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Official Report

MEETING OF THE PARLIAMENT

Wednesday 17 April 2013

Session 4

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Wednesday 17 April 2013

CONTENTS

	Col.
PORTFOLIO QUESTION TIME	18623
EDUCATION AND LIFELONG LEARNING	18623
Education (Aberdeenshire Council)	18623
Motherwell, Coatbridge and Cumbernauld Colleges	18624
Educational Attainment (Glasgow City Council)	18625
West College Scotland (Improvements to Campuses)	18626
College Regionalisation	18627
Education Systems	18628
Prisoners (Educational Qualifications)	18629
Travel to School (Safety)	18630
Employability Fund	18631
School Maintenance	18632
College Mergers	18633
Horizon 2020	18634
Sectarianism	18635
Part-time Students (Fife)	18636
Student Awards Agency for Scotland (Prompt Payment)	18637
PUBLIC PROCUREMENT REFORM	18639
<i>Motion moved—[Gordon MacDonald].</i>	
Gordon MacDonald (Edinburgh Pentlands) (SNP)	18639
The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon)	18642
Elaine Murray (Dumfriesshire) (Lab)	18646
Mary Scanlon (Highlands and Islands) (Con)	18649
Chic Brodie (South Scotland) (SNP)	18651
Margaret McCulloch (Central Scotland) (Lab)	18653
Linda Fabiani (East Kilbride) (SNP)	18655
John Mason (Glasgow Shettleston) (SNP)	18657
Tavish Scott (Shetland Islands) (LD)	18659
Kevin Stewart (Aberdeen Central) (SNP)	18661
Anne McTaggart (Glasgow) (Lab)	18663
Stuart McMillan (West Scotland) (SNP)	18665
Neil Bibby (West Scotland) (Lab)	18667
Nigel Don (Angus North and Mearns) (SNP)	18670
Jayne Baxter (Mid Scotland and Fife) (Lab)	18672
Mike MacKenzie (Highlands and Islands) (SNP)	18674
Patrick Harvie (Glasgow) (Green)	18676
Alex Johnstone (North East Scotland) (Con)	18678
Elaine Murray	18680
Nicola Sturgeon	18682
Maureen Watt (Aberdeen South and North Kincardine) (SNP)	18685
BUSINESS MOTIONS	18688
<i>Business motions moved—[Joe FitzPatrick]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTION	18690
<i>Motion moved—[Joe FitzPatrick].</i>	
DECISION TIME	18691
ONE BILLION RISING CAMPAIGN	18692
<i>Motion debated—[Kezia Dugdale].</i>	
Kezia Dugdale (Lothian) (Lab)	18692
Linda Fabiani (East Kilbride) (SNP)	18694
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)	18695
Jamie McGrigor (Highlands and Islands) (Con)	18697
Iain Gray (East Lothian) (Lab)	18698
Sandra White (Glasgow Kelvin) (SNP)	18700

Alison Johnstone (Lothian) (Green).....	18701
Jenny Marra (North East Scotland) (Lab).....	18703
The Minister for Commonwealth Games and Sport (Shona Robison)	18705

Scottish Parliament

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[The Deputy Presiding Officer opened the meeting at 14:00]

Portfolio Question Time

Education and Lifelong Learning

Education (Aberdeenshire Council)

1. Maureen Watt (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what recent discussions it has had with Aberdeenshire Council regarding education issues. (S4O-01985)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): On 11 December, the Cabinet Secretary for Education and Lifelong Learning and I met Aberdeenshire MSPs to discuss the senior phase of the curriculum for excellence and associated parental concerns in Aberdeenshire. The following day, the cabinet secretary met the council's director of education and education convener to discuss those matters further.

Since then, Education Scotland's director of inspection has attended Aberdeenshire Council's education committee, and my officials in the Scottish Government and Education Scotland continue to work closely with the council on the development of the curriculum for excellence in its schools.

Maureen Watt: Does the minister believe that parents' concerns in connection with the number of national 5 qualifications that pupils will be able to sit in Aberdeenshire have been resolved to the satisfaction of both teachers and parents?

Dr Allan: I am certainly aware of the concerns, which the member alludes to, that have been raised in Aberdeenshire around the planning for the senior phase of the curriculum for excellence, including in relation to the number of national 5 qualifications. To help to address those concerns and to develop a greater understanding of schools' approaches and rationale, Aberdeenshire Council set up a senior phase working group, which is, I am glad to say, making progress.

More generally, I am glad to say that, particularly with the announcements by universities in recent weeks on their attitudes towards the curriculum for excellence, parents' understanding of and attitudes towards the new qualifications are becoming clearer and are clearly positive.

Nanette Milne (North East Scotland) (Con):

Anxious communications are still coming in from parents in Aberdeenshire. What assurance can the minister give that children in Aberdeenshire will not have their subject choice compromised in any way following the changes with the introduction of the new exams?

Dr Allan: I know that Aberdeenshire Council's education committee has made it very clear that the needs of individual pupils should be considered in considering subject choices. That is one of the most important things. I think that there is an understanding of the need for flexibility and that there is an increased appreciation generally that, although the number of subjects that are taken in fourth year is certainly important, that is certainly not the be-all and end-all in respect of the number of qualifications that pupils will leave school with or, indeed, what universities and employers are looking for. However, I welcome the fact that Aberdeenshire Council has indicated the need for flexibility to allow for the needs of individual pupils.

Motherwell, Coatbridge and Cumbernauld Colleges

2. Richard Lyle (Central Scotland) (SNP): To ask the Scottish Government when it last held a joint meeting with the principals of Motherwell, Coatbridge and Cumbernauld colleges and what was discussed. (S4O-01986)

The Minister for Youth Employment (Angela Constance): My colleague the Cabinet Secretary for Education and Lifelong Learning last jointly met the principals of Motherwell College, Coatbridge College and Cumbernauld College on 22 March 2012. How the colleges would work together within the Lanarkshire region was discussed at that meeting.

The cabinet secretary met jointly the chairs of each college's board of management on 18 April 2012, 11 September 2012, 28 November 2012 and 19 March 2013.

Richard Lyle: I will visit Coatbridge College on Friday. Can the minister update members on the current proposal for Motherwell College and Cumbernauld College to amalgamate and on whether Coatbridge College has reconsidered its position on joining in? Does she agree that the joint campus will give students more access to more diverse courses?

Angela Constance: As Mr Lyle knows, Motherwell and Cumbernauld colleges propose to merge and hope to vest by 1 November. Earlier discussions had included Coatbridge College, but it concluded that it would prefer to remain as an independent college for the time being.

Although there is no proposal by all four Lanarkshire colleges to merge into a single college and although the Government has no intention of forcing mergers, I believe that the creation of a regional strategic body for Lanarkshire will represent a significant step in improving the breadth and quality of learning opportunities, as it will improve the connectivity to the local economy, which will improve opportunities for learners.

Educational Attainment (Glasgow City Council)

3. Hanzala Malik (Glasgow) (Lab): To ask the Scottish Government what assistance it will give to Glasgow City Council to help raise levels of educational attainment. (S4O-01987)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): It is the responsibility of each local authority to allocate the total financial resources that are available to it on the basis of local requirements and priorities, including provision to raise educational attainment. In February this year, Mr Russell wrote to Glasgow to congratulate it on the tremendous work that teachers have been doing to improve outcomes for young people in Glasgow.

Between 2007-08 and 2012-13, the budget for local government increased by 8.9 per cent, which was more than the increase in the resources within the Scottish Government's control. That demonstrates the strong financial settlements that have been agreed with local government during challenging financial times.

Hanzala Malik: Glasgow City Council has been successful in tackling the issue and raising educational attainment in the face of poverty and deprivation. Innovative projects such as nurture groups support children in nurseries and schools while involving their families. All the evidence shows that poverty is a barrier to educational attainment. Given the council's success in tackling that barrier, will the Scottish Government consider providing additional assistance to support Glasgow's commendable efforts to raise educational standards?

Dr Allan: I certainly agree with the member that poverty is a barrier that prevents too many of our young people from taking up opportunities and which affects their life chances. The Government is far from complacent about that.

Of course, it is up to Glasgow City Council to allocate its resources, but the Government has allocated £1.24 billion of revenue to Glasgow for the financial year 2013-14, in addition to £105 million of capital. I say that not to minimise the scale of the problem but to indicate the Government's commitment. I share the member's view that nobody should miss out on educational opportunities in life because of poverty.

James Dornan (Glasgow Cathcart) (SNP): Although I share the cabinet secretary's welcome for the improvement in attainment in Glasgow City Council, I believe that it was mostly at the lower end of the attainment scale. Does the minister agree that, for Glasgow's young people to flourish, the city must improve attainment dramatically at the top end? Will he outline what action he can take to assist Glasgow City Council in achieving that objective? Does he think that the Government's shift towards preventative spend and early intervention will help to raise attainment across Glasgow and Scotland?

Dr Allan: I agree on the importance of preventative spend and that we want to raise attainment at all levels and all points on the spectrum. It is worth saying that Glasgow has achieved significant progress in that respect. In 2006-07, 10 per cent of people left school without qualifications, but the figure has reduced to 4.9 per cent. The issue is about raising attainment at every point on the spectrum and in high achieving schools as well as schools in communities that face real barriers in the form of poverty, which I mentioned earlier.

West College Scotland (Improvements to Campuses)

4. Stuart McMillan (West Scotland) (SNP): To ask the Scottish Government what assistance it will provide to maintain and improve the fabric of west college Scotland's campuses once the merger takes effect. (S4O-01988)

The Minister for Youth Employment (Angela Constance): The funding of individual colleges, including for their estate, is a matter for the Scottish Further and Higher Education Funding Council rather than ministers. However, in December, the Scottish Government announced an additional £5 million to support college estates improvement across Scotland. That is separate from and additional to the increase of £61 million that we made to the overall college sector budget compared with our original spending plans.

Stuart McMillan: West college Scotland already has a first-class campus in Clydebank and excellent facilities—although some have suggested that they are dated—at the James Watt College campus in Greenock and the Reid Kerr College campus in Paisley. Will the minister assure us that the Scottish Government will have discussions with the Scottish funding council so that, if a business case were brought forward either to invest in the fabric or to provide new facilities in Greenock or Paisley, it would be fully and thoroughly examined?

Angela Constance: I thank Mr McMillan for his question. It is the right of every MSP to advocate for their constituency or region.

I have every confidence in the Scottish funding council, which as I said in my original answer is the body responsible for supporting capital development in the college sector. We as a Government have already put additional resources on the table. I am sure that the Scottish funding council will look closely at the priority that it can attach to any such proposal.

It is of course no secret, however, that the United Kingdom Government's swingeing reduction in Scotland's block grant has severely constrained our desire to fund capital projects, including in the college sector. A Scottish Parliament with powers to raise its own revenue would not be constrained in that way.

The Deputy Presiding Officer (John Scott): Question 5 from Murdo Fraser has been withdrawn and an explanation has been provided.

College Regionalisation

6. Clare Adamson (Central Scotland) (SNP): To ask the Scottish Government what progress has been made with college regionalisation. (S4O-01990)

The Minister for Youth Employment (Angela Constance): We are making excellent progress. Outcome agreements have been introduced to make plain what we expect in return for our investment, thereby strengthening accountability. The Post-16 Education (Scotland) Bill, which will introduce improvements to college governance, is progressing through Parliament. Two college mergers were completed last year, and four are aiming to vest by 1 August this year, with a further four aiming to do so on 1 November.

Clare Adamson: The minister will know that both Motherwell College and Cumbernauld College have held public consultations on their proposed mergers. I congratulate both colleges on their efforts to ensure that all interested parties are fully engaged in the consultation.

Does the minister agree that it is vital to underpin the efforts of all our colleges with timely legislation that supports our colleges' ambitions for further education in Scotland?

Angela Constance: Yes, I agree with Clare Adamson's two points about the importance of consultation and the importance of the Post-16 Education (Scotland) Bill. The purpose of the bill is to underpin our ambitious college reforms, which will indeed deliver benefits for learners and the economy and which, from 2014-15 onward, will deliver efficiencies of £50 million. As we are seeing in Lanarkshire and many other places, college leaders are seizing the opportunities presented by regionalisation, which is leading to an unprecedented programme of change that is for the benefit of learners.

Liz Smith (Mid Scotland and Fife) (Con): The minister just quoted figures for some of the regionalisation process. When does the Scottish Government estimate that the whole process will be complete and therefore when the full costs will be known?

Angela Constance: I know that Ms Smith is not a keen advocate of regionalisation; we on these benches are very much pushing the modernisation of the college sector. Nonetheless, I know that Ms Smith takes a keen interest in this area and follows events closely.

Much of the progress will be determined by colleges themselves and the choices that they make on whether to merge. Some colleges have chosen not to merge at this point in time, but they might well review that decision as time proceeds. We as a Government are determined not to take our foot off the gas but to proceed as fast as possible in partnership with the sector.

Education Systems

7. Stewart Stevenson (Banffshire and Buchan Coast) (SNP): To ask the Scottish Government what discussions it has had with other Administrations regarding their education systems and the lessons that can be learned. (S4O-01991)

The Minister for Children and Young People (Aileen Campbell): We are always pleased to learn from other countries' experience in delivering education services. Stewart Stevenson may recall that in May of last year Dr Pasi Sahlberg, the director general for the Centre for International Mobility and Co-operation in Helsinki, spoke to the Scottish Parliament on lessons from Finland on its approach to education. In December of last year, the Cabinet Secretary for Education and Lifelong Learning met Leighton Andrews, the Welsh education minister, and discussed delivery of education services in Wales. That was followed by a meeting between officials to look at the Welsh approach to delivering education.

Stewart Stevenson: I welcome the interaction with Finland, Wales and, I am sure, a number of other countries. Will the minister comment on the improvement partnership programme in particular and how it will improve attainment? Can she provide a guarantee that we will not see the introduction of league tables in Scotland as we have seen elsewhere in the United Kingdom?

Aileen Campbell: The improvement partnership programme is designed to facilitate schools working together either within local authorities or across local authority boundaries. The schools that are involved will learn from each other techniques and approaches that have been successful in raising attainment.

We will work closely with key stakeholders, including the Association of Directors of Education in Scotland and School Leaders Scotland, to devise the details of the scheme, including the criteria for schools that are partnering with each other. However, it is clear that crude data comparisons will not be suitable for the purpose. Each relationship will be a long-term one and it will be of mutual benefit to all the schools and departments that are involved. Partnership will be voluntary.

In direct reply to Stewart Stevenson's point about league tables, in his speech at the University of Glasgow in March the cabinet secretary indicated that the right decision was made not to publish league tables in Scotland, and I can guarantee that that will continue.

Hugh Henry (Renfrewshire South) (Lab): The minister has indicated that partnership will be voluntary. If local authorities show no willingness to participate, how will the Scottish Government deliver the commitment?

Aileen Campbell: The cabinet secretary's announced intention is to raise attainment through the improving partnership programme, which is designed to facilitate schools working together to raise the attainment that is so desperately needed across the whole of Scotland, and to learn from areas that are doing good work.

ADES, SLS and others have warmly welcomed that announcement as a positive and proactive approach that is in the spirit of working in partnership together to raise attainment, which is something that everyone wants, regardless of whether they are a practitioner, a politician or a parent. A partnership approach is crucial and will be welcomed, and that spirit will enter into the discussions with schools and teachers.

Prisoners (Educational Qualifications)

8. Mary Fee (West Scotland) (Lab): To ask the Scottish Government what support it gives to prisoners wanting to study for educational qualifications. (S4O-01992)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): As part of its approach to offender management, the Scottish Prison Service provides a wide range of supports to help offenders to achieve qualifications. That includes class subject teaching, access to information and communications technology equipment, designated study times, one-to-one tuition and peer support where appropriate. For those who are studying at a higher level, additional supports include telephone tutorials and tutor visits provided by Open University Scotland. The extent of such support will vary between individual prisoners

depending on their personal learning needs and the type of study involved. Specialist assistance is also available for those who are identified as having a barrier to learning and for those for whom English is a second language.

Mary Fee: When I met some ex-offenders a few weeks ago, one of them raised with me the issue that someone who is on an education programme receives £6 per week but someone who carries out manual labour, such as building picnic benches, can receive up to £18 per week. Does the minister agree that that is a disincentive for education in prisons and that it does nothing to rehabilitate offenders and reduce reoffending?

Dr Allan: The starting point will always be that we want to motivate any offender to be part of a learning programme. I do not think that money is necessarily the only means of motivation and evidence seems to indicate that offenders who take part in such programmes do so because they genuinely want to learn. I visited educational facilities in Perth prison and was impressed by the degree to which that motivation exists.

It is also worth saying that a considerable amount of intervention is taking place to identify some of the educational and literacy problems that offenders bring to prison with them, and that will further encourage people to take part in such programmes.

Travel to School (Safety)

9. Mark McDonald (North East Scotland) (SNP): To ask the Scottish Government how it ensures that local authorities meet their duty to ensure the safety of pupils travelling between home and school. (S4O-01993)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government believes that the safety of pupils when travelling to school is of paramount importance and must be maintained. Achieving safe transport routes to school is a matter for individual local authorities.

Mark McDonald: The minister may be aware of proposals by the Labour-led administration in Aberdeen City Council to close Bramble Brae primary school, which serves the regeneration area of Cummings Park, and merge it into the existing Quarryhill school. That would result in the children from the Bramble Brae catchment area having to cross Provost Fraser Drive, a road on which there has been an 18 per cent increase in morning traffic since 2010 and, regrettably, a number of accidents, including pedestrian fatalities. Although the minister cannot comment on individual cases, what advice would he offer to my constituents, who are keen to ensure that

safety considerations are appropriately considered during the consultation process?

Dr Allan: Although the member is right to say that I cannot comment on an on-going consultation, it is fair to say more generally that the Government has been active on issues relating to school transport. The publication of a guide to improving school transport safety was produced in December 2010. It is primarily for use by Scottish local authorities and includes legal obligations and responsibilities, information on casualty risk and on the school journey, and 10 ways in which local authorities and others can reduce risk and improve safety of pupils.

If Aberdeen City Council proposes to close any of its schools, it is required to follow the process in place under the Schools (Consultation) (Scotland) Act 2010. The member should certainly encourage his constituents to participate in the consultation process so that people can make the council fully aware of their views.

The Deputy Presiding Officer: Question 10, in the name of Paul Martin, has not been lodged, but an explanation has been provided.

Employability Fund

11. Margaret McCulloch (Central Scotland) (Lab): To ask the Scottish Government how it is monitoring the introduction of the employability fund. (S4O-01995)

The Minister for Youth Employment (Angela Constance): Access to pre-employment skills training is essential both for those nearest the labour market and for those who face barriers to employment. Under the auspices of the employability fund, Skills Development Scotland has contracted a network of providers to deliver that training, ensuring that it reflects local labour market conditions. Skills Development Scotland will monitor and review the delivery of its contracted training against the objectives of the wider employability fund. That will include regular monitoring of trainee starts and achievements and is consistent with its usual approach to monitoring the performance of national training programmes.

Margaret McCulloch: Throughout the chamber, members all agree that there should be a relentless focus on youth employment. I emphasise that again today. However, I ask the minister how the employability fund and the Government's wider skills strategy will help low-skilled unemployed people of all ages, including adults who are trying to re-enter a difficult labour market and people who have recently been made redundant.

Angela Constance: Margaret McCulloch makes a fair point. As the Minister for Youth Employment, I agree that, as part of the

Government's wider strategy, there should be an unrelenting focus on young people who, despite the positive movement in the right direction of the youth unemployment statistics today, are still twice as likely to be unemployed as someone over the age of 24. Nonetheless, we have to consider the needs of older people, by which I mean people from 25 to retirement. The employability fund does that because, as well as replacing the large national training programmes targeted at young people, such as get ready for work, it replaces training for work, which is targeted at people aged 18 and up.

The purpose of the employability fund is to bring together funding streams so that there can be more collegiate working at a local level, and to consider the needs of people trying to enter the labour market at the local level. Although it largely focuses on young people, it is most certainly not to the exclusion of others.

Gordon MacDonald (Edinburgh Pentlands) (SNP): Does the minister agree that the latest labour market statistics, which show a 4,000 fall in Scottish unemployment, are evidence that Scotland is taking the right approach to tackling youth unemployment?

Angela Constance: I know that the statistics just came out today, but the headline unemployment figures show that unemployment has fallen by 11,000 in Scotland. The figures for young people are indeed encouraging. The youth unemployment rate has fallen by 6.8 per cent. We have the lowest rate of youth unemployment in three years. However, that still means that we have 65,000 young Scots who are seeking to find their way into work, and there is far more to do. I firmly believe that the Government's policies on colleges and modern apprenticeships, and job creation schemes such as the community jobs Scotland scheme, which has been funded with a £29 million investment, and, from this year, the youth employment Scotland initiative, which is the employer recruitment incentive for small and medium-sized businesses, are important. However, now is not the time to take our foot off the gas, and we must not be blown off course by others elsewhere.

School Maintenance

12. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what guidelines are in place to ensure that schools are properly maintained, including with regard to their heating and ventilation. (S4O-01996)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The statutory environmental requirements for Scottish schools are contained in the School Premises (General Requirements and Standards) (Scotland)

Regulations 1967. Those regulations, which apply to all schools, prescribe standards for a range of environmental factors including heating and ventilation. It is for local authorities to take the necessary action to comply with the regulations. Further guidance for local authorities on internal environmental conditions in schools can be found in the Government's publication "School Design: Optimising the Internal Environment—Building our Future: Scotland's School Estate", which is available on the Scottish Government website.

Bill Kidd: I have particular constituency concerns, as the standard of the fabric of the buildings of a number of primary schools in Anniesland is below that which parents and staff find acceptable. Indeed, in one school, the central heating system broke down this winter, and was replaced with mobile gas fires, which I think were potentially unsafe in that circumstance.

Dr Allan: Again, that is a matter primarily for the local authority, although I know that the member has been diligent on this issue and has previously raised with me the suitability of the buildings of three schools in his constituency—Broomhill, Corpus Christi and Blairdardie—whose conditions are described as poor. My understanding is that Glasgow City Council is in the process of renewing such buildings. However, I do not have a timescale for that process. That is for the member to discuss with the local authority. Ultimately, if the member has concerns about the safety of a building, he might wish to take the matter up with the Health and Safety Executive. However, it is primarily something about which he should speak to the local authority.

College Mergers

13. James Kelly (Rutherglen) (Lab): To ask the Scottish Government what the objectives are of the on-going college merger process. (S4O-01997)

The Minister for Youth Employment (Angela Constance): The objectives are twofold: to better meet the needs of learners and employers in a region, and to do so more cost efficiently. Decisions to pursue college mergers, while ultimately requiring ministerial approval, are for the governing bodies of the institutions concerned. We have made clear that we will not force any colleges to merge.

James Kelly: The minister will be aware of the proposal to merge Anniesland College, Langside College and Cardonald College, which affects my constituents. Will the minister state specifically how much money the proposal would save and state what account has been taken of the travel difficulties for people who will have to travel a greater distance to a centralised location in order to further their education?

Angela Constance: The member mentions issues to do with transport, which are important. Colleges are able to give financial support to students who have difficulty meeting the cost of travel. Of course, we have the best student support package anywhere in the United Kingdom and, for the second year in a row, £95 million is being invested in student support. I already gave figures on regionalisation and mergers in an earlier answer. Those figures came from Audit Scotland and showed that, from 2014-15, there will be annual savings of £50 million across the estate throughout Scotland. That can only be of benefit to learners in Mr Kelly's area and elsewhere in Scotland. The experience of the Glasgow merger also gives a positive indication of financial savings of £5.8 million. I reiterate the point that the practice of making, and the potential to make, financial savings is of benefit to learners in any area.

George Adam (Paisley) (SNP): Will the minister outline how much more the Scottish National Party Administration has spent in cash terms on colleges than the previous two Labour-Lib Dem Administrations did?

Angela Constance: My recollection is that, after the budget, which provided for £61 million in addition to planned budgets to be invested in the sector over two years, the cash-terms figure that Mr Adam seeks is a 45 per cent increase. We are, indeed, investing more resources than our predecessors. The good news for colleges is that there is a funding floor of £522 million. That is more than our predecessors provided in each and every year of their Administrations, as they never got to more than £510 million. Despite the austerity that we are experiencing thanks to the UK Government, we are spending more on the college sector. That applies not only to the teaching and revenue budgets but to the capital budgets, in which we are spending 50 per cent more.

Hugh Henry (Renfrewshire South) (Lab): James Kelly asked a specific question about how much would be saved from the merger of the three colleges that he identified. The minister indicated that she knew the global figure. We can get a global figure only when we add individual figures together. Will she now give the specific answer about how much will be saved by that merger?

Angela Constance: If Mr Henry wishes such a detailed answer, we will do our best and endeavour to provide it in writing.

Horizon 2020

14. Aileen McLeod (South Scotland) (SNP): To ask the Scottish Government what support is available to ensure that the university, college and small and medium-sized enterprise sectors in

Scotland are well placed to take advantage of the opportunities under the European Union's horizon 2020 funding programme. (S4O-01998)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): A number of initiatives are in place to ensure that Scotland is ready for the advent of horizon 2020. A multi-agency steering group was established in 2010 to ensure that the support mechanisms are in place for Scottish organisations that wish to engage in EU research and development programmes and to co-ordinate Scottish responses to developments in existing and future research and development programmes. Key elements of the support available are a series of roadshows through the spring and summer of this year and the introduction of an innovation voucher scheme specifically to support small and medium-sized enterprises to engage with horizon 2020.

Aileen McLeod: I thank the minister for that comprehensive answer. Does he agree that the engagement of Scottish universities in large-scale European projects is a benefit not only to the university sector but to the broader Scottish economy? In particular, the concentration of excellence in our Scottish university base allows Scotland to lead a European Institute of Innovation and Technology knowledge and innovation community bid in the forthcoming call for proposals.

Dr Allan: I certainly agree whole-heartedly that we have a truly excellent research base in Scotland. There are obvious synergies between the ambitions of our innovation centres and the European Institute of Innovation and Technology's KIC programme. Both seek to support successful collaborations between industry, academia and businesses to address some of the significant societal and technological challenges that we face.

The Scottish Government gives strong moral support to those endeavours. I am sure that the United Kingdom Government, as the member state Government, would wish to give such support as well.

Sectarianism

15. Siobhan McMahon (Central Scotland) (Lab): To ask the Scottish Government what educational programmes there are to help schools tackle sectarianism. (S4O-01999)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): We are aware of a number of educational programmes to help schools tackle sectarianism. The promotion of diversity and equality is an important element of curriculum for excellence.

Education Scotland, which is the national body for supporting quality improvement in Scottish

education, promotes diversity and equality in its work and has a specific work stream on combating sectarianism. That work focuses on identifying and sharing good practice, reviewing and improving resources and engaging in professional dialogue across education in Scotland. All approved resources are available directly from the Education Scotland website.

Siobhan McMahon: Does the minister agree that education is the key to tackling sectarianism among young people? Is he aware of the Mark Scott leadership for life award, which, over the past 15 years, has helped to bring together young people who are often separated by their different backgrounds, by sectarianism, by racism or by territorialism? Will he join me in congratulating the pupils of Cardinal Newman high school and Bellshill academy who successfully took part in the Mark Scott leadership award community project?

Dr Allan: I am happy to join the member in congratulating them and in commending all efforts that have been made in our schools to combat sectarianism. I have been struck on a number of recent visits to schools by the enthusiasm that many pupils have shown for projects such as those using the novel "Divided City", which engages young people in the issues around sectarianism. I am more than happy to agree that those are all efforts to be applauded.

Part-time Students (Fife)

16. Helen Eadie (Cowdenbeath) (Lab): To ask the Scottish Government how many part-time students have enrolled in colleges in Fife since 2007. (S4O-02000)

The Minister for Youth Employment (Angela Constance): According to the Scottish Further and Higher Education Funding Council, the total number of part-time students who have studied at colleges in Fife in the six academic years ending in 2011-12 is 19,280.

Helen Eadie: Does the minister share my concern that Lochgelly, which is one of the most deprived and poverty-stricken areas in Scotland, now faces the closure of the training centre facility there, and that the Cabinet Secretary for Education and Lifelong Learning has declined to make any intervention and instead advised me to speak to the Scottish funding council, which has not responded after three weeks? How does she intend to address the fact that women in the area—women are the most seriously impacted on by the global economic crisis—will no longer have that training facility?

Angela Constance: I certainly give Mrs Eadie an undertaking that I or one of my officials will contact the Scottish funding council and ask it to contact her. It is worth noting that the majority of

learners in the college sector are women. There are roughly 170,000 women in the sector, compared with 150,000 male learners. Most courses continue to be part time, which is of advantage to some women. As I say, I will ask the Scottish funding council to contact Mrs Eadie directly.

Joan McAlpine (South Scotland) (SNP): I welcome the recent audit from the Scottish Government and the Scottish funding council, which shows claims of large numbers of students on college waiting lists to be false. Will the minister outline what work is being done to improve and streamline the college application process further?

Angela Constance: Joan McAlpine raises an important and valid point. Our audit highlighted an inconsistency in college application and admission processes, particularly in how well applicants are being informed about those processes at various stages.

The audit also showed that informed decisions about choosing the right course, gaining the right qualification or moving on to further learning or work are absolutely central to the success of any learner of any age. That is why, in collaboration with colleges and learners, we are exploring how best to improve the application processes. I am pleased that Colleges Scotland recognises that there is much room for improvement and that it is willing and able to work with the Government on the matter.

Student Awards Agency for Scotland (Prompt Payment)

17. Nigel Don (Angus North and Mearns) (SNP): To ask the Scottish Government how it will ensure that the Student Awards Agency for Scotland will pay claimants promptly in the next academic year. (S4O-02001)

The Minister for Youth Employment (Angela Constance): SAAS supported nearly 160,000 students in 2012-13 by providing tuition and living costs support of about £570 million. We have the best student support package that is available anywhere in the United Kingdom, and the simplification of the system that was announced in August will make processing applications quicker and easier. The system for this year opened on 15 April and students are encouraged to apply as early as possible.

The Deputy Presiding Officer: Please be brief, Mr Don.

Nigel Don: I am sure that the minister agrees that the improvements and simplification that were announced last year are welcome. If she has time to do so, will she outline how the new system will work?

Angela Constance: I do not have time to do Mr Don's question justice, but I will say for the benefit of the Parliament that the new system will be dramatically simpler for all students. That is partly to do with there being only four levels of award. We are striving for students to have access to more money and to know in advance how much money they will have.

Public Procurement Reform

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-06153, in the name of Maureen Watt, on behalf of the Infrastructure and Capital Investment Committee, on public procurement reform.

14:41

Gordon MacDonald (Edinburgh Pentlands)

(SNP): It is a pleasure to open this debate on public procurement on behalf of the Infrastructure and Capital Investment Committee. As members know, the Scottish Government intends to introduce its much-anticipated public procurement reform bill in the coming months. However, we do not intend this debate to be about only the forthcoming bill; the debate is an opportunity for members to express more generally their views on how the public procurement process in Scotland operates and, importantly, might be improved.

The ICI committee has an interest in the means by which major transport, broadband and water and sewerage infrastructure projects and services are procured. Other committees have a direct interest in health, education and local government capital projects and services.

If I am to put in context the importance of ensuring that our procurement processes are fit for purpose, it is essential that I highlight the scale of public procurement in Scotland and its huge significance to our economy. Spending by the public sector in Scotland on goods and services comes to more than £9 billion per year. If we add spending on infrastructure investment and other capital projects, the total is more than £11 billion per year, which, if we include our geographical share of North Sea oil, is more than 7.5 per cent of our gross domestic product.

The recently published progress report on the public contracts Scotland portal highlights that Scotland has one of the best records in Europe on procurement from the small and medium-sized enterprise sector, with 82 per cent of contracts advertised on the portal being won by SMEs. The public procurement regime in Scotland operates in a European Union-wide framework, which aims to ensure the free movement of supplies, services and works within the EU and the non-discriminatory treatment of suppliers. The competitiveness of Scottish companies is therefore demonstrated by the fact that, despite European competition, Scottish companies win 68 per cent of contracts in Scotland.

John Mason (Glasgow Shettleston) (SNP):

We sometimes hear criticism of the EU, for a variety of reasons. Will the member confirm what I think that he just said, which is that the EU gives

Scottish companies the opportunity to compete on a level playing field?

Gordon MacDonald: I agree on that point. The EU-wide framework opens up opportunities for Scottish companies, because the scale of procurement by the public sector across the EU is huge. In 2010, public procurement across the EU totalled €2.4 trillion.

I have become very aware that, in almost every piece of work that the ICI committee has carried out recently, we have consistently heard about the importance of getting the procurement process right if we are to ensure the delivery of high-quality, cost-effective and sustainable public infrastructure and services.

I am aware that the forthcoming bill will have sustainability at its heart. The bill will establish a more transparent and streamlined national framework for sustainable public procurement that supports Scotland's national and local economic growth by ensuring that public procurement delivers economic, social and environmental benefits.

Sustainable procurement can contribute to a reduction in greenhouse gas emissions through the use of more responsibly sourced or locally sourced low-carbon materials. It can also serve to encourage and foster innovation among suppliers, leading to an increase in the availability and effectiveness of sustainable products and services. Importantly, a more sustainable approach to procurement can lead to higher levels of contracting or subcontracting to SMEs, leading to the creation of local jobs.

Contracts should also allow for the improvement and development of skills through professional or vocational apprenticeships, or by offering opportunities to the long-term unemployed. The committee has heard of good practice already being applied in that regard on the Forth replacement crossing and M74 construction projects.

When the ICI committee comes to scrutinise the bill, we will need to consider what might be done to engage with those businesses that currently have difficulties in implementing sustainable procurement. They could be constrained by a lack of resources, appropriate skills or capacity, by perceived costs, or by a lack of senior executive or organisational support.

We will need to consider and understand the whole-life value of a product or service as opposed to the initial up-front cost, as well as other benefits such as a reduction in carbon emissions or in waste generated. Adopting a whole-life-value approach to procurement is fundamental to delivering a sustainable solution.

For example, the construction of a new building accounts for only 15 per cent of its lifetime greenhouse gas emissions, so it is imperative to ensure that new buildings are designed with high energy efficiency standards and that all the equipment, utilities and services that are required throughout its lifetime are procured with sustainability in mind.

Another key objective of the reform agenda is to make the procurement process more streamlined and accessible. The bill is likely to propose the further development of a single portal for bids, building on the existing public contracts Scotland portal. That is essential if we are serious about making it easier for businesses—SMEs, in particular—to access public contract and subcontracting opportunities.

We must also recognise the importance of the third sector and the need to ensure that the proposed improvements provide enhanced opportunities for engagement by social enterprises in the procurement process. The Scottish Government is shortly to produce a report setting out the detail of how that might work, which will certainly be of interest to the ICI committee and to others who wish to provide input to the bill scrutiny process.

Some of the responses to the Scottish Government's public consultation—mainly from local authorities, executive agencies and quangos—raised the issue of resources and identified the need for shared service agreements to help minimise costs and any burden on resources. That approach is already well advanced among groups of local authorities in Scotland, and the recent establishment of the single police force and the single fire service is another obvious example of how sharing of services can deliver cost savings and other benefits. It would be useful to hear views on what more can be done to help facilitate and further develop that approach.

We cannot ignore the fact that the European Commission is currently conducting a comprehensive review of the EU procurement directives. It is clearly essential that the proposed bill is compliant with the updated EU directives when they emerge.

We must remind ourselves that we have already been making good progress on procurement in the public sector in recent years and that in some areas we have excelled. Last year, for example, Scottish Water became the first Scottish organisation—and the world's first water utility—to achieve gold certification status from the Chartered Institute of Purchasing and Supply. However, we need to examine how good and innovative procurement practices can best be harnessed and shared with other public bodies so

that the wider benefits can be realised. We need to develop skills and training on procurement across the public sector to ensure that good practice and the improvements to be introduced by the reform agenda can be implemented.

I believe that the aims of the public procurement reform bill will be welcomed, as the bill will establish a legal framework for sustainable public procurement that supports Scotland's economic growth. It will help to ensure that we can get additional value from procurement, especially on major contracts. The additional value could be economic, social or environmental.

The bill will strengthen and improve existing procurement legislation and guidelines, removing inconsistencies. It will make doing business with the public sector simpler, more transparent and more accessible to suppliers—especially SMEs. It will strike the right balance in delivering benefits without adding unnecessary costs or risks. It will further promote the use of community benefit clauses that have already provided more than 3,500 training and employment opportunities.

I look forward to hearing other members' views on those and other issues during the debate. I am sure that the Cabinet Secretary for Infrastructure, Investment and Cities will pay attention to what is said this afternoon, as the Government refines and finalises its legislative proposals.

I move,

That the Parliament notes that the Infrastructure and Capital Investment Committee, in advance of the introduction of the Scottish Government's proposed Procurement Reform Bill and in order to inform any future work in this area, would welcome members' views on the efficacy of current public procurement processes and on the scope and potential for improvements to be made to these processes.

The Deputy Presiding Officer: We are extraordinarily tight for time today. I call on Nicola Sturgeon, who has up to 10 minutes.

14:50

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): As Gordon MacDonald has just said, Scottish public bodies spend more than £9 billion of taxpayers' money every year, so it stands to reason that the decisions that they make when they spend that money are of enormous consequence to businesses, the public and the economy generally.

I am very pleased that the Infrastructure and Capital Investment Committee has called this debate, and I very much look forward to hearing contributions from members across the chamber today. I am going to talk about progress, but I do not want to leave anybody in any doubt that there

is still room for significant improvement in the way that the public sector buys goods, works and services, and I hope that we hear lots of suggestions this afternoon about how we can continue to make those improvements.

The approach to procurement that we have taken in recent years has allowed us to deliver £1.2 billion of savings, more than 3,500 training and employment opportunities through community benefit clauses, a national framework for supported businesses and a situation in which 46 per cent—compared with a United Kingdom Government target of 25 per cent—of our £9 billion procurement spending is with SMEs, nearly half of which goes directly to small firms that employ fewer than 50 people.

We have an e-commerce shared service platform that supports more than 100 public bodies and processes more than £5 billion of transactions every year. As I announced yesterday at the new crime campus at Gartcosh, we now have a situation in which 80 per cent of suppliers that are awarded contracts through the public contracts Scotland portal are based in Scotland and 68 per cent are Scottish-based SMEs, which is an increase of 12 per cent since 2010. The fact is that more Scottish-based businesses than ever before are winning business with the Scottish public sector through the PCS portal, and I think that we should celebrate that.

However, there is much work still to do—the variety of frustrations about procurement processes that I frequently hear from the business community, in particular the small business community, leaves me in no doubt about that. Our package of public procurement reform initiatives is designed to address in a systematic and on-going way, as far as it is reasonably possible, as many of those frustrations as we can.

Before I talk more about particular aspects of the reform programme, it is necessary to mention the EU context. As I am sure that everybody in the chamber knows, public procurement is governed by a very detailed and comprehensive suite of European laws. Those laws are the product of a policy that, at a pan-European level, is intended to promote economic growth by opening markets. We might not agree with every aspect of European law—in fact we do not agree with every aspect of it. My view is that we should always strive to operate with maximum flexibility in those rules, but we are nevertheless bound by them.

We must also remember a point that has already been made in the debate: Scottish businesses benefit from those rules when they win contracts internationally, as they frequently do. However, it is important to seek to influence European law on procurement.

I have been very pleased to see cross-party collaboration among our members of the European Parliament in trying to shape the review of European procurement law that is under way. Last year they tabled an amendment to the new draft European public procurement directive that, if it had been adopted, would have allowed purchasers to take account of economic impact in their purchasing decisions. Ministers have also supported that position directly with the European Commission. So far we have not been successful in securing that change, but that should not, will not and must not deter us from continuing to lobby vigorously at EU level for sensible reform.

Patrick Harvie (Glasgow) (Green): On a question of timing, does the minister intend to wait until the EU process of reform is further down the line before introducing a bill here, or does she intend to proceed before we know the outcome of that European process?

Nicola Sturgeon: We hope to introduce the procurement reform bill before the summer recess. We require to give ourselves comfort that what we propose in that bill will be within the confines of the revised European directive, but I want to be in a position for that bill to be introduced to Parliament for its consideration before the summer recess. I will keep Parliament updated on that timescale.

In pursuing our own reforms, it is vital that we are aware of and frankly recognise the tension that will inevitably be at the heart of any approach to procurement. On one hand, we want the system to help our businesses to grow and become more competitive; on the other hand, we cannot afford to ignore opportunities to save money. We must always strive to strike the right balance and align those two objectives as far as we can. That is what we are seeking to do in our approach to procurement reform.

A central element of the programme is the proposed procurement reform bill. Consultation on the bill closed late last year and we have received 250—more, in fact—responses from a wide range of interests. The analysis was published earlier this year, and the findings are helping to inform the final policy content of the bill. I hope that the bill will help us to accelerate improvements in the system and ensure that, especially with major contracts, we extract additional value—whether that is economic, social or environmental value—from our spending.

The bill will also help to tackle inconsistencies for suppliers and ensure that doing business with the public sector is simpler, more transparent and more accessible to suppliers, especially SMEs. Although EU law does not allow us to discriminate in favour of indigenous businesses, removing the barriers to SME participation in procurement

markets can and will contribute to our economic performance.

We do not want to add unnecessary costs or risks but, used appropriately, social and environmental contract clauses can deliver good results and add significant value for communities. Using the bill to promote standardisation and improved procurement procedures will improve value for money and reduce costs.

Nowhere is that more important than in the construction sector, which faces particular challenges. In October, we launched a fundamental review of construction procurement led by Robin Crawford and Ken Lewandowski. We want the sort of improvements that have been delivered for goods and services procurement over recent years to be replicated for construction. I know that the industry is desperate to see improvements as well.

The review is making good progress, and I can announce today that, following an early recommendation from Robin and Ken, the Government is seeking partners to trial the use of project bank accounts. We will publish guidance promoting their adoption for major infrastructure projects. Project bank accounts will help to ensure that companies all the way down the supply chain are paid promptly and that larger companies that are higher up the chain are not able to withhold payments when work has been performed. That is a good start to the review. I look forward to receiving its report later in the summer and to implementing its recommendations.

One of business's main complaints is about prequalification procedures. Time and again we hear complaints about entry thresholds being used in prequalification questionnaires in a way that excludes capable smaller local businesses. I am pleased that the e-tendering software public contracts Scotland tender now contains a suite of standard questions that have been developed by a working group. However, those tools will be effective only if they are used. The bill will help us to promote standardisation and good practice by making it a requirement that the standard questions are adopted. Those and other improvements to PCS are designed to deliver a less complex process, reduce inconsistency and increase transparency.

The opening up of subcontracting opportunities in PCS has also helped SMEs to access and bid for major infrastructure projects as well as events such as next year's Ryder cup. We are also seeing a rapid increase in the use of the quick quote system as a means of delivering low-value procurements, which also facilitates better engagement with local suppliers. We need the system to work for jobs, too, which is why a major priority for the bill will be the acceleration and

promotion of the use of community benefit clauses in major contracts.

At the outset of my remarks I mentioned supported businesses, which are an important issue in this context. We know how difficult recent times have been for our supported businesses, with changes in funding for Remploy. That is why the national framework for supported businesses that was announced last year is so important and has the full support of Government.

Last but not least, we also need to expect companies that bid for public contracts to demonstrate high standards of ethical conduct or know that they risk being excluded from the market. The practice of blacklisting, failure to comply with tax obligations and other acts of professional misconduct may—and should—in future result in a company being judged as unsuitable to bid.

The Government regards blacklisting as wholly unacceptable. My officials have invited trade union representatives, including the Scottish Trades Union Congress, to work with us to develop guidelines for purchasers on how to address that issue when awarding contracts.

Although EU law suggests that we cannot make it a specific legal requirement that companies pay their staff the living wage, we are looking at how to further promote and encourage them to do so as a matter of good and, indeed, expected business practice.

As I said in my introduction, we can be proud of progress, but there is much more to do. I look forward to hearing members' speeches.

15:01

Elaine Murray (Dumfriesshire) (Lab): I suspect that procurement as a topic for debate may not have set many members' pulses racing, but I am encouraged to hear that the debate is tightly subscribed.

As the previous two speakers have said, public procurement in Scotland is extremely important. It is worth £9 billion annually, and half of that expenditure is made by our local authorities. How that significant financial resource is distributed, which businesses benefit from that expenditure and the conditions attached to the awarding of successful contracts are of great importance not only to the national and local economies but in ensuring that small and medium-sized and social enterprises are able to access public contracts and in the provision of social and environmental benefits.

The debate, which comes in advance of the forthcoming bill, gives members the opportunity to contribute their views on what the bill should

contain. It also gives us the opportunity to discuss what can be improved. The cabinet secretary has spoken about improvements to procurement that have happened without legislation. Legislation is not necessary for all the improvements—indeed, some respondents to the Government's pre-legislative consultation expressed the view that legislation is not necessary.

That view was also voiced by some participants in the David Hume Institute seminar on this topic on 29 January. They argued that what is required is a change in the attitudes and approach to public procurement rather than in the legislation that governs it. The arguments surrounding that viewpoint will doubtless form part of the evidence that the committee will take on the bill. I think that the discussion will centre on that sensitive balance on what may be done and what should be made a requirement.

The bill's progress is slower than originally expected. I listened with interest to the cabinet secretary's response to Patrick Harvie. I appreciate that the Government is awaiting the detail of the new EU directive in order to ensure compliance.

The cabinet secretary mentioned supported businesses. In that context, I highlight the concerns raised with members over article 17, which will replace article 19 in the EU directive. It is due to be discussed in plenary at the European Parliament this week, and it was the subject of an email from Councillor Paul Carey of Glasgow City Council, who has raised concerns that the protection offered to supported factories and businesses, such as Blindcraft, is being downgraded by the reduction of the threshold of disabled employees from 50 to 30 per cent and the extension of the definition to include disadvantaged people.

I started by commenting that members might not have been excited by the selection of this topic for debate but, judging by the number of briefings that we have received, many stakeholders recognise its importance.

Some stakeholders are disappointed by what appears to be a shift in emphasis in the proposed bill from sustainable procurement to simply procurement reform. They are concerned that that signals a move away from the social and environmental benefits that good procurement practice can achieve to a more technical reform of the system that is beneficial to business and, I hope, smaller businesses and social enterprises but which misses the more widespread and ethical benefits that a more encompassing bill could provide.

Many stakeholders, including the Federation of Small Businesses, the Scottish Catholic

International Aid Fund and the Scottish Council for Voluntary Organisations, have reflected on the effect of the focus on achieving cost savings rather than on taking a more holistic view of the overall benefit of the spend to local communities and the maximisation of social benefit.

Jim and Margaret Cuthbert's report "Using Our Buying Power to Benefit Scotland" illustrates how procurement practice can work against economic and social development when it results in Scottish companies, particularly smaller companies, being locked out of public sector contracts for a period of years. I appreciate that the Cuthberts' report was published some time ago, but there is still a need to consider carefully some of the points that they made in their research.

I listened to the statistics that Gordon MacDonald and the cabinet secretary quoted about access for small and medium-sized enterprises, but I think that there is an issue with the definition of what constitutes an SME. Defining an SME as an enterprise employing fewer than 250 employees means that SMEs can be pretty big, as there are not many enterprises of that size in my constituency. The definition actually encompasses something like 90 per cent of Scottish businesses, so I am not sure that we have quite the success that has been claimed.

The Federation of Small Businesses report "Local Procurement—Making the most of small businesses" tells us that 70 per cent of SMEs across the UK do not even bid for public sector contracts. Small businesses are deterred not only by onerous time-consuming prequalification questionnaires—although I appreciate that the Government is looking at that issue—but by the relatively high cost of submitting a bid compared with the value of the contract, the aggregation of contracts and joint procuring that puts contracts beyond the reach of small businesses, and the long-term frameworks for major construction contracts.

Some of those deterrents could be removed without additional legislation. Both the reports that I have mentioned contain illustrations of how procurement in other EU countries is managed differently. The problems that are encountered by small businesses in Scotland and the rest of the UK are not due solely to EU directives, as is often suggested.

The procurement reform bill presents us with an opportunity to define what we expect to be delivered in return for the £9 billion of public sector procurement spend. That should be defined not only in terms of the goods and services that are purchased; such a level of spend should be a powerful lever to promote good practice across a whole range of behaviours. For example, we should expect those businesses that receive

public money to pay their taxes. Companies that conceal their wealth in tax havens while exploiting some of the poorer countries in the world should not be awarded contracts for the tax-paying public in Scotland.

The public sector should pay its workers a living wage, but it should also persuade its contractors to do the same. We should not subsidise—

John Mason: Will Elaine Murray give way on that point?

Elaine Murray: Sorry, I have only 10 seconds.

We should not subsidise low pay in other sectors. I know that my colleague Kezia Dugdale is considering taking forward John Park's proposed bill on that issue.

The Deputy Presiding Officer: You must close, please.

Elaine Murray: Workers' rights must be respected. The cabinet secretary also made some good points about the use of community benefit clauses.

I look forward to the introduction of the procurement reform bill and its passage through Parliament.

15:07

Mary Scanlon (Highlands and Islands) (Con): The Conservatives, too, welcome today's debate, which provides an opportunity to bring forward some ideas.

The motion in the name of Maureen Watt states that her committee

"would welcome members' views on the efficacy of current public procurement processes and on the scope and potential for improvements to be made to these processes."

I would say, as members might expect from the deputy convener of the Public Audit Committee, that a good place to start looking at the scope and potential for improvements is the Audit Scotland and Accounts Commission reports. Too often, recommendations for improvement in procurement are highlighted and then ignored, or are partially implemented, only to be raised again in the reports that we receive years later.

Before Bob Black retired from the post of Auditor General, he presented the report "Commissioning social care". He expressed his concerns by saying that

"current ways of delivering services are unlikely to be sustainable. Finally, to be frank, my particular concern, which is shared by colleagues, is that this is the latest of six reports that Audit Scotland has prepared in this general area since devolution, and they have all contained challenging findings about the commissioning and delivery of social and health care services and the efficiency and

effectiveness of partnership working."—[*Official Report, Public Audit Committee*, 14 March 2012; c 445.]

Given the demographic challenges that we face, the social care sector is surely an area in which effective procurement in order to provide quality services and value for money will be critical.

John Mason: Does Mary Scanlon accept that one reason why we have limited resources is that we have tied up funds in private finance initiative projects, which have ended up being far too expensive for what we get?

Mary Scanlon: I am not sure that that was a positive contribution, which I am hoping to make.

More recently, we received the report "Improving community planning in Scotland", which states:

"ten years after community planning was given a statutory basis, CPPs are not able to show that they have had a significant impact in delivering improved outcomes".

The whole ethos of community planning partnerships, which we all supported, was to ensure that representatives from across communities would sit around the table with a better understanding of the community's needs and concerns. The aim was to ensure that any decisions that were made, including procurement decisions, would be beneficial to the local community, which Gordon MacDonald highlighted very well in his speech.

Perhaps the main procurement issue that has arisen in recent times was highlighted in the report "Managing ICT contracts", in which the Auditor General expressed serious concern about procurement of information and communication technology in the public sector, but focused only on three organisations, including Registers of Scotland, which at the time of the report had spent £112 million on such projects against an original cost estimate of £66 million. Two projects were cancelled with a £6.7 million write-off and, as the report points out,

"Individual projects lacked detailed cost, benefits and milestones, and contributed to a lack of ownership for cost and time overruns."

Obviously there is plenty of scope to make the sort of improvements in procurement that are outlined in the report.

Perhaps the cabinet secretary will also consider the report's comment that

"The Scottish Government provided limited support"

to the organisations.

As others do, I hope that the public procurement bill will make it easier for new businesses, SMEs, the third sector and social enterprises to access public contract opportunities and subcontracts. The cabinet secretary mentioned the construction

industry, so I must point out Michael Levack's recent comment that

"There is currently too little direct linkage between the award of contracts and the creation of more employment and training opportunities with construction companies with a strong local presence and pedigree."

That said, I acknowledge the points that the cabinet secretary made in that regard.

I also found the report that was produced by Campbell Christie a few years ago to be very interesting in relation to procurement and commissioning. It says:

"There is a widespread belief that the Scottish Government and local authorities are less diligent about scrutinising and costing inhouse services than those contracted out to external providers."

Whether or not that is the case, I am sure that more transparency in the process, which I appreciate is an issue that will be covered in the bill, will be widely welcomed.

The Christie commission report also said:

"There is still much to be done to ensure that when competition takes place between the public and private sector it is on an equal footing".

I hope that we examine the quality, effectiveness and reliability of services, as well as their value for money, and that we give the public, private and third sectors the same opportunities.

I also totally agree with the Christie commission's highlighting of the fact that social care and support services are still commissioned and funded on the basis of units of cost and volume, with little attention being paid to the value of the services with regard to the outcomes that are identified by individual service users and families, or by community planning partnerships in single outcome agreements.

I realise that I am running out of time, Presiding Officer, so I will finish on that point.

The Deputy Presiding Officer: That is much appreciated. We move to the open debate.

15:13

Chic Brodie (South Scotland) (SNP): I am delighted to speak in the debate, and my speech is built on the foundations that were laid by the Christie commission report to which Mary Scanlon has just referred. The report's clear drivers were as follows: first, that reforms must aim to empower communities and individuals who receive public services and ensure that they are involved in service design and delivery; secondly, that public service providers and demanders must work to integrate service provision; and thirdly, that our whole system of public services—including the public, third and private sectors—must become

more efficient by reducing duplication and by sharing services.

Simply put, we have to demolish the current shibboleths of public service procurement and establish sustainable economic growth that is built on a profoundly new buying culture. Gone must be the culture of, "We've always done it this way," and, "We always contract with Joe Blow because he knows us and has never let us down." Where is the best value or client benefit in those statements?

On Friday last week, I had the delight of meeting one of our more progressive councils, which actively talked about how it would build increased service provision and the buying of services around its communities; how it would seek to engage the local third sector and social enterprises in provision of public services; and how it would review and re-engineer, and recognise that there is a social cost to the community attached to outsourcing of work—just because it has always been done—to commercial companies from well outwith the local or neighbouring authority boundaries. I also dare to suggest that not to examine the effectiveness and efficiency of capable social and third sector enterprises that are close to home impacts on income.

I hope that the bill will place strictures on local authorities that allow commercial companies to retain profits from their contracts, while insisting, in some cases, on clawing back profits from social enterprises and third sector companies that provide services. That applies particularly in the care sector. This is not about protectionism; it is about productivity and social involvement.

In dealing with the bill, I ask the Government to secure at the point of inquiry better and easier standardisation of contracts. Whether or not we agree with 32 councils, it is administrative silliness to have simple and easy standard contracts redrawn and regurgitated across all 32 councils in the country.

I am glad that the cabinet secretary alluded to the living wage. The proposed bill consultation analysis summary says:

"In relation to the Annex regarding the Living Wage ... procurement activity should be used to encourage contractors to pay the living wage to their employees engaged in the delivery of public sector contracts."

Kevin Stewart (Aberdeen Central) (SNP): I agree that there should be encouragement, but currently, the European Union legislation and a test case—Dirk Rüffert v Land Niedersachsen—show that we cannot put the living wage into contracts and specify that it must be paid. Would it not be best if we were at the top table in Europe, trying to change that legislation?

Chic Brodie: Of course, I agree with the latter point. I will come to the former in a minute.

On the living wage and public sector contracts, it is anathema to me that we employ a company in this very establishment whose revenues are over £2 billion—its revenue has grown by 42 per cent over the past five years, its profit after tax has risen by 52 per cent and its dividend per share has risen by 60 per cent over the same period—but which still refuses to pay local public sector employees a living wage. I come to Mr Stewart's point. European law suggests that we cannot force that condition, but can merely encourage it. However, I have been legally advised that we can and should feature living wage requirements in new contracts. That has happened with some PFI contracts. Why are we, as a significant paying client, allowing that public payment and social policy madness?

The proposed procurement bill affords us many opportunities: sustained growth through greater local participation with the third sector; a reduction in the social cost of related work; a reduction in the costs of climate change through reduced transport needs; productivity increases through a cohesive team effort and a community empowerment effort; encouragement of the young to get involved in developing work skills to improve their community; and, above all, the message to all existing public service purveyors that the world is changing, that the culture and buying behaviour are changing and have to change, and that practice must be more creative and innovative. On that basis, I believe that the proposed procurement bill will deliver much more than just better value and lower cost.

The Deputy Presiding Officer: The member's keeping to time is much appreciated.

15:19

Margaret McCulloch (Central Scotland) (Lab): I welcome the opportunity to debate the proposed procurement reform bill and the wider procurement agenda, which is—I am glad to say—at last being given the prominence that it deserves in Parliament.

As has been indicated, annual spending through public procurement stands at £9.2 billion, rising to £11 billion. How we spend that money through public contracts and how those contracts are shaped have a direct impact on the economy. Therefore a new bill, tied to a wider series of reforms, gives Parliament the chance to make a real difference. We have the chance to follow the lead of Labour-led South Lanarkshire Council and others in challenging the injustice of blacklisting. We have the chance to promote decent wages, sustainable growth and a living wage, and to make

the procurement framework in this country more business friendly and socially responsible.

I will flesh out that last point. I agree with all those who replied to the Scottish Government's consultation by saying that public procurement can be an economic lever and a driver of real change. I argue for a responsible pro-growth public procurement framework that supports employment, helps recovery and is fair for Scotland's workers and small businesses. The Scottish Chambers of Commerce, in its response to the Government's consultation, was clear that in a stagnant economy the importance of public sector contracts to Scottish businesses cannot be overestimated. That is why public procurement must be sensitive to the immediate needs of Scottish firms as well as to the wider drive to build a stronger, more responsible and sustainable economy.

This might not be entirely evident from the Government's analysis of its consultation, but there is a consensus about what is wrong with public procurement that unites a range of respondents from left to right. The most significant contracts are bundled into orders that are so large that Scotland-based small and medium-sized enterprises cannot possibly tender for them and have to subcontract. Big firms can win big contracts, cream off the best bits and leave small businesses with the scraps. Our interpretation of EU rules is too narrow and our adherence to that interpretation is too strict. The public sector is being deskilled and hollowed out of specialists who actually understand complex contracts.

If the bill does not address those points comprehensively, it will have failed not only to match the Government's rhetoric, but to meet the needs of the economy. By procuring better, we can support Scottish firms, but with major contracts in which a significant amount of public money has been invested, we should go further. The £11 billion that we spend through procurement each year is more than a simple transaction; it is public money that could and should deliver wider benefits to Scotland. The bill should therefore do more than require those who are in receipt of major Government contracts to publish training and apprenticeships plans and to consider what might be achieved through community benefit clauses.

The bill should set out clearly how firms that are in receipt of such contracts can bring jobs, training and apprenticeships into communities. That should be backed up by achievable targets and statutory requirements, with a clear system for monitoring progress against those requirements so that suppliers know that there will be consequences if they do not fulfil their community benefit clauses.

I want to deal with contracts in more detail because, although the Government can do more with the new bill, it can also do a lot within the existing rules. The public sector is committed to being a good customer that pays its invoices on time, although perhaps it could do better. Contractors also have responsibilities and the construction sector tells us that late payments can be crippling. The Government's biggest contractors can expect payment within 28 days, but subcontractors can wait for up to 90 days for the money to work its way down to them. That is why I was pleased to hear the minister mention project bank accounts.

The Government should also consider whether awarding contracts annually is always best. Forward planning is critical to the viability of small businesses, training providers and the third sector, which have all kinds of costs for matters such as staffing, property leases and equipment. We need to take their difficulties into account.

The bill and the procurement reform agenda are not just about businesses in Scotland; they are about how we do business in Scotland. I hope that, with some listening and dialogue and with a bit more ambition, the Scottish Government can move us towards a more business friendly and responsible public procurement framework.

15:24

Linda Fabiani (East Kilbride) (SNP): I thank the Infrastructure and Capital Investment Committee for holding this debate. It is an excellent idea to ask—as the motion states—for

“members’ views on the efficacy of current public procurement processes and on the scope and potential for improvements”.

Procurement is an important issue that warrants much consultation and discussion. The number of submissions that have been forwarded to MSPs since the debate was publicised backs that up, as does the level of discussion across the board whenever the subject is raised.

I do not believe that one bill can—or, indeed, should—be a panacea for all procurement ills, but it can provide a framework and send very strong messages coupled with sensible, innovative and ambitious guidance to those who operate procurement processes.

As I have said before in the chamber, I served as a member of the Royal Incorporation of Architects in Scotland president's commission on building a better Scotland, and I declare an interest as an honorary fellow of RIAS. The president's commission focused on the construction industry, and some of its findings very much reflect the need—as I mentioned—to ensure

clarity and a degree of uniformity in procurement processes, particularly for services.

Many processes are too time consuming and costly relative to a project's scale. We have many times in the chamber discussed localism and the idea of keeping work in Scotland wherever possible, but in some cases the costs for the portal are very low, and common sense suggests that we can bring them down further to community level when we are engaging in procurement projects. In my constituency of East Kilbride, we have many companies that could benefit—as could the overall economy—from the ability to make procurement truly local—[*Interruption.*] It is quite apposite that we are talking about the construction industry. There they are, drilling away outside. It is nice to hear that there is work going on out there.

It is the application of regulations rather than the regulations themselves that can be a problem. The pre-qualification questionnaire is one example: there is sometimes a degree of going completely over the top in relation to questions. If something is already the law, perhaps there can be a presumption of compliance rather than a constant need to restate things.

We also have a risk-averse culture, to which my colleague Chic Brodie referred. Perhaps covering one's back in our current blame culture would be a more honest way of putting it. There is often a misunderstanding of the regulations, with procurement being run on occasion by people who do not fully understand what is required.

I thank the Deputy First Minister for meeting me and the RIAS recently to discuss some of those issues. The RIAS is a membership organisation for the architectural profession, which has been hard hit by the economic downturn, and which—to my frustration—has over many years not been granted the respect that it is due for the contribution that it makes to our environment, economy and sense of wellbeing. That lack of respect is often manifested in the public procurement process.

In the past 20 to 25 years in particular, there has been a move away from the traditional appointment of architects as heads of design teams, and towards design-and-build initiatives that put large companies in the driving seat, with the potential to drive down quality in the name of cost and returns for shareholders. Very often when a project has been commissioned, the architect has not even met the client, which I find to be a very bizarre state of affairs. I am not convinced that that approach always offers the best value. As I have said before, research has shown that in the construction industry there can be 50 to 60 bidders for a project. Again, that is a waste of money overall.

In addition, there is the competition form of design procurement, of which the most notorious recent example has been the debacle involving Glasgow City Council's George Square project. There were respected architectural professionals such as David Mackay and Andy MacMillan on the judging panel, and respected practices working up designs for submission, only for the competition to be abandoned. That seemed to me to be a ridiculous state of affairs. It was a waste of time and public money, as well as a waste of time for all the practices that worked so hard.

So, not only do we have bad procurement processes, we have bad pre-procurement. That is not good treatment of a profession that, in the words of Colin Donald in the business section of the *Sunday Herald*, has the

"potential to lift public spirits while promoting economic growth"

and is an area in which Scotland has shown

"unique, world-class quality over the centuries".

We should celebrate that more. We should look at our procurement processes in the round and see how we procure all services for the public.

Again, I thank Maureen Watt and her committee for giving me the opportunity to make those points.

The Deputy Presiding Officer (Elaine Smith):

Thank you. Before I call John Mason, I just want to say that the building work is not supposed to be taking place while Parliament is sitting, so we are having the noise investigated.

15:30

John Mason (Glasgow Shettleston) (SNP):

Thank you for that reassurance, Presiding Officer.

I welcome the fact that procurement is on the agenda. Although we all accept that there is definitely room for improvement, we can also accept that progress has been made in recent years. For example, there has been an increase in the number of contracts being won by small businesses: 82 per cent of winning businesses were SMEs, and 68 per cent, which is up 12 per cent from 2010, were Scottish SMEs. I take Elaine Murray's point that the definition of an SME can be quite wide. That is correct and we need to help some of those microbusinesses as well.

By contrast, the United Kingdom has not been doing so well, and is lagging behind the Netherlands, Germany and France in terms of procurement from the SME sector. Once again, we see that the UK has proved that it is being less than successful.

Of course, as has already been mentioned, the European Union is a factor in all that and we can expect some of the anti-Europe brigade to start

complaining. However, we should remember that the EU aims for a level playing field and a small country such as Scotland stands to gain more than we would lose by our companies exporting more and working more overseas.

Again, as already has been mentioned, Jim and Margaret Cuthbert came to the Finance Committee and talked about how other countries are often better at breaking down contracts into smaller and more manageable pieces for social enterprises and SMEs. Perhaps there is scope for us to learn from some of our EU friends.

The concept of best value is good and I suspect that others will mention it. In my experience, best value meant that we were allowed to look at more considerations than just the price than we were when using the previous way, in which we looked only at the price. I note the reservations of Oxfam and the SCVO that there might be a tendency to slip back to looking only at the price; that is not a fair definition of best value and it is not what it is meant to do. As a councillor in Glasgow City Council, on a number of occasions I saw awards being made for contracts that were not at the lowest price. As opposition members, we questioned that, but there was often a good explanation as to why. We really wanted quality and that outweighed any saving, as is absolutely right.

Perhaps Oxfam is slightly naive if it thinks that we can forget about money and price altogether; we need to strike a balance. The SCVO is right to say that £9 billion is not just a honey pot for business. If a construction company that is building for the public sector is different from a construction company that is building for Morrisons or Tesco or any other supermarket, we should expect higher standards in all sorts of ways, and for there to be a benefit to the wider local community.

Of course, we do not want to chase such organisations away. Again, when I was a Glasgow councillor I saw that, in many cases, Glasgow was competing with Lanarkshire and if the city imposed too many onerous conditions, businesses would go to another local authority. As the cabinet secretary said in her speech, balance is needed. It must be advantageous to do business in Scotland, but when we look at the current balance, we sometimes feel that there is too much benefit to the private sector and not enough to the community.

We had a very good briefing from the Scottish Catholic International Aid Fund, which quotes from the Scottish Government's 2009 sustainable procurement action plan, which says that procurement is

"A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis and generates benefits not only to the organisation, but also to society, the economy and the environment".

SCIAF also makes the point that ethically traded goods and services need not cost more and might provide better value for money. It referred to the European Court of Justice's confirmation in 2012 that fair-trade criteria can be used in public procurement requests as long as the request refers to the criteria underlying the label and not to the label itself. It strikes me that there is something fundamentally wrong in our enforcing a minimum wage on producers in this country but not in respect of imports from elsewhere. That is not to say that a minimum wage level should be the same in every country around the world, but it should be appropriate for costs in that particular country. That is fundamentally what fair trade is all about.

Oxfam also referred to inequality in Scotland, the UK and overseas, and the socioeconomic duty, which is one of the characteristics of the Equality Act 2010.

I want to mention one or two examples in which there is room for improvement. A little two-person business in my constituency that made rubber stamps—the kind that are still quite widely used on paper—lost out on its contract to supply the local school because a big national contract came in. Another local business that I visited wrote to me to say:

"We carry out ... work on a regular basis with the NHS, Scottish Prison service, Clydesdale Bank, Mecca Bingo, to name a few but we don't get an opportunity to cost any ... contracts whatsoever with Glasgow City Council. We have tried tirelessly to get on their Supplier list with no success and no feedback as to why we have been unsuccessful."

In advice services the other year, Citizens Advice Scotland and others were competing throughout Glasgow, which was a big mistake. Finally, as Patrick Harvie has said in the past, here at Holyrood we are drinking foreign wine when we could be drinking Scottish beer.

The Deputy Presiding Officer: We are very tight for time.

15:37

Tavish Scott (Shetland Islands) (LD): I, too, declare an interest as an honorary fellow of RIAS. I very much agree with Linda Fabiani's point that the Deputy First Minister's bill should not be seen as a panacea for all the challenges of a procurement system here in Scotland. No piece of legislation could do that. However, let me rise to the challenge put down by Gordon MacDonald in his opening remarks and offer some thoughts about areas that the Deputy First Minister may

wish to consider, either for her bill or just in the form of Government procurement actions.

As the Deputy First Minister knows, the Government and Shetland Islands Council have recently commissioned, through the hub North Scotland Limited—or north hubco—joint venture, a new Anderson high school for Lerwick, which is a very welcome project. I thank her for the answer on the subject that she gave me some weeks ago at question time. The subject raises some fundamental questions about the process of procurement that is now undertaken by these enormous procurement systems in different parts of Scotland.

In the north, which covers my constituency, Miller Construction Services, one of the UK's largest building companies, is part of the north hubco. It has three directors on the board. We still do not know—and it would be unrealistic and unfair to expect the Deputy First Minister to answer the question today—whether any other company was allowed to tender for the new school. We do not know the price of the school or indeed the other five schools that were procured as part of the same contract. We also do not know whether a number of other small businesses had an opportunity to provide a price and therefore help the value-for-money argument that the Deputy First Minister and other members have rightly made in the debate.

I hope, therefore, that in testing the current systems, never mind introducing new ones, the Government will give some thought to ensuring that there is transparency in the process that it currently operates through its hubco set-up throughout Scotland. I ask no more than that firms should have the chance to price for work.

On the point that many members made—with which I heartily agree—about small businesses merely getting the chance to tender for work, never mind winning it, it is worth pointing out that the north hubco's architects are a Newcastle-based company called Ryder Architecture. I do not know whether Scottish firms—whether Aberdeen firms or a consortium of Scottish architectural businesses—had an opportunity to win that work or, indeed, even be on the first list. It strikes me that these are areas in which a transparent process would be welcome. That is an important principle, which I commend to the Deputy First Minister in her consideration of the bill.

Elaine Murray rightly raised a number of submissions that we have been given for this debate, a number of which made some important points. The FSB's briefing points out that only one in six small firms—which it defines as those with a turnover lower than £500,000 a year and typically employing fewer than 10 people, not the 250 people that Elaine Murray rightly drew attention to

earlier—had participated in a public tender in the preceding year, and that more than two thirds of small construction firms say that they have opted out of public procurement entirely over the past three years because the costs are prohibitively high. That seems to chime with the remarks of the Deputy First Minister and others about the need to approach the issue from a new angle. Chic Brodie made that point, and I had some sympathy with his observations.

The FSB points out that the overall value of work going to small firms has remained fairly constant for the past six years, which suggests that there is considerable room for improvement and considerable scope for the Government to come forward with some new measures.

The Government's move towards a single standard PQQ is an important and positive step forward, but there are many other initiatives that could come forward in the procurement bill or by other means that would be welcomed by small businesses. We talk the talk on small businesses, but this bill, and other Government activities, should allow Parliament and the Government to walk the walk as well.

We should not forget the traditional forms of procurement. Dunfermline high school, which was mentioned in the RIAS briefing, has a beautiful new building. It is airy and bright, and the headteacher says that it achieves 98 per cent of what he wanted it to at the design stage. Good things can be done by traditional forms of procurement. That seems to be an important component in the overall argument about value for money.

I welcome the detailed work that the committee, led by Maureen Watt, is doing in this area, but I want to ensure that we do not view the bill as the be-all and end-all, and that the Government brings forward other initiatives that can further the work.

15:45

Kevin Stewart (Aberdeen Central) (SNP): I thank the Infrastructure and Capital Investment Committee for giving us this opportunity to debate this important issue today. For many, this issue is not particularly sexy, but I am an anorak when it comes to procurement, and the submissions that we have received show that there are many other folk who take a keen interest in what we are about to embark on with regard to the public procurement bill.

As I said, I am an anorak. Where do I begin? In my previous life as a councillor, I was often told that we could not do certain things because of EU procurement rules. That got to me so much that I decided that I would go on some training to see whether those barriers really existed, and I had the

council's procurement system—PECOS—installed on the computer in my office, so that I could track what was going on. I know that that is beyond anorakishness, but I think that it was important, because I found that a lot of the barriers that were said to be there were not there at all. I discovered that the reason why some folk took the view that they did was down to custom and practice and an aversion to risk. We need to challenge some of the custom and practice that exists around procurement.

Beyond that, we must ensure that folk know what best value and value for money are. Giving evidence to the Local Government and Regeneration Committee on 27 March this year, James Thomson of Scott-Moncrieff said:

"On best value principles, there has been confusion in some of the responses from others. It is not about just going for the lowest-cost option; it is about having regard to economy, efficiency and effectiveness, and delivering continuous improvement and sustainable services."—*[Official Report, Local Government and Regeneration Committee, 27 March 2013; c 1971.]*

I agree with his definition.

Page 3 of the Scottish Government's "Community Benefits in Public Procurement Guidance Note" says:

"The priority for all public procurement is to achieve Value for Money ... Value for money does not, however, mean 'lowest price'. It is defined in the Scottish Public Finance Manual as 'the optimum combination of whole life cost and quality to meet the end user's requirement'."

The mention of "whole life cost" and "the end user's requirement" makes me think of the story about grandma's 50-year-old broom. It has done a huge amount of work over its 50-year life and it has had only nine new handles and 11 new brushes. Those are the kind of things that we must think of when we make major decisions on procurement.

The proposed bill will not be a panacea, as Linda Fabiani and Tavish Scott said. We must deal with the situation in the bill and other forthcoming bills in which procurement will play a major role, such as the community empowerment and renewal bill and the health and social care integration bill. Procurement will be at the forefront of those bills, and we need to consider carefully what we do in that regard.

A huge number of the difficulties that we have are the result of a lack of common sense—a severe lack of common sense in some cases.

The Local Government and Regeneration Committee visited Ayr on Monday to hear the views of folks from Ayrshire and Dumfries and Galloway. A huge number of community representatives gave their views in the community engagement session and, beyond that, we had

folk giving formal evidence at a meeting in the afternoon. However, some of the best conversations are always had during the breaks and at lunch time.

In those communities and throughout the country, a huge number of community organisations are doing everything possible to better the lives of the folks they live alongside. However, bureaucracies that local authorities, health boards and others have put in place are impeding the small-scale procurement that those organisations are doing.

I will give an example, although I have only one minute left in which to give it. A guy talked about his community group wanting a new wheelbarrow. They had to go around the houses to buy a new wheelbarrow. They had to get three written quotations and give them to the council for the council to decide which wheelbarrow the group could get. However, this guy had the gumption—the common sense—to realise what the wheelbarrow requirement was and where he could get it for the lowest cost.

That kind of nonsense must be dealt with. Although I welcome the bill, it will not be a panacea. I call for a degree of gumption.

15:48

Anne McTaggart (Glasgow) (Lab): In these tough economic circumstances, it is right that the Parliament takes time to scrutinise how Scotland uses its buying power to promote social and economic development. Our public sector spends more than £9 billion every year on procurement, and it is increasingly important that that money is used to benefit the communities that are hardest hit by rising levels of unemployment. How the Scottish Government acquires goods and services impacts significantly on small and medium-sized businesses and can support those enterprises that are worst affected by continuing financial pressures. In turn, those businesses play a vital role in sustaining communities and providing employment for workers.

The criteria by which we award public sector contracts dictate the emphasis that companies place on the working conditions of their employees and the commitment that they make to investing in Scottish communities. It is profoundly shortsighted of any Government to award contracts solely on the basis of the lowest tender. That approach fails to recognise the long-term consequences of driving down wages and sending jobs abroad.

I accept that there must be a balance between the pursuit of wider social aims and value for money for the taxpayer. However, I do not believe that those two aspirations are incompatible. If the Scottish Government were to prioritise the working

conditions of staff as a key criterion in the procurement process, entire communities would be better off as a result. Although the Scottish Government has ruled out supporting legislation for a living wage, that would have made it easier to avoid situations where the working conditions of employees are compromised in order to achieve the most competitive tender.

Nicola Sturgeon: In the interests of fairness, will the member acknowledge that it is not that we do not support legislation for a living wage but that EU legislation does not allow it? We have said that we are committed to finding every possible way to encourage and promote the payment of a living wage as best practice by all companies.

Anne McTaggart: I thank the cabinet secretary for that.

The Jimmy Reid Foundation report on procurement in the public sector identified that the Scottish Government too often locks Scottish companies out from being able to bid for public sector contracts. Often, the contracts are so large and incorporate so many distinct elements that many small and medium-sized businesses are unable to compete for them. That results in contracts being awarded to huge multinational companies and in investment that could have supported local industries and small businesses being taken out of Scotland.

The Scottish Government's proposed procurement reform bill offers the Parliament an opportunity to change that unsustainable practice and to stand up for those businesses that, until now, have been unable to bid for lucrative public sector contracts. The Government should seek to invest in those communities that stand to benefit from providing goods and services to public bodies and which can grow their businesses to employ greater numbers of workers in Scotland. That would provide the dual benefit of investing directly in Scottish communities and tackling the problems of unemployment and slow economic growth across the country.

In the future, our procurement process should seek to exclude those companies that have sought to evade their responsibility as employers and those that have acted illegally to conspire against employees who are active in trade unions—and I welcome trade union members in the public gallery. I also welcome the Deputy First Minister's commitment to consider the issue. Companies that blacklist workers in the construction sector should serve as an example of private sector employers that are unfit to be awarded public sector contracts. That should be addressed under some of the criteria in the tendering process. Those companies that have taken part in that disgraceful practice should not be able to bid for public sector contracts, and the right of employees to be active

in trade unions should never be compromised by private businesses, particularly those that act on behalf of local authorities and national Government.

I encourage the Scottish Government to review the parts of the procurement system that are failing enterprises, communities, trade unions and the taxpayer. I urge the cabinet secretary to ensure that the forthcoming procurement reform bill better addresses the concerns of Scottish business and makes it easier for small companies and SMEs to access what is often a complex bidding process in public sector organisations.

If we can achieve that ambition, we can be sure that benefits will be realised not just by those who bid for government contracts but by families across Scotland who rely on the success of Scottish businesses and their impact on our local economies.

15:54

Stuart McMillan (West Scotland) (SNP): I am pleased to take part in this important debate and I commend and thank the ICI committee for bringing it forward.

In my role as EU reporter for the Local Government and Regeneration Committee, I will highlight the potential impact on local government of changes to the EU public procurement rules. At this stage, it is not clear exactly what the final EU directives will include and what impact they will have on public procurement reform in Scotland. Although the directives completed their legislative journey through the European Parliament at the end of 2012, they are being negotiated between the Parliament and the Council of the European Union, as we heard.

It cannot be denied that any reform to EU public procurement rules and other EU limitations on the delivery of shared services arrangements will be of significant importance to local government in Scotland, particularly given that more than 40 per cent of all local government expenditure in Scotland goes on procuring goods and services.

Local authorities, other public bodies and partner organisations are continually trying to find innovative ways of working together to deliver the best possible public services. Indeed, in January the Convention of Scottish Local Authorities wrote to all the Parliament's EU reporters to identify changes to EU public procurement rules and other EU limitations on shared services as key priorities for local government in 2013.

Members will be aware that the Local Government and Regeneration Committee is undertaking the final strand of its three-strand inquiry into public services reform, in which we are

looking at shared services and new ways of delivering services. In late February, the committee agreed to my proposal to seek, as part of evidence gathering for our inquiry, further information from COSLA on the potential impact of new EU public procurement rules and shared services limitations on local government. I have written to COSLA to request the evidence and I look forward to receiving it in due course. I will, of course, ensure that the information that I receive is shared with the European and External Relations Committee, the Infrastructure and Capital Investment Committee and the Economy, Energy and Tourism Committee, all of which will scrutinise the important aspect of public services delivery that we are considering.

It has become apparent from the evidence to the Local Government and Regeneration Committee's inquiry that the EU procurement rules are incredibly complex—Kevin Stewart touched on that. Although the rules provide necessary protections to ensure fairness and provide safeguards in relation to the spending of public money on the supply and purchase of goods and services, they appear to place fairly stringent restrictions on the ability of people who procure public service contracts to maximise contracts' effectiveness and find local, flexible solutions, which are proportionate to need.

On Monday, the Local Government and Regeneration Committee visited South Ayrshire Council and took evidence as part of its public services reform inquiry. Several witnesses talked about the complexity of procurement rules and guidance and the impact that complex rules and bureaucratic processes can have on communities' ability to access funding streams and deliver public service contracts.

Linda Fabiani: In recognising that point, does Mr McMillan also recognise that very often in local situations there is gold plating of European procurement rules, perhaps because of a lack of understanding or because we have such a blame culture, in which people are always looking to have a go, that folk are very worried and think that they have to go over the top? Does he think that it would be useful to have a more level playing field across the country, so that people could feel confident that they were operating as they should be operating and as others operate?

Stuart McMillan: Linda Fabiani must have been sitting in on the committee's evidence sessions, because those points have been made. The point about the need for a level playing field is valid and has been strongly made during our evidence taking.

Community representatives from South Ayrshire pointed out that many of the people and groups who are involved in delivering vital public services

to communities in Scotland are volunteers, who simply do not have huge amounts of time or indeed procurement expertise to dedicate to such complex exercises. I am sure that community and voluntary groups all over Scotland would echo that point. We heard examples of how the processes that are involved in procuring services make it difficult for local companies to compete for contracts.

I acknowledge that appropriate protections need to be in place. However, reforms to procurement processes and rules that would make it easier for communities, local companies and the likes of social enterprises to access funding streams to deliver public service contracts, often in partnership, would be hugely welcome.

In the consultation for the forthcoming procurement reform bill, the Scottish Government proposes to align the definition of “major contracts” in the bill with the definitions that are used in the EU procurement directives, which as a principle makes sense. In its response to the European Commission’s consultation, COSLA highlighted that it would welcome higher thresholds being set for all public works contracts, as it is important that procurement processes do not place disproportionate administrative and regulatory burdens on either contracting authorities or suppliers.

The European Commission’s view of shared service arrangements in the proposed EU directive is also a concern that COSLA has raised in its response to the Scottish Government’s procurement reform bill consultation. Again, as the directive is still not finalised, it is not clear exactly what impact that view may have on local authorities’ abilities going forward.

Whatever the final reforms are to procurement legislation and processes, it is crucial that the reforms support the delivery of best value in order to maximise the quality and effectiveness of contracted public service delivery in Scotland.

16:00

Neil Bibby (West Scotland) (Lab): I refer to my entry in the register of interests.

I am sure that we all agree that there is always a need for public bodies to spend the public pound wisely. However, that need is even greater in difficult financial times.

As has been said, the public sector in Scotland procures around £9 billion-worth of services and goods from the private, voluntary and independent sectors. That is a huge amount of money—it is nearly the size of the whole of the spend on local authorities or on the health service. That is why it is vital that the Parliament considers the issue. It

should seek to consider not only the cost savings to be made but, crucially, how procurement can be used to drive up quality and support some of the key objectives that we as elected representatives want to see—objectives such as supporting and encouraging job creation; promoting a commitment to fair trade; supporting the development of small and medium-sized businesses; and encouraging good employment and family-friendly practices.

A number of public sector bodies now pay their staff the living wage and they should be commended for that. However, it cannot be right that, at the same time, they are happy to award contracts to organisations and companies that do not pay their workers the living wage. Public sector organisations can be accused of operating double standards, applying one set of principles to themselves while permitting others not to meet those standards.

I appreciate that there is a debate about whether European regulations could prohibit the imposition of the living wage as mandatory but, in my view, we should be doing all that we can to promote the living wage through our procurement processes and we should be looking at the use of contract performance clauses. I therefore urge the Government to work creatively to extend the living wage through public sector procurement. If the Government does not act, my Labour colleague Kezia Dugdale is keen to introduce a bill to that effect because, as we understand it from evidence that was given by Thompsons Solicitors to the Local Government and Regeneration Committee, that would be possible.

There has been significant media coverage of the issue of blacklisting and I congratulate Unite the union, GMB and the Union of Construction, Allied Trades and Technicians and their members for being at the forefront of the campaign to expose that shameful practice. I attended a meeting in Parliament over a month ago and I met members of Unite again earlier today. The message from those present was loud and clear. The trade unions and their members want us to do more than simply condemn the practice by words alone; they want us to use the opportunity of procurement to eradicate the immoral and illegal practice of blacklisting.

People who were denied the right to work and earn a living deserve nothing less than that. We know that there are at least 582 men and women in Scotland who have been blacklisted—some of them are in the public gallery today. The map drawn up by the unions shows that people in every part of Scotland have been affected. In my region, people in Paisley, Greenock, Irvine, Clydebank, Johnstone, Erskine, and Renfrew are blacklisted—the list goes on and on. People were driven into

poverty, people suffered from depression, and families broke up because people were excluded from work just because they exercised their basic right to join a trade union.

That is why my Labour colleagues and I propose that companies that have been found guilty of grave misconduct such as blacklisting in the course of their business activities should be excluded from providing public sector contracts. Regrettably, public sector contracts have been awarded by the Scottish Government and others to companies involved in blacklisting—we cannot allow that to happen again.

I welcome the Deputy First Minister's commitment to engage with trade unions and I hope that that will be done on a cross-party basis, so that we can send a message that Scotland is no friend of blacklists. I advise the chamber that if the Government does not act, Labour will. My colleague Neil Findlay, who cannot be here today, has asked me to put on record that if the Government fails to act, he will lodge amendments to the proposed bill to stop public contracts for blacklists.

If it is right to exclude companies and organisations that blacklist from public sector contracts, it is surely wrong not to do the same for companies that are guilty of tax evasion. That is an issue that must be dealt with. I understand that many MPs have signed an early day motion in the House of Commons, including members of the Scottish National Party, Labour, the Liberal Democrat Party and the Green Party, and I therefore anticipate that the SNP Government will address the issue in the proposed procurement bill.

Through Scotland Excel and NHS procurement, the Scottish public sector already saves millions of pounds through procurement. The question is what the next steps are. Once cost has been driven down, the savings on second and third-generation contracts are often harder to make. As I said at the start, making things more cost effective is only one of the benefits. We need to consider how procurement can and should be used for social and community benefits. Renfrewshire Council, for example, already asks those who wish to provide services on its behalf whether they pay the living wage. It is also looking to expand its procurement activities to address the issue of blacklisting and tax evasion, and ask questions about whether companies and organisations have family-friendly employment policies and practise job creation and retention.

I understand that Scotland Excel will conduct a round-table discussion on Friday, which Scottish Government officials will attend. I hope that the Scottish Government will follow the good leads

that we are seeing in Renfrewshire Council and others.

16:07

Nigel Don (Angus North and Mearns) (SNP):

The debate is fascinating and colleagues have raised many issues. I propose for the next six minutes to wear the hat of the convener of the cross-party group on construction, and I will address issues that relate to construction and to that alone, probably.

I have already had the Government's answer to my first point. I think that the Deputy First Minister has been looking at my notes, because the very first thing in them is "project bank accounts". It is more likely, of course, that she has been listening to the construction industry, which has spoken pretty loudly with one voice on project bank accounts and retentions, to which I will come shortly.

The project bank accounts issue is simply the issue of delay in paying down the chain of supply. The industry assures me that one very large contractor, which I will not name and which probably does more work south of the border than up here, has now told companies in its supply chain that they will be paid in 120 days. That is almost never, in the context of companies trying to put cash through their tills. By the time that payments get to the lowest rungs, the period could well be 150 days—five months.

The longer a business has to wait for its payments, the bigger the risk of insolvency. The same industry contacts tell me that there are some 10 insolvencies in the construction industry per week across the UK. Once upon a time, we could have said that that was something to do with incompetence in the business but, this far into the downturn, we can say that incompetence will have gone. The businesses that are now becoming insolvent are simply being forced into it by being squeezed between the banks and the larger contractors, which are not paying their money.

That is an urgent issue that we need to address, so I am absolutely delighted that the Government is reflecting on project bank accounts. That really is the right direction to go in for major contracts, and I encourage the Government to do that. Of course, the approach is not new—it is already happening in Northern Ireland. Indeed, the Welsh Government has just suggested that it will go in that direction.

The subject of retentions is an issue not only of delay in money getting down the contractor supply chain but of protection from insolvency. The Deputy First Minister knows that fine well. A number that she might not know is that something like £500 million is currently retained in Scotland.

That money really should be in the bank accounts of those at the bottom of the food chain, rather than being held at the top, presumably to keep some of the larger contractors solvent. If that is their model, perhaps they need to change it.

The Deputy First Minister will also know that appropriate amendments to the bill have been drafted by appropriate legal people and have been put in her department's hands by me. On behalf of the cross-party group on construction and all that it represents, I urge the Government to consider seriously how it will be able to address the issue. I am told that, to some extent, even the legislation will be too late.

The Government really needs to find ways in public contracts to ensure that the money is pushed down the chain. It is not enough to pay the major contractor in 30 days, as the Government does. It is also essential that that money goes down through the chain and is not held on to on the spurious ground that something has not been done; otherwise, we will lose the life-blood of our industry.

Chic Brodie: I wish to be helpful. Have any of the companies that have discussed the matter with Nigel Don looked at finance discounting or invoice discounting to alleviate the cash-flow problem, at least in the short term?

Nigel Don: I am absolutely sure that they will have done that. However, when a company is pricing competitively in the first place, it should not need to do that in order to be paid money that it is due anyway. I am sure that Chic Brodie accepts that.

The last idea that I will bring briefly to the Parliament's attention is integrated project insurance, which I do not think that any member has mentioned yet. Innovation is much easier when dealing with really big contracts, as there are probably more professional advisers involved and there is an opportunity to get things right the first time round.

The idea of integrated project insurance is that all those who are involved in a project—starting with the architects, the major contractors and the major suppliers—put together a project that they insure as a single entity, with the costs of it insured as a single entity. That provides a significant reduction in the cost of the insurance. I am told that 80 per cent of the cost of insurance finishes up being paid to lawyers to sort out where the mistake was made rather than doing anything useful for a project.

Apart from reducing the insurance cost—which is not insignificant in the construction industry—integrated project insurance forces those who are involved in a major contract to get the details sorted out beforehand and to have a contract

specification that they can sensibly put their names to and insure as an entity. That tends to encourage folk not to have variations as they go along but to ensure that the design is finalised before they enter into the contract. As everyone in the construction industry knows, that is a good way forward.

16:12

Jayne Baxter (Mid Scotland and Fife) (Lab): I thank the Infrastructure and Capital Investment Committee for bringing the debate to the chamber to give members an opportunity to feed into the discussions about reform of our public procurement processes.

The high level of responses to the consultation document on the proposed procurement reform bill indicates the breadth and complexity of the subject. One of the great opportunities that the bill presents is to create a public procurement system that is fairer and more sustainable.

In 2009, the Scottish Government's action plan recognised sustainable procurement as providing benefits

“not only to the organisation, but also to society, the economy and the environment.”

Those are laudable aims. Unfortunately, over the course of the bill's progress, complexity has shifted to concern, as a number of charities have expressed their fears about the loss of the word “sustainable” from the bill's title. As we know, the consultation document contained a section on

“Social and Environmental Sustainability Issues”.

As the bill proceeds, it will be reassuring if the potential for procurement to impact positively on the environment and wider society is not lost in a mass of technical reform amendments to existing legislation.

Over the past few years, under existing procurement rules, we have seen positive examples of how public money can usefully be spent. Community benefit clauses and contracts that focus on targeted training and recruitment can, if used correctly, enable public bodies to ensure that public spend is used to include skills and employment opportunities for local people.

However, sadly, that is not always the case. A high-profile public construction project—just a few miles down the road from where I live—in which the opportunities for local people have been a subject of some controversy is the new Forth crossing.

We know that, in 1959, 90 per cent of the steel used to build the Forth road bridge was Scottish. However, in 2012, the Scottish Government announced that the Forth replacement crossing

would use steel sourced from China, Poland and Spain and that, out of the £800 million project, only £20 million of subcontracts was awarded to Scottish firms. As well as illustrating the sad decline over many years in Scotland's industrial and manufacturing capacity, those figures indicate that we need a new way of utilising procurement for major public sector infrastructure projects.

Kevin Stewart: The member has barely recognised that a huge amount of the manufacturing base of this country has been destroyed by Westminster Governments over decades. It is now beyond the capacity of firms in this country to produce the amount of steel—or the right steel—for the job that she talks about. That is a great shame, but she supports the union and the Governments that have led to the decline in those industries.

Jayne Baxter: As I said, my example illustrated that there has been a sad decline over many years, so I thank the member for his comments.

Too often, public bodies revert to a rigid view of what EU procurement law can and cannot do. The complexity of procurement legislation and member states' adherence to EU rules was picked up by respondents to the consultation. A number of those who submitted their views highlighted the work in the European Parliament on the modernisation of procurement rules and the need to ensure that there is no conflict between Scottish legislative proposals and those coming from Europe.

Given the on-going debate over the interpretation of European procurement rules, as highlighted by the case of the Forth crossing, as well as the arguments over the implementation of the living wage through contract performance clauses in procurement processes, there is clearly merit in the points that have been made in consultation responses. As the European legislation work is still on-going, clarification on how both sets of frameworks—European and Scottish—will be implemented and on the timing of each would be welcome.

From the on-going work in the European Parliament, I was pleased to read the European Commission's proposals for the introduction of a criterion on the

"most economically advantageous tender",

rather than simply the lowest cost. That is positive news for small businesses and voluntary sector organisations that might not, although they provide a great community good with regard to employment and service delivery, be able to compete on the same cost terms as a larger bidder.

It may seem common sense to award a contract on the basis of wider sustainable benefits rather than just cost but, unfortunately, that sometimes does not happen. We saw an example of that in Fife in 2009, when the council's contract to deliver mental health services was awarded to a national company, which consequently meant that several established local mental health groups lost out.

The MSP for Kirkcaldy, David Torrance, was vice-chair of Fife Council's social work and health committee at the time. He is not in the chamber, but he will be well aware of the impact of the loss of Fife Advocacy on the community and service users. I hope that he would agree that any steps to avoid future losses of similar long-established voluntary organisations as a consequence of procurement decisions should be welcomed.

Given the impact that the lowest-cost tender had on mental health service users in Fife and the disruption that they experienced during the transition to a non-local service provider, I welcome the proposed concept and I would welcome the Scottish Government exploring further the implementation of value for people in any proposed legislation.

16:09

Mike MacKenzie (Highlands and Islands) (SNP): I commend the Infrastructure and Capital Investment Committee on securing the debate. I am glad to have the opportunity to share some of my thoughts, which spring from more than 30 years' experience of running a small business in the construction sector.

I remember receiving about 25 years ago the renewal documents for a contract for services that my company then provided to Argyll and Bute District Council. The original contract was three pages long; the renewal documentation five years later was the size of a thick telephone directory, and three copies had to be signed and witnessed. The contract was worth less than £5,000 per annum.

I was reluctant—my lawyer friends would approve of this—to sign the document without first reading and fully understanding it. Three pages into the document, I realised that I would need to engage the services of a whole team of lawyers for at least a month before I could safely sign it.

In the end, I solved the problem by the simple expedient of not signing the contract. That seemed like a good solution. We continued to provide the service and get paid for the next 15 years, despite three further tendering exercises and three sets of unsigned contract documents over that period. Nobody ever noticed that we did not sign the contract.

That example epitomises much of what is still wrong with Scotland's public sector procurement, which is often overly bureaucratic in a way that is disproportionate to the contract size. I am happy to acknowledge that we have made much progress in Scotland and that our record compares well with the rest of the UK and with many countries in Europe. However, it is absolutely right that we should strive for continual improvement, and there is no question but that improvement is required.

Much of the problem seems to stem from risk aversion. I know of two fairly recent significant projects in the Highlands and Islands where the main contractor went into liquidation shortly after beginning the work. In each case, the subcontractors and the supply chain of smaller local firms were significantly out of pocket. In each case, the contracts cost much more to complete. We need the procurement process to be much less risk averse and much more risk aware. We also need a process that properly manages risk—all the risks.

One good way of managing risk is the unbundling or disaggregation of larger contracts. That not only spreads the risk but gives smaller local companies a better chance of winning contracts. Smaller contracts are often less attractive to predatory firms, which may be very good at dealing with the bureaucracy but much less good at actually carrying out the work.

By helping smaller businesses, smaller contracts help Scotland to achieve what the economists refer to as churn—the process by which the big, fat, lazy cats are replaced by lean, mean, hungry cats. That is also the process that drives innovation. Both of those are necessary ingredients in any successful economy.

Rural areas such as the Highlands and Islands present particular challenges for project delivery, particularly in the islands. Almost always, the smaller local firms are best at negotiating and dealing with those challenges. For aftercare and warranty work, I have often found that firms from far afield are—understandably—reluctant to send operatives out to far-flung places.

We need to focus much more on outcomes and the quality of outcomes and far less on process. That is especially the case in tendering architectural work, because even our most successful architects tend to work in small companies. If we cannot capture quality at the design stage of a project, we will not achieve it further on in the delivery process.

The great thing about a small country such as Scotland is that we can drive forward the process of reform and continual improvement faster than larger countries can. The Parliament has already delivered procurement processes better than

many other countries—think what we could do with all the levers of innovation and reform at our disposal.

16:24

Patrick Harvie (Glasgow) (Green): Like others, I thank the committee for bringing the debate to the chamber.

The Deputy First Minister referred to the tension that can exist between different priorities in procurement, and several examples of that have arisen in the debate. As Mike MacKenzie hinted, there is the tension between legal compliance and risk aversion, which can be the two ends of a spectrum. There is also a tension with regard to the interests in which procurement and competition law operates. Does such law operate in the public interest and the interests of the common good or does it simply serve private sector competitors' interests? Can it genuinely benefit the wider common good?

There is a tension between legislation and culture change. Do we need one to drive the other? Can they be self or mutually reinforcing? Moreover, there is the tension that the Deputy First Minister highlighted between giving small businesses in Scotland opportunities through procurement legislation or the approach to procurement and the value-for-money priority. As several members have argued, value for money must not—indeed, it cannot—simply be seen in terms of direct financial transactions. That kind of reductive approach, which sees only the part of the economy that shows up in money terms, is at the heart of a great number of our current economic problems. If such procurement decisions create unintended consequences that undermine public policy or the common good, we cannot really call cheapness value for money.

All those tensions were highlighted back in 2007 when the Green Party lodged a motion on green procurement for debate in the chamber. We asked the then Executive to produce guidance that had not previously existed on what were new EU rules; although the directive had come into force a year before, no guidance had yet been issued. If I remember rightly, the Government added that guidance to its website the evening before the debate, so progress was made even before we got to the chamber. However, we also called for a mandatory requirement for sustainable procurement criteria to be added to public contracts. Again, the tension between a mandatory or legislative requirement and culture change arose, and we argued that one can drive the other.

Members have mentioned a wide range of criteria that they would like to be included, and I

agree with the comments from Labour members about wanting as many of them as possible to be specified in the bill. Those criteria might include environmental performance, which can be measured in a range of ways, from waste production to CO₂ efficiency per unit of output, and ethical aspects such as trade justice and issues that I have discussed with the Minister for External Affairs and International Development, Humza Yousaf, about whether it is appropriate for public bodies to bring in wider international matters and, say, boycott particular products as a result of the situation between Israel and Palestine. I note that many local councils have on ethical grounds begun to move away from Eden Springs for the provision of water in their buildings.

In addition to greater specificity in environmental and ethical matters, we need to consider economic justice arguments, which do not stop at the living wage and include blacklisting, which has been mentioned, and wider positive engagement with the trade union movement, which I hope that we would all like responsible employers to support. We should also address zero-hours contracts and the very exploitative employment model that they represent.

How much more radical do we want to get? Perhaps we should look beyond the living wage by exploring maximum wage ratios and seeking to ensure that not just the public sector but the private sector reduces the gap between the richest and the poorest in our society. All that, and a range of opportunities for employee participation, could be specified in legislation.

The Deputy First Minister might well say that it would not be possible to do that, even in a future iteration of the EU legislation, but I will make a suggestion that I hope that she will respond to in her closing speech. If we cannot specify all the things that I have mentioned, can we ensure that there is a mandatory requirement for generic criteria under which a company that is bidding for a public contract would have to demonstrate economic justice and which would allow the Government to have regard to the living wage, zero-hours contracts, union recognition and worker participation?

I have looked at the correspondence between the European Commission and the Government on the living wage, and it appears to me that the question has been about that issue specifically rather than something more generic. The Government should respond to that.

I call for strategic intention to be specified in the bill so that, as the EU rules change not just this year but in the future, local procurement decisions are made with the greatest possible duty to make the most allowable use of sustainable, ethical and

economic justice requirements in all future contracts.

The Deputy Presiding Officer: I remind members that when they intend to contribute to a debate it is courteous to be present for all the opening speeches. That is not only courteous; if members are not present for the opening speeches, they are in danger of being dropped from the speakers list.

16:31

Alex Johnstone (North East Scotland) (Con): The Infrastructure and Capital Investment Committee's decision to bring the matter that we are discussing forward for debate means that we are starting the process of dealing with the procurement reform bill rather earlier than we might normally expect. The approach is not unprecedented, and it has certainly been an advantage in this case. That is ably demonstrated by the range of interesting angles that have been taken during the debate.

I share the cabinet secretary's view: the current process has its qualities but could be better. In fact, if anything characterises the procurement process, it is that there has been more than one attempt in the past to make it as good as it can be and each attempt has thrown up difficulties, some of which were largely unforeseen. The process needs to be properly applied and appropriately worked through, but we have a challenge to ensure that that happens.

My position is slightly different from that of some members, in that I would like to see more public services put out for tender. That means that we need a robust system in place as local authorities start to deal with the problems of reduced budgets. We have to admit that there are recruitment problems in some parts of Scotland as a result of labour shortages, and it is difficult to find people to do work in-house. The result is that we must have in place a process that will become more important as time goes on.

EU procurement rules and the framework that surrounds them have been widely discussed in the debate. We have a serious problem to address in that, as others have said, we have a habit of gold plating European regulation in this country and have tended to take the view that something might be outside EU procurement rules when it is not. There is quite often evidence from other countries—sometimes competitor countries—of how they apply the rules in a wholly different way. The challenge for us is to ensure that we have a fair process in place that allows Scottish companies appropriate and adequate access to available contracts, but also ensures that we do not put at risk our access to other countries'

contracts by being too severe in how we treat their companies.

Kevin Stewart: I talked previously about the difficulties around custom and practice. Does Mr Johnstone think that some of the gold plating that goes on is a result of previous custom and practice around the daft compulsory competitive tendering rules that we used to have to follow?

Alex Johnstone: I have already made it clear that I believe that there are certainly problems with how we have dealt with the matter in the past. However, we have an on-going problem. A number of members have already mentioned our tendency to be risk averse in how we handle these things.

There is a genuine problem of risk aversion in the award of public sector contracts, which is epitomised by the way in which, when bids take place, private sector bidders will go right to the line to achieve an advantage and win a contract, whereas those who are negotiating the contracts on the public sector side are risk averse and will give the line a wide berth. There is a different understanding of where they need to be.

We must also consider the award of contracts in a slightly different way. Despite what some members who have spoken in the debate might think of my views, my concern is not only about getting public services into the private sector. I am also concerned to ensure that voluntary or third sector organisations have the opportunity to provide the quality services that they can provide and to bid to provide those services within the structure that we create. We have to get that right, because I have heard too many stories from the private sector and particularly the voluntary sector, where organisations are very small, that the difficulty is in trying to fit through the portal and get into the system.

This is anecdotal, but it has been said that, for a company that is big enough to have a full-time individual or perhaps a whole department dealing with procurement issues, that job will be done but, for a one-man company or an organisation that is run by a small group of volunteers, it is more difficult to engage with the process, because the people who are involved cannot devote themselves to that full time.

We are entering a vital process and there is a great deal to be gained. I take confidence from the fact that, apart from a few members who have perhaps flown off at a tangent, we are all singing from the same hymn sheet on the issue, not least Nigel Don. Scotland's construction industry is in a difficult position, but it has the potential to create a great many jobs and training opportunities for our young people. If we get procurement right, particularly in construction, we can achieve a great

deal. Therefore, the Government will have my support in principle. I look forward to proceeding with the process and to producing legislation that will deliver an effective procurement system for Scotland's companies.

16:37

Elaine Murray: There has been a fair degree of consensus during the debate. Several members have commented that the bill cannot be a panacea for all procurement ills, but that there is a big opportunity to use public sector procurement to produce social and economic benefit and benefit for business. Many members have commented that best value is about far more than just achieving the lowest cost; that a cheap price is not necessarily value for money; and that the level of spend can have a major impact on society and the environment.

Many members spoke about the advantages of enabling smaller businesses to access public sector contracts more easily. A number of examples were given, many of which seemed to reinforce points that Jim and Margaret Cuthbert have made. For example, Margaret McCulloch described how smaller businesses can be squeezed out and reduced to trying to get the less lucrative subcontracts rather than have access to the more lucrative parts. Tavish Scott gave us a concrete example from his constituency, where the tendering process for a new school through hub north Scotland has lacked transparency. There seems to be little information on whether local businesses were even involved, never mind getting contracts.

Anne McTaggart described the importance of enabling small businesses, given the local employment opportunities that they can offer. Access to public sector contracts can allow small businesses to grow and to increase local employment opportunities. Nigel Don drew our attention to project bank accounts and retentions, the problems of late payments to smaller subcontractors by major contractors and the delays in money getting down the food chain to the smaller contractors that really need it.

Jayne Baxter gave an example about the loss of the Fife advocacy service because of procurement decisions, which meant that people with mental health issues could no longer access the services that they needed.

As many members have said, the bureaucracy of the procurement process is an issue. Linda Fabiani and others mentioned the pre-qualification process, which can be onerous and repetitive. We all welcome the fact that the Government intends to take action on that.

Nigel Don mentioned integrated project insurance, which chimes with some of the issues that were raised in the FSB report, which noted that insurance requirements are often disproportionate for smaller businesses.

The bill consultation favoured the prohibition of charges for the issue of tender documents, as such charges can deter smaller businesses. One of the larger companies—Morrison Construction—that attended the seminar that I mentioned in my opening speech says that, at as much as £1 million for a £40 million contract, the cost of bidding can be disproportionately high. A number of issues can be problematic for small businesses.

Many members talked about the ethical obligations that can be included in procurement legislation. Several members referred to the need to take action against companies that are involved in the insidious practice of blacklisting. There has also been reference to the opportunity that the legislation offers to encourage the payment of a living wage. There seemed to be some dispute between members as to how that could be achieved. I was interested to hear from Chic Brodie that he had some legal advice that indicated that including a living wage requirement in the legislation would be possible, and Neil Bibby referred to advice from Thompsons Solicitors, so the question of how far we are able to go on that might bear additional scrutiny.

There is a consensus—certainly between Labour and the SNP—that we need to look at how we can use legislation to counter the heinous practice of blacklisting, and I welcome the commitment to work with the trade unions on that. Patrick Harvie raised an interesting additional issue relating to the possibility of excluding zero-hour contracts. The use of such contracts is an insidious practice that is often perpetrated on young workers, and I hope that there might be an opportunity to address that in the legislation.

Mike MacKenzie: Does the member appreciate that, as employment law is a reserved matter, it would be the UK Government's place to do that, and not ours?

Elaine Murray: We are looking not at excluding zero-hour contracts, as we cannot do that, but at whether there is a possibility to exclude from the procurement process companies that operate such practices. That is what I am talking about.

There has been much discussion around the EU directive. I agree that there is often a rigid view—perhaps a gold-plated view—about what one is allowed to do within the terms of EU directives. As Kevin Stewart said, the barriers that are perceived to exist are sometimes not there.

The report by Jim and Margaret Cuthbert, to which John Mason referred, gives a number of

examples of different EU countries that have been able to use national legislation to break down procurement into smaller lots that are more accessible to small businesses.

We might want to look at a number of other issues, including the importance of offering feedback and debriefing information—particularly for smaller businesses—following an unsuccessful tender so that businesses know why they did not get the contract, and the need to look at opportunities for growing small businesses by anticipating gaps in local provision and seeing what action can be taken to fill those gaps. The bill presents us with many opportunities to investigate some of those issues further and to look at how action can be reinforced through the legislative process.

16:43

Nicola Sturgeon: Today's debate has generally been very good, and I have taken something positive from literally every contribution—even from that of Alex Johnstone, which is something in itself. I thank members for their contributions, which will be very useful to us as we finalise and refine the content of the bill.

I apologise for the fact that I will not be able to reference every member in summing up—I simply do not have time to do so. Elaine Murray said at the outset that she was quite surprised at the high level of interest in the debate, but—like Kevin Stewart—I am not surprised. I think that all of us know from our constituency experience just how many frustrations and barriers—perceived or otherwise—businesses feel that they face in the procurement process, and we all have an obligation to respond to that concern.

The fact is that procurement spend is a powerful economic lever—indeed, it is one of the most powerful that we have at our disposal—and we need to use it to support the economy, promote sustainability and help businesses to grow. However, we also have a duty to taxpayers to get the maximum value for money out of that spend. Some of the concerns that we have heard this afternoon arise from that obligation to get value for money.

There has been talk about tensions—I spoke about them, as did John Mason and Patrick Harvie—and there are inevitable tensions at the heart of the procurement agenda. However, I believe that if we do this properly and make some of the changes that are being talked about, we will find a lot of synergy between those apparently conflicting aims and objectives. As has been said by many speakers in the debate, value for money is not just about cutting costs. If we support

sustainable growth, that in itself delivers value for money.

I was struck by Kevin Stewart's contribution. He has a point when he says that perhaps there is not the understanding that there should be of the concept and definition of value for money. That leads me to another point about John McClelland, whose work kicked off progress towards the bill that we will introduce shortly. He often talks about the importance of capability and capacity in those who procure for public authorities, and how we need to make sure that they have the professionalism, knowledge and understanding to give them the confidence to apply the common sense and gumption that Kevin Stewart spoke about.

In an excellent speech, Mike MacKenzie made a good point about the importance of helping SMEs win contracts, which is good for them as businesses and good for the economy. However, it is also the case that some of those contracts will deliver a better quality of work and better aftercare. Those are all important points.

I want to address some of the issues that were raised during the debate. Elaine Murray raised a concern about a perceived shift of emphasis in the bill, and I take the opportunity to assure members that there will be no shift in emphasis away from sustainable procurement. I and others have talked about ethical procurement, which is an important part of a sustainable approach. Good procurement will be sustainable procurement, and sustainability, whether environmental, social or economic, sits at the heart of what I describe as the value for money triangle of cost, quality and sustainability. That is at the heart of our approach to procurement and it should be at the heart of the bill as well.

Mary Scanlon mentioned the commissioning of care and support services. We published guidance on that in September 2010 and the European Commission's proposals also recognise the specific circumstances pertaining to social care procurement. We acknowledge the need to consider that carefully as we proceed with the bill. I hope that members are reassured to know that the Coalition of Care and Support Providers in Scotland is represented on the bill's sounding board, and obviously we will take close cognisance of the coalition's views.

Chic Brodie, other members and I mentioned EU law, and Stuart McMillan gave us a helpful update on his perceptions of European developments. I understand the frustrations about EU law, some of which I share. However, our companies benefit from open markets and we must make sure that we operate maximum flexibility within the rules.

Linda Fabiani, Mike MacKenzie and other members mentioned a risk-averse culture and we need to make sure that we take sensible and proportionate approaches. We must also lobby for change when we think that change is essential. It will not surprise anyone to hear that I agree with Kevin Stewart that if we were represented at Europe's top tables, we might be more effective in lobbying for some of that sensible change.

Patrick Harvie: Will the cabinet secretary take an intervention?

Nicola Sturgeon: I am very tight for time, so I ask the member please to be brief.

Patrick Harvie: Will the cabinet secretary respond to my suggestion that a strategic statement of intent will ensure that we have maximum flexibility and do not lock in current practices?

Nicola Sturgeon: There would have been more chance of my getting to that point if Patrick Harvie had not intervened. Yes, I will give specific consideration to that point.

Margaret McCulloch and Nigel Don mentioned small companies that lie further down the supply chain. They make the outlays but have to wait for lengthy periods before they get paid, while the money sits in the principal contractors' bank accounts. That is why I was pleased to make my announcement about project bank accounts. Nigel Don made an important point about retentions. He has given me draft amendments to the legislation, which we will consider very carefully.

Linda Fabiani, Tavish Scott, John Mason and others rightly said that, important though the bill is, it is not the be-all and end-all, although it will allow us to accelerate progress, further simplify processes, put sustainability centre stage, and make sure that good practice—standard questions, for example—are not optional but are required of public bodies when they buy goods and services.

I was glad to see that, throughout the debate, there was recognition of the progress that we have made. I will not repeat the statistics that I cited in my opening speech; suffice it to say that when it comes to SMEs getting contracts, we do better than other parts of the UK. We are not good enough, but we do better.

I take the point about the definition of SMEs, which is why in my opening speech I made a point about the proportion of our spend that goes to companies with fewer than 50 employees. However, as Alex Johnstone and others said, there is room for improvement.

I want briefly to say where I want to see improvement as we go through the process. First, I want greater simplification, transparency and

standardisation. I also want a level playing field. Many of the complaints that I hear are not from firms that lose out in the tender process but from firms that feel that they are unable to get into it. I think that that was Tavish Scott's point, and we must deal with it.

Secondly, I want to ensure that procurement spend is a force for good and that we are supporting the economy and its constituent parts, and promoting good practice, sustainability and ethical behaviour. I noted John Mason's point about social enterprises, and I can say to Neil Bibby that I am more than happy that our approach to blacklisting is being taken forward on a cross-party basis with the trade unions. That is important.

My final point is that we must ensure value for money in the broadest sense of the term. The more value for money that we get, the more we get for our money. The more that we get for our money, the more contracts we can have and the more work there is for companies in the first place.

I thank members again for a very useful debate. I very much look forward to continuing these discussions as we take the bill forward.

16:51

Maureen Watt (Aberdeen South and North Kincardine) (SNP): The debate has been extremely useful and I thank members very much for their contributions. I am sure that the committee will take on board members' comments when the bill comes to it for scrutiny. We will ensure that we have copies of the *Official Report*, because we might not be able to keep all the points raised in our heads until June or whenever the bill is introduced.

As folk have said, there has been a great deal of interest in the bill. The number of briefings that has been received is one of the highest I have ever known. An extremely broad range of organisations submitted briefings, from charities such as SCIAF and Oxfam to care organisations and construction and other business organisations. Even the British Medical Association sent a briefing, on the ethical procurement of surgical instruments. As Linda Fabiani and Tavish Scott said, there are high expectations of the bill. I am not sure that they will be met but I can reassure members that the committee will try as far as possible to listen to and accommodate all the contributions.

Like Elaine Murray, I attended the David Hume Institute seminar on procurement in January. I was impressed by the amount of interest in and enthusiasm for meaningful change that was shown by the speakers at that event and in the informal discussions afterwards. We heard about the importance of sharing good practice in public

procurement and the willingness of a variety of organisations to do that. We heard about concerns about the cost of quality bids from prospective contractors, which can sometimes be in the region of £1 million for a £40 million project. Those costs are ultimately paid for by the public purse as part of the overall contract costs. In some cases, the bid costs are also paid out to unsuccessful bidders, which is not unreasonable. Again, though, that adds significantly to overall costs. Perhaps it would be worth while to identify any steps that could be taken to reduce or streamline the work that is required to formulate and deliver bids and therefore reduce the overall project costs.

As has been mentioned, it is expected that the Infrastructure and Capital Investment Committee will conduct formal scrutiny of the bill at stage 1. We will certainly call on all areas of the public, private and third sectors to engage fully and directly with us in the formal scrutiny of the bill. We will seek to work with the various representative bodies on how we might best encourage that engagement.

In addition, I fully expect that the committee will seek to identify opportunities to hold informal discussions with representatives of all sectors to hear suggestions for improvements that would make a meaningful difference to the ability of all sectors to engage with the procurement process in future.

The Deputy Presiding Officer: Could you move your microphone slightly towards you, please? Also, I ask other members to respect the fact that someone is speaking.

Maureen Watt: We recognise the clear and legitimate interest that other parliamentary committees have in the bill's provisions, and the committee will be more than happy to discuss with committees ways in which they might contribute to the scrutiny of the bill. It was interesting to hear from members who thought that the committees that will scrutinise other bills that will go through Parliament, such as the health and social care bill and the community empowerment bill, could in doing so take on board some of the points that have been raised today.

A few themes can be identified in this afternoon's debate. Chic Brodie, Kevin Stewart, Linda Fabiani and others spoke about breaking down the barriers and stopping the inclusion of risk-averse conditions that are there simply to cover people's backs. We need to ask questions and challenge existing practices to see whether they are delivering the best for the taxpayer, the user and local businesses. I was interested to hear about Mike MacKenzie's experience and I liked what he said about being not risk averse but risk aware. The financial viability of the businesses and organisations that are tendering for work is

vital. I often feel that third sector organisations are subjected to much more scrutiny than private sector organisations are, and I do not think that that is fair.

Members raised the idea that people sometimes hide behind EU procurement rules. It is important that, before contracts are awarded, the bidders are made fully aware of what is required in the contracts. I was interested to hear the Minister for Housing and Welfare say that, when a public meeting was held to discuss the contract for the Aberdeen western peripheral route, a huge number of people turned up to find out what the contract was all about. I take on board Elaine Murray's comment about the need for feedback, so that organisations feel that, even if they have not won one contract, they can tender for others.

I say to Tavish Scott that I raised at the David Hume Institute seminar, which was mentioned earlier, my concern about hubs and consortia. There is a role for Scottish firms coming together in consortia in order to bid for large contracts, but I have a feeling that a too-cosy situation might develop between companies that have the major contracts and bodies that require work to be done, and that people might just go with the contractors that they know. I will keep that in mind when we scrutinise the bill.

Many members mentioned the living wage, blacklisting and tax avoidance. A lot of hot air was expended on the subjects, as well as some light being shed. The public sector has made significant progress on the living wage and the Scottish Government has led on making it be seen much more as something that should be the norm rather than not, as is the case in some companies. As a former human resources professional, I think that blacklisting is sloppy HR practice. Companies should not have dealings with companies that have a blacklist. Instead, they should do their own recruitment to a much higher level, if that is what is required. On tax avoidance, the public have led by example by boycotting the companies that have been trying to avoid paying tax.

I was pleased to hear what the cabinet secretary said in her closing remarks about the sustainability issue.

This has been an interesting and worthwhile debate. I know that the cabinet secretary has listened closely to the points that have been made across the chamber, as have the members of the committee. I thank all who participated in the debate.

Business Motions

17:00

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of business motion S4M-06236, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 23 April 2013

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Welfare Reform Committee Debate:
Impact of Welfare Reform on Scotland

followed by Preliminary Stage Debate: The National
Trust for Scotland (Governance etc.) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 24 April 2013

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Finance, Employment and Sustainable
Growth

followed by Ministerial Statement: Making the Most
of Scotland's Canals

followed by Scottish Labour Party Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.30 pm Decision Time

followed by Members' Business

Thursday 25 April 2013

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 1 Debate: Land and Buildings
Transaction Tax (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 30 April 2013

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business
 Wednesday 1 May 2013
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions
 Rural Affairs and the Environment;
 Justice and the Law Officers
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 2 May 2013

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
 12.30 pm Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Deputy Presiding Officer: The next item of business is consideration of business motion S4M-06237, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for consideration of the Scottish Independence Referendum Bill at stage 1.

Motion moved,

That the Parliament agrees that consideration of the Scottish Independence Referendum Bill at stage 1 be completed by 13 September 2013.—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motion

17:01

The Deputy Presiding Officer (Elaine Smith):

The next item of business is consideration of a Parliamentary Bureau motion on the designation of a lead committee at stage 1 of the Regulatory Reform (Scotland) Bill. I ask Joe FitzPatrick to move motion S4M-06238.

Motion moved,

That the Parliament agrees that the Economy, Energy and Tourism Committee be designated as the lead committee and that the Rural Affairs, Climate Change and Environment Committee be designated as a secondary committee in consideration of the Regulatory Reform (Scotland) Bill at stage 1.—[*Joe FitzPatrick.*]

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

Decision Time

17:01

The Deputy Presiding Officer (Elaine Smith):

There are two questions to be put as a result of today's business. The first question is, that motion S4M-06153, in the name of Maureen Watt, on behalf of the Infrastructure and Capital Investment Committee, on public procurement reform, be agreed to.

Motion agreed to,

That the Parliament notes that the Infrastructure and Capital Investment Committee, in advance of the introduction of the Scottish Government's proposed Procurement Reform Bill and in order to inform any future work in this area, would welcome members' views on the efficacy of current public procurement processes and on the scope and potential for improvements to be made to these processes.

The Deputy Presiding Officer: The second question is, that motion S4M-06238, in the name of Joe FitzPatrick, on the designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Economy, Energy and Tourism Committee be designated as the lead committee and that the Rural Affairs, Climate Change and Environment Committee be designated as a secondary committee in consideration of the Regulatory Reform (Scotland) Bill at stage 1.

The Deputy Presiding Officer: That concludes decision time. We will now move to members' business. I ask members who are leaving the chamber to do so as quickly and quietly as possible.

One Billion Rising Campaign

The Deputy Presiding Officer (John Scott):

The final item of business today is a members' business debate on motion S4M-05609, in the name of Kezia Dugdale, on one billion rising. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises and welcomes the campaign, One Billion Rising, which has been established in response to UN reports that one in three women will be raped or beaten in her lifetime; notes that the campaign, which was set up by Eve Ensler, is attempting to end violence against women; condemns all violence against women wherever it occurs; welcomes the campaign's "dance strikes", in Lothian and across Scotland on 14 February 2013, and recognises calls for unity and action against gender stereotyping, inequality and violence against women in all its forms.

17:03

Kezia Dugdale (Lothian) (Lab): I thank members across the chamber for signing the motion so that it could be heard in the Parliament tonight.

This is actually my first members' business debate, as I was unable to make the last one in my name. I thank the members who have stayed for the debate and the organisations that have provided briefings for it, most notably the Zero Tolerance Charitable Trust, Leonard Cheshire Disability, Hollaback! and the Scottish Catholic International Aid Fund.

The one billion rising campaign, after which the motion is named, was set up in response to the United Nations campaign UNITE to end violence against women, which began in 2008. A key finding was that one in three women worldwide will be raped or beaten in their lifetime. That is 1 billion women throughout the world who have direct experience of violence. The one billion rising campaign's call is simply to turn those 1 billion victims into 1 billion activists calling for change.

I will focus my speech on how community organising and empowering women to take action are the key to successfully changing our culture and our society's attitude towards women. I will do that by talking about three campaigns that have done that in their own separate ways. Before I turn to Hollaback!, the everyday sexism project and the no more page 3 campaign, I will take a moment to recognise the dedication of the people throughout Scotland and around the world who took decisive action on 14 February this year. That day, the one billion rising campaign asked women around the world to organise dance strikes to raise awareness. There was a dance strike here outside

the Scottish Parliament and another in Waverley station.

The reason why so few people know about that day of action is that 14 February was also the day when the world learned that Oscar Pistorius's girlfriend had been shot and killed. The story monopolised our airwaves. The next day, *The Sun's* coverage of the killing shocked the country—it pictured Oscar's nameless girlfriend in a bikini. That front page led to the hashtag #HerNameWasReevaSteenkamp trending worldwide, with thousands of column inches devoted to the media's portrayal of women, in particular its portrayal of victims of gendered violence. That served only to reinforce my long-held belief that we cannot seek to tackle gender-based violence without tackling gender inequality in all its forms no matter how small or how endemic, and no matter how difficult that is.

One of the most difficult challenges is to persuade some tabloid newspapers to give up their obsession with page 3 models in so-called family newspapers. The no more page 3 petition campaign currently has 96,000 signatures, and it recently secured the support of the 500,000-strong UK Girlguiding movement. For as long as women are promoted as sex objects in our mainstream media, gender equality will be forever distant.

Topless models in newspapers is one of the better-known crusades of the feminist movement, but there is a new crusade that is celebrating its first anniversary this week, called the everyday sexism project. The campaign is led by the formidable Laura Bates, who, like Caitlin Moran and Lucy-Anne Holmes, speaks with an authenticity and a coolness that cuts through and speaks to young women who might not recognise the word "feminist" in their own identity or indeed see gender inequality in their lives in the blunt and unforgiving way that their mums or grannies did.

The everyday sexism website and Twitter account reveal a catalogue—an anthology—of women's daily experiences of everyday sexism, from gender stereotyping in the workplace to a so-called harmless bum pinch in a nightclub, which paints an ugly picture of our culture and the casual sexism that we let slip by day by day. All that casual everyday sexism leads to the normalisation and acceptance of gender inequality, which eventually leads to violence.

What can we do as men and women who are all striving for a more equal world? The answer is to fight back, to come together as a community, whether in the real world or online, and to say no.

I became involved in the everyday sexism project before Christmas in response to a tweet that I had seen from a friend, lambasting Amazon for its Christmas gift list. Amazon had suggested

lists of books for Christmas presents. Under men, the list included science fiction, political biographies and business books. Under women, animal calendars, cookery books and romance novels were promoted. My friend tweeted:

"Thanks @AmazonUK for letting me know business, politics and sci-fi aren't for my pretty little head".

That was retweeted more than 1,000 times in 24 hours. That ultimately led to Amazon withdrawing its gift list and changing its ways. I tell that story to say that, when we unite together and challenge everyday sexism, we can change our society and make for a more equal world. If we believe in equality, we owe it to one another to challenge gender inequality in all its forms, wherever we see it.

I congratulate Hollaback! in Edinburgh on its work in empowering women to holler back whenever they are subjected to street harassment in the city.

I thank members for the opportunity to bring these issues to the chamber. I very much look forward to the speeches of colleagues from across the Parliament. I commend the motion.

17:09

Linda Fabiani (East Kilbride) (SNP): I thank Kezia Dugdale for lodging the motion that we are debating this evening. Even as someone who has long cared about and campaigned on gender violence, I have learned a couple of things tonight. I sometimes think that I am getting really dopey as I get older, because it never dawned on me what "Hollaback!" meant. I thought that it was perhaps somebody's name.

One billion rising is a super initiative, which has references to the early feminist movement, as we call it. There were a lot of feminists around before the 1960s, but the term was not used. The campaign started on—I think—the New York subway, to encourage women to shout out when they were harassed in the way that Kezia Dugdale talked about, in order to embarrass the perpetrator and to put them on the spot.

It is sad that an awful lot of those initiatives have been lost. I do not know why; all of a sudden people said that feminism was not something to be proud of and that we had to keep it quiet, and girl power became the thing. To me, the whole girl power thing was just the kind of stuff that promoted the page 3 photographs that we are trying to get rid of as some kind of female choice. Instead, we should recognise that in our society and throughout the world there is gender stereotyping and there is abuse, from the mild pornography that is the page 3 photograph to absolutely horrendous abuse in all its forms, I

guess the ultimate of which is rape as a weapon of war, which is happening all over the place.

It was interesting to read about the Eve Ensler initiative, which I did not know much about. I like the idea of flash dancing, which sounds pretty good. Something is far wrong, because I missed the dance strike at the Parliament. Let us hope that if there is another one, Kezia Dugdale will have us all—women and men—out there dancing in support of ending violence against women.

I have been reading quite a lot lately about the atrocities in Sierra Leone and Liberia, where women were subjected to terrible sexual harassment; they were battered and all sorts. The lack of respect was about power; the use of women as sex objects is about enabling men to feel that they have power.

I learned about another terrible form of abuse when I did some work in East Timor. Women were being sterilised by the Indonesian occupiers of the country, as a way of preventing them from reproducing, because there was an attempt to transmigrate Indonesians into East Timor.

Abuse went on in Peru, too. I was there during the dictatorship of Fujimori. There was abuse of women by Shining Path and by the Government side. Women activists who were deemed to be getting a bit too lippy and mouthy were abused.

In the Parliament, I think that all members have listened to people's testimonies. I remember in particular the testimony of a young woman from Rwanda—I think that Sarah Boyack was there to hear that, too—who had hidden in her village and watched all her female relatives being raped.

Unfortunately the problem is spread right across the world. In eastern Europe, we heard that people who were supposed to stop such things happening, including people who worked for the UN, were trafficking women and using them as sex objects.

The campaign will go on. Anything that we can do to raise awareness of the issue, such as the one billion rising campaign and the dance strikes, is good. Let us all work towards the day when every woman in the world feels able to dance like no one is looking.

17:14

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Kezia Dugdale on lodging the motion. In bringing the debate to Parliament, she has brought to light the work of an incredible campaign, which we all applaud. The campaign has been successful and visible because it has used art and performance to demonstrate the level of support among women—and, I hope, an increasing number of men—

around the world for the drive to eradicate domestic abuse and sexual violence against women and girls.

Through an incredible series of events, the V-day campaign's most ambitious project, one billion rising, sought to engage participants in 197 countries and territories in a global day of action to mark the organisation's 15th anniversary.

One billion women in the world will be impacted in their lives by male violence. The V-Day campaign asked that on 14 February this year—and throughout the year—we work to help to turn the eyes of the world to this gross subjugation of human dignity and equality. On 14 February it succeeded. The campaign brought together diverse groups by creating a body of campaign material and providing a starting point for sustained awareness raising. We should not be able to ignore gender-based violence because it is an uncomfortable truth; we should challenge it because it is a universal injustice.

Eve Ensler, who set up the campaign, first came to the fore as a groundbreaking stage producer and writer, and is most famous for her work "The Vagina Monologues". A passionate women's rights campaigner, she saw that art has the power to reach, transform and motivate individuals to act with a shared purpose. Performance can put issues that affect us all on to a global stage and can highlight the hidden ugly aspects of humanity that may previously have been unseen. Violence against women must no longer be unseen and unchallenged. As long as fear and aggression are used as means to control women, and are excused and perpetrated on a global scale, we cannot achieve equality between women and men.

As all the great campaigns and organisations that we know so well in Scotland have been telling us for many years, equally we cannot achieve the ending of violence against women without also challenging the wider inequalities in society. In her speech, Kezia Dugdale highlighted the dimension of the structural inequalities in society and the gender stereotyping that is such a crucial part of that. I endorse what Kezia Dugdale said in applauding the everyday sexism project, the campaign against page 3 and the "Hollaback!" movement—of which a branch was recently formed in Edinburgh, although the movement has been active elsewhere before that.

Many great Scottish organisations and campaigns were mentioned by many people, including myself, in debates that we had in the chamber in December and January. In my last minute I want to mention one of those organisations—the Edinburgh Women's Rape and Sexual Abuse Centre. In a debate—I think it was in the January one—I highlighted the very serious funding crisis that is faced by that organisation. It

has made some progress over the past three months or so, but it still requires to raise £70,000 by the end of May or its services will be put under severe strain. I hasten to add that the Scottish Government did not withdraw its funding; a Big Lottery Fund grant has ended.

The fact is that if that money is not raised—it has some applications in the pipeline—that vital organisation will need to restructure its services to prioritise front-line support and counselling posts, but that will mean a 50 per cent cut in front-line services and the redundancies of skilled and specialist counsellors and support workers. It already has a nine-month waiting list and referrals are increasing, so a 50 per cent cut to front-line services would significantly reduce the capacity of the organisation to meet the tragically increasing need. It is very sad to have to end on this note—we have emphasised the campaigning and the awareness-raising campaigns—but until we have made progress, we desperately need such services, and the centre is one of the many organisations that are desperately needed, so it must fill the funding gap.

17:18

Jamie McGrigor (Highlands and Islands) (Con): I congratulate Kezia Dugdale on securing the debate and I commend her motion, which I hope all members can support. I also commend the one billion rising campaign, which has done good work to raise awareness of the appalling global scale of violence against women. We heard from Kezia Dugdale about the truly shocking extent of rape and abuse of women around our world.

It is impressive that the one billion rising campaign has reached 207 countries, where people have come together to protest about the suffering of women, and I am pleased that the one billion rising website emphasises that it wants men as well as women to become involved in the campaign, and states:

“Violence against women and girls is not only a woman's issue; it's a human issue. When we say everyone should join the campaign we mean EVERYONE.”

I am also encouraged by the actions of the United Kingdom Government in supporting women abroad. The Foreign Office, through its preventing sexual violence initiative, is pushing for greater international action and is helping countries to improve their efforts to tackle those crimes and support survivors. A team of experts now works on evidence gathering, investigations, prosecutions and the proper care of victims and witnesses in conflict situations.

In 2011, the Department for International Development published its strategic vision of how

the UK's international aid could best be used to have a transformative impact. In answer to a question from Stella Creasy, the Labour MP for Walthamstow, the Minister of State, Foreign and Commonwealth Office, Mr Hugo Swire said:

“This Government will stop at nothing in trying to stamp out violence of any sort against women, wherever it takes place. Unfortunately, there is too much violence against women even in our own country. The Under-Secretary of State for International Development ... (Lynne Featherstone) is taking forward an international campaign to end violence against women, and will represent the UK at the UN Commission on the Status of Women, which will focus on the elimination and prevention of all forms of violence against women and girls. I would also say to the hon. Member for Walthamstow (Stella Creasy) that we are using Britain's presidency of the G8 to run a year-long campaign, led by the Foreign Secretary, on preventing sexual violence in armed conflicts.”—[*Official Report, House of Commons*, 22 January 2013; Vol 557, c 149.]

Recently, many of us saw the extensive coverage of the visit by the Foreign Secretary, William Hague, and Angelina Jolie, the special envoy for the United Nations Human Rights Council—and great actress—to the Democratic Republic of Congo as part of their battle against use of rape as a weapon of war. That, too, was very important with regard to awareness raising. The UK Government subsequently committed an extra £10 million to tackling sexual violence and harm to women in war zones, which has been widely welcomed.

Today's debate is timely and welcome. I hope that all of us in Parliament and the Scottish Government can unite to send out a message loud and clear that violence against women in any form, on any part of our planet, is completely unacceptable.

17:22

Iain Gray (East Lothian) (Lab): Congratulations to Kezia Dugdale on securing the debate, and to one billion rising on its remarkable global mobilisation on 14 February. Any event that spans the world from Kelso to Bukavu in the Congo is something very special.

I saw the chaotic, violent anarchy in Bukavu almost 20 years ago and I cannot pretend to be surprised that it has since been called the rape capital of the world. What is surprising is that the one billion rising movement has reached out to rape survivors there in eastern Congo, opened a support centre and mobilised thousands of women in its cause.

However, we should not kid ourselves that violence against women is defined by war, societal breakdown or some kind of foreignness. The shame stalks Scotland, too. Only today, STV reported that a Milnathort man was convicted of assaulting his wife because she had overcooked

his steak. That is not an isolated example; tomorrow morning I will buy my weekly local paper, which will have a whole page of court reports, and I am willing to bet that most of them will be similar stories of violence against women—they usually are. Of course they are.

Two years ago, Edinburgh Napier University studied attitudes to gendered violence among 11 and 12-year-olds in Scotland. Nearly all those young people, boys and girls, believed that a man was justified in punching his partner because she had had an affair, and 80 per cent of them thought that he had cause to slap his partner if his tea was late. We do not need war to justify abuse—a badly cooked steak is reason enough.

That man did not just throw his wife out of the house. He included his daughters, too, presumably to teach them that all women are collectively guilty, no matter whose hand was on the frying pan. His lawyer explained that consideration should be given to the fact that he had now recognised that he has a difficulty with alcohol. It is not alcohol that is his problem—it is his attitude to women.

Kezia Dugdale is right. The problem begins with everyday sexism and inequality, and ends in the normalisation of violent abuse. That sexism is found in the most erudite of circles. Last year, the astrophysicist Professor Jocelyn Bell Burnell visited the Parliament and described the intimidation that she was subjected to as the only woman in her undergraduate physics class at the University of Glasgow. She stuck it out and went on to discover pulsars; then her male supervisor was awarded the Nobel prize on the back of her work. And she is not the only one to have been treated in that way. Rosalind Franklin helped to discover DNA, but it was Crick, Watson and Wilkins who got the prize. Professor Bell Burnell was here to launch a report that shows that, in Scotland, 73 per cent of women who study science never find work in science at all. Perhaps they get the message that they are not wanted.

Likewise, in the Napier study, Sally says:

“At the moment I want to be a dancer or a doctor. When I grow up I’m going to have two babies and work part-time in the shop down the road.”

That is a waste of potential and ambition. It is something much darker, too. That is the same Sally who thinks that, in adult life, her partner will be entitled to hit her if she is late with her tea.

Violence against women is not caused by war, drink or ignorance; it is caused by the attitudes of men, and one billion rising is telling us that the game is up.

17:26

Sandra White (Glasgow Kelvin) (SNP): I congratulate Kezia Dugdale on her first members’ business debate on such an emotive subject. It is something in which every one of us here and outwith the chamber should have an interest.

Linda Fabiani spoke about East Timor and Iain Gray spoke about the Congo. I remember a speech that the late, great Margaret Ewing MSP—not Margaret Thatcher—who did an awful lot of work on tackling violence against women, gave when she came back from the Congo. She said that she had spoken to women who had been raped in every orifice. The shock and the horror of hearing her say that has never left me. Rape is still being used as a weapon of war, with atrocities being committed against not just women but young children. There should be a special sentence for anyone who uses rape as a weapon of war.

It is important that we keep our eye on international events while we, in the Scottish Parliament, are tackling certain issues of violence against women. The Convention of Scottish Local Authorities paper “Safer Lives: Changed Lives: A Shared Approach to Tackling Violence Against Women in Scotland” sets out all the things that the Parliament has done to tackle violence against women and domestic abuse. Those include establishing the domestic abuse task force, setting up domestic abuse courts, considering the Victims and Witnesses (Scotland) Bill, which we are doing just now, and addressing the issue of corroboration particularly in relation to sexual offences, which is still to come. Yes, we should be proud of those things, but there are lots of other things that we can do.

Like everyone else here, I am very interested in tackling the sexual exploitation of women. I have never appeared on page 3 of certain newspapers, but I have certainly been slated in many of those newspapers because of my stance—which is shared by others—against sexual exploitation in the many forms that it takes. We have heard about the need to address the educational opportunities for young girls and their belief that, if they say no to a young boy when they are a teenager, they deserve a slap in the face. That was a horrific report.

Sexual exploitation takes many forms, including the words of the music that is aimed at young girls. We see girls as young as five, four or even three—toddlers—gyrating about a stage and people think that it is fine because they are in one of those dance classes, but it is actually sexual exploitation of kids as young as three, four and five. We also see the clothes—I will not name the stores that sell them—with terrible slogans across the front. Not long ago, I saw a wee five-year-old wearing a

tiny T-shirt that said “I am a mini WAG” on it. We have had bras and pants for kids as young as four and five being sold in shops. That is sexual exploitation. What can be done about that? People must be educated.

I know that many members have tried to take action. I proposed legislation on the licensing and control of adult entertainment venues, including lap dancing venues. Unfortunately, the legislation was not passed, because certain parties voted it down. I appeal to them to support my new member’s bill when it is introduced.

We must ensure that we tackle the sexual exploitation of young girls and the horrific crimes that are a consequence of that and the fact that women are looked on as sexual objects and not human beings. We must do everything in our power in this Parliament—and throughout the world—to ensure that women are treated as equals to everyone else on the planet.

17:30

Alison Johnstone (Lothian) (Green): I thank Kezia Dugdale for bringing this important debate to the chamber. Few people would expect that more women die or are disabled as a result of violence or rape than as a result of malaria, traffic accidents, cancer and AIDS combined, yet that is a fact.

Scottish Women’s Aid and Zero Tolerance have worked long and hard to raise awareness of and tackle this blight on society. One billion rising aims to raise awareness of the fact that one in three women in the world face violence in their lifetime. Engender tells us that the number of reported cases of domestic violence is on the increase in Scotland, and one in five women are projected to be affected by domestic violence in their lifetime. However, as Malcolm Chisholm said, the rape crisis centre in Edinburgh faces an on-going struggle for sustainable funding.

Violence against women does not take place in a vacuum; it takes place in a context in which women are paid less than men, even when they are doing similar work, and in which gender segregation—from toys to clothing—begins at birth.

Austerity is gendered. Women are, quite simply, poorer and, consequently, have fewer choices. To what extent do women make the choices that affect them? There are too few women in politics. Women are very visible in campaigns to protect schools, hospitals and nurseries, but too few women are involved in making the decisions in our local authorities, Westminster and Holyrood.

How are women represented in the media? They are underrepresented on many of the most

frequently aired panel shows. Anyone who watches “QI”, “Never Mind the Buzzcocks”, “Mock the Week”, “A Question of Sport” or “8 out of 10 Cats” will be aware that gender balance is a rarity.

Why is that important? Because print and broadcast media have a massive impact on how society views women. Women disappear from the cinema screen when they reach a certain age. We have even been made aware of cases in which they have been deemed to be too old to read the news.

Sports media has an overwhelming male focus, but that is seldom questioned. International research has shown that, when reporting on women in sport, sporting media is focused only on winners, record holders and those with unique achievements. If those criteria were applied to male sport, newspaper back pages would shrink rapidly.

Women are described as sex symbols, wives, mothers and victims. It would seem logical that, once a structural inequity has been discovered, action might be taken to address it, but there is little evidence to suggest that that is the case. Outside major global games, women are largely invisible in our sporting press. It is a rarity—which is astonishing in the 21st century—that women are pictured in the sports pages. When did members last see women’s sport televised, outside Wimbledon or major global games?

What of the impact of fashion? The ex-editor of *Vogue* recently reported cases of models eating tissues to stave off hunger pangs and meet the whims of designers whose ideal woman is very tall, thin and young. That filters down from the catwalk to permeate our culture and results in dissatisfaction, criticism and objectification. That is why it is so important to show that there is an alternative. Let us celebrate normal women’s bodies and fit and healthy bodies.

Women are too often made to feel wrong even when we know that they are very fine indeed. In Parliament and outwith, let us look at what day-to-day action we can take to bring about the systemic change that is needed.

Thanks to brave men and women the world over, violence against women is receiving more attention. Rape as a weapon of war and as an everyday occurrence is being challenged. We must ensure that that awareness translates into action.

Violence against women takes place in a context in which a woman’s appearance is deemed more important than her endeavours and achievements. Women’s diverse and complex lives are reduced to caricature and they are objectified.

Let us do all that we can to ensure that women and girls have the freedom to exercise agency and autonomy over their own bodies and lives. Let us support, empower and resource all women and girls to know and claim their rights and to ensure that no one is in any doubt that violence against them is an unacceptable, despicable crime.

17:35

Jenny Marra (North East Scotland) (Lab): I thank my colleague Kez Dugdale for bringing the debate to Parliament. Her commitment to equality is evident in her work in this building and in her community every day. With such powerful advocates, we can continue to march forward.

I will speak about a group of girls and women who cannot rise or march forward because abuse of their human rights is hidden. That human rights abuse is hidden to such an extent that, to date, there has not been a single police report of or prosecution or conviction for that abuse in Scotland. It is one of the worst abuses of human rights that I have heard of. Many of those involved do not know that what is happening to them is illegal, a fundamental breach of their human rights and, indeed, torture. *[Interruption.]*

I am talking about girls in Scotland who have their genitals cut out—their clitoris dug out and removed by a scalpel. Sewn up, they are left to bear the indescribable pain and long-term health consequences. Death can be caused by haemorrhage or infections. Cysts, abscesses, chronic pelvic infections, repeated urinary tract infections, increased complications during childbirth, traumatic stress disorder, anxiety, psychosexual problems—*[Interruption.]*

The Deputy Presiding Officer: Ms Marra, if you want to stop until we get the noise from the contractors outside stopped, you may do so and I will allow you to continue thereafter. However, if you want to continue, please do.

Jenny Marra: Would you prefer that I stopped, Presiding Officer?

The Deputy Presiding Officer: No, I would prefer you to continue, but it is entirely up to you.

Jenny Marra: I will continue.

That is the searing and inscrutable pain that some school-age girls in this country suffer.

Young girls and women, mainly in our refugee communities in Scotland, experience that. They experience that on Scottish soil and they are sent to other countries, which their families are from, to have the procedure—or physical violation—done to them. I am loth to sanitise and normalise that torturous physical abuse by calling it a procedure.

Women who have been through that—an estimated 3,000 women in Scotland—still consent to have the same done to their daughters. Why? Because many women who come to Scotland as refugees have received no education and are not in a position to know that female genital mutilation is not normal procedure. They are told in their communities that it is culturally, religiously and socially acceptable and necessary. They are told that it will make them more female and more marriageable and prevent them from promiscuity. They are told that their daughters will fare better if they undergo this torturous human rights abuse, and consent is given.

Female genital mutilation has been specifically against the law in this country since 1985. In 2005, this Parliament passed an act that extended the crime to those responsible for taking girls and women to another country to perform the torturous act there. We have the full power of law in this country to prevent female genital mutilation, but to date there has been not one police report or prosecution or conviction in our courts, although we know that it is happening. I would very much appreciate it if the minister in her closing remarks made a commitment to investigating why that is the case.

I want to know why our law is not being enforced in this country. Today, I rise in indignation for the children whom the law is failing—for the girls and women undergoing torture and the most grievous of human rights abuses imaginable. Today, I pledge to continue to make their voices heard.

The Deputy Presiding Officer: Thank you. I congratulate you on persevering with your speech in the face of what was an obvious distraction.

I invite Linda Fabiani, who is a member of the Scottish Parliamentary Corporate Body, to note the level of noise, which is completely unacceptable during debates. Does she wish to respond?

Linda Fabiani: I would like to respond, Presiding Officer.

The Deputy Presiding Officer: Of course, I do not hold you personally responsible.

Linda Fabiani: Dave Stewart, Liam McArthur and I visited the site today and, when we told your man in charge how disruptive the noise had been when it happened before, he was profusely apologetic. I think that we can certainly go back to him with a degree of—what will I call it?—annoyance that this has happened again and ensure that something is put in place.

The Deputy Presiding Officer: Thank you. I note that this is the second time that this has happened today.

17:40

The Minister for Commonwealth Games and Sport (Shona Robison): First of all, I congratulate Kezia Dugdale on securing this very important debate to mark such a significant global campaign. It is very appropriate that this is her first members' business debate, given her long-term interest in gender equality. I also thank all members who have participated in the debate for interesting, positive and constructive contributions.

I am very pleased to be able to respond to the debate in a personal capacity, given my full commitment to this topic. It is also my pleasure to respond in my capacity as minister with responsibility for equality alongside my responsibilities for sport, the Commonwealth games and obesity. That happened as a result of the growing importance of mainstreaming equality and allows me to work alongside and provide extra support to the Cabinet Secretary for Health and Wellbeing and to progress our work on equality. I should say that the cabinet secretary retains responsibility for same-sex marriage legislation and will maintain close contact on all equality issues. I look forward to working with members in the chamber and indeed the whole Parliament on progressing our equality work.

As many have pointed out, violence against women destroys lives, limits freedom and potential and has no place in 21st century Scotland. However, less than three weeks ago, a 14-year-old girl was raped by two men on a Glasgow bus and at the weekend a 24-year-old woman was dragged by three men into a lane near Queen's park in Glasgow and raped. It is clear that we still have a lot of work to do. There was widespread coverage of the crimes and a general sense of outrage in Scottish society. As a society, we must stop accepting violence against women and girls as a given and challenge the attitudes to women that lie behind such horrific crimes.

As rape and other sexual offences are among the most distressing and disturbing crimes in our society, we want to ensure that those who commit them are caught and that, in addition to justice, victims receive the support that they need. Indeed, it is the intention of Scotland's new single police force to treat rape as seriously as it treats homicide and to use the same levels of expertise for investigations as are used in homicide investigations. Moreover, specially trained sexual offence liaison officers will support victims throughout those investigations.

On the wider world stage, G8 leaders are for the first time conferring on the topic of sexual violence during war, including the more efficient prosecution of perpetrators. Resolving sexual violence in conflict is an inseparable part of resolving conflict in general. As Ban Ki-Moon said,

"We must unite. Violence against women cannot be tolerated, in any form, in any context, in any circumstance, by any political leader or by any government."

He also said:

"There is one universal truth, applicable to all countries, cultures and communities: violence against women is never acceptable, never excusable, never tolerable."

We very much welcome campaigns such as one billion rising that raise awareness of violence against women and inspire people from all over the world to take action. The truth is shocking. According to the United Nations, one in every three women on the planet will be physically or sexually abused in her lifetime.

On 14 February, the largest global action in history to end violence against women and girls took place, with more than 1 billion people—women and men—in 207 countries mobilised and inspired to come together, express their outrage and strike, dance and rise against violence. I was delighted to hear of the number of events that happened all over Scotland. There were dance protests and street parades throughout Scotland, from the Borders to the Highlands and Islands, and communities large and small took part. An event took place outside the Parliament, as Kezia Dugdale pointed out.

Tomorrow is national stalking awareness day. To mark it, a brand new partnership-based campaign was launched in Glasgow yesterday to raise awareness of what stalking is and what to do about it. Stalking has a negative impact on every part of victims' lives. It ranges from harassment, telephone calls and computer communications to letter writing, and can, of course, sometimes escalate into physical and sexual violence, and even murder.

As a Government, we want to work collaboratively to ensure that Scotland has robust laws to tackle stalking. We improved protection for victims, of course, through the Criminal Justice and Licensing (Scotland) Act 2010, which criminalises stalking, but we recognise that there is still much to be done.

I am pleased that, in spite of severe economic constraints, we have been able to maintain our funding for tackling violence against women at £34.5 million. That is important because it benefits projects such as the mentors in violence prevention programme, which is led by the violence reduction unit, the ASSIST—advocacy, support, safety, information services together—service, which is a specialist service that provides advocacy and support to victims of domestic abuse, and the Scottish Borders pathway project, which is a new multi-agency project that is designed to support victims of domestic abuse and any children involved. I recognise the particular

circumstances in Edinburgh, of course, which Malcolm Chisholm pointed out. He acknowledged that they have arisen as a result of the end of lottery funding. We support the Edinburgh centre to the tune of around £100,000, I think, but I recognise his and Alison Johnstone's local concerns.

I believe that the Government and the Parliament provide leadership on tackling and preventing violence against women. However, this is about not just us but everyone playing a part, no matter how small. Violence against women cannot be tackled by any one sector alone, which is why it is vital that we work with our partners. We certainly welcome Police Scotland's commitment to addressing domestic abuse and rape. We also welcome the energy and dedication of our public, statutory and voluntary sector partners in working to reduce and ultimately eradicate those terrible crimes.

Jenny Marra raised the horrific crime of female genital mutilation. I will write to her in detail on the specifics around police reports and convictions.

I pay tribute to the work of partners in the voluntary sector—Scottish Women's Aid, Rape Crisis Scotland and the Women's Support Project—that have campaigned and lobbied nationally over many years. We are currently developing Scotland's first strategy on tackling violence against women, and prevention and early intervention will be a central feature of our approach.

It is essential that men and boys are part of the solution, because the problem is absolutely not just a women's problem, although women are overwhelmingly the victims. Iain Gray put it very well when he talked strongly about the need for men to take responsibility and change their attitudes to women, as those underlying attitudes underpin some of the sexual violence that I talked about earlier.

We continue to support the very successful white ribbon campaign, which has grown from its roots in Canada into an international education and awareness-raising initiative. It engages men in a positive way to take action and send a message to other men that violence is not acceptable.

We are fully committed to tackling all aspects of violence against women and to supporting the continued work that many in the Parliament and throughout Scotland, particularly in the voluntary sector, are involved in. Any instance of rape or violence against women is one instance too many. Progress is being made, but there is still a lot to do, and it is vital that we continue to work to raise awareness and change attitudes, through the one billion rising campaign and other means, so that we prevent violence against women from

happening in the first place and tackle the gender inequality issues that underpin much of that.

In conclusion, I commend again the one billion rising campaign. I look forward to its continuing presence as a leading campaigning organisation in Scotland and to a time when its and our work to tackle violence against women is done, although I suspect that that is some way off. In the meantime, I look forward to working with members across the chamber to make the progress that is required.

Meeting closed at 17:49.

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