It is not an either/or matter: the £10 million should have been delivered to match the money for foster carers.

Like many carers, June has no emergency plan and has never been offered respite. Kinship care is yet another area in which the Government bathes us all in warm words in order to create the mood music of a caring Scottish Government; for most kinship carers, the reality is a cold shower. In the spending review 2007, the Government promised a strategy and better support, including allowances and access to psychological and education services. The 2011 spending review does not mention kinship carers at all, and the carers strategy does not mention kinship carers.

What needs to be done? The GIRFEC requirement needs to be enshrined in law. COSLA and the Government should agree to fund allowances properly and fully. There should be new definitions to tackle the inappropriate divisions between formal and informal kinship carers, which should embrace both permanent and temporary placements. Every child placed in kinship care should be assessed, and every

kinship carer should be offered assessment and an emergency plan.

**The Deputy Presiding Officer:** Dr Simpson, you must conclude.

**Dr Simpson:** The issues around school meals, school uniforms and respite must also be resolved. Above all, the First Minister’s promise should be kept—and kept now.

11:01

**Chic Brodie (South Scotland) (SNP):** I welcome the debate. None of us would demur from the view that carers—not least those who care for dependent children—play a critical role, irrespective of the carer’s age or background. Despite the carping tone, I recognise and accept the integrity behind the motion.

I was not an MSP at the time, but I understand that, in 2007, there was an expression of sympathy with the view that the lot of kinship carers and others should be improved, and that, not long after, a positive announcement was made regarding the issue. No one can challenge the intent of the Government and SNP back benchers to support carers in general and kinship carers in particular, nor can we dispute the fact that the emotional experience of kinship carers is different from that of foster carers.

We believe that we are doing more to support kinship carers than was done previously. Do we want to do more? Of course. Investment has been and is being made to provide secure, long-term support for those carers. That security and support can best be exploited within the family and under the auspices of the Looked After Children (Scotland) Regulations 2009.

However, the debate, once again, highlights the fact that our desire to achieve our overall objectives—which, I believe, are shared by Labour members at least, if not by many from the other parties—is thwarted by a funding and welfare system over which we have little or no control. Others argue that we are not meeting our “commitment”, but Citizens Advice Scotland has confirmed that 30 of Scotland’s councils are offering kinship care payments. Labour will argue—it has already done so—that access to financial support seems to be a lottery. However, we argue—and will continue to do so—that sufficient resources have been included in the total financial settlement for local authorities, based on the estimates of the number of kinship carers that we believe there are. Nevertheless, as Jackie Baillie stated, lack of knowledge of demand might be a problem.

**Jackie Baillie:** Will the member give way?

**Chic Brodie:** No. I have only four minutes.

The harsh fact is that a key sector in and key contributors to our society are being impacted on because we, in Scotland, have to fight for funding against a UK welfare reform agenda that flies in the face of the kind of society that we—and, I believe, Jackie Baillie and her colleagues—want.

We are working hard to improve financial support for kinship carers. We are working with, and will continue to work with, local authorities to change the welfare reform agenda. We seek to change the benefits system so that we can support kinship carers meaningfully. We have launched initiatives such as the national advice and support service and the others that the minister referred to. As Mr Robertson said, we also launched the centre for excellence for looked-after children in Scotland to improve outcomes.

Finally, I say to Jackie Baillie and the Labour Party: remove the shrug and share what we on these benches wish to see—I believe that by and large members on the Labour benches wish to see it, too. We should recognise that those shared objectives and outcomes will be achieved only if we can exercise full control over all the objectives. I support the amendment in the minister's name.

11:05

**Nigel Don (Angus North and Mearns) (SNP):** This is a hugely important subject and—this is not a criticism of anybody—I am sorry that we have only four minutes each to discuss it. It means that it is difficult to have anything resembling a serious discussion but, characteristically, I will try.

Uncharacteristically, I point out to Labour members that they are perhaps not on the best ground, having spent a long time doing precisely nothing. This Government has made some progress. More important, we have recognised that the issue is currently in the hands of local authorities. The list of local authorities and the payments that they make is in front of me, and my understanding is that most of the councils that make the poorest payments are run by members of the Labour Party.

**Jackie Baillie:** Will the member take an intervention on that point?

**Nigel Don:** I will, but let me say first that I think that Labour members have the option of convincing their councils to have a go, given that others seem able to succeed.

**Jackie Baillie:** There are both SNP and Labour councils that are performing well on the issue and SNP and Labour councils that are performing not so well. It would be silly for Nigel Don to trade on that.

In the spirit of consensus and given that we believe that kinship care is so important, will Nigel

Don comment on why Mike Russell sold out kinship carers for smaller class sizes?

**Nigel Don:** The Minister for Local Government and Planning, who was leading a local council at the relevant time, has already refuted that point, and I do not think that I need to do anything more than stand by his comments. I merely make the point to Jackie Baillie that most of the worst councils seem to be somewhere near her party. I am sorry that—

**Jackie Baillie:** West Dunbartonshire Council—

**Nigel Don:** Jackie Baillie should just take the point. Labour members have some influence, and it would be helpful if they used it. I now want to make some progress.

I have time left only to reflect on what was said at the round-table discussion at the Education and Culture Committee a couple of weeks ago. As Alison Todd from Children 1st pointed out, the problems arise

“because the regulations and the legal system were not set up for kinship carers.”

Robert Swift subsequently commented:

“There is a complex interface between the benefits system and moneys that are provided by the local authority—one can impact on the other. The system is complicated.”

Mike Callaghan from COSLA said:

“Kinship carers have found that, once they receive allowances, other benefits have been taken off them.”—*[Official Report, Education and Culture Committee, 17 January 2012; c 611, 613 and 618.]*

Those three comments sum up the context for kinship carers' financial income. It is clearly very difficult for people to access the right sums of money. Obviously, it is also difficult for the local council to find its way through the system and provide a similar payment, other than by simply deciding that, regardless of a kinship carer's benefits situation, it will use its discretion to make payments up to the level of the foster care figure. That is what I think those councils are doing—I do not see any other mechanism. I commend that approach to councils because that is what they have to do, although it seems crazy to me that they are in that position.

We are back to where most of us started in this debate: it is down to councils to do their job, but they are working in a horrible position given to them by Government. Some control over that Government intervention would not half help. The UK Government is going to mess around—and will continue to mess around—with welfare benefits, so it will be better when we do the lot, rather than leaving it to the discretion of the local council to sort out the mess.

11:09

**Anne McTaggart (Glasgow) (Lab):** I begin by stating my appreciation for the role that kinship carers play in providing a safe and loving home for some of Scotland's most vulnerable children.

It is important to recognise that kinship carers take on responsibility for children who are the victims of circumstance and not of their own actions. We must also make it clear that kinship carers are often unaware that they will have to take on that responsibility. From my time as a care manager within social work, I am well aware of the situations in which kinship carers find themselves. There is often a knock at the door in the evening and a plea from social work explaining that if the prospective carers do not take responsibility for the child or children, they will end up in care. Although I have great admiration for the hard work of the care sector, there is no doubt that being doorstepped and being given an ultimatum such as "Take the kids or they go into care" fosters fear in the would-be carer. The usual result is of course that gran, granddad, aunt, uncle, friend or relative takes the children in.

**Dennis Robertson:** Will the member take an intervention?

**Anne McTaggart:** No—I have only four minutes.

If the carer has no supply of practical resources such as clothes or bedding, an already difficult situation becomes all the more challenging. We must increase support for the kinship carers who are quite literally left holding the babies, and we must finance and resource that accordingly. Adoptive parents and foster carers have a process by which they make themselves available to bring children into their lives and their homes. Foster carers build up the experience of having to take in children at short notice, as well as building up the much-needed clothes and other essentials. The difference is that they can afford to build such stocks over time because foster carers generally receive more financial support than do kinship carers.

We must also acknowledge the impact on the health of kinship carers from the stress of having extra mouths to feed and bodies to clothe. One of the most important points to be made is that problems can arise because many carers might be unaware of the process that they need to go through to claim what they are currently entitled to. So, in providing the much-needed increased funds to local authorities, we must also encourage the development of a system that is relatively easily to access. Too many kinship carers already suffer additional stresses; lengthy bureaucracy is the last thing they need, want or deserve.

I am truly humbled by the people I have met who have become kinship carers—the friends, neighbours and family members of vulnerable children. They make an invaluable difference to the lives of children across Scotland. It is only fair that the support that they deserve be made available to them. I hope that members will agree and support the motion in the name of Jackie Baillie.

11:13

**Mark McDonald (North East Scotland) (SNP):** No one in the chamber would argue that the current situation is perfect in any way. We accept that a lot remains to be done. I speak as a member of Aberdeen City Council, which is one of the local authorities that does not yet deliver 100 per cent equivalence with foster carers. We have expressed an aspiration to achieve that, but I readily accept that we are not yet at that stage, and I accept what Jackie Baillie has contended: performance is mixed in Scotland's local authorities.

However, it is the case that the four poorest-performing local authorities in terms of the amount that they pay are controlled by Jackie Baillie's party. If she is going to come here and make some sort of virtue of her and the Labour Party's concern for kinship carers, she should also speak to the leaders of South Lanarkshire Council, Glasgow City Council, Falkirk Council and East Dunbartonshire Council, which are all paying £40 or less to their kinship carers.

**Jenny Marra (North East Scotland) (Lab):** Will the member take an intervention?

**Mark McDonald:** I am not going to take Ms Marra's intervention. I have only four minutes to get through what I want to say.

It is not an excuse or a deflection to make the point that there are degrees of accountability and responsibility on the issue. Degrees of responsibility and accountability are held at UK level, at Scottish Government level and at local government level.

It is stretching the limits of credibility—Jackie Baillie is well used to doing that—to suggest that Mike Russell's memo somehow says, "Job done. Now forget about it." It says no such thing. Jackie Baillie might want to put that spin on it, but that is not what the letter says in any way, shape or form.

SNP members are often told that we attach too many strings to the funding that we give local authorities and that we put too many handcuffs on local government, but we are also told in relation to issues such as kinship care and the funding that is given to COSLA that we give local authorities

too much freedom to decide their priorities. A little bit of consistency on that would go a long way.

The minster has rightly argued that, although the payments issue is important—I do not seek to detract from that in any way, shape or form—it is not the only aspect of the kinship care agenda. One key thing that the Government did when it took power in 2007 was give kinship carers the recognition that they previously lacked, which opened up other support mechanisms for them. For example, the kinds of advice and support that were readily given to foster carers or unpaid carers but were not available to the same extent for kinship carers are now available through organisations such as Children 1st and the citizens advice bureaux.

I reiterate that I do not think that any member would stand up and argue that it is mission accomplished in the kinship care agenda. That matter has been raised previously in this session. I think that Michael Matheson pointed out during the carers strategy debate that we agree that kinship care still requires a deal of work to be done.

In concluding, I simply pose two questions. First, has a lot been done? Yes, it has. Secondly, is there more to be done? Yes, there is. We all have a role to play in that, and I hope that we will play our roles constructively and consensually.

**The Deputy Presiding Officer:** I thank members for being very disciplined with their speaking times in the debate. That allows a couple of minutes for the front benchers to take short interventions, if they desire to do so.

11:17

**Nanette Milne:** As the debate has progressed, it has become clear that there is a degree of consensus in the chamber on this important issue. I think that we all recognise that kinship carers provide an invaluable service to this country and that, without them, our whole system would likely collapse. The objectives are shared.

As I said in my opening speech, and as Mark McDonald illustrated, progress has been made, but there is still a lot to be done. It has come out now and again in the debate that there is a risk of the blame game being played: that people will blame local authorities and that Westminster will be blamed. We know that there are issues; indeed, there have been issues with the benefits system, particularly with regard to kinship carers, for a long time and not just under the coalition Government. There have been issues with it for many Governments over many years. Labour started to look at the benefits system and at what could be done when it was in government, but the coalition Government has really taken the bull by the horns. I know that a lot of what it has proposed

has been controversial, but Dennis Robertson should perhaps have a little more faith in Iain Duncan Smith and the coalition Government, which is genuinely listening. The point has been made to me quite forcefully that the coalition Government has really taken on board what Scotland has said about kinship care problems as a very good case. I accept that we must wait and see, and that we have not been given the pudding to eat yet, but we should watch this space instead of outrightly condemning what is going on in London, as the SNP has tended to do.

**Mark McDonald:** Does Nanette Milne accept that the concerns are being expressed not only by the Government, but by a number of organisations and charities that work with care groups and individuals who receive care?

**Nanette Milne:** I have heard a lot of the arguments. Of course there has been a huge number of arguments, and the issue has been controversial. I am not a member of the Health and Sport Committee, which has taken evidence on the matter, but I have seen some of the papers, and it is clear that the issue has been controversial. However, we are not yet there with the legislation, and I foresee changes.

We have heard some thoughtful speeches. I say to Dennis Robertson that we should give the UK Government time to deal with the evidence that it has taken from Scotland and come up with its decisions. Richard Simpson stressed that the biggest group of looked-after children is informally cared-for children. He movingly described the experiences of his constituent June, who typifies a lot of what kinship carers tell us—that they do not get support, advice or training, that they have to give up work because they do not earn enough money to keep them going, that they have no respite, that there is no plan for them when things go wrong or when they become ill, and that they do not know where to turn for help.

Nigel Don always makes a thoughtful contribution—

**Jim Eadie (Edinburgh Southern) (SNP):** Hear, hear. [*Laughter.*]

**Nanette Milne:** I have to say that, as he works in my region. He made some interesting points.

I see that I have already had four minutes and I have not said very much. I will have to wind up because I know that we are short of time.

It has been an interesting debate. It was not as controversial as I feared it was going to be at the outset. I hope that kinship carers will get what they deserve without a lot of political point scoring in the process.

11:21

**The Minister for Local Government and Planning (Derek Mackay):** I hope to continue the consensus, but I must set the record straight on a number of issues.

I begin by saying that I am dealing with a kinship care case as a constituency member, and I completely appreciate and value the contribution that kinship carers make. They save many children from the far worse circumstances that they would otherwise face. The Parliament is united in supporting kinship carers in every way we can.

In that regard, I turn to Nanette Milne, who said that the issue is about more than money. It is about support services and the range of support that is given to kinship carers, and not just about how much is received through the kinship care payment. Anyone who suggests that that is the only issue that kinship carers are interested in is well wide of the mark. We have to consider the issue in the round and look at the expansion of services and support that the Government has supported, including the national advice line and support services and a number of other measures that have been taken locally to support kinship carers.

On our approach to the UK Government, Nanette Milne said that we should give it more time. The regulations and legislation were put in place by the SNP Government, but it has taken five years for successive UK Governments to recognise that the SNP is putting an impressive case on carers.

Carers have waited long enough for welfare change that ensures that the payments that local councils make to them are not simply taken away on the other side through benefits clawback. Some progress has been made on some benefits, but there will still be difficulties because some kinship care payments that are made in some family circumstances will continue to be clawed back by the UK state. We should ask ourselves why we would let that be so. Why should we contribute to carers to help them to do what they do, only for the Tory Government to benefit from that compassionate contribution, which this Parliament supports? That is why five years is too long. We want the powers in this Parliament to deliver in full our compassionate policies. This is not about constitutional wrangling; it is about delivering for carers in an integrated and holistic way in this country.

Everyone has recognised that budgets for support to carers have not been slashed but have been increased, but demand for services for looked-after children—and for all children in need—has reached concerning levels, so we must

continue to take an approach that ensures that we address the source of the problem. We can argue about the £10 million that was put into the local government settlement. It has not, at the request of local government, been for future years.

Let us talk about the £270 million on preventative spend that this Administration is delivering in partnership with local government to address the agenda of early intervention.

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

**Derek Mackay:** Jackie Baillie denied me twice. I will reciprocate on this occasion. On appreciation of kinship carers, she misquoted—

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

**Derek Mackay:** I will not, thank you. Jackie Baillie misrepresented the views that were expressed to COSLA by the minister. She also misrepresented Joan McAlpine, who said about kinship carers that the Government had achieved progress, and that further devolution of welfare powers to Scotland would also make a difference—yet more misrepresentations and misquotation from the Opposition.

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

**Derek Mackay:** No, I will not.

The Opposition either believes in local democracy—

**Jackie Baillie:** On a point of order, Presiding Officer. It would be useful to reflect that the quotation was taken from the *Official Report*.

**The Deputy Presiding Officer:** Thank you. That was a point of information.

**Derek Mackay:** I am happier to accept Joan McAlpine's version of what she said than Jackie Baillie's.

Jackie Baillie said that the Labour Party is a party of its word and that it will do what it says. I checked the Labour Party manifesto for last year's Scottish Parliament election for what it said about kinship carers. It said nothing of substance on the issue of kinship care and what the Labour Party would do. Jackie Baillie is probably right, therefore: Labour would be true to its word.

Shadow minister Neil Bibby will sum up the debate. Will he remind Parliament that when he was in Renfrewshire Council he voted against the introduction of kinship care payments when it was proposed by the SNP, and continued to do so?

Yesterday, in the budget debate, what did we hear from the Labour Party on such a serious issue? Not a word—not a penny towards kinship carers from the Labour Party and no amendments

forthcoming to ensure that if payments were to be increased Labour would deliver. Labour either believes in local democracy or it does not. Mark McDonald is right. If Labour believed in local democracy and the importance of kinship care payments it would have to explain why the four worst authorities for kinship care payments are led by Labour.

**Jenny Marra:** Will the minister accept that those Labour councils are in the most deprived areas of the country, which is why payments are squeezed? Those councils are funding the SNP's council tax freeze.

**Derek Mackay:** Oh. I see. That would be the council tax freeze that the Labour Party said it would continue for two years if it won the Scottish Parliament election.

Of course, local government has a greater share of Scottish Government funding than the share that was inherited from the Labour Party when we came into office. The Labour Party wants to face both ways on the issue. Where it is in control, it will not deliver. That has been the pattern. Elected members in the Labour group who are also councillors will say, quite happily, when they are back at their councils, "The Government shouldn't tie the hands of local authorities in the financial settlement." When Neil Bibby is in Renfrewshire Council, he says, "Don't tie our hands. Don't ring fence funds", and when he is in Parliament he says, "Do tie councils' hands. Do ring fence funds." Such is the hypocrisy of the Labour Party's contribution.

This is a serious issue. We will continue to listen on carers' interests—on their financial and social position and their position with regard to their welfare benefits—and we will continue to invest in front-line social work services to ensure that the children of Scotland are cared for. Labour indulges in petty party politicking; we are delivering, and we have made far more progress on kinship care payments than the Labour Party could have dreamed of delivering, which is why I have been happy to set the record straight today.

11:29

**Neil Bibby (West Scotland) (Lab):** Like other members, I start by paying tribute to the family members—mostly grandparents—who care for thousands of children in Scotland. When parents have difficulty caring for children, for whatever reason, family members often step in to provide a stable and loving home for children. As a nation, we owe those carers a debt of gratitude.

This has been a wide-ranging and robust debate, and members have rightly raised concerns about the lack of support for children in kinship care. Although some progress has been made,

Scottish Labour secured the debate because of those concerns and because the Scottish Parliament and the Scottish Government owe children who are looked after by family members the same financial support as children in foster care.

In the debate on looked-after children, there was consensus in the chamber and we had a constructive and positive debate on how we must help some of society's vulnerable children. However, in the space of two weeks, we have gone from unity on looking after those children to debating why we are not doing enough for children in kinship care. Ministers and SNP back-benchers have continually tried to bring this debate back to the question of what the UK Government has or has not done, but Labour's motion is about a specific commitment and promise that the SNP made but has not delivered. It is simply not good enough for the SNP to pass the buck and blame Westminster and local authorities—especially when the power to help kinship carers lies with the Scottish Parliament, and particularly given that carers were sold out in 2009

"In return"—

as a letter from SNP councillor Isabel Hutton reiterates—

"for Councils agreement to a specific and enhanced commitment to reduce class sizes".

As for ministers passing the buck and playing the blame game, the Minister for Children and Young People said that she will attend a kinship care conference on Monday. She should try to pass the buck and play the blame game there and see what response she gets from the kinship carers whom this Government has simply let down.

We are raising these concerns because many of the children will be cared for by grandparents and will have experienced many difficulties in their short lives. According to the charity Who Cares? 24 per cent will have lived with abuse, neglect and violence; some will have been deserted by their parents, often because of drug or alcohol abuse; and 10 per cent go to grandparents after the death of a parent, which is often—again—because of substance abuse. The ADSW suggests that the number of children who require care has increased in every year since 2001 because of parental substance abuse. Who is providing the solution? It is the forgotten army of grandparents and other family members who step in to look after and help the most vulnerable members of their families.

As members have pointed out, kinship care has a number of advantages. For example, children are able to live in a stable environment with people whom they know, love and trust, and might even,

where appropriate, be able to stay in touch with their parents. They can also stay at the same school and feel less stigmatised.

**Sandra White:** Does Neil Bibby agree that, regardless of any allowances that they receive, kinship carers ought to be entitled to child benefit and child tax credit?

**Neil Bibby:** We on this side of the chamber are concerned by the Conservative-led Westminster Government's welfare reforms, but the motion that we are debating is about the specific promise that the SNP made in 2007 and which has not been kept.

We know the benefits of kinship care and the important factors for a child's emotional and physical wellbeing, which include building their resilience, aiding their educational achievement and helping them to contribute to society. The thousands of children in Scotland who are being cared for by family members do not have to be found suitable homes by local authorities and, as a number of members have pointed out, their life chances are likely to be better than if they were cared for by the state. For those thousands of children, family members have changed their own lives and plans to ensure that their grandchild, nephew, niece or other relation has a better life.

The love and attention that families give cannot be costed, but Demos has reported that children in stable care situations cost society an average of £32,000 less per year than children who are in less stable placements or who shuttle between parental and foster care. There can be few better examples of preventative spend than spending on support for such families.

**Aileen Campbell:** Will Mr Bibby elaborate on my colleague Derek Mackay's comment that, as a Renfrewshire councillor, he voted against kinship care payments? Why are the kinship carers in Renfrewshire not worthy of that additional support?

**Neil Bibby:** I cannot say that I supported every one of Derek Mackay's budgets, which cut around £400 million from services in Renfrewshire. There were budget lines in other areas that I could not support; I will not go into them today, but I will be happy to do so on another occasion.

Many members have rightly raised concerns about the variations among local authorities. That is undeniable—many members have said it, the ADSW has said it, children's charities have said it and it was backed up by evidence that the Education and Culture Committee heard last week. The poverty truth commission, which is supported by the Church of Scotland, has considered kinship care. It has called for an end to

"discrimination based on the legal status or postcode of the kinship carer"

and asked for all policies to be

"centred on the needs of the child and not the carer".

The commission makes a number of important recommendations that we must consider in more detail, including a call for payments for kinship carers to equal those for foster care.

Labour members have asked the Scottish Government what it is doing for children who are in kinship care. On 27 September 2007, the First Minister committed to providing £10 million to fund financial support that is equivalent to that which is paid to foster parents. Successive SNP ministers have made further commitments that the promise would be met, via the concordat with local government, by 2011 at the latest. However, that is still not happening.

The Minister for Children and Young People said a lot of words about supporting children, but from what she said I am not sure whether she has dropped that commitment and is now not promising to deliver what her predecessors promised would be delivered. I would welcome an intervention on that. None is coming, so it is clear that the policy has been dropped.

**Aileen Campbell:** We are working with local government to ensure that kinship carers are given the support that they need. Kinship carers want additional support. They want guidance and they need help and signposting to the benefits that are available to them. We will make a robust case to the UK Government to ensure that the welfare system properly helps kinship carers in Scotland.

**Neil Bibby:** We have still not got a commitment from the SNP Government. We have heard that we need more time, but the SNP Government has had five years to deliver on the commitment. Derek Mackay said that, in a couple of years, we will have an independence referendum, so we just have to wait another three years. In fact, the issue could be sorted out in three months if the Government put the money in its budget.

In correspondence with us this week, the Church of Scotland suggested that budget decisions are moral decisions. In 2007, the Government promised aid to kinship carers, who are often elderly people who make sacrifices to help children. They are not looking for massive sums, but simply for equality of treatment. What does it say about the SNP Scottish Government that it has not delivered on that promise? In London this week, the First Minister stated that Scotland is "a progressive beacon" for the rest of the UK, but that is clearly not the case on kinship care. Kinship carers, who are often grandparents and who look after our most vulnerable children with love and devotion, had their hopes raised by

the SNP Government, but it has not delivered on its promises.

I recently heard a statement that I want to share with members, because we should listen to it:

“discrimination should have no place in Scotland in 2012. There is a responsibility on politicians to tackle the issue, to recognise the injustices and, I hope, to start to sort them out. I am by no means suggesting that you have a magic wand. Nevertheless, the starting point is December 2007, when the Parliament agreed an approach and the local authorities signed up to it. Does that mean anything? It certainly never materialised. In fact, the discrimination and the postcode lottery are more entrenched. I hope that you can recognise that and give justice to these kids.”—[*Official Report, Education and Culture Committee*, 17 January 2012; c 633.]

Those are not my words, but the words of Tommy McFall—a grandfather who gave evidence on kinship care to the Education and Culture Committee just last week.

Children need kinship carers, as does society. Carers must be properly supported and treated with respect, equality and justice. That is why Labour calls on the Scottish Government to do the right thing and to heed what kinship carers, the poverty truth commission and the churches are calling for by providing equal support for care of equal value. Ministers can and should act to end an injustice. If members want to support kinship carers and the thousands of children whom they look after, they should support the motion in Jackie Baillie’s name.

## Scottish Executive Question Time

### General Questions

11:39

#### Unemployment (Glasgow Provan)

**1. Paul Martin (Glasgow Provan) (Lab):** To ask the Scottish Executive what action it has taken recently to tackle unemployment in Glasgow Provan. (S4O-00599)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Glasgow Provan is benefiting significantly from a range of measures in the Government’s economic strategy, including the introduction of 25,000 modern apprenticeships and the Government’s opportunities for all programme. In addition, Glasgow Provan is benefiting significantly from the £8.2 million of European funding that has been awarded to the Glasgow community planning partnership between June 2011 and 2013 to support local employability activity. Glasgow has also benefited from a range of other funds to support work on school-leaver destinations and other Scotland-wide initiatives.

**Paul Martin:** I refer the minister to the opportunities for all scheme, to which he referred in his answer. It offers a learning or training place to all 16 to 19-year-olds who are not already in work. I recently met a young constituent who is 17 years old, is not in employment and has been unable to access a learning or training place. What advice would the minister give to that young constituent and what action should he take?

**John Swinney:** The Government has made a commitment to deliver that support to all young people who are affected by lack of employment. We have said that every individual will have access to a training or education opportunity.

If there are particular issues with the access that Paul Martin’s constituent has had to any of the advisory services that are available through Skills Development Scotland, the Minister for Youth Employment or I would be delighted to receive details from Mr Martin and will address the issues to ensure that the young person in question is given the proper and full advice to realise the opportunities.

#### National Health Service Boards (2011-12 Financial Outturn)

**2. David McLetchie (Lothian) (Con):** To ask the Scottish Executive whether it expects the 2011-12 financial outturn of NHS boards to

demonstrate that they have operated within their budget allocation. (S4O-00600)

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** All NHS Scotland boards are forecasting that they will achieve all their financial targets in 2011-12. Those include operating within their revenue and capital resource limits and meeting their cash requirement.

**David McLetchie:** I am sure that the cabinet secretary is aware of the concerns that were raised about the ability of NHS boards to achieve that. I am also sure that the boards will raise with her on a number of occasions the increasing cost of drugs, which will be a significant budgetary pressure for them. Will she advise me what discussions she has had with her colleagues in the Department of Health in her Majesty's Government on drugs procurement? Is she satisfied that the national health service, north and south of the border, is getting out of the pharmaceutical companies the best deal that it can get on drugs supply?

**Nicola Sturgeon:** I assure David McLetchie that we have regular discussions with officials in the Department of Health about exactly those issues.

One of the good examples of how this Government continues to co-operate with United Kingdom colleagues—notwithstanding the fact that we are, in effect, independent when it comes to running the national health service—is procurement of drugs. For example, the vaccine for the recent swine flu outbreak was procured on a UK basis, because we recognise that we tend to get better deals by doing that.

There are continuing discussions about how we get value for money from the pharmaceutical industry while ensuring that patients get access to the best drugs and to new and innovative drugs. Those discussions take place regularly.

**Jackie Baillie (Dumbarton) (Lab):** Will the Scottish Ambulance Service be provided with additional money in this financial year to implement the recently agreed deal on rest breaks, or will it have to operate within existing budgets?

**Nicola Sturgeon:** I covered that point pretty squarely in my statement last week. I said that, this financial year, additional funds would be allocated to the Scottish Ambulance Service to assist it with, for example, the procurement of software that it needs to re-roster shift patterns to accommodate the arrangements that we put in place.

I also drew attention to the longer-term arrangements, which—as I said last week—will lead to the employment of around 150 additional

ambulance staff. That represents a continuing financial commitment of £5 million a year over and above the allocation that the Scottish Ambulance Service has had.

We will work with the Scottish Ambulance Service to ensure that it makes the changes as efficiently as possible, but I made it clear last week that implementing the arrangements will require additional support from the Scottish Government.

### Insulin Pumps

**3. Hugh Henry (Renfrewshire South) (Lab):** To ask the Scottish Executive when the Minister for Public Health will next meet the insulin pump awareness group Scotland to discuss the provision of insulin pumps. (S4O-00601)

**The Minister for Public Health (Michael Matheson):** I expect to meet representatives from the insulin pump awareness group Scotland and my colleague Humza Yousaf on 2 February.

**Hugh Henry:** I am sure that the group looks forward to that.

Nicola Sturgeon recently announced a target of 2,000 people in Scotland using insulin pumps by 2014. What is the Scottish Government doing to ensure equality of pump provision across Scotland, given that pump provision by NHS Greater Glasgow and Clyde falls way below the recommendation in guidelines?

**Michael Matheson:** We recognise the clinical benefits that patients can receive from the provision of insulin pumps. In the past four years, progress has been made to increase the number of insulin pumps that are available. However, I acknowledge the concern that Hugh Henry raises about the inequity of distribution across health boards.

I will correct Hugh Henry: the cabinet secretary announced that by 2013—not 2014—we want to increase to 25 per cent the proportion of young sufferers who have access to insulin pumps, alongside an overall increase in insulin pump provision for people in other age groups. We are working on how we can ensure that boards make good progress in taking forward pump provision. In the next couple of weeks, I hope to announce how that will be progressed locally in health board areas.

**David Stewart (Highlands and Islands) (Lab):** The minister knows of my interest in the subject as a co-convener of the cross-party group on diabetes. Further to Hugh Henry's point, I am concerned about provision of insulin pumps for young people; the minister will know that the level is at zero in some health board areas. What will he do to ensure that young people have equality?

**Michael Matheson:** As I said in response to Hugh Henry, we are taking forward a range of work to put in place measures to allow the more equitable provision of insulin pumps across health boards. One aspect of the work that we intend to pursue will be to look at where boards are and at what further progress needs to be made in the next two years to achieve the target that the cabinet secretary has set. In the next couple of weeks, I hope to provide members with further details on how we expect health boards to take forward provision.

### **National Housing Trust**

#### **4. Alex Johnstone (North East Scotland)**

**(Con):** To ask the Scottish Executive how many homes will be constructed under phase 1 of the national housing trust initiative. (S4O-00602)

**The Minister for Housing and Transport (Keith Brown):** Contracts for 614 homes have been signed under phase 1 of the national housing trust initiative and a further deal is being pursued. The first 16 homes are already complete in Stirling and have been let to tenants.

**Alex Johnstone:** Under phase 1, only 12 local authorities moved forward. Five dropped out, which left only seven in place. The minister originally projected the construction of 1,025 homes, which appears to have been ambitious. Given that the figures show clearly that phase 1 was unattractive to the vast majority of councils and private developers, what evidence can he offer to suggest that phase 2 will not be a similar embarrassment?

**Keith Brown:** The first piece of evidence is that more than half of Scottish councils have expressed an interest in going forward to phase 2. There is also the fact that the 600-plus houses that are being built under phase 1 are supporting about 1,000 jobs. As John Swinney said yesterday, for an investment of about £2 million by the Scottish Government, more than £100 million has been spent in the construction industry. That seems to be a productive use of Scottish Government resources. Given councils' interest in phase 2, the initiative is likely to grow in the future.

#### **Elaine Smith (Coatbridge and Chryston)**

**(Lab):** Is the minister aware that in North Lanarkshire in March 2011, more than 17,000 households were on the waiting list for a council house and that 472 households were living in temporary accommodation? Given the scale of the housing shortage, how does the Scottish Government intend to help local authorities to meet the Government's 2012 commitment on homelessness?

**Keith Brown:** We are making a great deal of progress on homelessness. I think that seven

authorities have reached the 2012 target and that many others are close behind. We intend to push forward with that.

There is no doubt that there are affordable housing supply issues. Of course, the Labour Party's track record locally and nationally on building council houses shows why we face some of the problems that we face.

We have committed to building 5,000 new council houses in the next five years. That is starting to help to alleviate some of the problems and we will continue to build those houses. We will also continue to build affordable housing and affordable social housing, which will total about 30,000 homes over the next five years. That will certainly help to deal with the situation that Elaine Smith describes.

**Colin Keir (Edinburgh Western) (SNP):** As a large proportion of the phase 1 homes will be built in Edinburgh, how many construction jobs will the phase 1 initiative support in that city and across Scotland?

**Keith Brown:** As I have given the figures for the entire project—around 1,000 jobs will be supported—I will be happy to provide Colin Keir with the detailed figures for Edinburgh. I will also provide any other members who are interested with figures for the councils that are involved in the scheme in their areas. Against the background of a £1.3 billion cut in our budget, we must find other ways of ensuring that we provide those houses. The scheme offers an innovative way of doing that, and it is providing real houses for people who are now starting to use them, which must be a good thing.

#### **Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):**

Although I accept that some people in my constituency will benefit from mid-market rents under the national housing trust scheme, will the minister accept that the drive towards mid-market rents through the trust, which is caused by declining subsidies to housing associations, cannot be a substitute for social rented housing if councils are to have any chance of meeting their homelessness obligations at the end of this year?

**Keith Brown:** It is worth pointing out that many of the houses that are built under the national housing trust initiative will have rents that will be set well below housing benefit levels, which will be available to people on lower incomes. However, it is true that we must do more on social rented housing.

I have mentioned some of the constraints that we face, such as a £1.3 billion cut this year, and a 32 per cent cut over the next three years. As was mentioned in the debates earlier this morning, it is useful to keep that context in mind in considering what the Government is able to do. Against that

background, I think that 30,000 affordable houses over a five-year period, including 5,000 council houses, is a pretty good start.

### **Scottish Agricultural Wages Board**

**5. John Wilson (Central Scotland) (SNP):** I declare my membership of the trade union Unite.

To ask the Scottish Executive when the next review of the Scottish Agricultural Wages Board will take place. (S4O-00603)

**The Cabinet Secretary for Rural Affairs and the Environment (Richard Lochhead):** I plan to review the Scottish Agricultural Wages Board again in 2013.

**John Wilson:** As the cabinet secretary is aware, the Agricultural Wages Board in Scotland has historically benefited those in the agricultural sector and related industries by ensuring not only that wages and conditions keep pace with the national minimum wage, but that they have consistently been better, particularly for those under the age of 22. I seek an assurance from the cabinet secretary that the Scottish Agricultural Wages Board will be retained and that there will be developments that bring wages for agricultural workers in line with those proposed by the Scottish living wage campaign.

**Richard Lochhead:** Clearly, I cannot pre-empt the 2013 review, but I recognise that John Wilson has a good track record on speaking up for the role of the Scottish Agricultural Wages Board, which provides safeguards relating to the particular circumstances of agricultural workers in Scotland. The board also provides a useful forum for negotiations in an industry that is particularly fragmented. I have no doubt that John Wilson will make his views known at the time of the review.

**Hugh Henry (Renfrewshire South) (Lab):** I note what the cabinet secretary says about not pre-empting the review, but will he confirm that there is nothing to prevent him from saying now in response to John Wilson's question that the board will continue?

**Richard Lochhead:** Nothing, apart from our manifesto commitment to review the future of the board in 2013, which I will stick to. We will listen to views from all parties in the chamber when we come to the next review of the board in 2013.

### **Khalil Rasjed Dale**

**6. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Executive what representations it has made to the relevant authorities regarding the kidnap of former Dumfries resident Khalil Rasjed Dale in Pakistan on 5 January 2012. (S4O-00604)

**The Cabinet Secretary for Justice (Kenny MacAskill):** We have spoken several times with the Foreign and Commonwealth Office in London regarding Mr Dale. Our thoughts are with Mr Dale's family, and we urge those involved to release Mr Dale and return him to his family as soon as possible.

**Elaine Murray:** I thank the cabinet secretary very much for his answer, because there was a flurry of media activity after Mr Dale was captured three weeks ago, but no information has been publicly available since then. His friends in Dumfries and Galloway are understandably extremely concerned.

I have been told that the Foreign and Commonwealth Office does not believe that it is in Mr Dale's interest to release information at the moment. I can only ask whether the cabinet secretary can reassure Mr Dale's friends that he will continue to do what it is in his power to do to ensure that Mr Dale is not forgotten and—I hope—to secure his release.

**Kenny MacAskill:** I can give Elaine Murray and her constituents—Mr Dale's family and friends—that assurance. My colleague the Cabinet Secretary for Culture and External Affairs spoke to the Foreign and Commonwealth Office last week. These are deeply sensitive matters, and the FCO, those on the ground in Pakistan and the International Committee of the Red Cross are involved. I can assure Elaine Murray that all those involved have experience and a track record, and that those on site are doing what they can, but I appreciate the strain on the family.

### **Court Closures (Consultation)**

**7. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Executive what recent discussions it has had with the Scottish Court Service in relation to plans to consult on the closure of courts. (S4O-00605)

**The Cabinet Secretary for Justice (Kenny MacAskill):** Any proposals for the closure of court locations would be for the Scottish Court Service in the first instance and would be subject to public consultation and, ultimately, parliamentary approval. No decisions have been made at this stage.

Through the making justice work programme, the Scottish Government has had recent discussions with the Scottish Court Service regarding future court structures. I met Eric McQueen, the executive director for field services, on 15 December, to be briefed on the court service's initial review of the options for future court structures. In addition, Scottish Government officials sit on the future court structures project board, which met most recently on 14 December.

**Claire Baker:** Does the cabinet secretary share the concern of my constituents in Fife that although the Scottish Court Service says that it currently has no plans for court closures it is pursuing options to reduce the number of courts, and Cupar sheriff court and Kirkcaldy justice of the peace court have been identified for potential closure?

Does the cabinet secretary accept that budget cuts of 20 per cent and a significant cut in capital budget for the Court Service are driving such decisions? Will he rule out the widespread closure, as a consequence of the Scottish Government's cuts, of a local network of courts throughout Scotland, which not only play a vital role in delivering justice in the communities that they serve, but provide crucial support for witnesses to and victims of crime?

**Kenny MacAskill:** The Lord President confirmed in his evidence to the Justice Committee on 1 November that consideration of the issue is at "the very early stages". He went on to say:

"Implementation is some distance down the line."—  
[*Official Report, Justice Committee*, 1 November 2011; c 391.]

No final decisions on closures of sheriff and justice of the peace courts could be taken without local consultation and, ultimately, the Parliament's approval. We should take the Lord President, who is our most senior judge, at his word. We should accept that all matters are being looked at, given the financial difficulties in the service and indeed in every organisation north of the border because of the cuts from south of the border. Some people down south might see fit to ignore the advice of the Lord President, but elected representatives here should take our most senior judge's word—if not necessarily as gospel—as having been given honestly and truthfully.

**The Presiding Officer (Tricia Marwick):** Before we come to question 8, I note that Mr Harvie has only just come into the chamber. It is a matter of courtesy to the Parliament and its members that members asking questions be here from the beginning of question time.

### **Money Laundering (Land and Property Transactions)**

**8. Patrick Harvie (Glasgow) (Green):** Presiding Officer, I apologise for coming into the chamber late.

To ask the Scottish Executive what action it is taking to prevent land and property transactions being used for the purpose of laundering money and other criminal activities. (S4O-00606)

**The Cabinet Secretary for Justice (Kenny MacAskill):** The Scottish police service will bring charges against any individual, company or organisation that is involved in laundering money and will actively target the assets of criminals and criminal organisations who engage in serious and organised crime in Scotland.

The Scottish money laundering unit, which is based in the Scottish Crime and Drug Enforcement Agency, is responsible for conducting money laundering investigations. The SMLU is the single point of contact for the Scottish police service in the administration of suspicious activity reports, which are disclosed by financial institutions, accountants, lawyers and other members of the regulated sector.

Mr Harvie will be aware that we have brought forward proposals to strengthen the law in relation to land and property fraud through the Land Registration etc (Scotland) Bill, which will create an offence of intentionally or recklessly making a false or misleading statement to the keeper of the Registers of Scotland or intentionally or recklessly failing to supply material information.

**Patrick Harvie:** The cabinet secretary will be aware that current rules on land registration do not require the registration of the true or beneficial ownership of land. Will he have a discussion with the minister with responsibility for the Land Registration etc (Scotland) Bill, to ascertain what changes can be made to the bill before stage 3 to ensure that we close loopholes that currently exist, in relation to criminal activity and the use of off-shore tax havens?

**Kenny MacAskill:** I am more than happy to have such a discussion. Work is going on in the Minister for Energy, Enterprise and Tourism's department with regard to the remit of the bill. In my department, the serious organised crime taskforce and others are looking at the issue. The matter causes us concern and I agree with the member that action must be taken. I give an assurance that the Administration will, with the forces of law enforcement and Registers of Scotland, ensure that wherever possible we minimise the possibility of people being involved in criminality or fraud.

## First Minister's Question Time

12:00

### Engagements

**1. Johann Lamont (Glasgow Pollok) (Lab):** To ask the First Minister what engagements he has planned for the rest of the day. (S4F-00430)

**The First Minister (Alex Salmond):** Later today I will write to all the party leaders in the Parliament and Margo MacDonald inviting them to round-table discussions as we take forward Scotland's referendum consultation.

**Johann Lamont:** We always welcome a sinner who repents and someone who pays attention to others within the chamber. I am absolutely delighted with that news. I believe that it is in the interests of the people of Scotland that we undertake that task together.

This week, of course, the First Minister unveiled the question that he wishes to ask the Scottish people in the forthcoming referendum:

"Do you agree that Scotland should be an independent country?"—[*Official Report*, 25 January 2012; c 5603.]

**Members:** Yes.

**Johann Lamont:** Well, we know what you think. Can the First Minister tell members what he means by "an independent country"?

**Members:** Oh!

**The First Minister:** I mean a country that is free to make its own decisions, which stands on its own two feet financially, which operates in co-operation with other countries in the world and which is not, on major policy issues, subjected to a policy direction such as the current attack on people with disabilities; that policy is not supported by the Scottish population.

I suppose that by independence I mean the normal status of some 200 nations across the planet.

**Johann Lamont:** The attacks on the disabled are coming from the Tories; they are not doing that because they are English. The First Minister must understand that the choice in this country is not between the Tories and separation; there is another approach.

The First Minister conceded this week, significantly, that in his version of independence the Bank of England would be the lender of last resort. Does that mean that John Swinney will bring his budget to not only this chamber, but the Bank of England to ask how much he has permission to borrow, what his fiscal policies should be and how much he can spend? The First

Minister told us this week that he is an avowed Anglophile. Is he not taking that a bit too far?

**The First Minister:** I will take those points in turn. First, Johann Lamont's idea that we can somehow separate out the fact that, under the current constitution, Scotland not just sometimes but much of the time gets Governments that we do not vote for, is a great mistake. One of the great advantages of the right of self-determination and independence is that people get the Government that they vote for, not the Government that somebody else votes for.

I am not quite certain that monetary policy is Johann Lamont's best subject, but I heard her deputy leader say on the radio this morning that if Scotland had a monetary union and the Bank of England was the lender of last resort, Scotland would lose the ability to set interest rates. I have news for the Labour Party: politicians lost the ability to set interest rates on 6 May 1997, when Gordon Brown declared the Bank of England independent. It is that separation between monetary policy controlled by the monetary policy committee and the Bank of England, and fiscal policy controlled by the chancellor that perhaps Johann Lamont wants to catch up on.

Independence would mean that the Scottish finance secretary would be able to set our taxes and to govern our spending. For example, at the present moment he would be able to provide capital investment to revive the Scottish economy.

I am delighted with these questions because they are exactly the nub of the debate that will persuade people to vote for independence in the referendum.

**Johann Lamont:** I bow to the expertise of the ex-Royal Bank of Scotland economist, who of course was so wise and sensible that he wrote to Fred Goodwin to urge him to buy the bank that nearly broke the Royal Bank of Scotland. Perhaps some humility about our ability on the economy might be in order. The First Minister is telling us that he is content that the key decisions that will impact on people's mortgages, savings and pensions will be made by a foreign bank with no remit to look at Scotland's conditions and circumstances. Does he agree with his own chief economic adviser, Crawford Beveridge, that that is "not ideal"?

**The First Minister:** I am not sure that Fred Goodwin is the strongest suit of the Labour Party. After all, I did not make him Sir Fred Goodwin—that was Jack McConnell—nor did I have him as one of my economic advisers—that was Gordon Brown.

When Johann Lamont has had the chance to look at my answer to her second question, I think that she will see the answer to her third question.

The Chancellor of the Exchequer does not set interest rates any more—that has not happened since 1997, when the Bank of England was declared independent. It is quite interesting that the Labour Party was keener on independence for the Bank of England than it was on independence for its country of Scotland, but we will leave that to one side.

Such an arrangement is not uncommon in the world. There are some 67 countries that are in formal or informal monetary unions. That does not mean that they are not independent countries; it just means that they are in monetary unions. It has been suggested by some ex-Labour ministers such as Lord Myners that people in England might not wish to have that currency arrangement. Let us get it right. It is not possible to stop people using a tradeable currency—that was just a myth that was spread by the chancellor's advisers.

I will give a couple of good reasons why I think that any chancellor would accept the idea of a currency union between Scotland and England. The first is to do with oil and gas. Scotland would get the revenues from our geographical share of oil and gas but, in addition, oil and gas provide £30,000 million of support for the balance of payments and therefore to the sterling area. Secondly, Scotland has international exports worth £24 billion, including £4 billion of whisky exports. Given the huge support that Scotland gives the sterling area, I believe that any chancellor would be biting off our hands to come to such a sensible arrangement.

**Johann Lamont:** That comes to the nub of it—the First Minister hopes and believes that that will be the case, but it will not necessarily be so. The reality is that the people of this country want to have confidence in their pensions, their mortgages and their future.

We know that Alex Salmond thinks that he has the prescription for Scotland's ills—it is the same one that he has had for the past 40 years. In that time, the world has changed and we have changed. We have the euro, the rise of China, the devolution of Scotland and technological revolution, but in good times or bad, feast or famine, high days and holidays, he always has the same answer—separation.

Is the truth not that the Scottish National Party's push for separation, rather than being about people's savings, their mortgages or their pensions, is about the First Minister's blind faith that things will be better because he says so? Why is he prepared to take unnecessary risks with people's mortgages, their savings and their pensions in the midst of the worst global economic crisis since the 1930s? There is no good reason, because political separation will mean that we will

have less economic control to serve the people of this country.

**The First Minister:** I am glad that Labour is living up to the boast that it will argue a positive case for the union.

When it comes to who is aware of developments in the modern world, the nub of the issue is that, over the past few decades, the number of independent countries in the United Nations has grown from 50 to 200. If we are talking about the tide of history, I would have thought that the tide of history was moving towards the status of independence. Since the second world war, 50 of those countries have become independent from London and, you know what, not a single one of them has applied to get back under London control.

Scotland would emerge as an independent country with the sixth highest wealth per head of the Organisation for Economic Co-operation and Development countries. That, in itself, is not the argument for independence—the argument for independence is self-determination—but given that we would be the sixth most prosperous country in the developed world, most people in Scotland will have some degree of confidence in our ability not just to survive, but to prosper as a socially just, economically progressive society.

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

**2. Ruth Davidson (Glasgow) (Con):** To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-00417)

**The First Minister (Alex Salmond):** I wish the secretary of state a speedy recovery from his current ailment, and I hope to meet him next week to discuss the details of the Scottish Government's consultation, "Your Scotland, Your Referendum".

**Ruth Davidson:** Yesterday, the First Minister finally brought a little bit of clarity to some parts of the process of the referendum. Today, I hope that we can agree that we need slightly more clarity than we have just had on a number of substantive principles upon which the people of Scotland will vote.

The First Minister repeatedly asserts that he wants independence so that the Scottish Government can have all the economic levers at its disposal, yet he has just obfuscated when answering questions on that issue. He now maintains that he wants to keep the pound—that he wants to leave the United Kingdom but remain part of the United Kingdom currency union, which means that an independent Scotland will have its interest rates set by the Bank of England. Does he accept that when the bank sets interest rates it considers the whole of the United Kingdom, but that it would be unlikely to give Scotland a second

thought after independence, which would leave Scotland with less control?

**The First Minister:** If the Bank of England is so concerned for Scottish economic conditions, perhaps the Conservatives will turn their attention to the fact that, as far as I know, there is not one Scot on the monetary policy committee and only two employees in the whole of Scotland. The basis on which a monetary union is constructed is that we would have influence in the same way as is allowed by other monetary unions. We have no influence whatsoever at the present moment.

I bring Ruth Davidson back to the nub of the point. When the Labour Party, in government, decided on a policy of an independent monetary authority—a policy that was subsequently agreed to by the Conservatives—it gave away any ability of politicians to control interest rates. It has to be said that that has been a continuing trend across the developed world since that period. The idea that politicians in London control interest rates is now totally fallacious. There are many advantages for both Scotland and England in having a currency union. I point out that this is not a new idea. It has been in Scottish National Party documents for a considerable time.

**Ruth Davidson:** The First Minister thinks that he has answered one question, but I am not sure that it was entirely the one that I asked.

The First Minister has been telling media organisations—not just in this country but elsewhere—that the pound could be a transition currency, as was the case in Australia, when it became independent. If that is the First Minister's transition plan, what is his ultimate banknote of choice? Is it the euro, which is much loved by him and the SNP, or is he perhaps planning his own currency—the Salmond shilling?

The First Minister asserts that an independent Scotland would not be forced to join the euro as an accession country, although the weight of legal opinion states otherwise. He asserts that the Bank of England would act as a lender of last resort for Scotland, although it would be, for us, the bank of a foreign nation. On this vital issue, the First Minister is all over the place. He twists and turns according to his audience.

For almost 40 years, the First Minister has campaigned on independence, but he leaves dangerous uncertainty on the issues that matter. Is it not the truth that the First Minister has no plans to assume the full levers of financial power, because either of the options that are flitted between involve significant control by either Europe or London, with even less influence than we have now?

**The First Minister:** The bit about transition is what Ruth Davidson fixes on in her own mind, but

she is perfectly correct to say that Australia was part of the sterling area after it became an independent country. It is also perfectly correct for me to say that, in the world of 200 nations, 67 of them are in either currency unions or formal currency arrangements. That does not mean that they are not independent countries; what it means is that, in terms of economic policy, they have decided to enter a monetary union or a currency arrangement. I look forward to the Conservative Party touring those 67 countries and telling them that they are not really independent because they have decided that having a currency union is the best economic policy. The two positions that she states are totally fallacious.

Independence would give us control over our fiscal policy. It would allow us to set our spending and taxation priorities. For example, we might not wish to pursue the Conservatives' misguided attack on people in Scotland who have disabilities. We might decide that we want to make the Scottish economy more competitive in order to attract even more international investment. Above all, we would have the great advantage of having access to Scotland's natural resources, which, for the past 30 years, has been denied to us by successive Conservative and Labour Governments that have used the cash instead to bankroll successive Tory and Labour Chancellors of the Exchequer. Control over our taxation, our spending and Scotland's natural resources looks to me like an attractive, independent proposition for the people of Scotland.

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** Further to Mark McDonald's question of last week, does the First Minister have any updated information on the sister company to Sangs, Calanike, which is headquartered in Kirkintilloch, in my constituency?

**The First Minister:** The Minister for Energy, Enterprise and Tourism, Fergus Ewing, spoke to AIB Group (UK) last Thursday and will meet it next week to discuss the concerns that have been raised by Mr McDonald about both Sangs and Calanike. Mr Ewing has also discussed the situation with the administrator, Zolfo Cooper, to ensure that every avenue is being explored to keep the businesses operating. In all this, our chief and abiding concern, which we share with the constituency members who have expressed concern, is to keep jobs and businesses in these challenging economic times.

### Cabinet (Meetings)

**3. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-00419)

**The First Minister (Alex Salmond):** At the next meeting of the Cabinet, we will discuss issues of importance to the people of Scotland.

**Willie Rennie:** The First Minister published his budget in September. Since then, the United Kingdom Government has changed its plans and added extra money to the Scottish block. Since September, when he published his budget, how much extra money has the Scottish Government received?

**The First Minister:** The original budget plans were to reduce Scotland's capital direct budget over the next four years by 36 per cent. Under the revised plans, that reduction has become 32 per cent. In successive questions, Willie Rennie has pointed to that 4 per cent difference and asked what the Scottish Government is doing with the great funding boost that we have received. I suggest to Willie Rennie that, although most people would regard a cut of 32 per cent as better than a cut of 36 per cent, it is still a cut of a third of our capital budget that we would like to have the power to reverse.

**Willie Rennie:** For the second week running, I have asked the First Minister a basic question about financial control in his Government and he has not known the answer. He should not need to look across into Mr Swinney's eyes for the answer. The Scottish Parliament financial scrutiny unit has provided a note that sets out that he has an extra £400 million available this year and next year.

There have been 63,000 e-mails from college students, and the National Union of Students this week told the First Minister that his college cuts hit "the poorest people in some of the poorest communities".

I cannot understand why he is being so stubborn. We have discussed the matter before, many times. His cut is £40 million, but he has 10 times that available. Will he agree to look again at the budget and see whether he can do the right thing for Scottish colleges?

**The First Minister:** I will separate out the three parts of Willie Rennie's question.

First, he refers to an extra £400 million, but the cut of which £400 million is being replaced is £3,000 million, which still leaves a shortfall of £2.6 billion.

Secondly, our capital injection into colleges is extremely good. For example, I have here figures for college student funding support. When we took office, it was £69.6 million, whereas the planned spending in the next two years is £84.2 million. That seems a very strong result in these difficult economic times.

Thirdly, Willie Rennie criticises me for having colleagues here from whom to take such key

specialist advice as that which the Cabinet Secretary for Finance, Employment and Sustainable Growth offers me on many occasions. I am sure that Willie Rennie would love to be in the position of being able to look round and get advice from lots of colleagues.

#### **Benefit Reforms (Impact on Child Poverty)**

**4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister what the Scottish Government's response is to the Secretary of State for Work and Pensions' statement that the United Kingdom Government's proposed benefit reforms will not lead to an increase in child poverty in Scotland. (S4F-00420)

**The First Minister (Alex Salmond):** The Department for Work and Pensions' own assessment of the impact of the proposed upper limit on benefits suggests that 7,000 to 8,000 children in Scotland will be adversely affected by that proposal alone.

The most up-to-date figures for 2009-10 from the DWP place the number of children in poverty in Scotland at 20 per cent—far, far too high. Although it is the lowest level since devolution, the number is very high and the Cabinet Secretary for Health, Wellbeing and Cities Strategy is seeking a meeting with Iain Duncan Smith as soon as possible to seek assurances that, as a result of the proposals, the trend of a declining percentage of child poverty will not be put into reverse.

**Christine Grahame:** I thank the First Minister for a very full response. Of course, the Scotland Office minister David Mundell was unable to answer the question when asked on several occasions in an interview earlier this week, even though it is his Government that is imposing the cuts. Does the First Minister agree that, if a UK Government cannot even answer such questions, the power to make decisions on such an important issue should rest with this Scottish Parliament? In particular, does he agree that child benefit, with an uptake of 96 per cent, should remain a universal benefit?

**The First Minister:** There are a few things in that question. I have here a transcript of the junior minister at the Scotland Office being interviewed on 24 January 2012 on "Good Morning Scotland". I will put it in the Scottish Parliament information centre so that every member of this Parliament has the opportunity to read the junior minister being asked seven times the question that Christine Grahame has just mentioned. I make the point that if the people who are proposing a policy are not aware of the impact that it will have or the number of children who will be affected, that might be a good reason for their not proposing the policy.

On Christine Grahame's question, I was looking at the comments of Martin Sime, chief executive of the Scottish Council for Voluntary Organisations, when he gave evidence in the Parliament and again in the press this very morning:

"The UK government's welfare reform programme is going to have a dramatic impact on some of the poorest people in Scotland. For many voluntary organisations, cutting welfare at a time of rising demand is simply wrong, but the content and purpose of some of the specific proposals reflects neither the values nor needs of Scotland ... We could, and should, be doing things differently."

I agree with Martin Sime, and I think that this Parliament should have the ability to legislate on such matters.

**Drew Smith (Glasgow) (Lab):** Scotland is not making the progress on tackling child poverty that either the First Minister or I would want to see, but I look forward to the Government's report on its child poverty strategy in March.

On the broad issue of the anti-poverty strategy, "Achieving Our Potential" was published in 2008 and since then we have had recession, budgets, spending reviews and cuts. A lot has changed between 2008 and 2012. Will the First Minister therefore commit to looking again at the approach—not necessarily a root-and-branch review, but some consultation and a refresh—to ensure that the priorities of the tackling poverty board and the Government are still right and that the policies are still achievable and, indeed, on track?

**The First Minister:** Yes, I commit to bringing forward further consultation and papers on the matter.

I hope that Drew Smith will understand when I tell him seriously that this Government's ability to continue the welcome reduction—it is not enough, but it is still welcome—that we have seen in the percentage of children and families in poverty in Scotland is at best severely constrained by the current changes in welfare benefits and at worst will be put into reverse, not just in Scotland but across these islands? If Drew Smith accepts that proposition, is that not an argument for why that particular policy direction should be under the control of this Parliament, where the views, expressions and feelings of the Scottish people on such matters prevail, rather than left in the hands of ministers who do not even know the effect of their own policies?

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** The Scottish Government has a carer strategy for Scotland that has a particular focus on young carers. Can the First Minister assure me that the detrimental impact of the Welfare Reform Bill will be monitored to ensure that that most vulnerable group of young people in Scotland is properly supported?

**The First Minister:** Yes, I can. The majority of members of the Parliament who united just before Christmas to express concern about the direction of aspects of the welfare reform process require that we do that monitoring, and that reports and consultations are brought to the Parliament so that we can understand the full effects of the proposed legislation. I repeat the argument that it would be a good idea to be able to not just monitor those effects, but have the power to prevent them.

#### **Local Authorities (Fitness for Purpose)**

**5. Michael McMahon (Uddingston and Bellshill) (Lab):** To ask the First Minister whether the Scottish Government considers any local authority to be not fit for purpose. (S4F-00421)

**The First Minister (Alex Salmond):** Local authorities deliver vital and valued services for the people of Scotland. I recognise the commitment of their employees who work hard to provide those services in our communities.

Yesterday, the Budget (Scotland) Bill passed stage 1. Despite the United Kingdom funding cuts, it confirms that, over the three years from 2012 to 2015—the spending review period—local government's revenue funding budget is to be maintained. Its share of the overall budget will be higher in each year of the settlement than it was in 2007-08, when this Government took office.

**Michael McMahon:** I was going to thank the First Minister for his answer, but it did not reflect my question. I will ask him a supplementary question, which he might be able to answer.

Does the First Minister agree with Alex Neil's view that North Lanarkshire Council is not fit for purpose, that it is overstaffed, that social workers refuse to help people, and that staff badger people who are on low incomes? Alternatively, does he agree with Audit Scotland, which reported that North Lanarkshire Council is a high-performing council that has

"Good strategic direction, with good leadership and clear vision"?

Does he agree with the trade unions in North Lanarkshire that Alex Neil's comments

"do little for the morale of thousands of low-paid, loyal, dedicated and hard-working public servants."

Will he therefore ask his cabinet secretary to apologise for insulting those employees? Will he offer his own apology to those North Lanarkshire Council staff who are rightly offended by Alex Neil's gratuitous attack on them?

**The First Minister:** No, because luckily I read *The Herald* of 21 January—

**Jackie Baillie (Dumbarton) (Lab):** Where is Alex Neil?

**The First Minister:** Alex Neil is liaising with some of our friends in the north of England to try to do something about a Westminster Government fast rail project that does not seem to be going to get beyond the midlands for the next 20 years.

I read in *The Herald* that Alex Neil said:

"Any sensible person knows my comments were directed at the Labour leadership ... not the workers for whom I have the highest respect."

Clearly, when he referred to sensible people, that did not include Michael McMahon.

### Scotch Whisky (Overseas Promotion)

**6. John Finnie (Highlands and Islands) (SNP):** To ask the First Minister what steps the Scottish Government is taking to promote Scotch whisky overseas. (S4F-00423) [*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Ms McMahon, please be quiet.

**The First Minister (Alex Salmond):** Having secured geographical indication protection for Scotch whisky in China more than a year ago, the first international product to receive such legal protection, I personally launched the Scotland food and drink strategy for Asia in China in December. China is an emerging Scotch whisky market with massive growth potential. Direct exports soared to £62.3 million in the 12 months to November 2011. Worldwide, whisky exports reached a record high of £3.45 billion in 2010.

**John Finnie:** I thank the First Minister for his response and welcome the success of Scotland's thriving whisky industry. Does the First Minister not find it pathetic that certain news reports on Sunday claimed that Foreign Secretary William Hague was briefing against the use of whisky in embassies when Scotland becomes independent?

**The First Minister:** Second only to the story about pinching the pandas, that was the most ludicrous scare story so far to be concocted by United Kingdom Government ministers. There has been a lot of competition and I presume that it is all part of the Prime Minister's positive case for the union.

The international whisky industry will survive whisky not being served at UK embassy receptions. However, looking into the issue, I have discovered some interesting detail. Scottish Development International is judged to be one of the most successful international development agencies in the world and Scotland is recorded as having the best record for international investment by Channel 4's FactCheck blog, among many other observers.

When Scottish Development International holds receptions that promote whisky in our international

embassies, we are charged up to £3,000 a time for the privilege, but when UK Trade and Investment holds receptions, it is charged nothing at all. I confess that I was lax in not knowing that at any time over the past four years. We should remind William Hague of that old Andy Stewart ditty:

"How nice it would be if the whisky was free  
And the"

embassies were

"filled up to the brim."

12:30

*Meeting suspended.*

14:15

*On resuming—*

## Scottish Executive Question Time

### Education and Lifelong Learning

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

The first item of business this afternoon is themed question time on education and lifelong learning. To fit in as many members as possible, I would prefer succinct questions and answers to match.

#### **Universities (Co-operation and Collaboration)**

**1. Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government how it encourages co-operation and collaboration between universities. (S4O-00609)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Ministers and the Scottish Further and Higher Education Funding Council have consistently encouraged collaboration within and between the college and university sectors. I am in regular contact with representatives from the higher education sector—including Universities Scotland, which I met this morning—to ensure that our priorities as a Government are known.

In my letter of guidance to the Scottish funding council in September, I set out the need to ensure university and industry collaboration and the exploitation of research. An example of what is being done in the sector is that, since 2003, the council has invested more than £150 million in a research pooling initiative to encourage researchers across Scottish universities to pool their resources and respond to increasing international competition and collaboration.

**Maureen Watt:** I am sure that the cabinet secretary shares my welcome for the recent news that the University of Aberdeen, which is ranked second in the United Kingdom for scientific collaboration, and Robert Gordon University, which is one of the highest-ranked universities on positive destinations for its students, have made excellent progress towards co-operation and collaboration with each other and the colleges in north-east Scotland.

Is that co-operative way of working essential if a country such as Scotland is to use resources most efficiently and obtain the maximum economic benefits from our universities? Is co-operating nationally to compete internationally the way forward?

**Michael Russell:** Absolutely. I am delighted to see that level of collaboration and co-operation. I

know that the universities in Aberdeen are actively engaged in a Scottish culture of research and teaching. The University of Aberdeen, Robert Gordon University and the University of Dundee have all worked together as part of the northern research partnership in engineering to develop excellent research in engineering and related disciplines.

I will be at Robert Gordon University this evening to talk to its principal and visiting principals of Irish universities. One issue that will be raised is the way in which Scottish universities are building on collaborative ventures.

#### **Gaelic-medium Education (Highlands)**

**2. Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** To ask the Scottish Government what its position is on the progress of Gaelic-medium education in the Highlands. (S4O-00610)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** The Scottish Government hopes to see progress on Gaelic-medium education throughout Scotland and in many parts of Highland Council's area. For that reason, the Scottish Government is working closely with Highland Council and other councils to support and encourage progress with Gaelic-medium education.

**Dave Thompson:** Gaelic-medium education is of course very important. Highland Council is fairly well advanced with the Fort William Gaelic-medium school, but the Portree Gaelic-medium school is lagging a bit. Will the minister update me on progress with those two schools and particularly with the Portree school? What will the Government's contribution be? It is important that both those schools progress as quickly as possible.

**Dr Allan:** I am happy to confirm to the member that I have discussed both those schools and the related issues with Highland Council. I understand that the council is giving the proposals for both schools detailed consideration and I expect to hear from the council again very soon.

The Scottish Government would certainly like both Gaelic schools to be established. I continue to have a dialogue with the council about the support that can be given for that. Establishing both schools is important to Gaelic and to the area. I look forward to working with the council to ensure that that happens.

**Murdo Fraser (Mid Scotland and Fife) (Con):** The minister knows that I recently wrote to him about free transport provision for Gaelic-medium education. Does he agree that, when a local authority in a large rural area provides Gaelic-medium education only at one or two schools and

does not provide free transport for pupils of those schools who live a considerable distance from them, it creates a two-tier system in which Gaelic-medium education is available only to pupils whose parents can afford to pay the transport cost? That is regrettable and the Scottish Government should take action on that.

**Dr Allan:** I welcome the sentiments behind that question and the support for Gaelic-medium education. Arrangements for school transport are obviously a matter for local authorities, but it will not come as a surprise to the member to hear that I urge all local authorities to do everything to ensure that every parent who wishes their child to have Gaelic-medium education is allowed that. My comments on that are a matter of record.

### **Further Education Budget Reductions (Vulnerable Groups)**

**3. Graeme Pearson (South Scotland) (Lab):** To ask the Scottish Executive what assessment it has made of the impact on vulnerable groups, such as disabled students, of reductions to the further education budget. (S4O-00611)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** We take our responsibilities in that area seriously and continue to work to ensure that in taking financial decisions we pay due regard to their impact on equality. An exercise was undertaken to gather available information about equalities groups that are likely to be affected by the further education budget proposals. That is summarised in the equality budget statement, which was published alongside the "Scottish Spending Review 2011 and Draft Budget 2012-13" and is available on the Scottish Government's website.

**Graeme Pearson:** Last year, colleges throughout Scotland reported a shortfall of almost £5.5 million on a budget of £95.6 million for student support. If the student support budget, which was already short last year, is about to be cut by £11 million this year, what impact does the cabinet secretary think that that will have on vulnerable students who rely on that support to study at college?

**Michael Russell:** There is no cut in the student support budget. The baseline has been protected as the Government promised it would be—in fact, it has increased from the bad old days when Labour was in power very substantially indeed. I always look for opportunities to continue to add to that sum in year, and I will continue to do so. However, the reality is that this Government has been second to none—and I mean second to no party in the chamber or elsewhere—in defence of student finance. That is a lesson that members should take.

### **Secondary School Education**

**4. George Adam (Paisley) (SNP):** To ask the Scottish Government what progress is being made in secondary schools to prepare young people for life, learning and work. (S4O-00612)

**The Minister for Youth Employment (Angela Constance):** Since national guidance on developing skills for learning, life and work was published in 2009, considerable progress has been made, especially in secondary schools, in delivering the entitlement of every child and young person to have opportunities to develop their skills for learning, life and work.

The Scottish Government and Education Scotland are supporting further progress by regularly publishing examples and case studies of good practice in the development of young people's skills.

**George Adam:** Does the minister agree that if young people are being taught about civic Scotland, it stands to reason that 16 and 17-year-olds should be allowed to take part in civic Scotland by having the right to vote?

**Angela Constance:** Yes—the Scottish Government indeed supports the voting rights of 16 and 17-year-olds. As someone with a portfolio interest in the prospects of young people, it seems to me absurd that we are denying 16 and 17-year-olds the right to vote at a time when we expect them to take on the responsibilities of adulthood such as work, paying tax, serving in the forces and getting married.

**Neil Bibby (West Scotland) (Lab):** With regard to opportunities for young people, statistics from Renfrewshire Council show a sharp decline in the number of subjects being taught at higher and advanced higher level in Renfrewshire schools in recent years. This is not the first time that I have raised concerns about the issue in the chamber. Will the minister take up the matter with Renfrewshire Council—which has cut the number of higher and advanced higher on offer, thus limiting opportunities for young people in schools—as a matter of urgency?

**Angela Constance:** I thank Mr Bibby for his question, but I think that it would be more prudent for me to ask Dr Allan to reply to him in detail on that point.

### **Secondary School Inspections (2011)**

**5. Stewart Maxwell (West Scotland) (SNP):** To ask the Scottish Government how many secondary schools were inspected in 2011. (S4O-00613)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):**

From January to December 2011, 44 secondary inspections were carried out.

**Stewart Maxwell:** The minister will be aware that one of Education Scotland's inspections took place at Woodfarm high school in Eastwood, in which the school received outstanding grades. Will the minister join me in congratulating the staff and pupils of Woodfarm high school on achieving such a first-class report?

In the report it was noted that the school was undertaking educational practices that were considered to be innovative. What mechanisms are in place to share innovative practices found in schools and to have them disseminated across the education sector and—if appropriate—implemented in other schools?

**Dr Allan:** I certainly join the member in congratulating the school.

Whenever innovative practice is identified, Education Scotland carries out innovative practice visits at the school concerned. The innovative practice is discussed with the district inspector, and the headteacher is also involved.

Details of schools' practices can be captured in a range of ways and best practice is certainly shared. A number of approaches, such as film clips and talking heads, case studies and interviews with staff and learners, can be used to ensure that the best and most innovative practice in schools in Scotland is widely disseminated.

### Modern Language Teaching

**6. Liz Smith (Mid Scotland and Fife) (Con):** To ask the Scottish Executive what discussions it has had about the future of modern language teaching in primary and secondary schools. (S4O-00614)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Scottish ministers and officials regularly meet a wide range of individuals and organisations with an interest in modern languages. As the member knows, on 15 September I attended the first meeting of the languages working group, which has been set up to provide advice on implementation of the Government's languages manifesto commitment on the one-plus-two model.

Most recently, on 18 January I met consuls general and consulate education officers from France, Germany, Italy, Spain and Austria, to discuss language learning and teaching in Scotland's schools.

**Liz Smith:** I thank the minister for the update on progress. The Government has been keen on the Barcelona scheme for primary schools, in which at least two modern languages are taught to children at an early age.

What discussions is the Government having with local authorities to try to reverse the cuts in modern language assistants? Only seven out of 32 local councils have assistants.

**Dr Allan:** The member will not find me disagreeing with her in saying that we should try to reverse the trend. The meeting with consuls was the beginning of a process in that regard. The Convention of Scottish Local Authorities was unable to attend the meeting but intends to attend future meetings.

We all have a shared interest in ensuring that foreign language assistants are more widely used. I am sure that the member agrees that not only are assistants educationally useful but they provide outstandingly good value to local authorities. I encourage local authorities to make use of them.

### Gaelic Action Plan

**7. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Executive what the increase in number of children entering Gaelic-medium education has been since the Gaelic action plan was published. (S4O-00615)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Since the Gaelic action plan was published in April 2010, the number of children entering Gaelic-medium education at primary 1 has increased from 390 in 2009-10 to 405 in 2011-12. Since "The National Plan for Gaelic" was published in March 2007, the number of children entering Gaelic-medium education at P1 has increased from 313 to 405, which is an increase of 30 per cent.

**Rhoda Grant:** The minister will be aware that the supply of Gaelic-medium teachers is crucial to the roll-out of Gaelic-medium education. The distance-learning options that the University of Aberdeen, the University of Strathclyde and the University of the Highlands and Islands run allow suitably qualified people to gain a Gaelic-medium teaching qualification with the minimum disruption to their family lives, thereby increasing the supply of teachers. Will the minister give an assurance that those training options will continue?

**Dr Allan:** The Scottish Government recognises that the provision of Gaelic teachers is a priority. We work with all teacher-training providers to ensure that supply is not only maintained but increased. I am happy to keep in touch with the member and the institutions to ensure that that is happening.

The Scottish Government provides support to Bòrd na Gàidhlig to employ a Gaelic teacher recruitment officer, whose purpose is specifically to address some of the issues that the member raised.

### Post-16 Education Reform (Consultation)

**8. Roderick Campbell (North East Fife) (SNP):** To ask the Scottish Government when it expects to publish the findings of the consultation on post-16 education reform. (S4O-00616)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I intend to present the findings of the post-16 reform consultation report to the Parliament in the coming weeks.

**Roderick Campbell:** The cabinet secretary is aware of the concordat signed by Elmwood College in my constituency, Barony College, Oatridge College and the Scottish Agricultural College to create an arrangement that is based on specialism instead of region. Given that the consultation speaks of regionalisation of the college sector, how will the arrangement between those learning centres affect their funding following the proposal for the Scottish Further and Higher Education Funding Council to fund colleges regionally from the academic year 2012-13?

**Michael Russell:** I wrote to the Scottish funding council on 25 January 2012 with additional strategic guidance on funding allocations for 2012-13 that will allow it to make clear the funding arrangements for the land-based colleges. I strongly support the arrangement that those colleges are taking forward. I think that an arrangement based on speciality is entirely sensible in that regard and I am sure that the funding council will pay attention to that.

### College Student Support Budget

**9. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I apologise, Presiding Officer, for arriving late due to the late running of the cross-party group on epilepsy.

To ask the Scottish Executive what assessment it has made of the consequences of the proposed reduction in the college student support budget. (S4O-00617)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** We have proposed no reduction in the baseline for college student support. I wrote to all college principals on 11 January to make clear that the student support budget will be maintained at the record baseline level that the Scottish Further and Higher Education Funding Council published in December 2010. In that way, we intend to protect college students from the reductions that we have been forced to make elsewhere as a result of Westminster's swingeing £3.3 billion cut in Scotland's block grant over the spending review period.

**Dr Simpson:** I would like to thank the cabinet secretary for his reply, but of course it contained a word that is critical but which was masked by a lot of other verbiage—the word “baseline”. In reality, there has been an £11 million cut from the final budget in 2011.

Does the cabinet secretary accept that that budget, even with the additional money, was inadequate? Does he acknowledge that in my constituency requests for funding and the allocation differed by £302,000, even after the additional money, and that it has been suggested that there is a £3 million shortfall at national level? What impact assessment have he and his department done on the effect on the future potential of our college students of the reductions from the final figure that he was able to provide last year?

**Michael Russell:** I find the prospect of Dr Simpson weeping crocodile tears to be deeply distasteful. The reality of the situation is this—I am sorry that he was not here to hear it in my answer to an earlier question. We have massively increased the baseline figure from what we inherited. If the figure that I gave is regarded as unsatisfactory, the figure that existed when we came to office was even more unsatisfactory. We have preserved the baseline figure, as we said we would, so that commitment has been fulfilled.

Unfortunately, Dr Simpson was not here to hear what I said earlier; I would like him to hear it, and if Labour members would stop muttering, he would be able to hear it. I said that I would like to be able to find additional resource, but this is a very tough time because of Labour financial incompetence, followed by Tory and Liberal pressures. However, I go on defending the record of this Government in the college sector and in support of students because it is—I repeat—second to none.

**The Deputy Presiding Officer:** Liam McArthur has a supplementary question.

**Liam McArthur (Orkney Islands) (LD):** I think that the cabinet secretary has gone slightly further than his colleague the Cabinet Secretary for Finance, Employment and Sustainable Growth did during the budget debate yesterday. However, can the cabinet secretary clarify whether the current settlement for colleges, despite the additional resources that the finance secretary has acknowledged have become available since the draft budget was published in September, will not be the full, fair and final settlement and that he will continue to press for additional resources for colleges in the budget?

**Michael Russell:** I always press for resources, but I have found an additional £15 million for the college transformation fund and I will go on looking

for opportunities. However, we have a fair, full and final settlement for colleges.

I find it equally distasteful to be lectured on college funding by the Liberal Democrats, whose party is slashing college funding south of the border in an extraordinary way and whose record on provision for students is the worst of any party in the chamber.

**The Deputy Presiding Officer:** Neil Findlay has a brief supplementary question.

**Neil Findlay (Lothian) (Lab):** What I find distasteful is that the cabinet secretary and his colleagues signed a pledge pre-election to protect college places and improve student support, then cut £11 million from the student support budget after the election. The problem for him—

**The Deputy Presiding Officer:** Can we have a question, please?

**Neil Findlay:** Nobody believes the cabinet secretary's figures. Is the NUS lying when it says that there is an £11 million cut?

**Michael Russell:** My figures are impeccable. I am one of those people who went out and argued for students. I put myself on the line to argue for students. We now know that Labour wants to renege on its previous promise. *[Interruption.]*

**The Deputy Presiding Officer:** Order.

**Michael Russell:** Labour now wants to charge students for going to university—we saw that last week. Indeed, we heard Margaret Curran say that the SNP's policy on students was unfair. *[Interruption.]*

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

**Michael Russell:** On this matter, the Labour Party cannot be trusted, because it is trying to exaggerate and to misrepresent. This Government has improved the baseline figure. When Labour was in government—that was a long time ago, and it will be longer still before it comes back into government—it did nothing.

#### **College Budget Reductions (People with Learning Disabilities)**

**10. Iain Gray (East Lothian) (Lab):** To ask the Scottish Executive how it will ensure that reductions in college budgets will not have a disproportionate impact on opportunities for people with learning disabilities. (S4O-00618)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Colleges exist to help people towards employment and we have made it clear that that should include everyone, regardless of whether they might have learning or other disabilities.

Ultimately, colleges take their own decisions on which courses to offer and whom to enrol, but we have made clear to the college sector the value that we place on non-recognised qualifications when they provide an access route to employment, including for people with disabilities, and that, when that is the case, we expect such provision to be protected.

**Iain Gray:** That is a worthy sentiment, but it is not what is happening on the ground. The Scottish Consortium for Learning Disability carried out a survey that found that 34 per cent of part-time college places for students with learning disabilities have been cut in the past year. It identified the reasons for that as

“changing levels of funding from the Scottish Funding Council”

and

“the drive towards accredited courses aimed at employability”.

That was before the 20 per cent cut in college budgets that is coming down the line kicks in.

It is clear that unless the cabinet secretary takes some proactive, positive measure to protect opportunities for students with learning disabilities, they will be lost. Will he take such action?

**Michael Russell:** The proactive actions that we have taken are the actions that are needed. We have undertaken strategic reform of the colleges to allow them to perform in the way in which they should perform; we have provided a protection of the number of places, which we guaranteed in a letter to principals last week; and we have established a great focus on ensuring that colleges deliver for those who need them most.

We have a huge opportunity to develop the college sector in a way that will serve Scotland even better. As ever, Labour is on the side of those who do not want change, even change for the better.

#### **Teacher Numbers**

**11. Margaret McDougall (West Scotland) (Lab):** To ask the Scottish Executive how many full-time teachers are in post and how this compares with 2007. (S4O-00619)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** The 2011 teacher census indicates that there were 51,286 full-time equivalent teachers in our local authority schools on the relevant date in September 2011, which compares with 54,916 in 2007. The difference reflects a fall in pupil numbers of more than 3 per cent and indicates quite clearly that the artificially high level to which teacher numbers had been driven by the Labour-Liberal Democrat Administration was unsustainable.

**Margaret McDougall:** The cut in teacher numbers is worrying. It is even more concerning, given that, as members know, the General Teaching Council for Scotland said that only 20.5 per cent of new teachers had found permanent work, which was a decrease on the figure of 25.5 per cent that was recorded for 2008-09, and that 16.6 per cent could not find any work at all. Supply teaching is no longer an attractive option because of the pay cuts, which mean that supply teachers earn £78 per day, before tax.

In the light of falling teacher numbers, what will the Government do to ensure that a job is available for newly qualified teachers? Right now, the Government is failing them.

**Michael Russell:** In Burns week, Margaret McDougall, as an Ayrshire representative, might remember the line,

“facts are chiefties that winna ding.”

Here is the fact.

**Jackie Baillie (Dumbarton) (Lab):** Oh!

**Michael Russell:** I know that Labour members do not like facts, but I will give them this one, as it is important. As of December 2011, the teacher unemployment levels for the United Kingdom and Scotland were: 20.2 per 1,000 in Northern Ireland; 12.9 per 1,000 in Wales; 12.6 per 1,000 in England; and four per 1,000 in Scotland. That number has got better and better for the past three years. A great deal of effort has been put into creating a sustainable level of teacher employment, and Margaret McDougall should be congratulating the Government on that, rather than harking back.

### NUS Scotland (Meetings)

**12. Michael McMahon (Uddingston and Bellshill) (Lab):** To ask the Scottish Executive when it last met representatives of NUS Scotland. (S4O-00620)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I met representatives of NUS Scotland on Wednesday 14 December at a meeting that was attended by representatives of the union at a national level and student presidents of individual colleges. I have since had informal discussions with elected officials of NUS Scotland, most recently last Thursday, which, as usual, have involved constructive and challenging dialogue around a wide range of issues that affect students in Scotland. I will meet officials next week to discuss matters further.

**Michael McMahon:** Does the cabinet secretary recall the vitriol that was heaped on the Liberal Democrats when they reneged on their election commitment to students, and does he recall that

every Scottish National Party candidate gave a similar personal election assurance to students in relation to student support? Although the cabinet secretary might wish to forget that commitment to students, is he aware that students have not forgotten that promise? Will he deliver in full on the commitment to students or is he prepared to replicate the Liberal Democrats' betrayal of our students and suffer the same revulsion that was afforded to them?

I repeat the question that Neil Findlay asked: is NUS Scotland lying when it says that there is an £11 million cut to student support?

**Michael Russell:** As ever, Neil Findlay is muttering away. I find it astonishing that, when the Labour Party—which brought forward the Browne review, ensured that students south of the border have to pay £9,000 a year and, through Margaret Curran, whom members of the party may wish to disown, says that students will have to pay for their education—finds an issue that it thinks it can use to worry the SNP, it will not ask about it once or twice but will go on asking about it. However, that issue does not worry the SNP. There is an answer—the true answer.

In our manifesto last year, we said that we will maintain student numbers and college student support. That is exactly what we are doing. We secured an increased baseline for 2011—£84.2 million—and we are ensuring that it is maintained. We also secured a share of £15 million of Barnett consequentials, split over two years. However, that was a one-off addition, as we made perfectly clear at the time. We have protected the increases that Labour never delivered.

I will say that repeatedly to students, to the NUS and to Labour, because the reality is that, on this occasion, Labour is misrepresenting the facts. I will not allow that to happen in Scottish education.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** In his discussions with NUS Scotland, has the cabinet secretary had the chance to discuss the comparative merits of the Scottish Government's approach to tuition fees, as opposed to that of the Westminster Government, and perhaps discuss what the application figures in Scotland are, as opposed to applications to universities in England, for the next academic year?

**Michael Russell:** When we see the Universities and Colleges Admissions Service figures next week, we will know what the situation is. However, the interim figures that have been released tend to indicate that application figures in Scotland are better than those in England.

We have adopted a positive and progressive view of what education should be. We believe in the right to free education. We have provided a

better system than exists south of the border. It is, of course, typical of the Labour Party not to give credit for that, because it gives credit for nothing to Scotland.

### College Student Numbers

**13. Graeme Dey (Angus South) (SNP):** To ask the Scottish Executive what steps it is taking to meet its commitment to keep college student numbers at current levels in 2012-13. (S4O-00621)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I wrote to college principals on 11 January indicating that colleges will receive funding for the academic year 2012-13 that will allow student numbers to be maintained at 2011-12 baseline levels. That will involve 4 per cent of places being funded through a pilot scheme that is aimed at promoting greater synergy between Skills Development Scotland and colleges.

**Graeme Dey:** I welcome the protection of student places. Is the cabinet secretary committed to the introduction of collective bargaining and national pay scales in further education, which has the potential to ensure that the hard-working lecturers at Angus College are better rewarded, to the tune of an estimated £3,000 a year?

**Michael Russell:** I am indeed committed to collective bargaining and a national scheme of pay and conditions. I have made that absolutely clear for a considerable time and have discussed it at a number of meetings with the college sector and, on Thursday night, with trade unions in Glasgow. I hope that we will be able to continue to make progress on that.

**John Scott (Ayr) (Con):** The cabinet secretary is aware of the proposed restructuring and reconfiguring of our colleges in Ayrshire and the west of Scotland. He knows that I and other Ayrshire MSPs support the Ayrshire regional model as opposed to the Clyde coast model. Will he positively consider that proposal and the wide-ranging support for it, which would unquestionably be in the best educational interests of all Ayrshire and west of Scotland students, before making a decision?

**Michael Russell:** I hope to announce next week my thinking on the regions and how far that has progressed. As somebody who was brought up in Ayrshire, I am fully familiar with its boundaries and recognise the representations that have been made to me by Ayrshire MSPs.

**The Deputy Presiding Officer:** Question 14 has been withdrawn for perfectly understandable reasons.

### Dyslexia Testing (National Guidelines)

**15. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government whether national guidelines are issued in relation to testing for dyslexia. (S4O-00623)

**The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan):** Although no national guidelines are issued in relation to testing for dyslexia, to help all teachers to identify the signs of literacy difficulties and dyslexia early in a child's school life, the Scottish Government, in partnership with Dyslexia Scotland, launched the online assessing dyslexia toolkit in June 2010. That was supported by four regional seminars, which were attended by 338 teachers. In November 2011, we announced an additional £40,000 grant to Dyslexia Scotland. That will be used to review and update the toolkit; to add new materials on how to support children and young people with dyslexia effectively; to make it more accessible to teachers; and to develop a section for local authorities on how best to implement the toolkit.

**Linda Fabiani:** What consideration is given to the use of colour screening for Meares-Irlen syndrome? I know from the charity Sight Aid International, in East Kilbride, that the 15-minute test is extremely effective. Does the minister see a case for piloting such testing locally, beyond the work that is currently carried out at Glasgow Caledonian University? I note that part of the funding is for making the toolkit accessible to teachers and local authorities. I am sure that South Lanarkshire Council would consider such a pilot, particularly for schoolchildren.

**Dr Allan:** The use of colour screening for Meares-Irlen syndrome falls outwith the scope of the national health service eye examination. However, under the Education (Additional Support for Learning) (Scotland) Act 2004, as amended, education authorities are required to identify, meet and keep under review the additional support needs of all pupils for whose education they are responsible. It is for South Lanarkshire Council to consider whether it might pilot the test. If such a pilot took place, the Scottish Government would be interested in the findings.

### College Budget Reductions (Impact)

**16. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Executive what impact the 20 per cent reduction in college budgets will have in terms of staffing, student numbers and the range of courses available. (S4O-00624)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I inform the member—although she will know this already, as this is about the fifth time that I have said this

today—that I was able to write to college principals on 11 January indicating that colleges will receive funding for the academic year 2012-13 that will allow student numbers to be maintained at 2011-12 baseline levels.

Staffing and the curriculum are matters for colleges themselves to determine. We have made it clear that, where colleges need to reduce staffing, that should be done in a way that avoids compulsory redundancies. There is also benefit to be had from the £15 million transformation fund. We have, however, no power to direct colleges on the issue, that power having been given up in 2006 by the previous Labour-Liberal Democrat Administration.

**Jackie Baillie:** We have been listening to the cabinet secretary's responses. He may have made the same point five times, but he has yet to shed any true light on the matter. I will, therefore, give him a sixth opportunity, in the interests of transparency. Is it not the case that his letter of 11 January is based on a comparison of an indicative budget allocation in December 2010 rather than the actual allocation in March 2011, and does that not represent a greater cut in budgets and places than he claims?

**Michael Russell:** I get on well with Jackie Baillie as a neighbouring MSP, but I think that she is being unfair about this. The letter includes the word "baseline". As a former minister—admittedly, that was some time ago—Jackie Baillie can remember what the word "baseline" means. The letter says "baseline" and the baseline is the figure on which the funding is based—every principal knew that. When the letter was released, it had the word "baseline" in it. I cannot say more than that.

What worries me is the conservatism—with both a small c and a large C—of the Labour members. We know about the collaboration with the Conservatives, but Labour stands against reform of any description.

We have a college sector that needs reform, as almost everybody in it knows. It needs change: it needs to go from 41 colleges into a better and more manageable structure, and there is an acknowledgement that we need to focus more on the needs of learners. People who know about the college sector want to see those things happen, but Labour's only response is constantly to oppose such change. That will mean that Labour will be left behind in this argument. It will be left arguing about other things; it will not be arguing about how we serve our young people. That is a great pity, because there should be a desire across this chamber to ensure that our young people are served as well as possible and that our college sector can operate with them and with the wider groupings that it attracts.

What we have heard repeatedly this afternoon—we may hear it again—is some members looking backward on the issue instead of trying to change the college sector to be more efficient and more effective and to deliver more. I intend to do the latter. It would be nice to have the support of the chamber in doing so, but Labour members just want to prevent things from happening.

### **Probationary Teachers (Employment)**

**17. James Kelly (Rutherglen) (Lab):** To ask the Scottish Executive what steps it is taking to find employment for probationary teachers. (S4O-00625)

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** Since the teacher induction scheme was introduced in 2002, the Scottish Government has ensured that every new teacher is offered a one-year contract of employment as a probationer. Despite the difficult financial circumstances in which we find ourselves, we have secured an agreement with the Convention of Scottish Local Authorities that local government will maintain teacher numbers in line with pupil numbers and secure places for all probationers who require one under the teacher induction scheme.

**James Kelly:** As the cabinet secretary will be well aware, in communities throughout Scotland, including Cambuslang and Rutherglen in my constituency, there are examples of probationary teachers who still do not have jobs. Does the cabinet secretary not find it distasteful—to use his word of the afternoon—that in the coming spending review period local authority budgets are being slashed by £700 million, thereby hampering the ability of local councils to find places for probationary teachers?

**Michael Russell:** There are so many possible answers to that question that it is difficult to know where to start.

Let us start with the position of Ed Balls. He has made it clear that the Labour Party should be indicating that some cuts are necessary, but that message has clearly not made it as far as Rutherglen or Mr Kelly, who continues to chant the same mantras. As the First Minister correctly pointed out earlier, the local authority share of Government spending is actually at a strong level.

I also used figures earlier—*[Interruption.]* Shouting from Mr Kelly will make no difference to the truth. *[Interruption.]* In December 2011—

**Jackie Baillie (Dumbarton) (Lab):** That is what you do: you shout.

**Michael Russell:** I only raise my voice to allow the chamber to hear me over the hubbub.

**The Deputy Presiding Officer:** Yes—perhaps the chamber could hear the minister.

**Michael Russell:** Thank you, Presiding Officer.

In December 2011, the rate of teacher unemployment was 20.2 per thousand in Northern Ireland; it was 12.9 per thousand in Wales, under a Labour Administration; it was 12.6 per thousand in England; and it was four per thousand in Scotland. If Mr Kelly thinks about those figures carefully—if he takes them home and studies them—he will discover that they indicate positive progress on the matter. I am sure that he will then come back to the chamber to say, “Well done.” Actually, I am not sure of that, but I am aye hoping.

#### **National Steering Group on Advocacy Support for Children and Young People (Meetings)**

##### **18. Siobhan McMahon (Central Scotland)**

**(Lab):** To ask the Scottish Executive when the national steering group on advocacy support for children and young people last met and what issues were discussed. (S4O-00626)

**The Minister for Children and Young People (Aileen Campbell):** The national steering group on advocacy support for children and young people last met on 24 August 2011. The group discussed the content of the draft Scottish Government discussion paper “Improving advocacy for children and young people: Principles and minimum standards”. That paper is currently the subject of a full public consultation that is scheduled to run until 29 February. We strongly encourage anyone with an interest in our proposals to participate in that process.

**Siobhan McMahon:** The recently published consultation on improving advocacy for children and young people, which the minister referred to, is causing confusion in organisations that provide an independent advocacy service because of its failure to enshrine current principles into the new proposed principles and minimum standards. Will the minister give me an assurance that the current principles will be enshrined into the new principles and minimum standards? I look forward to meeting her on 2 February to discuss the issue further.

**Aileen Campbell:** I understand and recognise the real interest that Siobhan McMahon has in the area and I will discuss the issues with her when we meet soon, when she can also set out any other points that she would like to raise.

We are clear that we want to ensure that children’s voices are heard, and that they are heard in a way that ensures that they have access to the appropriate advocacy support services. We will ensure that, when the consultation runs its course and finishes on 29 February, a full analysis

is carried out. We will be able to take stock of what people say at that point.

## Claim of Right

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

The next item of business is a debate on motion S4M-01822, in the name of Nicola Sturgeon, on the claim of right. I call Michael Russell to speak to and move the motion in the name of Nicola Sturgeon—no, I am sorry. I call Nicola Sturgeon to speak to and move the motion in her name.

14:56

**The Deputy First Minister and Cabinet Secretary for Health, Wellbeing and Cities Strategy (Nicola Sturgeon):** Members will have to wait a little bit longer for the treat that will be Michael Russell's contribution to the debate when he sums it up later on. I am looking forward to that.

It is a real pleasure for me to open an extremely significant debate for Parliament. The motion for the debate is deliberately very simple. It states:

"That the Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and declares and pledges that in all its actions and deliberations their interests shall be paramount."

**Hugh Henry (Renfrewshire South) (Lab):** Will the cabinet secretary take an intervention?

**Nicola Sturgeon:** Of course.

**Hugh Henry:** I presume that a typographical error has been made. Perhaps the cabinet secretary will help us by putting on the record the rest of the statement.

**Nicola Sturgeon:** I would be more than happy to see that done during the course of the debate; in fact, I have the rest of the statement in front of me. I will leave it to Hugh Henry to read it out later. If it is all right with him, I will get on with saying what I want to say.

That one sentence is charged with historical resonance for members in the chamber and for everyone in Scotland. It reaffirms the ancient principle that, in Scotland, the people are sovereign. Monarchs and Parliaments are the servants of the people.

That fine principle has its origins in the declaration of Arbroath. It was refined by George Buchanan in the late 16th century, and restated in Scotland's first claim of right in 1689. Three hundred years later, a new claim of right was proclaimed by the Scottish Constitutional Convention. That 1989 claim of right was signed by all Liberal Democrat members of Parliament—I see that we have only one with us in the chamber today—including the current Advocate General for Scotland, and all but two Labour MPs. Its wording is therefore repeated in today's motion.

The founding principle of that claim of right is one to which all parties that have taken their place in the Scottish Parliament should be able to subscribe. There has never been a more important moment to recommit ourselves to the guiding principle of the claim of right: the Scottish people are sovereign.

**Neil Findlay (Lothian) (Lab):** I regularly sit at the back of the chamber and sometimes I cannot quite hear what is said at the front. Will the cabinet secretary clarify whether her party signed the 1989 claim of right? I did not quite catch it.

**Nicola Sturgeon:** The Scottish National Party always supported the sentiments of the claim of right and was involved in the initial work to draft it. The reasons why the SNP was not in the Scottish Constitutional Convention are well documented, but it is history. It is rather childish to say, "You didnae sign it then so we'll not sign it now." We are signing up to the principle today; the question is, are Labour and the other parties?

There has never been a more important moment to recommit ourselves to that principle. In May last year, the SNP won a clear mandate to implement our commitment to hold a referendum on whether Scotland should become an independent country, and yesterday, we published a consultation paper that sets out how we intend to work towards that referendum. The paper makes it clear that we will consult widely on a number of key issues. Once we have heard the views of people throughout Scotland, including views from all the major political parties and representatives of civic Scotland, we will introduce proposals on which the Parliament will legislate. That is as it should be. The Government is using its mandate to consult the people of Scotland on its proposals. The people will have a material say in how we take forward the legislation for a referendum, and the Scottish Parliament will ultimately be accountable to the people of Scotland for the legislation that it passes.

As the First Minister said yesterday, the Scottish Government sees merit in the proposal that the United Kingdom Government pass legislation under section 30 of the Scotland Act 1998. Doing so would enable us to ask in the referendum the shorter, simpler question on independence that we set out yesterday. However, the UK Government's proposal to attach conditions to such legislation is simply unacceptable. It potentially closes down options that should properly be explored and decided on by people in Scotland. In doing so, it would limit the sovereignty of the people of Scotland and ride roughshod over the claim of right.

**Kezia Dugdale (Lothian) (Lab):** Will the cabinet secretary outline what she finds unacceptable about the Electoral Commission?

**Nicola Sturgeon:** I am sure that Kezia Dugdale was in the chamber yesterday when we made very clear our proposals to give the Electoral Commission the power of oversight over and regulation of the referendum. I urge all members to keep up with the debate.

Let me proceed to other things that I consider to be unacceptable. For example, whenever it has been able to do so, the Scottish Parliament has chosen to give the vote to 16 and 17-year-olds. Why should the Scottish Parliament be denied the right to extend the franchise for the referendum? Why should it be denied the right to give young people—who can register for the Army, get married and have children, and pay taxes—the right to have a say in a fundamentally important decision about the future of our country?

Whether the other parties that are represented in the chamber like it or not, there is a strong strand of opinion that the option of enhanced devolution should be placed before the people in the referendum. That is not my preferred outcome, but a body of opinion supports that approach. Why should the UK Government take the decision to exclude that viewpoint from the ballot paper?

I am happy to say that we will support the Labour amendment in good faith. I hope that it is not a back-door attempt by Labour to restrict the Scottish people's options. Let us be clear: any referendum—single option or multi-option—should fulfil the requirements that are mentioned in Labour's amendment, so we will support it.

It was made clear yesterday that if we are to properly consult, legislate and debate the big issues at stake, the autumn of 2014 is the right time for a referendum to be held. Again, it would be wrong for Westminster to seek to impose a timetable that simply suited its purposes.

It is right for the Scottish Parliament to be in the driving seat in all those areas, but the motion is not about the specifics of those issues. I accept that people can honourably hold different views on the number of questions on the ballot paper or the minimum age for voting, and we will hear those views during the consultation. The motion is far more fundamental than that: it is about where sovereignty lies. The authors of a claim of right for Scotland in 1988 argued against a situation in which the choice offered to the people of Scotland was

“the choice the powerful choose to offer us.”

The fact that Westminster is no longer so powerful that it can limit Scotland's choice is partly due to the efforts of those who authored that document, but the principle remains. It is not for any politician or any political party in any Parliament—certainly not in the Westminster Parliament—to place constraints on the sovereignty of the Scottish

people. That is the principle that we are debating today.

Today, we ask members of this Parliament to affirm or reaffirm a principle that many of them, or their fellow party members, were proud to uphold previously. The consultation paper that we published yesterday leaves no room for doubt about this Parliament's ability to oversee the referendum. It makes clear—I say this for the benefit of Kezia Dugdale, who missed the point yesterday—that the referendum will be overseen by the Electoral Commission.

**Kezia Dugdale:** Will the cabinet secretary give way?

**Claudia Beamish (South Scotland) (Lab)**  
rose—

**Nicola Sturgeon:** I will make some progress just now.

The paper explains how the referendum ballot will comply with the recommendations of the Gould commission, which was established after the chaotic 2007 elections, which were overseen by Westminster. It also makes it clear that the legislation that establishes a referendum will be subject to the widest possible consultation and the most detailed scrutiny. There is no justification for Westminster to try to impose conditions on the way in which this Parliament implements its democratic mandate.

We often hear the argument made that the UK Government must have a say on the rules of a referendum on Scottish independence, but I offer the contrary view that a UK Government with only 12 Scottish MPs at Westminster has no mandate to overrule a Parliament elected by the people of Scotland. The Westminster Government should pass legislation that enables, not legislation that dictates.

So far—although we hope that this will change—the UK Government has shown little sign of respecting this Government's mandate. We made it clear during and after the election that our immediate priority was to strengthen the Scotland Bill, and we have made a range of constructive suggestions on the Crown estate, borrowing powers and broadcasting, in which areas the further devolution of powers had either been endorsed by other parties in this Parliament or received widespread support. However, despite the strength of our mandate and our attempts at consensus, scarcely any changes have been made to the Scotland Bill. A UK Government that so freely ignores the wishes of this Parliament in those respects should not seek to dictate the terms of Scotland's referendum.

However, the consultation process for the referendum provides us with the opportunity for a

fresh start. The UK Government and all the parties represented in the chamber can unite, I hope, around the principle that, regardless of the outcome that we seek, we recognise that the people are sovereign, and that it is the people of Scotland who will choose Scotland's future.

The declaration of Arbroath, which I referred to at the outset of my remarks, famously states that, if a Scots ruler was to act against the nation's interests, the people would

"drive him out as ... a subverter of his own rights and ours".

That basic principle of democracy, that fundamental principle of popular sovereignty, is far more true today. The best guarantee of the integrity of the referendum is the certain knowledge that the people of Scotland, using the ballot box, would be merciless in driving out anyone who tried to conduct it unfairly.

I said at the outset that the motion that we are debating this afternoon is charged with historic resonance for everyone in Scotland, and so it is. I am sure that we will hear more of the history of the claim of right as we listen to the debate.

**David McLetchie (Lothian) (Con):** Yes, you will.

**Nicola Sturgeon:** I hear David McLetchie promising a history lesson. It will be history from the Tory perspective, so we will need to take it with a pinch of salt, but there we are.

Although the motion is historically resonant, it has huge contemporary relevance as well. It is the contemporary meaning of the claim of right that is most important today. Do we still believe in the fundamental right of the people not just to make choices but to determine the choices that are available to them? I doubt that the people of Scotland would have reservations about that and I hope that no member of this Parliament has any reservations either.

I move,

That the Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and declares and pledges that in all its actions and deliberations their interests shall be paramount.

15:09

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** For members of Scottish Labour, there is a slight feeling of *déjà vu* about the debate because we recall the production of the claim of right in 1989. In that year, we dedicated our party and ourselves to all the principles set out by the claim of right. The document was signed by all but one of our Scottish MPs; by leaders of church and faith groups; by the Scottish Trades Union Congress, the Liberal Democrats and the

Green Party; and by representatives of civic Scotland.

The Labour Party was represented by our then chair, Johann Lamont. Almost all Scottish opinion was united on the issue of finding Scottish solutions to Scottish problems and in agreement over the need to work together.

Only two parties stood aside and refused to take part in the work of renewing our constitutional arrangements in a way that would advantage Scotland. To be exact and to be scrupulously fair, at that time the Tories were consistent: they opposed any change to the polity of the UK, which was at least a clear position if, in my view, a wholly mistaken one.

The other party that refused to support the claim of right or to work within the Scottish Constitutional Convention was the SNP—the very same party that is calling on us today to vote for a motion that is an extract of the 1989 claim of right.

I quote someone whose opinion we should all listen to:

"The manner in which the SNP decided not to participate was bungled. Over the course of a weekend, party members found out that they were suddenly opposed to something that they thought they were supposed to be enthusiastic about".

That was Professor James Mitchell.

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I do not want to interrupt the flow, except to say that I was there and that that was not what happened. It is important that members recognise that.

I want to get one thing clear. The SNP accepts that it did not sign the claim of right, but it did not sign it because the Constitutional Convention would not discuss independence. That is a fact. I was there and I took part in that discussion.

The issue now is whether we will all sign the claim of right today. From Patricia Ferguson's point of view, it is a matter of right or wrong; from our point of view, the claim of right would take people forward. Is that not a prize worth having?

**Patricia Ferguson:** Mr Russell's version of events is known to him and perhaps to some of his colleagues. He may not wish to share it with the rest of us. I point out one simple and obvious fact: the Labour Party is already a signatory to the claim of right. We have no need to sign it again. We signed it in 1989 and, unlike others, we have never had reason to resile from it.

Ms Sturgeon and her party may think that the SNP's unwillingness at the time to discuss the modernisation of Scotland's constitutional arrangements has been forgotten but that hugely disappointing record has not been forgotten by

members on this side of the chamber or by the people of Scotland. What we need now—more than 20 years later—is not a repetition of that frankly disappointing unwillingness to work with and discuss issues with others; we need the SNP to discuss these serious issues with Parliament and Scottish society so that the people of Scotland can have a clear choice regarding their country's future.

The claim of right was not an end in itself; it was one step on the important journey towards devolution. What followed the claim of right was the tireless work of the Constitutional Convention, which discussed and debated to achieve the goal set out for it in the claim of right. Its proposals formed the basis for the referendum that followed and, of course, the act that secured this Parliament. When people voted in the 1997 referendum, they knew exactly what they were voting for.

Scottish Labour has consistently called for cross-party talks and for the involvement in discussions of representatives of Scottish society. We therefore welcome the First Minister's announcement today about discussions, although we look forward to hearing more about the scope and extent of those discussions.

In opposition, Scottish Labour and its partners, all with differing views and principles, managed to build consensus around a plan for the Scottish Parliament that we have today. That required serious debate and compromise. A majority SNP Government can surely do no less, and today's concession is a good first step.

Yesterday, the First Minister launched the referendum consultation in this Parliament and promptly left to brief invited press at Edinburgh castle. This is the fourth time that the Government has launched such a consultation, but at no time has it spelled out the effect of a vote for separation on the lives of Scotland's people. In their letters and comments about the referendum, constituents have asked me what Scotland's separation from the rest of the UK would mean for their pensions. They ask about the benefits system. They ask whether there will be an army and a navy. They ask what the cost will be. They ask about the effect on families living in other parts of the UK. They also ask why their children who live in England because there are no jobs for them in Scotland will not get a vote in the referendum.

**John Mason (Glasgow Shettleston) (SNP):** Does the member accept that although some things, such as the policy of no nuclear weapons, are clear, other things will depend on the party that will be in government after independence? What will be the Labour Party's plans after independence?

**Kenneth Gibson (Cunninghame North) (SNP):** Disband!

**Patricia Ferguson:** I might privately give Mr Gibson, who was heckling from a sedentary position, a list of all those SNP members who over the years have told me that if Scotland became independent they would be members of the Labour Party. He might find that interesting reading.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Name names!

**Patricia Ferguson:** Ms Grahame should be able to spot them easily—they are the ones with very red faces.

Mr Mason has actually made my point for me, and I will come back to it in a moment.

I can give an answer to those of my constituents who have expressed concern about the fact that their children living south of the border will not have the vote, because the answer is set out in the constitutional referendum document that we received yesterday. As for the rest, I, like Mr Mason, have to say that I do not know, that no one knows and that not even the First Minister really knows because those discussions and negotiations have not yet begun. If Mr Mason is correct in his view that all that will depend on the Government that is elected after the passing of a separation bill, he might need to discuss the issue with Mr Russell.

We might have the SNP Government's plans for a referendum, but we do not have any clear description of what a separate Scotland will look like.

**Margo MacDonald (Lothian) (Ind):** Can we begin in a productive and constructive manner and clear something up from the start? I do not think that a single party or member in this Parliament would want to see anyone other than those resident in Scotland voting on the future of Scotland—the country to which they and their children are committed. It does not really matter whether they have a Pakistani or West Indian grandmother—if they live here, they vote.

**Patricia Ferguson:** All I can say to Ms MacDonald is that my constituents have asked me that question and, until yesterday, we did not know what the Government's position was. Now we do and, as I have said, I will be able to relay that information to them. Whether or not they agree is, of course, another matter entirely.

**The Deputy Presiding Officer (John Scott):** The member must close now.

**Patricia Ferguson:** If the SNP Government now acknowledges the claim of right, it must also

realise that saying so is not enough. If the Scottish people are to exercise their

“sovereign right ... to determine the form of government best suited to their needs”,

they must have all the information they need to allow them to make that informed choice. We cannot ask people to break a 300-year-old union without telling them what the effect will be and giving them the opportunity to discuss and debate those matters.

As it stands, the Scottish people will at best be asked to vote on a proposal that is the SNP Government’s opening negotiating position.

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

**Patricia Ferguson:** In closing, Presiding Officer, one thing that I am sure we can all agree on is that a vote for or against separation is an important one—probably the most important that any citizen of this country will cast. Every last citizen must be fully informed as to its effect.

**The Deputy Presiding Officer:** Thank you, Ms Ferguson. I am closing you down now.

*Amendment S4M-01822.2 moved:*

“to insert at end, ‘and asserts the right of the Scottish people to make a clear, unambiguous and decisive choice on the future of Scotland.’”

15:19

**David McLetchie (Lothian) (Con):** The Claim of Right Act 1689 was an assertion of the sovereignty of the old Scots Parliament and a declaration that King James VII had forfeited the throne because he had sought to change what it described as

“the fundamentall Constitution of this Kingdome ... from a legall limited monarchy to ane Arbitrary Despotick power”.

It also denounced King James VII as a “protest papist”, asserted the duty of the king to maintain the Protestant religion and disqualified any Catholic from being king or queen of the realm or from holding any other office. Therefore, although the original claim of right proclaimed the supremacy of the laws that were made by the old Scots Parliament, it hardly constitutes a clarion call for a liberal and tolerant society, and most decidedly did not assert the sovereignty of the people of Scotland—99 per cent of whom had no say whatever in determining the composition of that Parliament.

Notwithstanding its offensive prejudices, the 1689 act appears to have been the inspiration, 300 years later, for a new claim of right that was misguidedly signed by those who should have known better and whose judgment was blinded by their dislike of a Conservative Government.

The principal assertion of the new claim of right was the acknowledgement by the signatories of

“the sovereign right of the Scottish people to determine the form of Government best suited to their needs”.

Popular sovereignty in a legal sense is a difficult concept to define and describe in practical operation, since any power can be exercised in a society only through its institutions, which is to say through a Parliament that is elected by the people and a Government that is accountable to that Parliament. Whether the Westminster Parliament, which has been so elected, is subject to any legal constraints on its powers is a debatable issue, but there is no doubt that no court in Scotland or elsewhere in the United Kingdom has ever issued a judgment declaring that a law that was passed by the Westminster Parliament was ultra vires because it did not comply with the terms of the treaty of union.

So much for constitutional law. Let us now consider the matter in terms of practical politics and the assertion in the 1989 claim of right. I have no problem acknowledging that I and my fellow Scots have the right to seek a dissolution of the act of union and to establish Scotland as an independent state, nor do I have a problem with the proposition that that should be tested in a legal, fair and decisive referendum. On all that, we can agree. In any marriage, union or partnership, any one of the parties is entitled to seek a divorce or dissolution, on terms that are to be negotiated and agreed or, ultimately, adjudicated by a court. However, the assertion that one partner in a partnership can unilaterally change its terms without the agreement of the other partners is plainly wrong.

We cannot have it both ways. If we wish to be in the partnership of the United Kingdom and maintain the act of union, revised terms of that partnership must be agreed by all the partners and reflected in an act of the Westminster Parliament, which was established by that union of 1707.

**The Minister for Learning, Science and Scotland’s Languages (Dr Alasdair Allan):** I hate to drag David McLetchie kicking and screaming into the 18th century, but when he talks about unilaterally breaking up partnerships, he will be aware that nobody in the SNP has suggested a unilateral declaration of independence; instead, we have suggested a negotiated one that is conducted under principles of international law.

**David McLetchie:** If the member read the point of the debate and the claim of right, he would find that the assertion is unilateral, relative to the people of Scotland. I am saying that we cannot make unilateral assertions if we are in a partnership and that we can change a partnership

only by agreement. I suggest that Dr Allan reads what he is supposed to be voting for.

**Margo MacDonald:** Will the member give way?

**David McLetchie:** No, thank you.

As I said to Dr Allan, changing the rules is a matter of agreement, not assertion. Those who signed the 1989 claim of right either failed to understand that or deliberately chose to ignore it because it suited their political-posturing purpose to do so. At the time, it took the Labour MP Tam Dalyell to see through that nonsense in characteristically trenchant fashion. What he said then remains true today.

Any amendment to the powers of the Scottish Parliament requires the approval of the Westminster Parliament—Scotland's other Parliament—which is the sovereign Parliament that is elected by the people of the whole of the United Kingdom. The very concept of devolution implies acknowledgement of that sovereignty and recognition that the elected representatives of all parts of the United Kingdom have a legitimate interest in the financial and non-financial powers that are granted to this Parliament—just as we in Scotland have a legitimate interest in the powers that are granted to the Assemblies in Wales and Northern Ireland and in the exercise of the powers that are reserved to the Westminster Parliament and Her Majesty's Government. We exercise that interest through the election of Scottish members of that Parliament, whose mandate is every bit as legitimate as that of members who are elected to this Parliament.

**Margo MacDonald:** Will David McLetchie give way?

**Jim Eadie (Edinburgh Southern) (SNP):** Will David McLetchie give way?

**David McLetchie:** No.

**The Deputy Presiding Officer:** The member is in his last minute.

**David McLetchie:** If people do not like the proposition that it is possible to change the rules of a partnership only with the agreement of all the partners, they should not be in a partnership at all. *[Interruption.]* No, no. Exactly—the SNP members are acknowledging my point. I find it astonishing that unionists and federalists both failed to appreciate that elementary point back in 1989, although it is well understood by nationalists. Members ought to be just a little more patient and I will get there.

**The Deputy Presiding Officer:** You must close soon.

**David McLetchie:** Let us be clear. The people of Scotland have the right to declare their desire for independence and it is our duty as democrats

and their representatives to respect that right, to facilitate its expression through a referendum and, if there were to be a yes vote, to implement it. However, the people of Scotland do not have the right unilaterally to dictate the terms of a union that requires the agreement of others. In that respect, the claim of right as drafted and debated today is totally misconceived, and its terms should be qualified.

**The Deputy Presiding Officer:** I now need to limit everyone to six minutes in the open debate, because we have no time in hand. That will include interventions.

15:26

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I have to agree with David McLetchie that power devolved is, indeed, power retained. We are talking about obtaining independence. As a divorce lawyer—as I was—he knows that when one party sees the end of the marriage, the marriage is at an end. The detail is then negotiated according to law and practice. The same would happen in the separation of two parts of the United Kingdom.

It is sometimes important to work back to why certain assertions are made—for example, in the claim of right, the assertion that the Scottish people are sovereign. Much slips into our everyday parlance that has a deep-rooted and substantive cultural constitutional genesis. For example, we hear Scots being reprimanded for saying, "I seen it," or, "I done it." That is, in fact, grammatical language. Those phrases have survived through centuries of spoken Scots. They are not lazy or ignorant slang, but an echo from the past.

That takes me to the claim of right from 1989 and the words:

"We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of Government best suited to their needs".

That Constitutional Convention was proposed in a private member's bill way back in 1980 by the SNP leader, Gordon Wilson. Where did that sovereign right come from? There is no written UK constitution, but there are fragments of an incomplete constitutional jigsaw, some of which predate the treaty of union. We have to go as far back as the declaration of Arbroath—a declaration of Scottish independence and of conditional monarchy. Talking of Robert the Bruce, it says:

"Yet if he should give up what he has begun, and agree to make us or our kingdom subject to the King of England or the English, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King; for, as long as but a hundred of us

remain alive, never will we on any conditions be brought under English rule."

That shows that he was a king who was in office by leave of those who, at the time, represented the people. They were a narrow bunch—some 51 magnates and nobles—but, nevertheless, he was on parole.

The significance of those words, resonating through the centuries, is that the monarch's power to rule was conditional on the will of the people of Scotland. That is reflected in the fact that Queen Elizabeth is Queen of Scots and not of Scotland. Therefore, sovereignty—now exercised in this democracy by various institutions—is exercised through the expressed will of the Scottish people.

That takes me to why Queen Elizabeth is designed Queen of England. If my recollection is accurate, Henry VIII of the Tudor dynasty, installing himself as the head of the church, embedded the divine right of kings to rule. Sovereignty—the embodiment of which was the monarch—was absolute. However, as power was removed from the Crown and transferred to the English Parliament through the centuries, so was sovereignty. Therefore, the English Parliament was, indeed, sovereign, but that does not overrule or supersede the conflicting principle of the sovereignty of the Scottish people.

Article III of the Union with Scotland Act 1706 says:

"That the United Kingdom ... be represented by one and the same Parliament to be stiled The Parliament of Great Britain."

The significance of that is that that Parliament was not a continuation of the English Parliament or of the Scottish Parliament. Therefore, for Scotland, sovereignty remains as it always was—with the people.

I pray in aid the case of *MacCormick v the Lord Advocate*, from the 1953 session cases. At that time, postboxes with "E II R" on them had been blown up, because Elizabeth was the first Elizabeth of Scotland. In that case, the following remarks were made obiter:

"Considering that the Union legislation extinguished the Parliaments of Scotland and England and replaced them by a new Parliament, I have difficulty in seeing why it should have been supposed that the new Parliament of Great Britain must inherit all the peculiar characteristics of the English Parliament ... as if all that happened in 1707 was that Scottish representatives were admitted to the Parliament of England. That is not what was done ... The principle of the unlimited sovereignty of Parliament is a distinctively English principle which has no counterpart in Scottish constitutional law."

So, why the potted constitutional history lesson? It is because it is significant to the legitimacy of the referendum, which will of course not be

consultative, but will have legal and constitutional authority, as well as political authority.

In 1979 and 1997, there was no Scottish institution to provide a mechanism for asking the Scottish people a question on the constitution. In 1979, the UK Government took it upon itself to draw up a referendum. Of course, it produced the question and chose the date—1 March 1979, which was right in the middle of the winter of discontent, when snow was falling over Scotland. That was an omen, but the 40 per cent rule, which in effect counted the dead and those who did not exercise their franchise as having voted no, was the real treachery. That was compounded by Sir Alec Douglas-Home broadcasting on the eve of the poll that we should vote no for a better deal. Plus ça change, plus c'est la même chose.

Now we have our own mechanism in the Scottish Parliament, but we do not need to have a Parliament. Even if the Parliament did not exist, if the Scottish people streamed out on to the streets of our towns, cities and villages to say with a clear voice on megaphones, on marches and online that they wanted an independent Scotland again, that would be a declaration of independence. No challenge from the Palace of Westminster, the corridors of the United Nations, this place or any courts could gainsay that. The Scottish people would say that they done it, and they done it their way.

**The Deputy Presiding Officer:** Thank you very much for finishing on time.

15:32

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I and everybody in Labour fully support the

"right of the Scottish people to determine the form of Government best suited to their needs".

We have supported that for a long time. I know that the cabinet secretary will think that this is a trivial point, but she must understand how galling we found it when the First Minister asked us a few weeks ago to reaffirm a commitment that he had never affirmed in the first place. Setting that aside, I say for the avoidance of doubt that we reaffirm that commitment.

At the heart of the debate is a gigantic step by the Scottish Government from that commitment to saying that the Scottish Government should determine all the processes of a referendum. In a way, we really need to focus on that.

Among the many interesting articles on the subject in the past week or two, the most interesting that I have found was by the former leader of the Liberal Party of Canada—members

can find it in the *Financial Times* of 18 January. He started the article with the stark statement that

“how the rules”

in a referendum

“get made will determine who wins.”

That might be a slight overstatement, but it makes us realise how important the process is.

He also said:

“For the Scottish referendum result to have legitimacy, both nationally and internationally, both sides will have to compromise and agree on language, timing and process.”

In the context of what we are talking about, perhaps we should refer to “all sides” rather than “both sides”. We are talking not about Edinburgh and London but about all sides of Scottish opinion. I probably agree with much that the Scottish Government said in the two days before Michael Moore’s statement in the House of Commons, because the UK Government’s approach before that statement was incredibly cack-handed, although Michael Moore made a much better shot of it in his statement. We are talking not about Edinburgh and London, but about how we ensure that all sides of Scottish opinion have a say in this vital decision on the referendum process.

As Patricia Ferguson did, I welcome the commitment that the First Minister made during questions today. We will have to see how that works out. However, it is really important that the quotation from Michael Ignatieff that I read out be taken on board. We must have a process that is acceptable to all sides: we cannot have someone saying at the end of it all that the referendum was not fair or not clear and so on. That is why the Labour amendment—in which the words “clear”, “unambiguous” and “decisive” are central to our argument—is so important.

I will home in on what is perhaps the most contentious area of all with regard to process: whether there should be one or two questions. I expressed a view on that matter a few months ago, but I have thought about it a great deal in the past three or four months, and I have come to the conclusion that it will be very difficult, if not impossible, to have a multi-option referendum on the issue. That does not mean that I go back in any way on what I have written about the need for this Parliament to have greatly increased powers, but I see two fundamental problems with a multi-option referendum.

First, we do not have a clear third option. I know that the Scottish Government has in its head a clear third option, and I was rather concerned to read on page 15 of the document yesterday that the Scottish Government’s position remains that it is

“willing to include a question about further ... devolution on the lines of ‘devolution max’”.

In other words, the Scottish Government is prejudging and deciding what the third option should be. However, the third option of the Scottish people may well fall far short of devolution max in its pure and absolute sense.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I thank Malcolm Chisholm for giving way; he is one of the Labour members whom I respect more on this subject and many other subjects. However, I am a little disappointed to hear him backing away from the idea of a multi-option referendum.

Let us be clear: the claim of right asserts

“the sovereign right of the Scottish people to determine the form of government best suited to their needs”.

Why would Malcolm Chisholm seek to narrow that option? Surely it would allow

“the Scottish people to determine the form of Government that is best suited to their needs”.

**Malcolm Chisholm:** I am describing the practical difficulties; the first difficulty is that we do not have a third option worked out in detail.

**Christine Grahame:** Will the member give way?

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

**Malcolm Chisholm:** I will give way in a minute, but I know that I will be cut short. I will just make my points and then I will give way.

The second point concerns the practicalities. Peter Kellner has written very interestingly about a second question: he comes up with four different voting methods that get four different results. Willie Rennie has expressed the dilemma in terms of what happens if we get 80 per cent for devo max and 51 per cent for independence. The public would not accept that independence had won that poll.

I will let Nicola Sturgeon intervene after I have made this point. I saw her tweeting this morning—I do not know whether she said this last night, because I did not see the programme—that her favoured option is to ask the people whether they want a change from the status quo and then to ask a question that offers a choice between independence and devo max. The problem with that is that many of the people who do not want a change—and who would answer the first question to that effect—would abstain on the second question. We could therefore get 50 per cent voting for independence on the second question, but it might well be that 40 per cent or less of those taking part in the referendum actually support independence.

I give way to Nicola Sturgeon.

**The Deputy Presiding Officer:** Very briefly, please, Ms Sturgeon.

**Nicola Sturgeon:** Just to clarify, I was not tweeting from the chamber last night—

**Hugh Henry:** No, but Mike Russell is.

**Michael Russell:** On a point of order, Presiding Officer. Perhaps you would ask Mr Henry to withdraw that remark. That was not what was taking place.

**The Deputy Presiding Officer:** That is not a point of order. Ms Sturgeon, please continue.

**Michael Russell:** It is complete nonsense.

**Hugh Henry:** Can I reply to that, Presiding Officer? Mike Russell was using an electronic device, which is not allowed under the rules of this Parliament.

**The Deputy Presiding Officer:** That is not a point of order. Ms Sturgeon, please continue.

**Nicola Sturgeon:** I was going to say, as Jamie Hepburn did, that Malcolm Chisholm is one of the Labour members whom I listen to. On the evidence of what we have just heard, he will be one of the very few Labour members whom I listen to.

My question is a serious question. Is Labour not abdicating its responsibility? Labour says that it does not support independence, and it is entitled to that view, but it does not think that the Scottish Government should define the devolution option. Should not Labour bring forward that option to allow the Scottish people to have their say on it?

**The Deputy Presiding Officer:** I regret that Malcolm Chisholm is much over time.

**Malcolm Chisholm:** I am certainly interested in developing such an option. The point that I am making today is that such an option cannot be on that ballot paper. We must have a clear, decisive and unambiguous question on independence.

15:39

**Gil Paterson (Clydebank and Milngavie) (SNP):** Life is full of contradictions and ironies. The first Scottish claim of right was the declaration of Arbroath in 1320, which was signed not by the people, but on their behalf. That document was the basis of the American declaration of independence.

Things have moved on, but the principles of the declaration live on. In all democracies it is accepted that the rights of the people rest with the people and not with a few unelected lords.

The claim of right in the 1980s arose from the hopelessness in Scotland that was the result of the ineffectiveness of our elected representatives in preventing the ravages of Margaret Thatcher's Tory Government as it dismantled Scotland's industrial base.

It is good to put on record what we believe, whether we are talking about the declaration of Arbroath in 1320 or the claim of right in 1989, but it seems from Lord Wallace's recent actions that he did not believe what he signed. Is it not ironic that one Wallace went to London and was hung, drawn and quartered because he believed in the principle of a claim of right, but another Wallace goes to London and threatens Scotland and its people with the law if we try to implement the principles of the claim of right that he signed? The first Wallace had the full backing of the Scottish people; the second Wallace has the backing of the London establishment, which appointed him to the Lords with no democratic accountability to the Scottish people. London is certainly full of contradictions and ironies.

When the people of Libya expressed their claim of right in the Arab spring rising, London went to war with the Gaddafi regime to enforce their demands, with David Cameron leading the charge. More recently, the London Government declared its utmost support for the right of the people of the Falkland Islands—and those people alone—to decide their future. Sovereignty lies with a handful of people in those islands, but when it comes to Scotland, which is allegedly an equal partner in the United Kingdom, London has a very different stance. We, the people of Scotland, have no rights of our own; we have only those rights that the London Government grants us. The prevailing belief in London is that it should have a say on the question that is asked and on when the vote is taken.

During the 1980s it was widely acknowledged that there was a democratic deficit. The Tory Government that was in power had little support in Scotland and the feeble 50 Labour members of Parliament were powerless to oppose the Government—indeed, they endorsed its right to rule through their continued support for the union. Today, a Tory-Lib Dem Government that has little support in Scotland is given legitimacy to govern us by the unionist Labour Party.

The continuing democratic deficit is illustrated by the presence on Scottish soil of the biggest arsenal of nuclear weapons in Europe. What is London going to do with Scottish weapons of mass destruction that we want nothing to do with? It says that it will charge us for the privilege of disposal and clean-up. We really could not make it up, could we?

I am disappointed that the unionists in the Scottish Parliament—there are plenty of them—who so often declare that they are proud to be Scots and British at the same time, have been prepared to sit quietly through the outrageous attacks of the past couple of weeks. I am not asking them to give up their belief in the union and I am not asking them not to argue forcefully for the union, but I expect the legitimate claim of right of all Scottish people, whether they are for or against the union, to be treated with much more respect. Much more important to me even than independence is the freedom of our people to decide their future without outside interference.

**James Kelly (Rutherglen) (Lab):** The member talked about respect. Does he think that the First Minister was respecting the Parliament when he announced his intended season for the referendum to Sky News rather than to the Parliament?

**Gil Paterson:** I am not even going to answer that. I will sit back down and the member can come back in with something meaningful.

**The Deputy Presiding Officer:** You are in your final minute.

**Gil Paterson:** I am proud of the principles in the declaration of Arbroath. I commend the motion, which has my full support, to the Parliament.

15:45

**Linda Fabiani (East Kilbride) (SNP):** I feel that this debate is a logical extension of the recent debate that we had on the future of Scotland, which focused on legalities. I am pleased that today we can further address the issue of legitimacy.

Surveys have demonstrated that it is, in fact, the belief of Scotland that the Scottish Parliament and not Westminster should speak for Scotland. I feel that we are doing that by taking forward debate on the extension of the Parliament's powers towards independence. We have heard Opposition members talk here today and in the media about the need to consult civic Scotland. As the Scottish Government's consultation paper shows, we all agree about that. However, we acknowledge today, as we did in 1989, that parties that are represented in the chamber consulted civic Scotland and the Scottish people. They attracted sufficient support to press successfully for the re-establishment of a Scottish Parliament. They did that not just by pressing a political case but by pressing the constitutional principle that sovereignty rests with the Scottish people.

It seems, in that case, that we are all agreed on where sovereignty does, in fact, rest:

"The ultimate sovereignty of the Scottish and Welsh peoples is a fact. Whatever the niceties of international law, Scotland and Wales can claim the right of self-determination if that is what they want".—[*Official Report, House of Commons*, 22 May 1997; Vol 294, c 872.]

That was said by a Conservative, Bernard Jenkin. Then there is this:

"I believe that sovereignty lies with the people of Scotland rather than with any Parliament. That is a view established in the claim of right 1989".—[*Official Report, House of Lords*, 3 July 1996; Vol 573, c 1514.]

That was said by the Lib Dem peer the Earl of Mar and Kellie, in a House of Lords debate. Indeed, our late First Minister, Donald Dewar, said in 1997:

"If they want to go for independence, I see no reason why they should not do so. In fact, if they want to, they should. I should be the first to accept that".—[*Official Report, House of Commons*, 21 May 1997; Vol 294, c 725.]

That seems to me to be unequivocal. So, why then do the UK anti-independence parties, even in this Parliament in Scotland's capital city of Edinburgh, continue to deny the Scots the right to that self-determination and the right to determine the form that it should take?

In the 1970s, there was the wheeling and dealing that stymied the 1979 devolution referendum, which was of course a response to the SNP's 1974 election result. The process leading to the 1989 claim of right and Constitutional Convention is well known and documented; it was of course supported by Labour and it followed the SNP by-election win in Govan in 1988.

Since the establishment of our Parliament here in 1999, the constitutional question has been raised many times by the anti-independence parties. We have had the Calman commission in response to an SNP minority Government that was elected in 2007. We have had a Scotland Bill that was introduced by the Labour UK Government and a Scotland Bill that was introduced by the current coalition Government. Incidentally, as convener of the Scotland Bill Committee, I am concerned that we have not had a substantive response to our report on the bill, given that it goes into the Lords this week for potential amendment.

All those things were introduced against a backdrop of certainty that Scotland's legitimately and democratically elected SNP Government has always been clear in its belief in independence for Scotland, and that it stood on a manifesto commitment to hold an independence referendum. One could almost suspect that all the anti-independence machinations are about no more than spiking the SNP. After all, despite the Calman commission, two Westminster-instigated Scotland Bills and discussion that was supposedly about additional powers for Scotland, Labour and the Lib

Dems seem to be intent on denying civic Scotland and the people of Scotland the right to discuss and determine the future of the nation.

I understand the Conservatives because they are at least consistent in their unionist viewpoint. As I said earlier, Labour and the Lib Dems pressed the constitutional principle that sovereignty rests with the Scottish people. Now, however, it seems that Westminster says different. My view is that it is time for all to choose what side of the constitutional question they are on. The Advocate General for Scotland, who is a Lib Dem, now tells us that the Scottish Parliament has no power to question the devolution settlement. He tells us that the union in its entirety is a reserved matter and beyond the powers of this Parliament to consider. That man was a leading member of the Calman commission—the Commission on Scottish Devolution—which was funded by this Parliament. It seems to me that there is a bit of a contradiction there.

**Willie Rennie (Mid Scotland and Fife) (LD):** I hear what the member says, although I am afraid that I do not agree with much of it. She asserts that my good friend Lord Wallace is not trying to help this Parliament to deliver on its mandate. It is exasperating that she does not recognise that he is trying to assist.

**The Deputy Presiding Officer:** You have 50 seconds left, Ms Fabiani.

**Linda Fabiani:** I am terribly sorry to have upset Mr Rennie by speaking ill of his friend, but looking at the machinations of the Lib Dems over the piece, I suggest that, given that their party is supposedly a party of federalism and home rule and is, supposedly, on the side of people in civic Scotland who want to have their voices heard, they look to themselves rather than to stopping the SNP. I suggest, too, that Mr Rennie get on to his colleagues in the Scotland Office to ask why they wasted money on the Calman commission, which was set up to look at more powers for Scotland, and why they have wasted money on a Scotland Bill, on which they do not even have the courtesy to respond to a committee of this Parliament, before he tries to do down Scotland and the SNP.

15:51

**Neil Findlay (Lothian) (Lab):** When I consider the motion before us, words almost fail me, because the motion that the SNP has lodged and the political knockabout surrounding it are historical revisionism at its very worst.

At the SNP conference, the First Minister said:

“The SNP Government has confirmed the Claim of Right will be taken to Holyrood to allow parties to ‘rededicate’ themselves to its sentiments about Scottish sovereignty.”

I do not know about you, Presiding Officer, but I am a wee bit confused, as the dictionary definition of the word “dedicate” is:

“To commit (oneself) to a particular course of thought or action.”

Therefore, for someone to rededicate themselves or their party to something, they must have dedicated themselves to it in the first place.

**Jamie Hepburn:** Mr Findlay would do well to remember that he is not in the classroom now, so he does not need to give us definitions of words from the dictionary. I am interested in his definition of the Labour Party’s previous position on the claim of right. If it had such faith in the people of Scotland to assert their claim of right, why did it rule out a constitutional option—independence—at the time?

**Neil Findlay:** Mr Hepburn will just have to wait, because I will come on to those matters.

There would be no problem with my friend and colleague Johann Lamont carrying out the act of rededication because, as chair of the Scottish Labour Party in 1988-89, she signed the claim of right on behalf of the Scottish Labour Party, which, of course, was the party that went on to deliver devolution for Scotland, Wales and Northern Ireland. The fact that the SNP did not begs the question—

**Chic Brodie (South Scotland) (SNP):** I understand that, at that time, the Scottish Labour Party was a component of the overall Labour Party. Would the member care to comment on the statement by the erstwhile Labour Prime Minister, Tony Blair, who, in refusing to endorse the claim of right, said:

“Sovereignty remains with me as an English MP and that is the way it will stay”?

**Neil Findlay:** I am willing to listen to Mr Brodie on the issue because, given that he was a Liberal Democrat at the time, his party leader would have signed the claim of right for him. At least the member is consistent in that regard.

It is not possible for a party to rededicate itself to something that it did not sign in the first place.

From the early days of its formation and the time of James Keir Hardie right up until when Donald Dewar became First Minister and, indeed, to this day, the Labour Party has always been the party of devolution. Labour supported the Constitutional Convention, delivered this Parliament with the backing of civic Scotland and the support of the Scottish people, and sought to strengthen it through the Calman commission. Labour will engage fully in any debate on further powers. Our approach, unlike the historical sulking, spoiled-brat attitude of the nationalists, has remained

consistent over a long period of time, as has our mission of social justice.

**Gil Paterson:** Will the member take an intervention?

**Neil Findlay:** No, thank you—I do not have time.

The SNP is all things to all people. On one hand, SNP members speak as social democrats—indeed, only two nights ago, Mr Salmond proclaimed that Scotland could become a beacon of social progress—but, on the other, they have a leader who wants to slash corporation tax, who wants Scotland to have a low tax base and a light-touch, deregulated economy and who, infamously, enthused about Thatcher's economic policies.

Let us not take any lectures from the most cynical opportunists in the chamber. When Labour, the Liberal Democrats, the Scottish Trades Union Congress and numerous individual trade unions, businesses, civic Scotland, charitable organisations and churches were signing up to the claim of right, the SNP was sitting outside, holding hands with those well-known progressives Michael Forsyth, Malcolm Rifkind, Bill Walker and the late Sir Nicholas Fairbairn. At this time of year, the phrase “a parcel of rogues” springs to mind.

The people who dedicated themselves to the claim of right and went on to vote for the Scottish Parliament did so because they wanted protection from the dark forces of conservatism should the Conservative Party ever be returned to power. They wanted a bulwark against the inevitable attacks that they would experience under a Tory Government.

In David Torrance's book, the First Minister himself is quoted as saying, prior to the establishment of this Parliament:

“If we had a Scottish assembly operating in Scotland today, even the type proposed by Labour the political situation would be a great deal brighter ... the institution of a Scottish Parliament could have provided the bulwark Scotland needs against Tory economic policies”.

Well, here we are again, under attack from the Conservatives. Is this Parliament acting as a bulwark? Is it standing up for Scotland on the real issues? In many instances, the SNP Government is accepting and replicating the cuts and is using them as part of its strategy for independence. The Parliament could be acting as a bulwark. It could be arguing for an alternative, but it is not.

**Linda Fabiani:** Will the member give way?

**Neil Findlay:** No, I have no time.

This morning, Labour held debates on the vital issues of kinship care and bus services. However, the Parliament is often rightly criticised for being

irrelevant to the lives of ordinary people and, this afternoon, I whole-heartedly agree with that criticism. While people in Scotland lose their jobs at a rate of 200 a day, college students fear for their ability to secure a course or a bursary, supply teaching is in crisis, nursing numbers are cut, child poverty is spiralling and the social housing budget is cut by a third, what are we discussing? Whether or not to reaffirm something that the governing party did not sign up to in the first place.

I want us to move on to serious debate about serious issues. That is what we are paid to do in the Parliament. Let us get back to that and stop this opportunistic nonsense.

15:57

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** I remind Neil Findlay, in relation to the legacy of Margaret Thatcher, that it was Gordon Brown, not Alex Salmond, who had Mrs T round for tea. He would do well to remember that.

The text of today's motion should be agreed across the entire chamber, so I will address my comments to David McLetchie in the hope that I can persuade him of the merits of supporting the motion. It might be best if he recognises that we are not actually debating the Claim of Right Act 1689; we are talking about the here and now and about Scotland's future.

It is well seen that Mr McLetchie is a lawyer rather than a historian. His suggestion that the Westminster Parliament was established by the act of union of 1707 is a fallacy. As a lawyer, Mr McLetchie should accept that it was recognised in *MacCormick v the Lord Advocate* in 1953 that, in fact, Westminster was the English Parliament continuing. However, history lessons aside, who apart from David McLetchie can disagree with the assertion that we acknowledge

“the sovereign right of the Scottish people to determine the form of Government best suited to their needs”?

With the greatest of respect to Mr Findlay, I say that that is why today's debate is relevant to the circumstances of this time. We need the form of government that is best suited to the Scottish people's needs if we are to deal with the challenges that he set out.

In its essence, the claim of right is a statement of our faith in the values and principles of self-determination. When we have an Advocate General who acts more like a governor general, it is important that we assert those values clearly.

Let me deal with some of the myths around the claim of right and the suggestion that the SNP does not back its principles. Actually, the SNP was involved at the beginning of the process. The Scottish Constitutional Convention was proposed

in a private members' bill way back in March 1980 by the then SNP leader, Gordon Wilson, in the House of Commons. Unfortunately, the proposal was overwhelming rejected. Only one Labour MP voted for it: George Foulkes. I have to express my surprise at that—I never thought that I would be praising Lord Foulkes in this chamber.

The constitutional steering committee that was set up by the campaign for a Scottish assembly to produce the blueprint for the claim of right contained three SNP members: Isobel Lindsay, Professor Neil MacCormick and Paul Henderson Scott.

On the signing of the claim of right, I return to a point that I tried to make in an intervention. Despite asserting the sovereign right of the Scottish people to determine the form of government best suited to their needs, those controlling the convention at the time denied the sovereign right of the people to choose independence as an option—they limited their choices at the time. There were strings attached and there was a denigration of the assertion of

"the sovereign right of the Scottish people to determine the form of Government best suited to their needs".

Some members would do well to remember and reflect on that.

As Linda Fabiani correctly pointed out, it is only when the SNP does well that the Labour Party is suddenly interested in constitutional change. The Kilbrandon commission came about only after the Hamilton by-election of 1967. The 1979 devolution referendum came only after the great 1974 result for the SNP, and even that referendum was stymied by Labour and Tory connivance. Labour joined the Constitutional Convention only after the Govan by-election in 1988. A much more contemporary example is that Labour went into the 2007 election committed to no more powers for the Scottish Parliament but then established the Calman commission—surprise, surprise—after an SNP victory.

**Neil Findlay:** Jamie Hepburn's theory was going along fine, but what about 1997? Labour did exceptionally well and we introduced devolution after that election. Mr Hepburn's theory falls to pieces.

**Jamie Hepburn:** Labour joined the Constitutional Convention only after the Govan by-election in 1988—proof that the SNP is and always will be the oil in the engine of constitutional change.

Let me deal with the tiresome talk of separatism. When we debated Scotland's future just a couple of weeks ago, I said that I hoped that we would see an end to such ridiculous terminology. I believe that it is Scotland's lack of independence

that keeps us separate and keeps us from interacting with the rest of the world. Patricia Ferguson used the terminology a few times—I think that we know why—and she would do well to reflect on the fact that SNP members are no more separatists for wanting Scotland to be an independent state than the anti-independence parties are separatists for backing the UK as an independent state. They should reflect on that fact, and let us have no more talk of separatism.

Some members have, understandably, cited the declaration of Arbroath as a forerunner of the claim of right and as helping to inspire it. I close by referring to another statement of some years ago. It is not of the vintage of the declaration of Arbroath, but it is an important statement of self-determination. I refer to the words of Charles Stewart Parnell:

"No man has a right to fix the boundary of ... a nation; no man has a right to say to his country—thus far shalt thou go and no further."

That is as clear a synopsis of Scotland's claim of right as we will ever hear. No person either in or furth of Scotland has a right to say that Scotland's journey ended with the devolution referendum of 1997 or the flawed Scotland Bill. No one has the right to say to Scotland, "Thus far shalt thou go and no further." The Government is asserting Scotland's claim of right, and it is a journey that I hope and believe will result in our independence.

16:02

**Willie Rennie (Mid Scotland and Fife) (LD):** We will support the motion and amendment. As many members have said, the claim of right was signed by members of my party and the Labour Party and by others from across Scottish society. It was a significant event in the pre-devolution era. It stressed the right of the Scottish people to self-determination, which should not be thwarted by any Government or party. It led to the Constitutional Convention and, subsequently, the referendum and the Scottish Parliament. It was a broad principle that asserted the right of people over Parliaments, not the other way round. It is something that Liberal Democrats have in their soul for all time. In fact, the preamble to our constitution reads:

"We believe that sovereignty rests with the people and that authority in a democracy derives from the people."

David McLetchie has shaken my belief in this but, as a principle, it is accepted across the mainstream of politics that people have authority over Governments and not the other way round. I am surprised, therefore, that it has taken the SNP more than 30 years to support the claim of right. I cannot see anything in it—even the original version, as opposed to the trimmed-down

version—to which the SNP should be opposed. Its stated aim is:

“To agree a scheme for an Assembly or Parliament for Scotland”.

It does not add “within the UK”.

**Michael Russell:** As somebody who was there—my memory is still basically intact—I am happy to repeat what I said to Patricia Ferguson at the start of the debate. The refusal of the members of the convention, including the Liberals, to allow independence to be placed as a realistic option in those discussions was absolute and meant that the SNP could not join. We have learned from that and our proposals for Scotland are inclusive. I hope that Mr Rennie will learn and realise that it is nonsensical to assert that the Scottish National Party is not interested in Scottish sovereignty.

**Willie Rennie:** I always listen to the education minister, as he has such wise words, but there is nothing in the claim of right that he could have opposed. I understand that he had objections to the Constitutional Convention at the time, but there is nothing in the claim of right that the SNP could not have signed up to.

**Michael Russell:** Will the member give way, because there is?

**Willie Rennie:** Go on, then.

**The Presiding Officer (Tricia Marwick):** I remind members that time is really tight.

**Michael Russell:** The opening words are “In the Constitutional Convention”, so the claim of right declares that those who have signed it are in the Constitutional Convention. We were not in the convention, for the reason that I have given.

**Willie Rennie:** I am afraid that the SNP is always looking for the option to say no. I thought that it was the positive party, but clearly not so much.

I would not be so cynical as to suggest that the SNP is supporting the right of the Scottish people to have sovereignty over their own affairs only because it is suddenly in government here in Scotland, but that issue comes to the crux of the debate. Malcolm Chisholm was right: it is a mistake to conflate sovereignty of the people with the right of only this Parliament and only the SNP to determine the future of Scotland. That is a subtlety in the motion and the assertions made by SNP members—that only they have the right to ask the people and to ensure that the people’s sovereignty is protected. In fact, politicians of all parties, no matter whether they are in Westminster or here, have to be guardians of that sovereignty. It is not the responsibility of just the SNP; it is the responsibility of everybody.

That is why it is a positive step for the UK Government, in a constructive mode, to offer support to help the SNP deliver on its mandate. We recognise the mandate that it secured, but that does not mean that it has the right to do anything it wants to rig the referendum. That is critical.

That was perhaps a note of discord, but I am pleased to see that some consensus is developing. There is movement in the right direction on the Electoral Commission, and people think that it is reasonable that the franchise on which members were elected to this place should be the franchise for the referendum. Furthermore, as Malcolm Chisholm alluded to, academics from across the board now recognise that it is impossible to have a multi-option referendum. We would end up with the odd 99/51 situation—with the 51 per cent beating the 99 per cent. That is just not possible.

Most people now recognise that there has to be a straightforward yes/no question, with the current franchise and input from the Electoral Commission. Once that is agreed, we can get on to debate the substance.

As Liberal Democrats, we support home rule for Scotland so that we can determine our own destiny on the domestic agenda in Scotland while sharing risks and opportunities throughout the UK. When times are tough, we stick together; when times are good, we can share around the wins. To me, that is the benefit of the United Kingdom. We get the best of both worlds.

We have a strong track record on the issue. Over time, we have delivered with Labour and others the Scottish Parliament and now the Scotland Bill which, despite what Linda Fabiani says, provides a substantial transfer of power to the Scottish Parliament. We will continue to do that. With Ming Campbell’s commission, we will look to deliver as soon as we can, building consensus with others across society as we have done before.

That approach respects the will of the Scottish people. If we were not to respect the will of the Scottish people, we would be making a mistake. That is something that we are determined not to do.

16:09

**Chic Brodie (South Scotland) (SNP):** I will quickly lay aside the puerile comments of Neil Findlay. There is the story that, when I was 18, I thought my father was an idiot and, by the time I was 21, I was surprised by how much he had learned. Perhaps Mr Findlay might want to consider that.

Presiding Officer,

"When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to"

independence, and

"That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed."

Those are the first words of the declaration of independence of the first 13 United States of America on their secession from England. Ms Ferguson wonders what will happen after independence, so I point out that independence has not turned out too badly for the United States of America or the 50 countries that have seceded from England in the past 30 years.

The declaration of independence goes on to confirm the sovereignty of the people and their right to alter or abolish any form of government that becomes destructive of that sovereignty. So it is that today's motion is a clear recognition of Parliament's acceptance and acknowledgement that it is the sovereign right of only the Scottish people to agree the form and type, and to determine the conditions of government that are best suited to its need. Those conditions will be affirmed by the people and the people will choose.

That was enshrined as intended, but restricted, in the 1989 claim of right. It was committed and summarised by Canon Kenyon Wright at the Constitutional Convention in 1989, when he said:

"What if that other voice we all know so well responds by saying, 'We say no, and we are the state',? Well we say yes - and we are the people."

That conditional 1989 claim of right was signed by 58 of Scotland's 72 MPs, seven of Scotland's members of the European Parliament, 59 out of 65 Scottish councils, and large swathes of civic Scotland. I say to Mr Findlay that, this time, the motion is a pledge that the interests of those in Scotland are paramount, but it is no call for dogmatism, isolationism or any conditionality that restricted the 1989 claim of right. It does not demand an outpouring of wailing that it is anti-this or anti-that.

The motion demands much more than the restricted 1989 claim of right did. It is a reaffirmation of the fundamental right of the Scottish people and people in Scotland to determine their constitutional needs and future requirements for the Government that they seek. In the 1980s, people such as Johann Lamont, Gordon Brown and Charles Kennedy were right to be proud of signing the claim of right, even if it was

restricted. I hope that they will also now sign the new claim of right.

Let them and us all adopt and accept without condition the sovereign right of the people to determine whatever form of government they want. It is not about what we want. There should be no preconditions and no lines in the sand. It is our role, obligation and duty to fulfil the ambitions of the Scottish people without fear or favour.

We have a maturing Parliament and it is now time to show that maturity by laying aside anachronistic tribalism, and by eschewing narrow parochial advantage that brings no advantage to those whom we seek to represent and brings only short-term benefit to us as politicians. This is no time for political cup ties with one team against the other. This is the match that the crowd must win.

I return to where I began my speech—the declaration of independence of the first 13 United States of America, which says:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness ... that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it".

I support the motion.

16:14

**Mary Fee (West Scotland) (Lab):** I am glad to take part in the debate as a proud and patriotic Scot. I find it hypocritical and suspicious that the First Minister and his party have brought the claim of right to the very chamber that he refused to work towards through the Scottish Constitutional Convention. When Alex Salmond was a member of the Westminster Parliament in 1989, he refused to sign the claim of right, which delivered devolution to the Scottish people, resulting in the very building that we are in today.

Why wait for five years since he became First Minister to raise the issue again? That is why I doubt the SNP's intentions in reigniting the issue today. At a time when the biggest issue in Scotland is our future in the union, the SNP is looking backwards and talking about how to govern instead of putting words into action. At a time when unemployment is soaring, child poverty is at a dangerously unacceptable level and the economy is faltering, we have a Government that cares about its own goal of separation.

**James Dornan (Glasgow Cathcart) (SNP):** Will the member give way?

**Mary Fee:** No. I have many points to make, and I do not have enough time to give way.

We have a nationalist Government that is masquerading as progressive. Nationalism is a

regressive ideology, and it must be exposed as that.

The purpose of the motion is to stir up the debate on how the people of Scotland use their sovereign right to determine what Government should be formed to meet their needs. That is what happened last May. The SNP won that debate and must meet the needs of the Scottish people, as the claim of right requests of it. It already has the powers to create jobs, improve our economy and rid Scotland of child poverty.

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

**Mary Fee:** No. I do not have time to do so.

Why is the SNP's attention elsewhere? Where is the leadership on the issues that matter to everyone in Scotland?

Since the election in May, all parties have talked about how we need to include civic Scotland in the consultation for the referendum but, in 1988, the SNP walked away from the opportunity to listen to civic Scotland. How can we trust that party not to repeat the errors that it made then?

The Constitutional Convention consisted of more than political figures. It included people from throughout Scotland, elected representatives and representatives of trade unions, faith groups, ethnic minorities and the business community. Why did the SNP blunder then? There was a great chance for everyone in Scotland to work together to achieve devolution. [*Interruption.*]

**The Presiding Officer:** One moment, Ms Fee. There is far too much talking in the chamber. Ms Grahame, will you please resume your seat? Do not turn your back on the chair.

**Mary Fee:** That was what the Scottish people wanted, and they still do. Why did the SNP not listen to their wishes and needs? What has changed since then?

The claim of right is a pledge that we will give the people of Scotland a right to say how they are governed. It has taken the SNP 20 years to realise that. If it honestly believes that now, why does it not give Scotland the chance to vote on its future sooner rather than later?

This debate is part of a distraction from the substance of the separation debate. The claim of right has no legal status, although it is an important promise to people throughout Scotland that the SNP refused to sign. Now that the self-appointed future king of Scotland has published his consultation and referendum document and followed that yesterday with a wee trip up the Royal Mile to measure the drapes, can we please move on to the substance?

I hope that the First Minister and his party can answer the questions that must be addressed and then give the Scottish people the right to a say on Scotland's future. If the SNP believes in the claim of right, why will it wait three years from when it won its majority to have the referendum? Is that because it fears that the Scottish people will reject its sole purpose as a political party? It is a political party with one reason for its existence: separation. Like Lord Wallace and many people throughout Scotland, I would take it more seriously if it had signed the claim of right in the late 1980s, which helped to bring it to the position that it is now in. The Scottish Government has a right to have a referendum on separation, but it should at all times take into account the right of the people to have their say on how they are governed.

Bring forward the vote and stop hiding behind the myth that the timing of the referendum was in the SNP manifesto. Give the Scottish people the right to say how they are governed, and tackle the real, important issues that affect Scotland.

16:19

**Jim Eadie (Edinburgh Southern) (SNP):** The principle that it is for the people of Scotland to decide the form of government that is best suited to their needs is part of Scotland's rich constitutional heritage, as eloquently expounded by Christine Grahame. The Deputy First Minister was right to trace the development of the principle of popular sovereignty back to the declaration of Arbroath.

David McLetchie talked about arbitrary despotic power. I am not sure whether he was talking about Edward I, the hammer of the Scots, or his political heroine, Margaret Thatcher. He also took issue with the claim of right of 1689. The distinguished academic historian and author Owen Dudley Edwards, who is a constituent of mine, has stated,

"They were not democratic actions"—

referring to the claim of right of 1689 and the church's claim of right in 1842—

"but they were actions increasing momentum for democracy".

I prefer Owen Dudley Edwards's view of Scottish history to that of David McLetchie.

The idea of popular sovereignty was echoed in the original claim of right, which was passed by the Scottish Parliament in 1689. In England, James II was disposed of on the basis of what might be seen as a constitutional fiction, namely that he had abdicated by leaving the country for France. That was not the case in Scotland, as James VII was expressly removed from the throne by the Parliament of Scotland for being in breach of fundamental laws. It is against that background

that the Lord President Cooper famously queried the unlimited sovereignty of Parliament as being

“a distinctively English principle which has no counterpart in Scottish constitutional law”,

as Christine Grahame said.

I pay tribute to the authors of the claim of right of 1989 for the care with which it was worded and the knowledge and appreciation of history that it displayed in acknowledging

“the sovereign right of the Scottish people to determine the form of Government best suited to their needs”.

Its authors clearly had a better grasp of Scottish history than did Tony Blair, who, as Chic Brodie reminded us, said:

“Sovereignty rests with me as an English MP.”

Placing limits on the powers of Government is not a Scottish idea. Increasingly, the notion of untrammelled parliamentary sovereignty is becoming as extinct, arcane and outmoded as such notions as the Crown in Parliament or the divine right of kings. Instead, over the centuries, citizens throughout the world have put limits on the powers of their rulers through written constitutions or international instruments that reflect a belief in fundamental rights. Similarly, the right of peoples to self-determination is an increasingly accepted doctrine of international law. The UN International Covenant on Civil and Political Rights opens with the simple notion:

“All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

For us on the SNP benches, constitutional change is the means to achieving that and unlocking it within our society.

Thus, the idea of popular rather than parliamentary sovereignty that we are debating this afternoon is old in origin, but modern in application. It is a significant piece of Scottish history, but it is part of the European and international mainstream. The sovereign will of the Scottish people is an idea that has been invoked at various crucial points in our history. Regardless of whether one supports or opposes independence, the forthcoming referendum is without doubt an historic moment and will be a defining moment for our country.

**Malcolm Chisholm:** I agree with every word that the member has said, but is the logic of his position that there must be some check and limitation on the sovereignty of the Scottish Government when it comes to the referendum?

**Jim Eadie:** That point is adequately covered in the consultation document. If the member has a contrary view, he is welcome to engage in the

consultation and set out constructive proposals that address the point that he has made.

The process in which we are engaged is not an arcane or abstract one, but a dynamic democratic process of constitutional change and renewal. It is a democratic process in which we will ask the people of Scotland, “Do you wish Scotland to be an independent country?” If the verdict of the Scottish people is yes, the Scottish Government will negotiate with the UK Government to bring about the transfer of sovereignty and powers from Westminster to the people of Scotland. We would be repatriating the Scottish constitution and fulfilling the Scottish constitutional tradition of which I and others have spoken this afternoon. We should welcome that as democrats, and it is in keeping with our traditions and heritage.

The Scottish Government has made it clear that it is willing to include an additional question on further substantial devolution if there is sufficient support for such a move. There are those in civic society, such as the voluntary sector, the churches and the trade unions, who wish to see a second question. I say to my friend and colleague Margo MacDonald that we should not dismiss that, but listen to what they have to say. That view appeared to be supported by the former Labour MP and UK minister Brian Wilson, who stated in *The Scotsman* on 11 January:

“If a way can be found to offer the Scottish electorate a more rounded choice, then why not?”

My question to the Labour benches is, why not? The consultation document offers a choice to the Scottish electorate on the future of our country based on complete and clear information following a full and informed debate. Let that debate commence and let the people decide.

16:25

**Margo MacDonald (Lothian) (Ind):** I am proud to follow such a speech. I hoped that we would hear many such speeches in the Scottish Parliament. I do not mean to be patronising, but we have heard a few more this afternoon than we heard the last time that we debated the issue.

Mary Fee said that she would have thought more of the Scottish National Party if it had signed the original claim of right. Oh no she wouldn't. [Laughter.] We are bedevilled by party politics when we come to talk about the national question. I will come to that later.

We can set one or two things straight this afternoon. It is only hours since the announcement on the consultation and already the misinformation, the lies, the hints, the nudges, the wink winks and the devious skills of spin doctors have been all over the airwaves and in the

newspapers. Let us agree among ourselves to admit to a few basic truths.

Let us talk about the party politics for example. David McLetchie is a Tory. It is not his fault—I think he was born like that—but we should evaluate much of what he says about the Scottish constitutional question in light of that. This afternoon, he presented rather a questionable thesis when he discussed constitutionality. Jim Eadie referred to the United Nations charter, and we know perfectly well that the Scots can say that they want to be independent. No one can gainsay that, provided it is a fair test of opinion that brings about that result.

However, what the Scots cannot say while in partnership with other parts of the United Kingdom is, “We want to change this, that and the next thing,” without agreeing it first with its partners. That is what I was referring to when I suggested to the First Minister—a suggestion that I hope he took kindly—that he should ditch the second question idea because he can deliver on the first question if he carries the argument, but he cannot deliver on the second without the agreement of people over whom we have no influence whatever, if they do not want us to have influence. That is where I take issue with Jim Eadie. The intention of trying to include the people of these islands in our march forward is the correct one, but I fear that it cannot be done on the one ballot paper.

An aspect of politics in Scotland that confuses the pure debate on our constitutional future is the issue of identity. We are still at it. I am a patriotic Scot but I am not a nationalist. I wonder whether a man from Mars could tell the difference. I went to Puerto Rico once. There were three groups in Puerto Rican politics: the people who were for commonwealth, which is what we would equate to devolution; the full-state lobby, which wanted to be another state of the union; and the people who were for independence. Do you know something? I could not tell the difference and nor could anyone else. They all backed Puerto Rico, but party politics was screwing things up for them.

I remember that sort of thing when I hear Neil Findlay speak, because he knows, as I know, that it is no use having the ideals of alleviating poverty and creating a fair society if we do not have the delivery mechanism to do that. If we had that delivery mechanism we would not even need to pretend that the United Kingdom is perfect in what it has achieved—that is what is on offer as an alternative to the sovereignty that the SNP proposes in its document. If the UK had got the delivery mechanism right, Johann Lamont’s constituency would not have the social indices that it has, which are probably the worst set in the whole of the UK. If that is partnership, I want none of it.

**Neil Findlay:** My issue with what the member is arguing is that simplistic arguments such as, “It would all be better if we were independent,” take out of the whole equation arguments about class, which is the bigger issue in the debate about our future.

**Margo MacDonald:** I do not maintain that any or all of the parties in this Parliament have all the wisdom required to do some of the things that Neil Findlay and I would like to be done. All that I can say is that the current system has patently failed to achieve anything and that we can do no worse as an independent country. That is a negative way of putting the argument—Alex Salmond will not be pleased.

There are very positive reasons for continuing to argue this case. For a start, we have let our fellow Scots wallow in second-rate debate. Some of the stuff that I heard on radio this morning would have made your blood curdle: “Oh, we couldnae do it. I think we’re too wee. We haven’t got enough money”. This is not about money; it is about having confidence, determination and a sense of fairness and being honest about whether we could not do better than the current delivery mechanism.

16:31

**Richard Baker (North East Scotland) (Lab):** The fundamental principle of the sovereignty of the people of Scotland set out in the claim of right was put forward by the Scottish Constitutional Convention in the campaign for this Parliament, and Scottish Labour representatives support it today, as so many of our party did then. Given that the SNP did not sign up to that document in 1989, it ill behoves any SNP MSP to try and lecture this side of the chamber on the claim and the important principles that it stands for. It is far better that we celebrate the principles of sovereignty and democracy that the claim sets out and to which we can all adhere.

Not having signed the claim of right in 1989, the SNP is not in a strong position to lever that document into the Parliament’s discussions on plans for the referendum. This side of the chamber has no difficulty in applying that statement and the principle of the sovereignty of the people of Scotland to our approach to the debate on Scotland’s constitutional future. Fundamentally, it is about empowering the people of Scotland to make their own decision about the future of this country. We believe that we establish the sovereignty of and empower the people by ensuring that they can take part in a fair and legal democratic process that delivers clarity on the key questions about our country’s future. The choice is as stark as Margo MacDonald has put it and those principles should be discussed and debated.

Nevertheless, we feel that our alternative vision is superior to that put forward by Margo MacDonald.

We also believe that we establish the sovereignty of the people and empower them by holding the referendum at a time and in a way that does not suit the ends of one political party or one view, but is in the interests of all the people of this country; by giving the people of Scotland a clear question on the future of this country; and by ensuring that alternative visions of the future are made clear to them.

That is where the *devo max* or *devo plus* proposals fall down with regard to their inclusion in the referendum. It is not because such ideas are not worthy of debate—they are. It is not because we believe that this Parliament should have no further powers—indeed, we have just endorsed extra powers. It is because there is no clarity on the proposals. We believe that voting on an undefined or ill-defined constitutional future does not serve democracy or the people of Scotland. We welcome debate about the Parliament's future powers but we believe that that, too, is best served by a different process.

There has been a lot of talk about who has a mandate to be involved in discussions on the referendum's format. Although mandate can be a more difficult concept to pin down than sovereignty, we have nevertheless accepted the Scottish Government's mandate to hold in this Parliament a referendum on taking Scotland out of the United Kingdom. I do not accept that the SNP had a specific mandate on the timing, but we have done nothing other than acknowledge that the mandate to hold the referendum in this parliamentary session is clear. However, although the SNP might not like it, the fact is that Scots have given a mandate on Scotland's political future not only to the SNP, but to other parties. Scots voted in great numbers in the Westminster elections for representatives who have a mandate to be involved in the issue. The SNP does not like that, but that is the current constitutional settlement.

I have no problem agreeing that the form of the referendum should be driven by debate in Scotland, but that should meaningfully involve all those who have been elected by the people of Scotland to represent them. The problem with the Scottish Government is that it too often seems to confuse its party and Government with the people of Scotland. No one can deny that the SNP achieved a significant electoral victory last May, but we are not a one-party state, and let us hope that we never are. The views of the people of Scotland are diverse and are represented by a range of political opinion. The Scottish Government has implied too often that the process should principally be a matter for it and for its

majority in the Parliament, but that will not wash. Ministers should be aware that a Government that has a majority in the Parliament should work harder to include the views of others and should not use that position to discount and exclude others.

I hope that we are moving away from that approach and that there is progress. Dialogue between the Scottish and Westminster Governments appears to have begun, which is welcome, but we also need meaningful dialogue between the parties in the Parliament and with civic Scotland to complement the consultation process. That is of huge importance.

**Margo MacDonald:** I take what the member says seriously, but I wonder whether he can find it in his approach to sit down with members from across the Parliament to discuss, for example, whether we should even attempt to take part in a joint defence policy. If we do not think that we should do that, that implies something constitutionally.

**Richard Baker:** I await with expectation the white paper that will come with the bill on the referendum, which will allow us to debate all those issues in the Parliament. I am happy to debate the issues more widely, and we look forward to the talks that the First Minister said he wished to have. I am confident that Labour will take part seriously in those talks. That approach is an obvious way to ensure that the range of political opinion is included. It is the most effective way to ensure that progress towards a fair referendum is driven by discussion in Scotland.

The First Minister's comments on round-table talks are welcome, because we believe that, if we seek to forge a consensus on how the referendum is held, we can aspire to excellence in that democratic process. That is how we will empower the people of Scotland to make that crucial decision and how we will respect their sovereignty to choose their future.

16:37

**Murdo Fraser (Mid Scotland and Fife) (Con):** We have learned some useful things during the debate. I learned that I agreed with much of what Margo MacDonald said. Those of us in the Opposition parties learned that we should use the word "separation" as much as possible, because of the pantomime reaction that it draws from SNP members—I have rewritten my speech accordingly.

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

**Murdo Fraser:** No—not at the moment. There will be plenty of opportunity for me to mention that word later, Mr Hepburn.

We also learned that Christine Grahame has studied constitutional law. I enjoyed Mrs Grahame's tutorial on sovereignty and the divine right of kings. She was right that Henry VIII of England developed the concept. However, one of the ironies of history is that it was the Scottish Stuart kings, when they came to the English throne, who embraced it with great enthusiasm. James VI wrote extensively on the divine right of kings. His rather foolish son, Charles I, lacked his father's guile and tact, but nevertheless continued with his political views, which led directly to the Scottish revolution of 1637, the signature of the national covenant, the bishops wars and, in due course, the English civil war. It was not until 1689 that the glorious revolution and the original claim of right led to the eradication of the concept from the British constitution.

**Christine Grahame:** Will the member give way?

**Murdo Fraser:** I will happily give way to receive a tutorial from Mrs Grahame.

**Christine Grahame:** I thank the member for developing the historical trail, but what he says does not impact on the constitutional position, which is that the people of Scotland remained sovereign through their Parliament, and that the English Parliament was sovereign as it came through England's historical roots. That does not change because of what the member said.

**Murdo Fraser:** Mrs Grahame is drawing a fine distinction. I will develop my argument on the claim of right and perhaps we will end up agreeing.

I am pleased that we are having the debate. The First Minister promised in October that he would bring a debate on the claim of right to the chamber in the next month. Although the debate is three months later than it should have been, I am glad that the SNP has got round to fulfilling that promise. However, our party will not be affirming our commitment to the claim of right.

As many members have said, the SNP could not sign up to the 1989 claim of right. It was right to take that stance at that point, and it is to be regretted that it has changed its mind because, as my colleague David McLetchie pointed out, there is a fundamental flaw in the claim of right.

**Mike MacKenzie (Highlands and Islands) (SNP):** Will Murdo Fraser give way?

**Murdo Fraser:** Not at the moment. I want to develop my argument.

It is generally understood that the legal reality of the position in the United Kingdom is that sovereignty rests with the Crown in Parliament. However, there is an alternative, popular sovereignty of the Scottish people to exercise

national self-determination, and that is recognised in the political reality. Therefore, if the people vote for separation in a referendum, that right will be respected. We come to the fundamental issue: the right of national self-determination relates only to the right to declare independence—or separation—from the rest of the UK and not the right, mentioned in the claim of right, to

“determine the form of Government best suited to their needs”.

That is because the United Kingdom is founded by the treaty of union, a treaty between Scotland and the other contracting party. As David McLetchie said, you do not need to be a lawyer to realise that one party to a treaty or contract cannot unilaterally rewrite its terms.

Therefore, if the Scottish people decide on a form of self-government short of separation—however they express that desire—it can be achieved only by agreement with the other contracting parties: the peoples of England, Wales and Northern Ireland as represented by those whom they have elected to Parliament. It is a complete nonsense to suggest that there is an absolute right for the Scottish people to unilaterally rewrite the treaty of union and to redefine the relationship with the rest of the UK, as Margo MacDonald fairly stated.

If members are having difficulty grasping that concept, I will draw a parallel with our membership of the European Union. If we were to have a referendum on EU membership, it would be open to the people of the United Kingdom to vote to pull out altogether. However, we could not vote unilaterally to rewrite our relationship with Europe. We may not like the working time directive, the common agricultural policy or the common fisheries policy, but the UK Government cannot decide unilaterally that it will simply stop adhering to those aspects of EU policy, even if it wants to, because the other contracting parties—the other countries within the EU—would simply not put up with it.

**Margo MacDonald:** There is a difference between the sovereignty of the people being expressed and a treaty having been signed. In the case of the EU, treaties were signed, unfortunately. No such treaty has ever been signed between Scotland and England in the same manner.

**Murdo Fraser:** Of course, the treaty of union was precisely that. The Scots Parliament of the time, however imperfectly it represented the view of the people, contracted with the Parliament of England and created a new Parliament. What we did then was to share sovereignty, exactly as we did when Britain joined the European Economic

Community. That is what we agreed to do, but we cannot unilaterally renegotiate the terms.

The claim of right is based on an entirely false prospectus. Suggestions that there should be a question on so-called devo max represent an equal nonsense, because it could not be delivered. The Conservative Party was right to have nothing to do with the claim of right in 1989 and, unlike some others in this Parliament, we remain consistent in our opinion.

16:43

**Hugh Henry (Renfrewshire South) (Lab):** It has been a somewhat bizarre debate because, at times—despite what Margo MacDonald said about some of the speeches—it has felt as though I was participating in fringe meetings at an SNP conference.

There has been plenty rhetoric, emotion, sophistry and semantics but little about some of the facts and detail that we need to resolve. Had the debate been constructed around the terms of reference that Margo MacDonald articulated, we would have spent our time much more productively and fruitfully, because there are significant issues that need to be resolved.

Notwithstanding the specific detail that Murdo Fraser and David McLetchie provided on the legal issues, Margo MacDonald and others—including SNP members—have outlined the fact that, irrespective of the legal niceties, if people in Scotland want to determine their future in a different way, they have the right to do so. If they do so, we will need to engage in a detailed and protracted process that will involve negotiation.

Whatever happens, people in Scotland need to know what they are voting on. They need to know whether they are voting for Scotland to separate from the United Kingdom and set up completely on our own—

**John Mason:** Will the member give way?

**Hugh Henry:** No, thanks.

Alternatively, people in Scotland need to know whether we are moving towards a new form of devolution. As Malcolm Chisholm eloquently said, we cannot merge the two issues.

We need to decide on our future. If Scotland wants to move to independence and to separate from the United Kingdom, that is fine—let us do that, so that I can get on with the rest of my life. On the other hand, if people in Scotland want to stay part of the United Kingdom and have a different form of devolution, we have the right to do that. Let us get the independence and separation question out of the road.

In a sense, the motion is farcical. As Neil Findlay and others said, it asks some parties—the Liberal Democrats and the Labour Party—but not the Conservatives or the SNP to reassert our commitment to the claim of right, as Alex Salmond said. As parties, we cannot reassert that commitment. The SNP cannot reassert the commitment, because the SNP never made it in the first place.

It is cynical and does debate no good in the Parliament to consider only part of the claim of right. The claim of right said:

“We further declare and pledge that our actions and deliberations shall be directed to the following ends:

To agree a scheme for an Assembly or Parliament for Scotland”.

When Labour came to power, we delivered that. Another purpose was:

“To mobilise Scottish opinion and ensure the approval of the Scottish people for that scheme”.

Labour delivered that with a referendum. Another purpose was—

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

**Hugh Henry:** Wait until I have finished my point.

Another purpose was:

“To assert the right of the Scottish people to secure the implementation of that scheme.”

Labour facilitated that and delivered not only a referendum but the Parliament.

**Jim Eadie:** Will the member give way?

**Hugh Henry:** No—let me finish the points that I want to make.

An equally important part of the Scottish Constitutional Convention that is not referred to is where it said, on securing the legislation, that

“In order to ensure successive Westminster Parliaments do not attempt to dismantle a Scottish Parliament the Convention expects the Westminster Parliament to move a special Declaration before passing the legislation creating the Scottish Parliament.”

The convention said that Westminster should not have the right to remove what was put in place. If the convention expected Westminster to give that commitment, why should we complain when people such as Jim Wallace attempt to recognise that?

**Jamie Hepburn:** Give way.

**Hugh Henry:** Jim Wallace is attempting not to act as a governor-general but to deliver what he has campaigned for all his life. Westminster has a role in the process as outlined by the Scottish Constitutional Convention.

**Jamie Hepburn:** Give way.

**Hugh Henry:** We have heard a number of things today. We heard about motions being “charged with historical resonance”, but there is historical resonance from different political perspectives. In some cases, we heard history being rewritten and misquoted and the law being twisted.

**Christine Grahame:** I thought that I gave a fairly objective analysis of the constitutional position in Scotland in relation to the sovereignty of the people as opposed to the sovereignty of Westminster, how that came about historically and how it is still extant. There was no ranting and nothing that was not objective analysis. Does Hugh Henry accept the point in the motion that we are dealing with the sovereignty of the people, with which Westminster cannot interfere?

**Hugh Henry:** In the motion, we are dealing with a claim of right to which the Labour Party signed up and the SNP did not. We are dealing only with a partial statement of that claim of right.

A number of comments have been made to which I do not have time to refer. Linda Fabiani said that this Parliament, not Westminster, speaks for Scotland. On many things, this Parliament and not Westminster speaks for Scotland, but there are many other matters on which Westminster speaks for Scotland, because it remains our Parliament, not their Parliament. That point should never be forgotten.

There are words in the Constitutional Convention document on which the SNP Government should reflect. I will finish with its words:

“What this process has proved is that constructive consensus is achievable, even among those steeped in the ritual confrontations of British politics. That lesson is immensely encouraging, not just for the project of designing a Scottish Parliament, but for the much more important question of how the Parliament will work once it is in place. We see the consensus that this report represents as a beacon of hope for a new and better politics in a Scotland running its own affairs. We have been struck by the way argument has generated understanding and respect, rather than acrimony. Every decision has been reached by agreement. None has been taken by majority vote. When the prize is big enough, purpose can overcome obstinacy.”

Think about it.

16:51

**The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):** I was struck this morning on reading the coverage of yesterday's events by an article by Rebecca McQuillan in *The Herald* describing the events in Edinburgh castle. She described a young Catalan television journalist called Carles Costa. She says of him:

“Bundled up in a heavy coat against a Scottish January, and regretting not having eaten lunch before he came, he explained what made the greatest impression on him: that in the UK, it was possible to debate independence in polite terms.”

I fear that Señor Costa might be a little disappointed this afternoon. There is some distance still to go before we are having the type of debate that we should have in Scotland on those issues.

I will deal mostly with the attitude of the Labour Party this afternoon, but I will touch on two other matters first. First, the attitude of the Tories is absolutely baffling. Both speakers appeared to be conducting a seminar on constitutional theory. They were actually echoing—in a very strange way—words that the Secretary of State for Scotland, Arthur Woodburn, pronounced in 1949 in the House of Commons. On the question of whether Scotland's people would wish to make their own decisions, he said:

“the answer, undoubtedly, would be ‘Yes.’”

However, he went on to say:

“Such questions are quite unrealistic and have no reference to the practical application of such a sentiment. The answers which they automatically provoke are quite valueless.”—[*Official Report, House of Commons*, 16 November 1949; Vol 469, c 2094.]

David McLetchie and Murdo Fraser never told us whether they believed in the sovereign right of the Scottish people to do anything. They indulged in sophistry all afternoon. That shows why the Tories are utterly irrelevant to this debate.

**David McLetchie:** I think that Mr Fraser and I both made it perfectly clear that the people are sovereign through elected representatives in Parliament, and we said that people have a sovereign right to be an independent nation if they vote for that. However, we also said that one cannot unilaterally change the rules of a club if one wants to stay in a club. Anybody with an iota of common sense knows that that is true, but that is clearly lacking from Mr Russell.

**Michael Russell:** That is a clearer exposition than the one that we heard two hours ago, but it is still irrelevant to this debate. We are asking people to sign on to a simple statement. We will see when they vote whether or not they believe in the sovereignty of the Scottish people.

I will not spend any time on the position of the Liberals, because I do not understand that either. They are a bit like Lord Wallace on television last night, who—as some members will have seen—was not waving, but drowning in this debate. They have little relevance, too.

The problem with the Labour Party that I have identified this afternoon is a serious one. I think that Theresa May once described the Tory party

as becoming the “nasty party” in politics, and—unfortunately—we began to see that this afternoon. Mr Findlay’s speech was utterly remarkable. Two things were running through my mind while I was listening to it, the first of which was the endless insistence on something that the Labour Party tried to insist on in the 1950s, 1960s and early 1970s: that the constitutional debate had nothing to do with social progress, that it was a distraction and that we needed to get on with social progress. Well, that failed in the 1950s, the 1960s and the 1970s, and it will fail again.

Also going through my mind was an echo of something that I used to hear in the first session of the Parliament. When Neil Findlay intervened, I suddenly realised what it was. We were hearing an echo of Tommy Sheridan talking about class war. I knew and was not a great supporter of Tommy Sheridan; Mr Findlay you’re no Tommy Sheridan.

Labour’s argument was entirely based on history. It was entirely based on what happened 23 years ago, in late January and early February 1989. At the beginning of the debate I made it clear to Patricia Ferguson that if she thought that the SNP had made a mistake at the time, she should be glad that we lodged the motion for today’s debate, because that shows that we are overcoming that historical mistake.

However, we can never apologise to the Labour Party. Labour members did not want to hear a word of it; they wanted to hear their own voices going on and on about what happened 23 years ago, which nobody can remember. I was there and I am having huge difficulty remembering exactly what happened. Nobody is interested in what the SNP did or did not do.

The historical record needs to be set right, in a small way. All that we heard about the SNP’s failure to do this or that is set a little at naught by Canon Kenyon Wright in his book, “The People Say Yes: The Making of Scotland’s Parliament”, in which he wrote:

“From the SNP’s own point of view it would probably have been wiser never to have been involved at all. From the Convention’s point of view however it is good that they were there, even if only for some of the preparatory stages. Their presence and their demands propelled the Labour Party and other partners into concessions which they might not otherwise have been prepared to offer or accept. The whole idea of sovereignty, and of real progress by consensus, were matters which the Churches had certainly proposed from the start in the Convention, but which the SNP’s brief flirtation reinforced.”

The SNP’s influence in the convention was there. As I made clear several times, the SNP’s lack of involvement had its reasons then but is utterly irrelevant now.

Let us look forward and talk about what we have to achieve. According to Kenyon Wright, at the first meeting of the convention in 1989,

“Donald Dewar called for ‘independence for Scotland, independence of action, the reality of power, the control of our own affairs, our relations and continuing links with the rest of the United Kingdom.’”

That is a good description of the constitutional chapter that we are moving through, which needs to be renewed in different terms. For the SNP, those terms are independence itself, but we acknowledge that some do not support that. In 2012, as in 1989, there is support among the people and civic society in Scotland for full devolution within the United Kingdom. That, in their view, is the form of government that is best suited to Scotland. I disagree, but I am upset that Malcolm Chisholm has moved from his position of endorsing the possibility of wider choice. Let us find out from the people of Scotland.

**Willie Rennie:** Will the cabinet secretary give way?

**Michael Russell:** Can I please make progress? I am close to the end of my speech.

That is why we have asked the people of Scotland to take part in discussions during the next weeks and months. We want to ensure that they have the opportunity to have their voices heard on the matter.

The history of the claim of right is not the question today. The question today is not about individual politicians and parties. It is not about high office. It is not about the mace and the rituals of this Parliament. The question is simple: it is whether power rests with the people. If members do not trust the people, they will vote the motion down. If they believe that the people of Scotland are sovereign and that we are looking forward with confidence to our future and trying to come together to resolve our differences to secure a better Scotland, they should vote for the motion. I ask the Labour Party to stop being the nasty party. I ask it to be the positive party and to join us and prove the irrelevance that we have over here—I regret that even now I see that the leader of the Labour Party is refusing to do that. That would be a tragedy for Scotland.

## Point of Order

16:59

**The Presiding Officer (Tricia Marwick):** There is a point of order from Michael McMahon.

**Michael McMahon (Uddingston and Bellshill) (Lab):** Presiding Officer, section 1.2(c) of the "Scottish Ministerial Code", says:

"It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity."

My concern is that, in answering my question to him earlier today, the First Minister misled the Parliament with the content of his response. The First Minister advised members that his colleague Alex Neil had been referring to councillors in North Lanarkshire Council when he made an allegation that the local authority was not fit for purpose. In my question, I quoted the comment that Alex Neil's criticism would

"do little for the morale of thousands of low-paid, loyal, dedicated and hard-working public servants."

That quotation came not from councillors, but from trade union representatives who are alarmed by Mr Neil's attack on the staff members of North Lanarkshire Council.

The unions' concerns relate to the statements in Mr Neil's recent article in the *Wishaw Press*. Mr Neil stated in that newspaper that the education department was bloated; not that there were too many councillors, but that there were too many staff members. He stated that the social work department refused to help people; not that councillors refused to help, but that the staff did so. The Cabinet Secretary for Infrastructure and Capital Investment also claimed that the finance department badgered people on low incomes; not that the councillors did that, but that the staff in that department did.

It was the unions that responded, in the manner that I outlined at First Minister's questions, to Mr Neil's claims. They did so because they know who was the target of the insults. It may be the case that the First Minister was himself misled by his minister, but it is clear to the staff in North Lanarkshire Council that Mr Neil was talking about them and not about the elected members when he made those allegations. I therefore ask the First Minister to correct his earlier assertion and I repeat the request that I made to him earlier today: I ask that he and Mr Neil apologise to the staff and not play fast and loose with the truth in this matter.

**The Presiding Officer:** Mr Crawford has a comment further to that point of order.

**The Cabinet Secretary for Parliamentary Business and Government Strategy (Bruce**

**Crawford):** With regard to what Mr McMahon said the First Minister said to him at First Minister's questions, the relevant paragraph in the *Official Report* shows that the First Minister said:

"I read in *The Herald* that Alex Neil said:

'Any sensible person knows my comments were directed at the Labour leadership ... not the workers for whom I have the highest respect.'"

I hope that that entirely clears up the matter of exactly what the First Minister said.

**The Presiding Officer:** I thank Mr McMahon for giving me notice of the point of order that he raised under the ministerial code. He will be aware that I have no involvement whatsoever in the ministerial code. If he believes that the First Minister has misled the Parliament, I refer him again to the code and suggest that he takes it up with the First Minister in writing.

## Decision Time

17:02

**The Presiding Officer (Tricia Marwick):** There are seven questions to be put as a result of today's business. I remind members that, in relation to the debate on public transport, if the amendment in the name of Keith Brown is agreed to, the amendment in the name of Alex Johnstone falls.

The first question is, that amendment S4M-01824.4, in the name of Keith Brown, which seeks to amend motion S4M-01824, in the name of Richard Baker, on public transport, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

### Abstentions

Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)

Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 62, Against 40, Abstentions 14.

*Amendment agreed to.*

**The Presiding Officer:** As the amendment was agreed to, the amendment in the name of Alex Johnstone falls.

The next question is, that motion S4M-01824, in the name of Richard Baker, on public transport as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)

Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Abstentions

Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alison (Lothian) (Green)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)

Scott, John (Ayr) (Con)

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

**The Presiding Officer:** The result of the division is: For 62, Against 38, Abstentions 16.

*Motion, as amended, agreed to,*

That the Parliament notes the importance of local bus services, particularly for people on low incomes and older people; welcomes the Scottish Government's commitment to maintain funding for concessionary fares in 2013-14 and 2014-15, despite the public spending cuts imposed by the UK Government; approves the development of a more environmental focus for the Bus Service Operators Grant and the introduction of a new bus infrastructure; welcomes partnership working between the Scottish Government and industry to invest in hybrid buses; urges the bus sector to minimise the withdrawal of bus services and increases in fares, and urges the Scottish Government, the bus sector and local government to develop demand-led transport solutions such as community transport in rural areas and more effective use of legislation and partnership working through provisions such as statutory quality partnerships.

**The Presiding Officer:** The next question is, that amendment S4M-01828.1, in the name of Aileen Campbell, which seeks to amend motion S4M-01828, in the name of Jackie Baillie, on supporting families, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)

Mackenzie, Mike (Highlands and Islands) (SNP)

Mason, John (Glasgow Shettleston) (SNP)

Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)

McDonald, Mark (North East Scotland) (SNP)

McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLeod, Aileen (South Scotland) (SNP)

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)

McMillan, Stuart (West Scotland) (SNP)

Paterson, Gil (Clydebank and Milngavie) (SNP)

Robertson, Dennis (Aberdeenshire West) (SNP)

Russell, Michael (Argyll and Bute) (SNP)

Salmond, Alex (Aberdeenshire East) (SNP)

Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)

Sturgeon, Nicola (Glasgow Southside) (SNP)

Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Torrance, David (Kirkcaldy) (SNP)

Urquhart, Jean (Highlands and Islands) (SNP)

Walker, Bill (Dunfermline) (SNP)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)

Yousaf, Humza (Glasgow) (SNP)

**Against**

Baillie, Jackie (Dumbarton) (Lab)

Baker, Claire (Mid Scotland and Fife) (Lab)

Baker, Richard (North East Scotland) (Lab)

Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)

Brown, Gavin (Lothian) (Con)

Carlaw, Jackson (West Scotland) (Con)

Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)

Davidson, Ruth (Glasgow) (Con)

Dugdale, Kezia (Lothian) (Lab)

Fee, Mary (West Scotland) (Lab)

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)

Fergusson, Alex (Galloway and West Dumfries) (Con)

Findlay, Neil (Lothian) (Lab)

Fraser, Murdo (Mid Scotland and Fife) (Con)

Goldie, Annabel (West Scotland) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (East Lothian) (Lab)

Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)

Henry, Hugh (Renfrewshire South) (Lab)

Hume, Jim (South Scotland) (LD)

Johnstone, Alison (Lothian) (Green)

Kelly, James (Rutherglen) (Lab)

Lamont, Johann (Glasgow Pollok) (Lab)

Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Macintosh, Ken (Eastwood) (Lab)

Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)

Martin, Paul (Glasgow Provan) (Lab)

McArthur, Liam (Orkney Islands) (LD)

McCulloch, Margaret (Central Scotland) (Lab)

McDougall, Margaret (West Scotland) (Lab)

McGrigor, Jamie (Highlands and Islands) (Con)

McLetchie, David (Lothian) (Con)

McMahon, Michael (Uddingston and Bellshill) (Lab)

McMahon, Siobhan (Central Scotland) (Lab)

McNeil, Duncan (Greenock and Inverclyde) (Lab)

McTaggart, Anne (Glasgow) (Lab)

Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)

Murray, Elaine (Dumfriesshire) (Lab)

Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 62, Against 54, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01828, in the name of Jackie Baillie, on supporting families, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (North East Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**Against**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

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

**The Presiding Officer:** The result of the division is: For 62, Against 54, Abstentions 0.

*Motion, as amended, agreed to,*

That the Parliament recognises the crucial role that kinship carers play in supporting the most vulnerable children and believes that they should be supported financially at an equivalent level to foster carers; welcomes that substantial resources have been provided to local authorities to allow them to provide financial support to kinship carers; recognises that, unlike its predecessors, the 2007-11 Scottish administration acted to introduce regulations to allow financial support to be provided to kinship carers; supports wider efforts to empower families, including the development of a national parenting strategy, the Play, Talk, Read campaign and the roll-out of the Family Nurse Partnership; condemns the UK benefits system as not being fit for purpose as it penalises kinship carers and other vulnerable groups, and calls on the UK Government to fairly support kinship carers.

**The Presiding Officer:** The next question is, that amendment S4M-01822.2, in the name of Patricia Ferguson, which seeks to amend motion S4M-01822, in the name of Nicola Sturgeon, on the claim of right, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-01822, in the name of Nicola Sturgeon, on the claim of right, as amended, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Adam, Brian (Aberdeen Donside) (SNP)  
 Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (North East Scotland) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Salmond, Alex (Aberdeenshire East) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (SNP)  
 Walker, Bill (Dunfermline) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine)

(SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Brown, Gavin (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Lothian) (Con)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)

**The Presiding Officer:** The result of the division is: For 102, Against 14, Abstentions 0.

#### *Motion, as amended, agreed to,*

That the Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and declares and pledges that in all its actions and deliberations their interests shall be paramount, and asserts the right of the Scottish people to make a clear, unambiguous and decisive choice on the future of Scotland.

## Local Train Services (Glasgow)

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

The final item of business is a members' business debate on motion S4M-01690, in the name of Patricia Ferguson, on saving Glasgow's local train services. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament recognises the importance of local train services to commuters in Glasgow; notes Transport Scotland's publication, *Rail 2014 - Public Consultation*, which calls into question the future of railway stations within one mile of another station; expresses concern that nine of the 14 stations identified in this category, Ashfield, Barnhill, Duke Street, Gilshochill, Kelvindale, Kennishead, Maryhill, Mossbank and Nitshill, are in Glasgow and that five of these are on the Anniesland to Queen Street via Ashfield line; notes that each of the nine stations has seen an increase in passenger numbers over the last two years, with Ashfield seeing a 32% increase during this time; further notes that passenger numbers have increased by 189% and 145% at the threatened Gilshochill and Possilpark and Parkhouse stations since 2005; also notes the ongoing Edinburgh Glasgow Improvement Plan consultation, which, it understands, threatens the future of a direct train service to Glasgow Queen Street on the Ashfield line, and believes that these changes would restrict access and deter the use of local rail services in Glasgow and will inevitably make it more difficult for local residents to travel to work and access health and leisure facilities.

17:10

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** I thank all members who took the time to sign the motion. The *Evening Times* deserves our thanks for focusing attention on the issue in its inimitable campaigning style. I would also like to thank all those of my constituents who have signed the petition and all the community councils and community groups that have organised meetings and circulated petitions in their areas. The issue has generated a great deal of concern in my constituency and beyond, and has demonstrated just how important our local train services are and how much effort people will put into protecting them.

Tonight, I want to speak about two train services in my constituency and the threats that they face. The Anniesland to Glasgow Queen Street service, which travels through my constituency, is a busy route with journey times to Queen Street of between five and 15 minutes. In recent years, several new stations have opened and their passenger journey numbers have increased year on year. However, in a recent discussion with rail officials it became clear to me that, as a result of timetabling challenges for the additional services that are proposed between Glasgow and Edinburgh, and the congestion that occurs at the Cowlands junction, an option was being discussed that would require passengers to travel in the

opposite direction, to Anniesland, where they would change trains and make their way on to Queen Street on the low-level service. That would make a journey from Ashfield to Queen Street take not its current five minutes but, instead, more than 30 minutes—a journey that I suspect few people would choose to make.

Obviously, passengers from Kelvindale would have a shorter journey to Anniesland than passengers from Ashfield, but the worry is that the decrease in passengers from the southern end of the line would lead to a gradual drop off in the overall numbers and threaten the viability of the line. I should also point out that nowhere in the Edinburgh to Glasgow improvements programme consultation document is any detriment to suburban rail lines mentioned, which must surely call into question the effectiveness of the consultation. How can someone respond to a consultation when they do not know that it has any relevance to them?

The second threat arises from the consultation, which seeks views on train stations that are no longer required and asks how it should be determined that a station should close. It highlights 11 stations within the Glasgow commuter area.

**The Minister for Housing and Transport (Keith Brown):** Will the member confirm that there are no plans in that document to close any stations and that it contains no such list of stations?

**Patricia Ferguson:** The list of stations is in a fact sheet that accompanies the consultation document. I will come to plans in a second.

Nine of the stations on the list are in Glasgow itself, and five are in my constituency. Four are on the line that I have already spoken about and one is at Barnhill, on the high-level Springburn to Queen Street line. As my motion notes, each of the nine Glasgow stations has seen an increase in passenger numbers over the past two years, with Ashfield seeing a 32 per cent increase during that time, and the threatened Gilshochill station and Possilpark and Parkhouse stations increasing by 189 per cent and 145 per cent, respectively, since 2005. The consultation fact sheet claims that it names those stations because

“they are located less than one mile from another station offering similar services”.

No other criteria were offered for the inclusion of the stations. I know that those stations are within that 1-mile restriction, but I also know that, because of the urban nature of rail services in the west of Scotland, there must be many more in that category than the 14 that are listed. Indeed, in an answer to a question that was lodged by my colleague John Pentland, the minister identified 60

stations that are within 1 mile of another station and offer a similar service.

The naming of those 14 stations, therefore, causes concern among my constituents. The subsequent admission that the stations have been singled out, as a further 50 or so in the same category are not named, has compounded that concern and has led to increased calls for the minister to state clearly and categorically that the stations will not close.

The impact of the proposed closures would be severe. Constituents who live around the threatened stations not only are worried about losing their train services, but are anxious that derelict stations would attract antisocial behaviour. Those who live next to the remaining stations fear not only that a decline in passenger numbers will lead to the loss of the service completely over time, but that there could be an increase in the number of unofficial park-and-ride commuters in their locality, causing increased congestion in their area as well as on main roads such as Great Western Road, Maryhill Road and Balmore Road—all of which are always extremely busy, in any case. Several of the areas that are served by the stations have poor bus services, low levels of car ownership and a high number of elderly residents. The Anniesland to Queen Street route also serves two local schools and provides the only direct route to them for many of the pupils.

Naturally, on finding out about the potential threats to local rail services, I immediately wrote to the minister, asking for the opportunity to meet him to discuss matters. I wrote to Mr Brown on 24 November because officials had advised me that they would make recommendations to ministers at the end of January. I was surprised to receive a response from the minister's private secretary, not the minister himself, and even more surprised to be told that it would be premature to meet before summer 2012. My surprise, however, turned to dismay when a constituent copied me in to a letter that they had received from an SNP list member, indicating that he had discussed these very issues with the minister at a meeting on 11 January. The slight to me is insignificant and I leave it to the Presiding Officer to consider the discourtesy to Parliament, but the offence that has been offered to my constituents is unforgivable. I sincerely hope that the minister will consider that.

Meeting the minister clearly failed to reassure the list member, however, and even appears to have caused greater confusion. Within the past few days, I have had sight of both a letter from him to a constituent stating that the stations are not under threat and an SNP “Save Our Stations” leaflet in which he appears and in which the stations are described as being “threatened”. With such confusion within the SNP itself, is it any

wonder that my constituents will accept nothing less than an absolute assurance from the minister? We do not want to hear that there are “no plans” to close any station, but we do want to hear that the stations will not close.

In concluding, I ask the minister to state clearly here tonight that the stations, which allow such a necessary service to be provided to travellers across Glasgow, will remain open for use in the years ahead and that the Anniesland to Queen Street high-level service will continue to operate as at present. My constituents and those of many of my colleagues need to be reassured by a clear and unequivocal promise. The uncertainty that has been generated by the consultations must be removed once and for all. If the minister is willing to make such a clear statement, he will do commuters a great service.

**The Deputy Presiding Officer:** A number of members want to speak in the debate. If I am to have any chance of getting everyone in, members must keep to their four minutes.

17:19

**Bob Doris (Glasgow) (SNP):** I will return to some of Patricia Ferguson’s comments during my speech. I thank her for raising the issue of rail services in Glasgow and welcome the opportunity to put my views to the minister, Keith Brown, this evening. I have already had discussions with Mr Brown, which I will mention later. This will be an opportunity for me to reinforce my views to the minister, as I have reinforced them to Transport Scotland directly.

I am keen to see the retention of all rail services in the area that I represent, and I am reassured that that will happen. I refer to the Maryhill line, in particular, as I know it very well and I am a frequent user. As we have heard, that line has been a success story, and it will continue to be a success story long after the consultation has closed.

If we look at the Ashfield, Gilshochill, Kelvindale and Maryhill stations, all of which are mentioned in Ms Ferguson’s motion, we see that there has been a 275 per cent increase in the entry and exit passenger numbers since 2006. That is an additional 200,000 journeys—a success story indeed.

In my discussions with the minister, I put directly to him the success story and the importance of the train line, and I was reassured that the Scottish Government has absolutely no plans to close any station or to erode train services on that line. On the contrary, I was encouraged to engage positively with the “Rail 2014” consultation.

To view the consultation as being only a defensive exercise would be to miss a central opportunity for me and my constituents. The “Rail 2014” consultation should be used to enhance provision in Glasgow, and on the Maryhill line in particular. I believe that the Anniesland to Queen Street train service should be extended from the current six-days-a-week service through the introduction of a Sunday service. My constituents would benefit from a seven-days-a-week rail service through Maryhill, and I have written to First ScotRail to make that case ahead of the 2014 rail franchise retender.

Many of my constituents believe that there is a demand for that service, and I agree with them. It was that proposal that I put directly to Transport Scotland and to the transport minister.

I am delighted that local SNP members were out campaigning for train stations locally in Maryhill and Kelvindale. I was also delighted to inform them of my discussions with the minister. They now support my campaign for a Sunday service, and they are equally reassured.

**Patricia Ferguson:** Will the member give way?

**Bob Doris:** I am well aware of the leaflet that Ms Ferguson is holding.

Presiding Officer, can I get a little more time if I allow the intervention?

**The Deputy Presiding Officer:** You can have a very short amount of time.

**Bob Doris:** Thank you.

**Patricia Ferguson:** Thank you, Presiding Officer—I was not aware that members always got extra time if they were intervened on.

I just point out to Mr Doris that we have to retain the train service before we can talk about its being extended—something that I would dearly love to see. I also point out to him that his photograph is on the leaflet. He cannot claim that he did not know about the leaflet, and it completely contradicts the stance he is taking.

**Bob Doris:** I hope that the member will go back to look at the *Official Report* and see that I did not say that I am unaware of the leaflet. I am aware of two leaflets going out in Kelvindale—one campaigning for the train stations and the second one expressing delight at the positive response that I received from the minister, Keith Brown. For accuracy, I ask the member to listen to the words that are used and not to make up her own story when she intervenes on me.

I also say to the member that this should not be a turf war. We should be working together to deliver for our constituents. That is what I intend to do.

I will finish by talking about delivering for our constituents. I have found out that, only today, Labour-controlled Strathclyde partnership for transport has said that it will take away concessionary rail travel for commuters in the evening as well as in the morning. How many pensioners on the Maryhill line will no longer be able to travel because of that SPT decision? I hope that, on a cross-party basis, Ms Ferguson and I can object to and campaign against a cut that will affect vulnerable people in our constituency.

17:23

**Paul Martin (Glasgow Provan) (Lab):** I pay tribute to Patricia Ferguson for bringing forward this important members' business debate, and to the *Evening Times* campaign for highlighting a serious issue that faces people in Glasgow in connection with the threat to their train services.

I will perhaps take the Bob Doris approach—something that I do not do often—and play the defensive role for a station in my constituency that is threatened, which is Duke Street station. I will outline the reason why closing that station would be completely wrong. I understand that Duke Street station is the only station in the area that has disabled access. Both Bellgrove station and Alexander Parade station are not easily adapted, so the potential costs of developing our stations with disabled adaptation would provide serious challenges for Transport Scotland. Duke Street station is also a vital link for those who live in, work in and visit the east end of Glasgow. The station's close proximity to several venues that will be used during the Glasgow Commonwealth games should also be recognised.

We should consider how to improve the station—not provide fact sheets to ensure that the consultation process can result in the possibility of closure. We should also recognise that the station sees more than 74,000 journeys per annum—leaving and arriving—which is a more than 400 per cent increase in the past 10 years. The station is not staffed, so it should be recognised that the station has minimal outlays and overheads. Closing Duke Street station would mean that fewer passengers would use the service and the amount of money that is received from the service would plummet. It would be a false economy if Duke Street station were to be closed in order to save money. I would welcome an unequivocal commitment from the minister that there will be no threat to the future of Duke Street station.

**Humza Yousaf (Glasgow) (SNP):** Will the member give way?

**Paul Martin:** I would welcome a commitment from the minister; I was not aware that Humza

Yousaf is a minister. I would welcome a commitment from the minister that there will not be a defensive approach to the case for Duke Street station.

**Humza Yousaf:** I thank the member for giving way and I appreciate the tone of his contribution. The minister seems to be unequivocal that there are no such plans, but Paul Martin does not seem to accept that. I do not know whether he was a minister when his party formed the Administration, but can he recall a time when a Government minister pre-empted the results of a consultation? I would be most appreciative if he could give me an example.

**Paul Martin:** At the start of the process, the minister gave us the commitment that there are no closure plans in place and he defended the consultation process. All that I have done today is seek clarity from the minister that Duke Street train station is not under threat. That is a perfectly reasonable approach. The minister has qualified the consultation exercise by publishing a fact sheet and saying that it is not a proposal to close stations. I have asked a very simple question, but the minister failed to answer it.

What is lacking in the consultation document is the opportunity to develop new stations. Further to a meeting that we had recently, I ask the minister once again to consider the possibility of new stations such as the Robroyston station that has been proposed on a number of occasions and for which the funding is in place.

**The Deputy Presiding Officer:** We are very tight for time and I am unable to give time back for interventions.

17:27

**Ruth Davidson (Glasgow) (Con):** I, too, congratulate Patricia Ferguson on securing tonight's debate. I was happy to support the motion.

Above all, what the residents and representatives of Glasgow need from the consultation, from tonight's debate and from the minister's upcoming summing up is clarity. As it stands, there is grave concern that there is a plan to close a number of important stations in Glasgow. There are nine stations on the Maryhill line and five of them are under question because of the "Rail 2014" consultation and the accompanying fact sheet. Were they all to close, it might be hardly worth having a railway line at all. Since one of the stations in question is Maryhill station, it could no longer be called the Maryhill line.

**Keith Brown:** Will the member take an intervention?

**Ruth Davidson:** I would like to make some progress first.

My local station, Kelvindale, was opened in 2005 to the great benefit of local residents. How on earth can it be sensible to close it now, when passenger numbers have risen every year and rates of car ownership in the area are low. More than 0.5 million journeys are made on the Maryhill line every year and there has been continuous annual traffic growth at the stations. The line serves some of the most deprived areas of Glasgow where other modes of transport are frequently not available.

Different options are being contemplated simply to ease congestion on Queen Street station's high-level platforms and to bring in more trains from Edinburgh. If that is the case, woe betide any passenger coming from Edinburgh to Glasgow who wants to go on to visit relatives in Maryhill. The painful irony for Glasgow commuters and shoppers is that their stations are under question because of possible improvements to the Glasgow to Edinburgh service. Surely a Government that is committed to public transport should improve all rail services. Improvement of one high-profile line to the detriment of the local lines that feed into it, if that is what is going to happen, would be no improvement at all for many users.

**Keith Brown:** At the start of her speech, the member mentioned plans to close the stations. Can she say what those plans are and who has put them forward?

**Ruth Davidson:** I said that there are questions about plans that may close a number of important stations. I was talking about the references in the consultation document and the fact sheet to stations that are within a mile of each other, and whether they are viable. As it stands, that consultation document makes it look as though stations throughout Glasgow are under threat simply because of such proximity. Fourteen stations are in that category. I assure members that Glasgow residents are alarmed by any prospects of closure. I am talking about gaining clarity from the debate so that the genuine fears of people—not only members, but constituents at home—are assuaged.

Mosspark station is one of the stations that are deemed to be too close to another station. A Mosspark resident who lives five minutes from Mosspark station has pointed out that he is disabled and is no longer able to drive. If the station were to close, he would face an extra 20-minute walk to the nearest station at Corkerhill. How is a disabled constituent supposed to walk that extra distance and carry his shopping home? He cannot do that. The Paisley canal line, which Mosspark station is on, is about to undergo electrification, but it appears that Transport

Scotland will displace some of Mosspark's passengers on to road if the proximity threat is realised. Mosspark's passengers make up 13 per cent of the total passengers on the Paisley canal line.

I am afraid that I do not have enough time to talk about issues surrounding Nitshill station and other stations.

The whole point of a suburban rail line is to have plenty of stations on the line to allow the maximum number of people to use the train service for commuting and leisure. It is not good enough to tell people that there is another station nearby, because nearby could well be too far for those who are elderly and disabled.

We need to be told whether Transport Scotland is considering closing stations in Glasgow. Conversely, like Paul Martin, I would welcome an unequivocal assurance from the minister that no station will close, if that is indeed the case.

17:32

**Drew Smith (Glasgow) (Lab):** I am grateful to be called to speak in the debate. I thank Patricia Ferguson for lodging the motion, congratulate her on securing the debate, and thank her for bringing the slightly bizarre position of the Scottish National Party in Glasgow out into the open in the Scottish Parliament.

I regularly use the Queen Street to Waverley service, and would certainly welcome quicker journey times and improvements to the line. The Glasgow to Edinburgh route is the most important strategic rail route in the country, but any improvements to the line that would reduce the service that is provided to passengers on the Queen Street to Anniesland line through Maryhill in the manner that has been suggested would be completely and utterly unacceptable. I congratulate Patricia Ferguson on raising the concerns that she has raised on behalf of her constituents as the MSP for Glasgow Maryhill and Springburn.

In a recent debate on the cities strategy, I pointed out to the cities minister that stations in cities are close together for a reason. Transport Scotland has completely cocked up its consultation by including the Glasgow stations beside the suggestion that there is somehow an overprovision of rail services and/or stops in Glasgow. The SNP's record on rail services for Glasgow is poor, and the wrong-headed, wrongly focused and wrongly conceived consultation from Transport Scotland is just the latest example of that. I have no shortage of letters and e-mails from rail users in Glasgow that make their real anger clear.

Time is short in the debate, but I want to specifically mention the correspondence that many of us have received about the Glasgow museums resource centre, which is near Nitshill station. The centre manager, Gareth James, said:

"The location of the station in Nitshill does not need altering. The Office of Rail Regulation figures show that Nitshill station has seen an increase in traffic of over 25% in two years and 50% in five years ... This part of Glasgow is poorly served by public transport—no Sunday rail service and a bus service that has recently been truncated further".

Scottish Labour raised the issue of bus regulation this morning, of course.

Mr James also said:

"the train station is unmanned and does not have step-free access on the south-bound platform. Quite the opposite from closure, at this time Nitshill station would benefit from investment, particularly with regards to making it more accessible."

He is right, as is a woman from Mossspark to whom I have spoken. She regularly walks from that station in the dark in the evening, and she is extremely concerned about the threat to her safety as a result of having to make a longer journey.

Glasgow City Council is right to condemn the consultation, and the *Evening Times* was right to launch its save our stations campaign. The question that the minister must answer in his closing speech is why a suggestion was made, in a fact sheet that accompanies the "Rail 2014" document from the Scottish Government's transport agency, that threatens the future of Ashfield, Barnhill, Duke Street, Gilshochill, Kelvindale, Kennishead, Maryhill, Mossspark and Nitshill stations. What is the difference between the 14 stations that are mentioned in the fact sheet and the other 50? Why are those 14 stations mentioned in the fact sheet and not the others?

Bob Doris said that he was reassured by the discussions that he has had with the transport minister. I am sorry, but why, then, does he have his picture on a leaflet that is being put out by the SNP in Glasgow entitled "Save Our Stations"? The leaflet is not about improvements to stations; the title is "Save Our Stations". That is also the title of the *Evening Times* campaign. Why have SNP members who represent my city bounced around accusing Councillor Alistair Watson, who first raised the issue, of scaremongering over the SNP's difficulty? Why did they deny that any threat existed?

**The Deputy Presiding Officer:** I have to ask you to close, please.

**Drew Smith:** Why did they then start to provide quotes to the *Evening Times*, saying that the matter was very serious? Yet again, the SNP has let Glasgow down on railways. Is it not about time that SNP back benchers who represent Glasgow

started to stand up for their city rather than scrabbling around to defend their Government?

**The Deputy Presiding Officer:** Due to the number of members who still wish to speak in the debate, I am minded to accept a motion under rule 8.14.3 that the debate be extended by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Patricia Ferguson.*]

*Motion agreed to.*

**The Deputy Presiding Officer:** Even with that, I might not get all members in.

17:36

**Humza Yousaf (Glasgow) (SNP):** I thank Patricia Ferguson for bringing to the chamber today's members' business debate on Glasgow's railway stations.

The city of Glasgow, which was once dominated by one party, now has an eclectic array of representatives. I am talking not just about the different political parties but about the personalities. We have Tories, females, kick boxers, Territorial Army reservists and former BBC journalists—and that is just Ruth Davidson. However, what we all have in common is a desire to improve Glasgow. I never doubt that my colleagues in Glasgow, regardless of which party they are from, want anything but the best for our city.

On that note, like Paul Martin, I congratulate the *Evening Times* on its save our stations campaign. I might not agree with everything that the *Evening Times* has ever said, but some of its campaigns have been laudable, including the streets ahead campaign and Glas-goals, which aims to improve our city's health.

I, too, would express my concern should any of the stations that are mentioned in Patricia Ferguson's motion close. That is why I am pleased that the minister has firmly shut down the proposition that the Opposition is peddling. As has been mentioned, most of the stations have seen recent increases in passengers. I will resist the temptation to laud the Government for its wonderful transport policies, which have helped to facilitate that rise in passenger numbers.

It is important that our local communities are connected to public transport hubs and railway stations, especially as so many people rely on public transport. In Glasgow, 56.8 per cent of households have no access to a car. In the area surrounding Duke Street, 63.5 per cent have no car, and in Mossspark, which is one of the busiest stations, 53 per cent rely on public transport. It is

therefore even more pertinent that we do not unnecessarily scare any of our local communities into thinking that their local rail station is going to close.

**Ruth Davidson:** Will the member acknowledge that there is already fear that stations are going to close? That is why we require clarity from this debate.

**Humza Yousaf:** I absolutely recognise that point. That is why it is important that the minister gave an assurance that there are no plans to close any stations in Glasgow.

The *Evening Times*, acting on behalf of its readers, had the right to ask the minister for further clarification on the issue, and I am pleased that it was forthcoming and unequivocal. Keith Brown has repeatedly said—and he will, no doubt, reiterate in his closing speech—that there are no plans to close any stations in Glasgow. The only way in which someone could not see that as unequivocal is if they were looking for an assurance that there will be no such plans 50, 100, 150 or 200 years in the future, which would tie the hands of future Governments.

Although I have often commented in the chamber that a few months here can feel like a few years, I am not burdened with a heavy dose of cynicism just yet. However, I think that we all understand that there is the little matter of the local government elections in just a few months' time, with Glasgow being the particular focus. I look forward to the campaign ahead. The two main parties in Parliament will tough it out to see who wins the battle of ideas on how to progress Scotland's largest city. It is imperative that we all deal with facts and give people our honest ideas, policies and manifestos, on which we can be judged—

**Patricia Ferguson:** Will the member give way?

**Humza Yousaf:** Of course.

**The Deputy Presiding Officer:** The member is finishing. I am afraid that you will have to finish, Mr Yousaf.

**Humza Yousaf:** I look forward to the campaign ahead but let us stick to the facts and not whisper or scaremonger. The people of Glasgow deserve better.

17:40

**John Pentland (Motherwell and Wishaw) (Lab):** Like other members, I thank Patricia Ferguson. I also thank the *Motherwell Times* for its campaign on the issue. I support the motion on Glasgow's threatened rail stations. The list in which those stations appear, on the basis that they are within a mile of another station, includes the

Airbles and Motherwell stations in my constituency.

The case for the retention of Airbles station is very similar to the case for retaining the Glasgow stations—there is common cause in the argument for the retention of all the stations. Annual footfall at Airbles is more than 100,000. Built in 1989, the station has gone from strength to strength, providing a convenient alternative to the even busier Motherwell station. Airbles station is handy for commuters, football fans, local communities and many others.

Convenience is key to the argument for retaining Airbles station and the Glasgow stations. I presume that we all agree that we need to increase the use of public transport. When we consider the benefits of public transport, we do not just look, as Beeching did, at the bottom line of the balance sheet for the service in question. We must also consider the wider social, economic and environmental benefits. We do not just look at where we are now but at where we want to be—we want increased use of public transport—and how to get there.

I am sure that the minister will agree that the best way to get there is not by closing stations—or am I wrong and, half a century on, has the ghost of Beeching returned to stalk the SNP benches, promoting “The Reshaping of Scottish railways”? If so, I ask the SNP to learn the lessons of the past and look to the future.

I thank the minister for his recent reply to my written question on the “Rail 2014” consultation. I noticed some omissions—according to Google maps—from the list of all stations that are within a mile of another station. That apart, the answer was useful.

**Humza Yousaf:** On the issue of being unequivocal, what formulation of wording does the member want the minister to come up with? How much clearer can he get than “There are no plans to close the stations”?

**John Pentland:** I will come to that later.

The minister's response noted that the stations were selected on the basis of a footfall of less than 120,000. No justification for that cut-off has been given; indeed, the figure was not mentioned in the consultation or the fact sheet, which provides the list of affected stations at the request of unnamed stakeholders.

Does the minister understand the great uncertainty that the review has created in the communities involved? Petitions launched in my area have already been signed by hundreds of my constituents, many of whom commute to Glasgow from Airbles and Motherwell; doubtless, some reach their final destinations courtesy of some of

the other stations highlighted for “consideration” by the consultation. My constituents could be about to suffer the double whammy of station closures at both ends of their journey.

My party has been responsible for the reopening of lines such as the Airdrie to Bathgate line. New stations have been opened, and each time that has been justified. We should beware of the false economy of saving now and paying in other ways for years to come.

The minister has said that the Government has no plans for closure. Why, then, have a consultation to discuss closures? We are told that it is Transport Scotland's doing. It is tempting to have an arm's-length organisation that can take the blame, but come on. I suggest that the minister try something different and take responsibility for bodies that are ultimately answerable to him. He should not just say “no plans”; he should say “no”.

17:45

**Jim Hume (South Scotland) (LD):** I congratulate Patricia Ferguson on securing this debate on a motion that I, too, support. I know that the issue is of great concern to many Glasgow residents and I am proud to say that Liberal Democrat councillors are doing sterling work in actively campaigning on it. It is good to see the cross-party support on the issue—even from Bob Doris with his “Save Our Stations” leaflet.

I have to say that I almost jumped up when Humza Yousaf shouted at others for scaremongering. He should have a word with Bob Doris—

**Humza Yousaf:** I did not shout.

**Jim Hume:** Well, the member mentioned that other parties were scaremongering when, in fact, his own party has put out a leaflet called “Save Our Stations”.

**Bob Doris:** The member has now mentioned me twice. Obviously, I am quite proud of the local SNP for fighting for services on the line in question to be expanded to include a Sunday service. Would the Liberal Democrats support expanding that service to seven days a week?

**Jim Hume:** The member has been going on about saving stations. The Liberal Democrats, too, support that.

The publication of Transport Scotland's now infamous “Rail 2014” consultation is perhaps why people are concerned. As members will recall, the consultation proposes that, because of constitutional uncertainty, a short-term franchise agreement should be put in place when the current one ends. Such an agreement would kill off any hopes for investment in our rolling stock or

action to tackle fares. Quite how that would benefit commuters is hard to say, but now passengers in our biggest city are asking tough questions of the Government.

**Keith Brown:** Is the member aware that his own Government—the Government that he supports at the United Kingdom level—has put in place an 18-month-long franchise that includes improvements to 140 stations along the line in question?

**Jim Hume:** We are in Holyrood and I am questioning the Scottish Government.

Despite Government assurances that Transport Scotland is not consulting on station closures, the document leaves little doubt about which way the Government is leaning. I draw members' attention to paragraph 7.11, which states:

“We do not intend to reduce the size of the Scottish rail network, or reduce the number of stations, but we are considering whether it would be possible to re-configure the network by reviewing the location of stations. We would welcome views on what locations may be more appropriate for stations and which current stations are no longer required.”

That is quite clear. One cannot state credibly that there is no intention to close stations while, in the very same sentence, mooted a reconfiguration of the network and a review of the location of stations. Furthermore, the previous paragraph mentions

“11 stations”

in the Glasgow area

“located less than one mile from another rail station offering similar services”

and highlights that

“The lease costs”

for

“these 11 stations total £208,000.”

Passengers who use Kelvindale, Maryhill and other stations can surely be forgiven for seeking clarity from the Government on its true intentions, given the overwhelming weight of evidence against the Government's public protestations to the contrary. Indeed, that is all we are doing this evening. It is now time for the Scottish Government to come clean about the stations that it wishes to retain in Glasgow and those that it intends to close. After all, saying that there are no plans to close stations is not the same as saying that there will be no closures.

Glasgow is a thriving, busy city. The country's ambitious climate change targets will not be met if we go down the route of closing stations and forcing more people into their cars.

17:49

**Neil Bibby (West Scotland) (Lab):** As a regular user of train services in and around Glasgow, I thank Patricia Ferguson for bringing this important issue to the chamber for debate.

Like John Pentland, I am concerned by proposals in Transport Scotland's "Rail 2014" consultation that call into question the future of stations that are located within 1 mile of each other. I mention that because one station in the greater Glasgow area, Paisley St James, could well be affected. Although it is located close to Paisley Gilmour Street and Paisley Canal stations, Paisley St James has had increasing passenger numbers since 2004-05 and a significant jump in passenger numbers since 2007. In large part, that is because St Mirren Football Club opened its new home stadium a stone's throw away from the station. The stadium is now home to the Scotland under-21 team. The station helps home and away fans to attend football matches at the ground.

SNP members, particularly George Adam, were vocal in their support for changing the name of Paisley St James to Paisley St Mirren, in recognition of its importance to the local community. I say to the SNP and Mr Adam that it is not the name of the station that matters, but the station itself. I hope that Mr Adam and the SNP will be just as vocal in their support for retaining the station, no matter what it is called.

On a more serious note, Paisley St James is located in one of the most deprived areas in Scotland. Several stations in Glasgow are in areas of high deprivation. The 2001 census showed that 45 per cent of households in Paisley were without a car, which is more than 10 per cent higher than the average for Scotland. On top of that, "Scotland's People: Annual report: results from 2009/2010 Scottish Household Survey" illustrates the clear links between access to a car and the level of deprivation of an area. In the 15 per cent most deprived areas, 44 per cent of households have at least one car available to them, compared to a figure of about three quarters of households in the rest of Scotland.

As we know, the SNP does not have a good track record—if members will pardon the pun—when it comes to railways in Renfrewshire and Glasgow. The Glasgow airport rail link was to be completed in 2013, but the SNP scrapped it. Therefore, the SNP will forgive me and my fellow Renfrewshire residents for wanting a specific guarantee that no stations will close in Paisley before we are convinced that the future of the station is in safe hands.

I have talked a lot about Paisley stations, but I also have concerns about stations in Glasgow. For example, Mossspark station, which serves the

Pollok and Cardonald areas of Glasgow, has been identified as one of the stations that are in close proximity to another. Any alteration to services at that station would have a knock-on effect on the Paisley Canal line and would potentially put the viability of that line in jeopardy.

I could not help but notice the minister's recent comments in Paisley's highly regarded local newspaper, the *Paisley Daily Express*, of which I have a copy. As the minister has reiterated today, he said:

"There are no plans to close rail stations in Paisley, or any other part of Scotland for that matter."

As other Labour members have said, we do not want a guarantee that there are no plans; we want a guarantee that there will be no closures. I hope that the minister will listen carefully to the concerns of those who rely on our stations and who want them to be retained.

17:53

**John Mason (Glasgow Shettleston) (SNP):** I thank Patricia Ferguson for raising the issue. In Glasgow, we are fortunate to have the rail network that we have. Many other European cities have more extensive metro systems, but not many can match our heavy rail system. When we put the two together, we have a network to be proud of. We should be grateful to the Victorians who built it and to others, including SPT, who have maintained it, fought for it and sought to develop it.

Speaking personally, I can say that my preferred method of travel is train. I almost invariably use the train to go down to London and the longest journey that I ever made on the train was from Hong Kong to Glasgow.

More recently, it has been great to see developments such as the Airdrie to Bathgate line, which has not been given the attention or praise that it deserves. In fact, the name Airdrie to Bathgate can be something of a misnomer, because the line has opened up stations in Glasgow, particularly in the east end—six of which are in my constituency—by giving us a direct link to places such as Bathgate, Edinburgh Park, Haymarket and Waverley.

It is therefore disappointing to think that any station might be closed. I am particularly concerned about Duke Street, which is just outside my constituency. I agree with the points that Paul Martin made about it. I remember from economics lectures reference being made to some of the mistakes that Beeching made in his cuts. One was to close small branch lines while forgetting that the passengers from those branch lines were what made the main lines more viable. It strikes me that one of the dangers of closing quieter stations in Glasgow would be to reduce passengers on a

wider range of lines and get people out of the habit of using the train as their first choice.

I certainly hope that the homework on passenger numbers has been done properly. When I served on SPT, it was notoriously difficult to know how many passengers were using trains or particular stations. For example, many passengers use High Street station in my constituency, which is just on the edge of the city centre. People use it because it is not gated and, therefore, it is quite likely that they will be able to get off there without buying a ticket. Have the Duke Street to High Street journeys been included properly?

Duke Street is also the closest station to Parkhead's Forge retail park, which is the major shopping centre in my constituency. It also happens to be the closest station to my office.

I am delighted that Dalnarnock station is getting major investment and an upgrade for the Commonwealth games. That will be a lasting legacy for our area. However, it should not be a reason for closing other stations.

In fact, not only do I not want stations to close, I want more to open. The top of my list would be Parkhead Forge, which is also on the Airdrie to Bathgate line. It would not only serve the shopping centre but give a direct service to Celtic Park from the city centre and from Edinburgh.

I add my voice to calls for crossrail in due course. Capital investment is tight and my priority would be for housing over rail, but I find it a little ironic that the line across the river exists and is used by empty passenger trains. Even without new tracks or stations, trains can run from Paisley to Edinburgh via Bellgrove, Springburn and—ironically—Duke Street.

Let us think long and hard before we close any stations on the Glasgow network and let us work to determine how we can further expand Glasgow's and Scotland's excellent railway system.

17:56

**Patrick Harvie (Glasgow) (Green):** Like others, I welcome the motion that Patricia Ferguson has brought to the Parliament. We had buses this morning and we have trains this afternoon. If only we had spent part of the day debating walking and cycling, I would be one very happy sustainable transport geek.

I will speak about the missed opportunity that the consultation document represents. I really looked forward to opening up the "Rail 2014" consultation and seeing an ambitious vision for a bigger, better and more affordable rail network for the whole of Scotland. I looked forward to a vision

for a rail network that could be run on a not-for-profit basis and that could expand by reopening old stations, not only in urban areas such as Glasgow but around Scotland, and improving the services that already exist.

Instead, from a party and a Government that are often good at presentation and talking up their ambition for Scotland, we had a list of small cuts—small reductions in service—that could be made. Taken together, those made for an extremely disappointing consultation document.

**Keith Brown:** I reassure Patrick Harvie that, if he reads the entire document, he will see reference to not-for-profit organisations possibly taking over railways and opportunities to expand the rail network. The consultation is a list of options, and he still has time to respond in that vein.

**Patrick Harvie:** I have read the document. Not-for-profit operation will not happen unless the Government makes it happen and ensures that there is a viable not-for-profit bidder. I do not see that work happening.

We should not be having a debate on, "We have no plans," versus some wider commitment. It is such an old one. We have had it time after time, on issue after issue. "We have no plans," is a current statement of not having any clarity. "We are not going to close stations," would be a lot clearer.

I want to go further: there should be plans to reopen stations. I agree with most of John Mason's words on that. We should consult on that but, instead, paragraph 7.10 of the document talks about an arbitrary 1-mile limit and paragraph 7.11 asks for views on

"which current stations are no longer required."

That clearly raises the fear that stations will be closed.

Let us be generous—believe it or not, this is the generous interpretation—and say that it is possible that that is daft not deliberate and that the fears have been raised accidentally. Perhaps someone mistakenly copied and pasted in a paragraph from a document headed "Issues never to raise in the consultation" and the minister signed off the consultation document without reading that.

The information genuinely raises the fear that many other stations, and not just those on the list in the fact sheet, are to close. As members have said, many other stations are within 1 mile of each other, which is quite right too. What makes the really good and successful commuter rail network that we have in the west of Scotland work is having stations close together, so that many more communities have ready, easy and convenient access to the network.

Like others, I call on the minister to give a clear commitment that the Government will not apply the arbitrary and perverse 1-mile rule and that it will not close stations after the consultation has finished. It is not wrong to pre-empt the consultation on such an issue. Where the Government does not want to close stations, it should say so. If it wants to close stations, it should say that as well.

Such a clear commitment should be given, after which we can move on to debate what the best rail network that we can have is. We need to use 2014 as the opportunity to achieve that.

18:01

**Elaine Murray (Dumfriesshire) (Lab):** I will be brief. The debate is primarily about services in Glasgow. I congratulate Patricia Ferguson on raising the issue on her constituents' behalf and on managing to portray some of the anomalies in the debate. It is rather amusing that SNP council candidates have been out there campaigning to save stations from their own transport minister.

Like others, I think that we must ask what the consultation document's purpose is, if the minister says that there are no plans to close any stations. Jim Hume read out the reference in the document to reconfiguring stations. If stations are to be reconfigured and put somewhere else, some stations will have to close. If that is the intention of Transport Scotland and of the minister, they must come clean, say that and talk to people about the stations that might close. When people see a list that includes some stations but not others, they suspect—naturally—that the stations on the list are probably under threat.

Documentation has been going around that shows usage at some stations. I looked at it carefully, because we always worry about the stations in our constituencies. If such data is around at the same time as a consultation is taking place, we must ask what the purpose is of having it in the public domain.

**Keith Brown:** Will the member take an intervention?

**Elaine Murray:** No—I am sorry, but I promised to be brief, and the minister will sum up immediately after me.

I do not argue that no station should ever close. There might well be arguments for some stations to close. However, like Patrick Harvie, I would like stations to be reopened. If stations are to be closed, they certainly should not be stations on busy commuter lines that move people out of private cars and on to public transport.

As the minister knows, I have campaigned for the stations at Thornhill and Easttriggs in my

constituency to be reopened. I will not hijack the debate by going on about them, but there are good arguments for new stations. One frustrating aspect, which might have a bearing on the debate, is that train operators are often not keen on trains stopping too frequently. I have heard that the train operators are reluctant to have services from Lockerbie that reach Edinburgh and Glasgow before 9 o'clock, because such services would have to start too early elsewhere or would slow down some trains.

Equally, it is argued that if the trains on some commuter lines stopped too much, that would slow down intercity trains, which compete with the airlines. We must recognise the role of trains in supporting commuters in Scotland. People do not commute by train just in the south of England; that happens in Scotland, too. A balance must be achieved between the commuter service's role and the intercity train service's role.

I will stop there and allow the minister to answer the points that have been made.

**The Deputy Presiding Officer:** I am grateful for that.

18:04

**The Minister for Housing and Transport (Keith Brown):** First, I return to a point that Patricia Ferguson made: I will certainly review the correspondence to which she referred and, in any event, I am more than happy to meet her to discuss her concerns about station closures in relation to "Rail 2014". I will ensure that such a meeting is arranged as soon as possible.

I am pleased to have yet another opportunity to reiterate the Government's position. I will be as clear as I can be: the Government has no plans. Patrick Harvie said that we should say what our true intentions are. That is our intention: we have no plans and no intentions to close stations in Glasgow.

**Patrick Harvie:** Will the member give way?

**Keith Brown:** No—I will get started first.

We have no intention of closing stations anywhere in Scotland. We do not have those plans; they are not in the document. A number of members referred to a list of stations. John Pentland mentioned the list that he asked me for in the Parliament. The other list, which related to Glasgow, was asked for by someone at a station in Glasgow during the consultation exercise. It was not Transport Scotland, nor was it me; someone asked for that list, and the factual information was provided. It is not part of the "Rail 2014" consultation document. It was provided in response to a request that was made, as I provided the information to John Pentland. That is

where that list comes from. That person gave the criteria for what they wanted, which was information on stations close to each other and on the patronage numbers.

It is clear that we are in the midst of a consultation. We have no plans to close stations, but I well understand the cynicism that attaches to that phrase, because for years and years Governments have said, "We have no plans to do this," when the real intention was something other than that.

For example, the consultation that the UK Government recently launched asks about questions for a referendum on independence when the UK Government has made it perfectly clear that it has no intention of entertaining the idea of a double question.

**Patrick Harvie:** Will the member give way?

**Keith Brown:** No, not at this point. I understand that there might be cynicism about that, but the consultation ends next month so we will find out fairly shortly whether the cynical view is the right view, or whether I have been sincere in what I have been saying.

A number of members—Paul Martin, Bob Doris, Patrick Harvie and Jim Hume, who, strangely did not mention Borders rail—mentioned that the consultation should be about ways in which we can expand the railway network. To give some more weight to the idea that we have no plans to close stations, members should look at our track record. Contrary to what some members have suggested, we have a good track record. The level of subsidy in Scotland is greater than it has ever been. It is greater, as I understand it, than the subsidy for any other train-operating company in the whole of the UK. The fare box is smaller, but the subsidy is greater. The EGIP involves around £1 billion of investment in the railway infrastructure in Scotland. We are delivering the Borders railway, which the previous Administration did not get round to even looking at delivering. It talked about Borders rail for many years, but it did not deliver it. We have started that process. We managed to get the Stirling-Alloa-Kinross line, which I was involved in when I was a council leader, through and completed. We are committed to looking at other stations in the north of Scotland.

Dalmarnock has been mentioned, as, quite rightly, has Glasgow, where there has been additional investment in the subway and in fastlink. There is a huge commitment to public transport in Glasgow from this Government, which is demonstrated by what we have done. That does not support the idea that we have some kind of agenda to cut back on transport.

What we have here is a consultation document. It is right that we should consult, and the

document is open and inclusive. Some of the things in there are not the Government's views, but things other people have suggested. For example, Jim Hume made a point about the length of the franchise, but the suggestion to which he referred came not from the Government but from the trade unions, which wanted to look at that. There are other reasons why they think that it would make sense to have a shorter franchise. Contrary to Jim Hume's point, there is no evidence to suggest—as one might think and as, indeed, I did—that longer franchises encourage more investment or reduce fares.

We have a very good record on rail, on public consultation and on support for public transport. It is right that we are consulting on these issues. We are at the stage at which we are looking for a new franchisee, and we are obliged to follow the franchising system. It is interesting that we are holding a consultation on a franchise, and yet there is no consultation at all from the UK Government on the franchise for the east coast main line, which starts in 2013. I have asked the UK Government when we will have a consultation, but there has been no response.

Franchising is a very expensive business. It costs £4 million to launch a franchise bid—

**Patricia Ferguson:** Will the member give way?

**Keith Brown:** I will make one last point and then come back to Patricia Ferguson.

The Government is prevented from encouraging directly a not-for-profit scheme, such as Patrick Harvie mentioned. Of course, others can do that if they can demonstrate their experience in the rail industry, but we are not allowed to do so.

**Patricia Ferguson:** The minister will forgive those of us in Glasgow who are slightly cynical when there are proposals and no plans, because that is exactly what Stewart Stevenson said to us the week before he cancelled GARL.

I am conscious that the minister has almost finished his speech but has not referred to the issue in my constituency that arises because of EGIP and the congestion at Cowlands. That is an extremely serious point and I would be grateful if he would address it.

**Keith Brown:** That consultation is being carried out by Network Rail. I have listened to the views that have been expressed today and in writing, and we are taking them into account. There is no proposal at this stage; the consultation is genuine. We will look at the issue and the implications of the option that Patricia Ferguson described, if it were to proceed.

I have listened to the points that members made. The consultation ends at the end of February, so we will find out shortly whether what

members said about secret plans to close stations is true or not. We will also have the benefit of considering the consultation responses and finding out whether anyone has come forward with a proposal to close stations. In Scotland we have stations—not in Glasgow or even the central belt—where nobody gets on or off.

No mention has been made of the UK-wide McNulty report, which was commissioned by the previous UK Government and is being taken forward by the current UK Government. We have to look at that.

Many members mentioned the increased patronage at some stations. That has not come about by accident. There has been a great deal of investment in the rail services. Why would we want to close a station when we have increased the patronage during the past few years? Of course, if people demonstrate that they want to use a station, they should have that station. That is consistent with what the Government is doing.

*Meeting closed at 18:11.*



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e-format first available  
ISBN 978-1-4061-8206-4

Revised e-format available  
ISBN 978-1-4061-8218-7