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Official Report

MEETING OF THE PARLIAMENT

Thursday 2 May 2013

Session 4

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Scottish Parliament

Thursday 2 May 2013

[The Presiding Officer *opened the meeting at 11:40*]

General Question Time

Tourism (Air Passenger Duty)

1. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government what impact it expects the increase in air passenger duty to have on the coming tourist season. (S4O-02065)

The Minister for Transport and Veterans (Keith Brown): Anything that increases the costs for people visiting Scotland can be expected to have a detrimental impact on our tourism industry. The World Economic Forum's "Travel & Tourism Competitiveness Report 2013" shows that the United Kingdom has among the highest aviation taxes and charges in the world, ranked 139th out of 140. We continue to call for the devolution of air passenger duty as soon as possible so that we can develop a regime that makes Scotland more competitive.

Colin Beattie: Does the minister agree that it is perfectly clear that only with full control over our economy can we hope to manage important potential tax barriers to tourism, such as air passenger duty?

Keith Brown: I agree with that proposition. Of course, if the power were devolved, we could do something about the issue in the meantime. We have consistently called for that; indeed, the Calman commission called for that. A report by York Aviation suggests that £210 million a year is lost to the Scottish tourism economy because of those charges. Any action that can be taken to alleviate that cost would benefit the Scottish economy.

Patrick Harvie (Glasgow) (Green): In September last year, I asked the First Minister why no estimate had been made of the additional climate impact from the Government's air passenger duty policy. He told me:

"It is our responsibility to put forward an estimate in that respect and we will do so."—[*Official Report*, 13 September 2012; c 11415.]

Here we are, nearly eight months later, and we have not heard a peep on the subject. When will the Government come clean on the damaging climate impact of its policy to give even further tax breaks to an already heavily subsidised industry?

Keith Brown: The point has been made previously to Patrick Harvie that, if we can improve air services—in relation to the bottleneck of Heathrow, for example—we can reduce the number of flights that are required. For example, if people can take long-haul flights directly from Scotland, that eliminates the need for an additional flight from Scotland to London. There are benefits from improving our aviation industry and that is what we will continue to do.

Of course, we have responsibilities relating to climate change. We want the industry to increase its efforts to ensure that what it does has the least impact on the environment, whether that is through the efficiency of aircraft or the new fuels that can be used. However, we also have a responsibility to improve the Scottish economy, and the devolution of APD would allow us to do that.

Social Housing (Regulations)

2. John Pentland (Motherwell and Wishaw) (Lab): To ask the Scottish Government whether it will introduce regulations to the effect that charges other than rent and a limited refundable deposit may not be levied on tenants. (S4O-02066)

The Minister for Housing and Welfare (Margaret Burgess): Section 32 of the Private Rented Housing (Scotland) Act 2011, which came into force on 30 November 2012, clarified the law in relation to the charging of illegal premiums in the private rented sector. It makes it clear that landlords, and letting agents acting on their behalf, should not charge tenants anything other than rent and a refundable deposit not exceeding two months' rent in relation to the granting, renewal or continuance of a tenancy.

John Pentland: Will the minister use her powers to make it clear that charges for credit checks or anything else except rent and a defined maximum deposit are not acceptable?

Margaret Burgess: We have already made it very clear that charging tenants for credit checks is not acceptable. When we clarified the law, it was made clear that that would be an illegal charge. It is an offence to make such charges and tenants have the right to go to court to have their money refunded. The fit-and-proper-person test for private landlords can be used to ensure that such charges are not applied.

Business Improvement Districts

3. Marco Biagi (Edinburgh Central) (SNP): To ask the Scottish Government how businesses in cities can benefit from being part of a business improvement district. (S4O-02067)

The Minister for Local Government and Planning (Derek Mackay): There are now 19

business improvement districts in Scotland, including three in Edinburgh and BIDs in Aberdeen and Inverness. Businesses in those areas are benefiting from improvements to the local environment and facilities, joint marketing and promotion activities, action to reduce crime and disorder, and joint procurement.

BIDs are led by local businesses. They are good for those businesses and for the regeneration of our towns and cities.

Marco Biagi: After five years, the city centre BID in my constituency, which is known as Essential Edinburgh, has done commendable work in revitalising St Andrew Square, handling the occupy protests sensitively and delivering cost savings to businesses through combining waste management and more. What message would the minister give to those who are considering how to vote in the current rebalot?

Derek Mackay: I agree with Mr Biagi's sentiments about how the BID has supported Edinburgh. The matter will be for local businesses to decide but, to continue that renewal and those achievements, I encourage businesses to vote yes—yes for sustainable economic growth to unlock local potential and boost the regeneration of our city. The argument sounds familiar: vote yes.

Equality

4. Siobhan McMahon (Central Scotland) (Lab): To ask the Scottish Government what emphasis it places on its work on equality. (S4O-02068)

The Minister for Commonwealth Games and Sport (Shona Robison): The Scottish Government places a strong emphasis on equality because it believes in a fair and just Scotland, because equality is at the heart of realising improved outcomes for the people of Scotland and because it matters for our economic and social wellbeing. The "Scottish Government Equality Outcomes and Mainstreaming Report", which was published on 30 April, summarises much of the action that we have taken to date.

Siobhan McMahon: In light of the recent announcement, will the minister explain why the religion aspect of equality remains part of the justice portfolio, while the rest of the protected characteristics fall under her remit as Minister for Commonwealth Games and Sport? What is the justification for that?

Shona Robison: I am sure that Siobhan McMahon appreciates that the equality agenda spans many ministers' portfolios and that many ministers have an input into it. One reason why I was keen to take on aspects of the equality agenda was to give momentum to many aspects

of the Government's policy. I will ensure that the equality agenda is pursued across all those aspects but, of course, I will work closely with other ministers. I will work closely with Roseanna Cunningham, the minister who has responsibility for religion and belief. I hope that I can give Siobhan McMahon some reassurance on that.

Aileen McLeod (South Scotland) (SNP): What action is the Scottish Government taking to tackle the barriers that face women who want to work?

Shona Robison: The Scottish Government is taking a number of actions to tackle the barriers that face women who want to work. I hope that Aileen McLeod is aware of last year's successful women's employment summit and aware that Angela Constance has formed a strategic group on women and work to help her to monitor the wide range of activity across Government. A cross-Government occupational segregation group has also been convened to consider the wide range of challenges that we face in achieving better gender balance across the labour market.

In addition, the Children and Young People (Scotland) Bill will increase the hours and flexibility of high-quality early learning and childcare. The First Minister has asked the Council of Economic Advisers to consider the best models of delivering and funding a high-quality, universal early learning and childcare system. I hope that the whole Parliament can agree on that.

Independence Referendum (Spending Limits)

5. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what its position is on the statement in the Electoral Commission advice on spending limits for the referendum on independence for Scotland that "It is clearly important that the campaign rules should not encourage perceptions of unfairness that could damage voters' trust in the referendum process or result." (S4O-02069)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): The Scottish Government is determined that the referendum should be, and be seen to be, a fair, open and democratic process that is conducted and regulated to the highest international standards and commands the confidence of the public and both sides of the debate.

Paragraph 24 of the Edinburgh agreement confirms that the Scottish Government and the United Kingdom Government recognise that campaign finance will be an important issue for those campaigning in the referendum, for the Electoral Commission in regulating the referendum and for the people in Scotland. The Scottish Government has accepted the Electoral

Commission's modified recommendations on spending limits as set out in its report in January. Those limits will help to ensure a level playing field between campaigners on each side of the debate.

Kenneth Gibson: Lord Ashdown, the former United Nations high representative for Bosnia and Herzegovina, is the latest figure to condemn the no campaign for accepting money from Tory donor Ian Taylor, because of his allegedly close ties to Balkan war criminals. Does the cabinet secretary share my concern that no campaign leader Alistair Darling's active defence of questionable donations is failing the high standards that people rightly expect of the referendum process?

Nicola Sturgeon: I believe—as I said in the chamber last week—that public confidence in the referendum process, which includes how campaigns are financed, will be vital. The process that is proposed in the bill that Parliament will shortly consider will ensure that the referendum is run to the highest standards of probity.

The campaigns have a responsibility to conduct themselves to a similarly high standard. It is, of course, for campaigns to determine whether to accept particular donations and to justify any decisions that they take.

I pointed last week to what I observed to be an inconsistency in the Labour Party's position, and I commented that it might be a wise course of action for the no campaign to return a donation pending an investigation. That remains my view.

Manufacturing (Support)

6. Margaret McCulloch (Central Scotland) (Lab): To ask the Scottish Government how it supports manufacturing. (S4O-02070)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Working alongside industry, the Scottish Government provides integrated support for the manufacturing sector via Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, Scottish Development International and other relevant bodies. Specific support includes the Scottish manufacturing advisory service, which has now assisted more than 3,000 companies. Completed projects have resulted in more than £110 million of value added for assisted companies.

Margaret McCulloch: The Scottish Government will be aware of recent developments in South Lanarkshire and the Central Scotland region, including the report of the East Kilbride task force, which was set up after Rolls-Royce decided to withdraw from the town and has gained importance given the loss of manufacturing jobs at Jeyes. Does the Scottish Government believe that there is a case for a national manufacturing

strategy to complement the economic strategy and to support regeneration and recovery in places such as Lanarkshire, which has the infrastructure and skills to become a competitive manufacturing location again?

John Swinney: The Government attaches significant importance to the support of manufacturing and the development of manufacturing capability. It is central to the achievement of our aims through the Government's economic strategy.

As I explained in my original answer to Margaret McCulloch, the best way to deploy that is by ensuring that companies that are involved in the manufacturing process can receive the focused support of Scottish Enterprise and the Scottish manufacturing advisory service. I reassure her that manufacturing has a substantial role to play in the Government's economic strategy, and we will continue to pursue support for companies that are developing their manufacturing capability.

Kenneth Gibson (Cunninghame North) (SNP): Does the cabinet secretary agree that Scotland would have a much stronger manufacturing base if, between 1997 and 2007, when Tony Blair was Prime Minister, we had not lost 37 per cent of all manufacturing employment in Scotland, including more than half of Ayrshire's manufacturing employment?

John Swinney: Mr Gibson highlights that there has in the past been a lack of focus on manufacturing activity. We must ensure that the Scottish Government's efforts to fulfil the country's renewables potential generate manufacturing employment and that the devices and the processes that are used for renewable energy are manufactured here as a consequence of research and development undertaken in this country. That is one vivid example of how the Government is moving forward its support for manufacturing activity with the objective of boosting the Scottish economy and the skills base of our people.

The Presiding Officer (Tricia Marwick): Question 7, in the name of Bob Doris, has been withdrawn. The member has provided an explanation.

Modern Languages (Primary Schools)

8. Annabel Goldie (West Scotland) (Con): To ask the Scottish Government what progress is being made in the teaching provision of modern languages in primary schools. (S4O-02072)

—s'il vous plaît.

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Good progress is being made in taking forward our ambitious policy on languages to create the

conditions in which every child will learn two languages in addition to their mother tongue. The allocation of £4 million for 2013-14 as initial funding to local authorities will start to move forward our aim to enable young people to start learning a second language from primary 1. I have convened a strategic implementation group, which will meet for the first time next week, to provide leadership and momentum in driving the policy forward.

Annabel Goldie: Does the minister accept that there is considerable concern among businesses and industry that fewer students are choosing to study foreign languages at higher level? Declining numbers of students in such languages mean declining numbers of teachers of the languages in the future. What steps are being taken at primary school level to heighten awareness of the importance of having diverse language skills and to encourage more young people to study foreign languages, for their own benefit and to meet the need for a teaching provision in the future and avoid a teaching desert?

Dr Allan: The member rightly points out that, in order to increase the numbers of people studying modern languages in secondary school, we have to increase provision in primary school. The initiative to which I referred seeks to do that. It is an ambitious plan, but it is necessary to achieve our aim. That is why we want people to come out of primary with a grounding in foreign languages.

I should point out that the figures for presentation at higher show an increase—which I accept is very modest—of 1.3 per cent while this Government has been in office. I want to increase that figure, but I certainly think that we can improve on the record of the member's party when it was in government, which managed to reduce the numbers presenting for modern language higher by 17 per cent.

Gaelic

9. John Finnie (Highlands and Islands) (Ind): To ask the Scottish Government what plans it has to increase the routine use of Gaelic across its services. (S4O-02073)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): In its Gaelic language plan, the Scottish Government has committed to making use of Gaelic in a variety of day-to-day operations. We will shortly strengthen and renew the plan. Through that, we will identify how we can strengthen our support for the language. Our draft plan will go out for public consultation.

John Finnie: When will the Scottish Government publish new written guidelines on Gaelic-medium education, as recommended in the

Her Majesty's Inspectorate of Education 2011 report "Gaelic Education: Building on the successes, addressing the barriers"?

Dr Allan: The Government is in the early stages of preparing such guidance, which will be presented. I suspect that the member will agree with the reasons for it, which are to ensure that we maintain the quality and standards—and, indeed, the definition—of Gaelic-medium education, which I know is a subject that he is interested in. We want to ensure that total immersion in the language means what it says and that there are the fluency and the capacity to go on to further levels of study.

Life Sciences (Technology Innovation Centres)

10. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government what benefits the Scottish Further and Higher Education Funding Council's investment in technology innovation centres in Edinburgh and Glasgow will bring to the life sciences industry. (S4O-02074)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The Scottish funding council's investment in innovation centres will create a range of benefits for the life sciences industries in Scotland. The innovation centres will give life sciences companies access to world-leading research, top-class researchers and state-of-the-art facilities. That will help companies to ensure that the products and processes that are being developed reach their full potential, produce economic and health benefits for Scotland and add to the research and educational infrastructure.

Sandra White: I thank the minister for his reply, which is certainly very good news for the life sciences industry in my constituency of Glasgow Kelvin and in Scotland as a whole. I note that 22 industry partners are supporting the innovation project. Will the minister provide me with more details of those industry partners?

Michael Russell: In all the bids that are taking place, I have been struck by the wide range of partners that want to get involved, which speaks volumes for the initiatives that have been taken and for their likely success. The sensor and imaging systems innovation centre has more than 30 partners, including a mix of 16 national and multinational companies, such as IBM, Thales UK, Gas Sensing Solutions, Scottish Sensor Systems, Scottish Water and Octos. A number of public sector partners are also involved, including the Scottish Environment Protection Agency, Scottish Canals and Falkirk Council. Of course, there is also the cream of our university science and engineering research talent from across the breadth of the Scottish higher education landscape. That is led by the University of Glasgow but it is testament to the research pooling

initiatives that started in Scotland and which have greatly strengthened the co-operation that takes place across all our establishments.

I am happy to send the member a full list of all participating companies and partners in the three innovation centres.

The Presiding Officer: Before we start the next item of business, members will want to join me in welcoming to the gallery the Hon Stephen Rodan, who is Speaker of the House of Keys of the Isle of Man. [*Applause.*]

First Minister's Question Time

12:00

Engagements

1. Johann Lamont (Glasgow Pollok) (Lab): On this day, when we are all thinking of the soldiers' lives that have been lost abroad, and the families who are grieving at the loss of those brave men, I ask the First Minister what engagements he has planned for the rest of the day. (S4F-01332)

The First Minister (Alex Salmond): Johann Lamont rightly reflects on the loss this week of three Scottish soldiers. I know that the whole Parliament will want to pay tribute to Corporal William Savage, Fusilier Samuel Flint and Private Robert Hetherington, of the Royal Regiment of Scotland, who died while serving in operations in Afghanistan.

We must also hope that the other six brave personnel who were injured in the explosion make a speedy and full recovery from their injuries. The incident demonstrates once again the dangers that are faced by our armed forces, who deserve our deepest gratitude for the job that they do in the most difficult and trying circumstances.

In this chamber, different views are, rightly, often expressed on the wisdom of military interventions in a variety of places in the world, but there is not, and never has been, any division whatever, in any party in this Parliament, about the respect in which we hold our armed forces for the sacrifices that they make.

No words, of course, can bring comfort to the families of soldiers at a time like this, but the thoughts and sympathies of everyone in Scotland on hearing this dreadful news will be with them as they cope in these dreadful times.

Johann Lamont: I thank the First Minister for what he said. He speaks for all of us in sending our sympathies and condolences to the families, and our very good wishes to those who are injured.

After the past 10 days, is not it the case that the First Minister's plans on currency and Scottish pensions are in exactly the same condition as his receipts for his half-a-million-pounds trip to the Ryder cup—completely and utterly shredded?

The First Minister: The Scottish Government has put forward the policy that we believe is in the best interests of Scotland and, indeed, the rest of the United Kingdom. I have to say that the Labour party's arguing that it has any consistency or credibility in its currency policy does not bear examination.

I suppose on the question of currency, with so many supporters advising—*[Interruption.]*

The Presiding Officer (Tricia Marwick): Order.

The First Minister: Given that so many supporters advise that the policy that is advocated by the Scottish Government is correct, I would, on balance, agree with Alistair Darling, who said on 10 January on “Newsnight Scotland” that

“Of course it would be desirable to have a currency union ... of course a currency union is logical”.

Therefore I can say to the Parliament, for the only time in this First Minister’s question time, and probably others: I agree, on this subject, with Alistair Darling.

Johann Lamont: I am not sure that it was worth the First Minister’s while to hunt through his folder to find that line. Also, for the First Minister to talk about consistency and the currency in one sentence is bizarre for the rest of us.

The First Minister said this week that he will bet his career and his house on a yes vote in the referendum. Is not that wonderful? Who else shares his confidence? Hands up those on the front bench who will bet their career and their house on a yes vote. *[Interruption.]*

The Presiding Officer: Order.

Johann Lamont: There are obviously no takers there. Let us try the back benchers. Which members behind the front bench—who have no career, but have a house—would bet their houses on a yes vote? Will they put their hands up? No? How about hands up those who support a separate Scottish currency? Maybe they do that only in private, when the First Minister is not watching.

Of course, the First Minister’s macho acclamation of his willingness to risk all, to show how much he believes in himself, is not the point. Is not it the case that the First Minister’s career and the First Minister’s house do not matter, and that what does matter is that he is taking a gamble with everyone’s house and everyone’s job, with a currency plan that he has evidently not thought through?

The First Minister: That worked about as well for Johann Lamont as it did for Ed Miliband previously, when he tried it in the House of Commons.

The big risk in Scottish politics is the risk to the Labour Party in the gamble that it is taking in campaigning hand in hand and shoulder to shoulder with the Conservative Party in the better together campaign. Therefore, we should ask ourselves whether, in the better together campaign, Labour policy has been totally

subsumed by the Conservative Party. *[Interruption.]* I think that means “Yes.”

I have been looking at the policy positions of the better together parties at the previous general election. The only party that said “never” to the euro was the Conservative Party. The Labour Party’s 2010 manifesto said that there would be

“no membership ... without ... a referendum.”

The Liberal Democrats said that they

“believe that it is in Britain’s long-term interest to be part of the euro.”

Therefore, I think that it is fairly reasonable for Johann Lamont to accept the Scottish Government policy in favour of a sterling area and the substantial support that that has. What is interesting is the suggestion that the better together campaign has a singly policy. It has three policies—one for every party in it. The danger for the Labour Party in campaigning hand in hand with the Conservative Party is that it is gambling its future with the Scottish people.

Johann Lamont: Meanwhile, back in the real world, all the people who thought that perhaps the First Minister had a case will now realise that he has no case whatever. The First Minister says that we will keep the pound; the chair of the yes campaign says that we should have a separate Scottish currency and then prepare to join the euro. To put it most kindly, that is a complete shambles.

The First Minister said that the previous Chancellor of the Exchequer was responsible for the Royal Bank of Scotland nearly going under—the bank that the First Minister used to work for—*[Interruption.]* I am sorry; I thought that the SNP knew that he used to work for the RBS. Never mind. He now claims that the current chancellor has no control over the Bank of England. You simply could not make it up. The people of Scotland deserve honesty and clarity. This is not about the First Minister’s bravado and gambling, or about a smart soundbite for him; this is about people’s jobs, homes, mortgages, pensions and savings.

Members: Same old, same old.

Johann Lamont: It may be “same old, same old” to the SNP back benchers, but this is about people’s jobs, homes, mortgages, pensions and savings. That is not “Same old, same old”, apart from for the group of separatists; it is about the real world. For the sake of clarity, will the First Minister now rule out a separate Scottish currency?

The First Minister: I have news for Johann Lamont. What got the Royal Bank of Scotland, Northern Rock and many other financial

institutions into trouble was not the Bank of England's control of interest rates but, partly, the Financial Services Authority's lack of regulation of the banking system. *[Interruption.]*

The Presiding Officer: Order.

The First Minister: Which mastermind was, as Chancellor of the Exchequer, in control of the FSA during that period? It was the same person who is now in control of the no campaign in Scotland—Alistair Darling.

Perhaps we should have a glance at the reports into the near collapse of the banking system and look at the roles of Gordon Brown, Ed Balls and Tony Blair, and the responsibility that they have been allocated in terms of their attitude and their lack of control and vigilance over the financial system.

We have put forward the Government's viewpoint—which is supported by more Nobel laureates than you can shake a stick at, and by former members of the monetary policy committee of the Bank of England—that it would be in the interests of Scotland and the rest of the UK to share sterling.

Let me quote another expert. This time it is Simon Lee, from the University of Hull, who on Radio Scotland this week, said:

"For England and the rest of the UK, there would be major advantages of having Scotland remaining as part of a continuing monetary Union and monetary stability pact."

That serious analysis puts forward the view that it is in the interests of Scotland and the rest of the UK. Perhaps that is why, when the current Chancellor of the Exchequer and the Chief Secretary to the Treasury came up to Scotland last week, at no point in all their interviews, and despite the bluff and bluster, did they say no. They know that the policy is in the interests of Scotland and the rest of the UK.

Johann Lamont: I think that there were more squirrels there than you could shake a stick at. One would think that the First Minister had never argued for lighter-touch regulation of the banking system and that he had never written that letter to Fred Goodwin, saying "Go on yourself—that's absolutely brilliant!" before he departed the Royal Bank of Scotland.

However, one thing that we note from that response is that the First Minister did not answer the question. The fact is that although he is trying to break up Britain, the only things that are breaking up are his arguments and campaign. The currency union between the Czech Republic and Slovakia lasted just six weeks—if only the First Minister could hold on to a policy position for that long.

Seriously—Scotland is on pause while he punts his fantasy arguments. Only one thing is consistent: we cannot trust the First Minister on anything. On apprenticeships, he took 10,000 people who were already in jobs and called them apprentices. *[Interruption.]* We all know it. He said that he had abolished hidden waiting lists when he had fiddled them, and then he told us that he was increasing college spending when he was slashing it. Is not it the most accurate answer ever given to any Parliament anywhere that we cannot trust a word that the First Minister says?

The First Minister: I was fascinated by the argument that the Scottish National Party does not have consistency on policy. If I remember correctly, Johann Lamont's latest policy on devolution for Scotland did not last six hours at the Labour Party conference.

Not for the first time, I point out to Johann Lamont that the more than 60 per cent increase in apprenticeships and the decline in youth unemployment from 25 to 16 per cent over the past year or so should be claimed as a substantial success. Her argument that that takes into account people who were already in work is nullified by the fact that there is a lower percentage of new apprentices going to people in work than when the Labour Party was in power with a reduced number of apprentices.

Now that I have explained it for—I think—the third time, perhaps Johann Lamont will not ask the question again, because it is clearly without any foundation whatever. The success that we are having with apprentices is a good thing for Scotland, as is the success that we are having in getting young people into work.

In her general line of attacking the Government's record, Johann Lamont is doing nothing differently from her three predecessors, who did exactly the same thing. It is no different from Labour's negativity and approach to the last election—I see Iain Gray sitting on the back benches—when it rubbished and diminished everything about Scotland's potential, which is exactly Labour's attitude to the question of currency. This is the country with the stronger budgetary position and a surplus in its balance of trade; the idea that we should be beholden to a country that is in a worse fiscal position and which has a deficit in its balance of trade is simply incredible.

The Labour Party's negativity and its running down of Scotland is precisely the reason why, exactly two years ago, the people of Scotland passed their verdict on it, which is why its members are sitting on the Opposition benches in such diminished numbers. *[Applause.]*

The Presiding Officer: Order.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): I, too, would like to recognise the service and the sacrifice of Corporal William Savage and Fusilier Samuel Flint from the Royal Highland Fusiliers, second battalion, the Royal Regiment of Scotland, and of Private Robert Hetherington from the 51st Highland, seventh battalion, who was a Territorial Army member. I associate myself and my party with the expressions of gratitude and condolence that have been offered to the families, and the good wishes that have been conveyed to those who were injured in the attack.

To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-01330)

The First Minister (Alex Salmond): I acknowledge Ruth Davidson's reference to the soldiers involved and their families.

I have no plans to meet the secretary of state in the near future.

Ruth Davidson: To summarise the currency debate so far, the First Minister has said that he is right and that senior nationalists, separatist colleagues, yes Scotland board members, three former Bank of England experts and his own former economic adviser are all wrong.

Is the Institute of Chartered Accountants of Scotland wrong, too? In the past week, it has published a report that says that it would be illegal under European Union law for pension schemes between a separate Scotland and the rest of the UK not to be fully funded. The First Minister's response is simply to say, "We'll change the law—we'll just rip it up."

How many of the 27 member states that he needs to agree has his Government had discussions with on the issue, to protect the pensions of the people of Scotland?

The First Minister: We are not seeking an opt-out from the EU regulations, which, of course, are designed to facilitate cross-border pension schemes.

If Ruth Davidson had read the ICAS report, she would have seen that it not only raised the issue but put forward the three solutions to it—none of which, incidentally, involves opting out of EU pension regulations. It called for discussions with the UK Government to be facilitated. We are very willing to have such discussions, not only on that issue but on a range of others. Perhaps Ruth Davidson could use the extraordinary influence that she has with her colleagues in London to ensure that they agree with the Defence Committee, the Foreign Affairs Select Committee and ICAS, and engage in constructive discussions with the Scottish Government. We want to engage

in such discussions. Come on—strike out for Conservative Party independence in Scotland!

Ruth Davidson: I have the ICAS report here. It raises a number of questions—12 of them, in fact—none of which seemed to be answered by the First Minister's finance spokesman on Sunday, when he took to the airwaves to try to protect the Government. The question that I liked most was whether there would be a Scottish protection fund. The UK pension protection fund currently pays and manages the pensions of no fewer than 16,000 Scots whose schemes have gone under.

Another question for the First Minister comes from Ronald Bowie, who is a past president of the Institute and Faculty of Actuaries. He knows a thing or two about pensions. He says:

"It can take 50 years to prove a pensions' system works, and by then it is too late to do anything if it doesn't ... The odds strongly favour staying within the UK system. Why gamble against it?"

The First Minister admitted on television that he is a betting man. On the currency and pensions, is he not gambling with the financial future of every man, woman and child in Scotland?

The First Minister: I suggested that the Conservative Party and the Labour Party might have different policies on the currency. I now see that they are using exactly the same lines and questions. I know that it is unfortunate for Ruth Davidson that Johann Lamont gets the first question, but a suggestion *disnae* get any better the second time it is made.

The position of an independent Scotland will be stronger than the position of the UK with regard to pensions because social protection, including pensions, takes up 14.4 per cent of Scotland's wealth, whereas it takes up 15.9 per cent of the UK's. Social protection, including pensions and tax receipts, takes up 38 per cent of tax receipts; the equivalent figure for the UK is 42 per cent.

As is the situation with the balance of trade, the balance of payments, the fact that oil and gas reserves are an asset not a liability and the fact that the great industries of Scotland are buttressing sterling at the present moment, the fact that we have less of a liability in terms of social protection makes independence more affordable not less affordable.

Given what the Institute of Fiscal Studies has said about the Tory party's pension plans impoverishing the vast majority of pensioners and making them worse off, I think that members of the Conservative Party are the last people on earth who should greet any tears or pretend any concern for pensioners across the country.

Cabinet (Meetings)

3. Willie Rennie (Mid Scotland and Fife) (LD):

I, too, recognise those who have lost their lives serving their country in Afghanistan. Our thoughts are with their families and friends at this difficult time.

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-01341)

The First Minister (Alex Salmond): I recognise the cross-party basis on which we acknowledge the respect that our troops and soldiers are due.

The Cabinet will discuss issues of importance to the people of Scotland.

Willie Rennie: Dennis Canavan, Jim Fairlie, Patrick Harvie, Gordon Wilson and Jim Sillars all reject the First Minister's plans to join a British currency union. When her policies came under pressure from her own side, Margaret Thatcher said:

"You turn if you want to. The lady's not for turning."

Now that he has dug in on his British currency plan, is the First Minister transforming into the Mrs Thatcher of Scottish politics, or is he for turning?

The First Minister: No, we will continue to put forward the best interests of the Scottish people. That approach has worked out rather successfully for the Scottish National Party over the past few years and, because it is recognised that it is what we do, it will continue to do so.

Willie Rennie: An interesting lack of an answer.

DeAnne Julius, a founding member of the Bank of England's monetary policy committee—the committee on which the First Minister is relying to deliver his plans for the British currency union—gave the First Minister another warning this morning. Last week, Professor John Kay—one of the First Minister's favourite advisers—rejected his plans as well. Further, the First Minister cannot dismiss all of his friends in the yes camp, who are telling him no.

DeAnne Julius said that if the First Minister wanted the option of a Scottish currency, he would need to wobble now. He is under pressure from friend and foe to wobble. Is he wobbling?

The First Minister: I have lost track of whether Willie Rennie wants me to U-turn, wobble or perform cartwheels. Any wobbling, U-turning or cartwheels that I could perform would be as nothing compared with what the Liberal Democrats have achieved through their performance in politics.

In 2010, Willie Rennie stood on a manifesto commitment—I know he lost the election, but he still stood on those commitments—that it is in

Britain's long-term interests to be part of the euro. That was on page 67 of his manifesto. Has he been wobbling, U-turning or performing cartwheels over the past three years? Perhaps the biggest wobble that concerns people in Scotland regarding Willie Rennie is the role that he and his party have played in putting the Conservative Party into power in Westminster.

Proceeds of Crime (Communities)

4. Sandra White (Glasgow Kelvin) (SNP): To ask the First Minister how communities are benefiting from proceeds of crime. (S4F-01351)

The First Minister (Alex Salmond): The Proceeds of Crime Act 2002 is having a real impact on how Scotland's prosecutors and police tackle criminality at every level. Since the legislation was introduced 10 years ago, more than £80 million-worth of assets have been seized. As a result of the actions of this Government in 2007-08, our communities are now benefiting directly from the seizure of those assets. The hugely successful cashback for communities programme is investing crooks' cash in facilities and activities for young people and their communities the length and breadth of the country.

Sandra White: Can the First Minister confirm that the investment of the £80 million that he mentioned and of future recoveries that are made through the proceeds of crime legislation will continue across Scotland through the cashback for communities programme, to build on the impact of the £50 million that has been invested since 2007?

The First Minister: Yes, I can. Sandra White is right to point to the £50 million that has been recovered, directly benefiting more than 600,000 young people and generating more than 11,000 volunteers, who are now putting something back into communities. It is a first-class scheme that deserves widespread support. It touches and helps the constituencies and areas of every member in this chamber.

I also point out to the chamber that, in 2011, the amendment to schedule 4, which added criminal lifestyle offences to the 2002 act, changed the burden of proof, so that it is now for the accused to prove that their assets were legitimately obtained rather than for the Crown and prosecutors to prove that the assets were illegally obtained. I make that point because it was not altogether clear to me that some people who were less than welcoming of the success of the cashback for communities campaign were aware of that important legislative change, which shifted the balance and the burden of proof and will add to the success of the 2002 act.

Graeme Pearson (South Scotland) (Lab): The First Minister might remember that it is now 10 years since I briefed him and other MPs at Westminster on the need for the legislation. He will also know that his own annual Scottish strategic assessment of the business of serious organised crime identifies a turnover of more than £1 billion for organised crime. In light of that, is he satisfied that an average asset recovery of £8 million a year is sufficient, or will he commit to a further review of the operation of the 2002 act to deliver improvements in the results for future years and greatly increase asset recovery?

The First Minister: I pointed out that the measure was introduced 10 years ago. I also pointed out that the cashback for communities scheme, which I think is a really important aspect of it for mobilising popular support, was introduced in 2007.

On the growth in the recovery of proceeds of crime, in the first year £2 million was recovered, last year the figure was £12 million, and the figure has reached a peak of £25 million. Over the period, there has been constant growth in the assets that have been recovered under the Proceeds of Crime Act 2002.

On the constant review of the legislation to make it more effective, the point that I made a few seconds ago about the changes that were made in 2011 is absolutely crucial. The burden of proof was changed to allow more criminal assets to be properly seized under the law. Also, the changes that have been made and are being made to the police service in Scotland—operating with the Crown Office, which has a particular focus on the proceeds of crime—will assist in making that highly successful act and scheme even more successful in the future.

Pensions Regulations

5. Ken Macintosh (Eastwood) (Lab): To ask the First Minister what discussions the Scottish Government has had with the European Commission regarding an opt-out from pensions regulations should Scotland become independent. (S4F-01345)

The First Minister (Alex Salmond): As I have said, the Scottish Government would not seek an opt-out from European pensions regulations in an independent Scotland because one is not required or necessary.

Ken Macintosh: What are the Scottish Government's plans for meeting the much more stringent European Union sovereignty requirements that would apply to the thousands of Scots in pension schemes that operate across the United Kingdom? Specifically, does he agree with the comments of his financial secretary on Sunday

that Scotland would seek either longer timescales or exemptions from the EU directive?

The First Minister: The three options for dealing with the issue were set out in the Institute of Chartered Accountants of Scotland report, and none of them requires an opt-out from European legislation. I suggest that we concentrate on those options. We agree with ICAS that those are the options for dealing with the matter, and we agree with its call for fruitful discussions between ourselves and the UK.

I gently remind Ken Macintosh why there is an occupational pensions problem, why there are deficits in many UK pension schemes at the moment and why arrangements must be made to close those deficits over a reasonable period. It was the 1997 budget, masterminded by Gordon Brown, that raided people's pensions and caused the difficulty in the first place. Yes, an independent Scotland will redress the difficulties; yes, we will follow the helpful ICAS advice on how to do that; no, there will not be a difference or change in the amount of time that companies are allowed to recover; and yes, we will consider the three options for dealing with the issue that have been put forward. Let us also remember which party is responsible for bringing about the problem in the first place.

Modern Languages (Secondary Schools)

6. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the First Minister what the Scottish Government is doing to increase the uptake of foreign languages in secondary schools. (S4F-01339)

The First Minister (Alex Salmond): We have a good policy to improve the teaching of languages in schools. It has been successful in stabilising the number of foreign language highers being taken and in ending the years of decline, during which the numbers fell by 17 per cent between 1992 and 2006-07. The most recent figures show 7,755 entries for language highers—that is up 1.3 per cent on 2006-07.

We recognise that languages are a crucial skill for our young people and our economy. That is why, in this year alone, we are investing £4 million in the one-plus-two model, under which every child will learn two languages, starting in primary school.

Murdo Fraser: The First Minister did not mention that, since 2008, there has been a 28 per cent decline in the number of those taking a modern language at standard grade level. That alarming decline is causing concern both for educationists and for the business community. We know that foreign language assistants are key to language teaching, so why has the First Minister's

Government presided over a 73 per cent drop in their number between 2007 and 2012? What will he do to restore the numbers to where they were when he took office?

The First Minister: Murdo Fraser should not base all his research on whatever is in the newspaper on Monday, especially when it turns out that the research did not take account of the figures for higher presentations. Admittedly, those figures represent only a small increase since 2006-07, but nonetheless they are a huge contrast with the rapid and extraordinary decline, which—I gently remind him—started under the years of Conservative Government in Scotland. We regard language assistants and language teaching as high priorities. That is exactly why we have introduced the one-plus-two model, which will deliver in primary school, starting at the appropriate level, exactly the beneficial results that both Murdo Fraser and I will unite to achieve.

The Presiding Officer: That ends First Minister's questions. I will allow a short pause to enable members not participating in the members' business debate to leave and the public gallery to clear.

Blacklisting

The Deputy Presiding Officer (John Scott):

The next item of business is a members' business debate on motion S4M-05594, in the name of Neil Findlay, on blacklisting: a Scottish and United Kingdom human rights abuse. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes the minutes of the Health and Safety Executive (HSE) meeting of 5 December 2012; agrees with the HSE in condemning "any form of blacklisting of employees by employers for raising concerns about safety standards at work"; believes that the blacklist operated by the Consulting Association and used by numerous construction firms was an appalling human rights abuse that impacted on the lives of thousands of workers and their families across the UK; acknowledges the blacklisting map of the UK published by the GMB trade union, showing that over 300 workers in Scotland were affected, including 68 across the Lothians; understands that, since 2007, the Scottish Government and/or its agencies have awarded contracts to the following companies, which have been named by or are associated with companies named by, the Information Commissioner's Office as subscribing to the Consulting Association: Amec Group Limited, Amey OW Limited, Amey Infrastructure Services Limited, Amey Roads (North Lanarkshire) Limited, Bailey Maintenance, Balfour Beatty Construction Limited, Balfour Beatty Civil Engineering Limited, BAM Nuttall Limited, Carillion Construction, Laing O'Rourke, Morrison Construction, the Forth Crossing Bridge Constructors joint venture, Skanska Construction UK Limited, Sir Robert McAlpine Limited and Norwest Holst Limited, and acknowledges calls for an inquiry into the impact of this practice on Scottish construction workers with a view to ensuring that it cannot happen in Scotland in the future.

12:36

Neil Findlay (Lothian) (Lab): I declare an interest in that I am a member of Unite the Union and was previously a member of the Union of Construction, Allied Trades and Technicians.

In the 1980s and 1990s I worked in the building trade as a bricklayer. Across the industry, rumour and speculation about blacklisting were rife, but hard evidence was difficult to find. Following raids in England by the information commissioner on the Consulting Association—which, in effect, is the successor organisation to the infamous and sinister Economic League—we now have evidence beyond any doubt that the biggest construction companies in Scotland and throughout the UK were involved in financing, supporting and using systematically a centrally held secret list that companies used to check whether prospective employees were deemed suitable to employ, and to provide to the Consulting Association their own details of employees whom they deemed unsuitable for further employment in the construction industry.

I pay tribute to the blacklist support group and to Ian Davidson MP and the Scottish Affairs Select Committee at Westminster for exposing this scandal. The committee's report shows how, as a result of those practices, workers were denied employment without explanation, financial hardship was caused and lives were disrupted and sometimes ruined. There was no right of appeal or challenge to the information that was held on the list or the decisions that were made. Those affected, although they might have had their suspicions, had no evidence that they were being discriminated against in such a systematic and methodical way.

Liberty, the human rights group, has called that a major human rights abuse and it is absolutely correct. The Scottish Affairs Committee report highlights how people were blacklisted for the heinous crime of looking out for their fellow workers; for raising issues of health and safety; and for exposing dangerous site practices that could and did injure, kill and maim their workmates. They were blacklisted for raising concerns about site welfare, refusing to accept no toilet or washing facilities, speaking up about wage rates and raising trade union issues.

Shop stewards and health and safety reps were at the top of the list when it came to the Consulting Association, as were environmental campaigners and political activists, and even people related to them. Members should listen to some extracts from the recovered entries from the blacklist records—these are direct quotes.

Mr A was

"Involved in a dispute to try and enforce the main contractor to take responsibility for the non-payment of several weeks wages".

Someone was therefore blacklisted for the crime of wanting to be paid for the work that they had done. The entry for Mr B says:

"While at xx, drew H&S issues to the attention of site manager".

He was blacklisted for keeping a workplace safe. Of Mr C it was said that it was thought possible that he was the twin of another employee—he was blacklisted for being someone's brother.

There are many, many other examples of reasons that were given for being listed: "shop steward", "communist", "militant", "sells the Socialist Worker", "attended union meeting", "attended meeting at a labour club" and "environmental activist." That shows the extent of the victimisation of those workers. It is McCarthyism writ large.

Across the UK, more than 3,000 workers were on the list, including about 400 in Scotland. Some of our biggest names were involved—companies

that have repeatedly received huge amounts of public money from contracts awarded in Scotland—such as Amec, Amey OW Ltd, Amey Infrastructure Services Ltd, Amey Roads (North Lanarkshire) Ltd, Bailey Maintenance, Balfour Beatty Construction Ltd, Balfour Beatty Civil Engineering Ltd, BAM Nuttall Ltd, Carillion Construction, Laing O'Rourke, Morrison Construction, Skanska Construction UK Ltd, Sir Robert McAlpine Ltd—the blacklister in chief—Norwest Holst Ltd and, scandalously, the Forth crossing bridge constructors joint venture. All those companies have won contracts here in Scotland and have used the Consulting Association's blacklist. We are looking for a name for the new Forth crossing. If we do not watch out, it will be known as the blacklisters crossing.

The Parliament should make it clear that we expect those companies to own up to the extent of their activities, release all information that they hold on individuals, apologise and pay compensation to those affected. The individuals involved should be held to account for their actions.

Through the procurement bill soon to go through Parliament, we should commit to putting in place guidance to ensure that this situation never happens again. If companies do not comply, those named on the Consulting Association's list should be barred from every public sector tendering list. We need to take a very hard line.

I know that the Cabinet Secretary for Infrastructure, Investment and Cities has committed to working with trade unions and others in the Parliament to examine how we deal with the issues. I look forward to engaging in those discussions, but I make it clear that, if no solution is reached, I intend to move amendments to the procurement bill when it is introduced.

According to Unite, the GMB and UCATT, the scandal has not ended. Shop stewards and union activists are still being sacked from the crossrail project in London. We cannot allow that to happen, especially in relation to one of the biggest construction projects in Scotland—namely, the Forth crossing. I ask the minister to explain in her summing up how we are ensuring that the companies operating on that contract are not blacklisting as we speak.

I pay tribute to the real heroes of this story, who are not politicians or trade union leaders but ordinary electricians, joiners, bricklayers, steel erectors and scaffolders. In the course of upholding health and safety standards and the principles and values of good trade unionism in looking out for their fellow workers, they were victimised and had their livelihoods taken from them. Their families suffered greatly as a result. They are people such as Dave Smith, Steve

Acheson, Francie Graham and Steuart Merchant, to mention only a few names among thousands who refused to be beaten. I hope that, because of their actions and the actions of their trade unions, the construction industry of the future will be better than the industry of the past.

Finally, we need a Scottish-focused inquiry into these activities. It is only in that way that we will expose the true extent of this appalling scandal and how it has affected so many of our fellow Scots. I ask the minister to support in her summing up my call for a Scottish inquiry into blacklisting.

12:43

Anne McTaggart (Glasgow) (Lab): I am delighted to take part in this debate on the subject of the blacklisting of Scottish construction workers. I thank my colleague Neil Findlay, not only for securing this time to discuss the disgraceful practices of some of the best-known names in the construction industry but for his tireless campaigning to achieve justice for those who have been left unemployable as a result of their trade union activities.

The blacklisting of construction workers by private companies meant that hundreds of workers were denied the chance to make a living and provide for their families. Those 582 workers were profoundly disadvantaged, and not because they were underperforming in their jobs or failing to meet the industry standards expected of them. Their employment was terminated due to their membership of a trade union, for holding political views not shared by their employers, or for raising real concerns about health and safety practices. They were illegally penalised for that in a manner that reflects neither the society in which we live nor the way that we believe that business should be conducted in Scotland.

The revelations are shocking. My own shock at the blacklisting of innocent and hardworking employees is compounded further by learning that known blacklisting practitioners are profiting directly from public contracts. It does our workers and our people a discredit to allow those who have broken the law to profiteer through building our schools, health facilities and transport links.

We cannot undo the human rights abuses that have been committed, but we have an opportunity to ensure that they are never repeated and are not rewarded. I support my colleagues in asking the Scottish Government to review its procurement processes and to reconsider the involvement in the building of the Forth replacement crossing of companies that have been the major participants in the blacklisting scandal. That is a significant, high-profile project, and we should use it to showcase the best of Scottish industry, not to

support the business of law breakers with profits from taxpayers.

I urge the Scottish Government to act on the recommendation from members across the chamber that anti-blacklisting measures be included in the upcoming procurement reform bill. In legislating against the tendering for future contracts by blacklisting companies, we will assure Scots that they live in a society that values and supports working people. We have a duty to set a strong and unambiguous example to employers in all sectors and to go some way to rectifying the scandalous practices that have blighted individuals, families and communities throughout Scotland for too long.

12:46

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I commend Unite's campaign and put on record my personal thanks to Stewart Hume and Greig McArthur, who have given me updates on a daily basis on the campaign and the challenges that they face.

I am sure that all members agree that the practice of blacklisting workers, especially—but by no means only—in the construction sector, is reprehensible. The House of Commons report entitled "Blacklisting in Employment: Interim Report", which was referred to, makes it abundantly clear that this is no occasional word-in-the-ear event, but "a real live conspiracy", as Mr Findlay's motion stresses.

Our procurement procedures in Government need to take into account the danger of blacklisting companies somehow slipping through the net, and the upcoming procurement reform bill should include a specific provision to ensure that no company that is found guilty of blacklisting can be eligible to tender for any Government contract.

I was reassured when the Deputy First Minister, Nicola Sturgeon, said on 27 March this year:

"We are totally opposed to blacklisting or the compiling of a blacklist and are developing guidance for public bodies on addressing the issue in future procurement processes and public contracts.

We are also considering what measures we can include in the forthcoming Procurement Reform Bill to deal with inappropriate conduct, such as blacklisting, by companies bidding for public contracts in Scotland."—[*Official Report, Written Answers*, 27 March 2013; S4O-1964.]

In a debate on 17 April, she added:

"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.”—[*Official Report*, 17 April 2013; c 18646.]

Those are very welcome words, and I urge my friends in the trade union movement to take up that offer.

Neil Findlay: I am very pleased that Christina McKelvie supports changes to the procurement process. Given that she referred to a “live conspiracy”, does she support my call for an independent inquiry in Scotland into blacklisting?

Christina McKelvie: I do not think that that is an unreasonable request, but now that we have the interim report from the House of Commons Scottish Affairs Committee we should await the final report and discuss it. However, I am certainly happy to keep my mind open on that.

It is important to stress how good our record is on public procurement. As small and medium-sized enterprises form the backbone of business here, it is absolutely right that 82 per cent of contracts that are advertised on public contracts Scotland are won by small and medium-sized businesses. At Westminster, the equivalent figure is just 14 per cent.

Most of the businesses that are involved in the despicable practice of blacklisting are big companies, as we have heard, either in the oil and gas sector or in the construction sector. The Scottish Government is totally opposed to blacklisting. Part of the problem is the systematic secrecy around blacklisting. Companies subscribing to the Consulting Association do not broadcast the information that they compile.

The Scottish Affairs Committee’s report makes it clear:

“The emphasis throughout was on secrecy, with telephone access to sensitive information restricted to only a few, with lists of names submitted destroyed at the end of each working day and no acknowledgement that such a system existed ... We note that many of the entries on blacklisting files are little more than gossip”—

as Neil Findlay has explained. The report goes on to note that people

“were blacklisted en masse.”

The committee states:

“We believe that most of the companies involved are genuine in their regret at having been caught”.

I have no doubt—noting the choice of phrase—that they were sorry to be caught, but that is not to say that they are sorry for the lives, homes and families that were ruined as a direct result of their malpractices.

The STUC recently passed a motion at its annual congress, welcoming the exposure of

“the pernicious illegal practice of the blacklisting of workers.”

I support that. Blacklisting companies should be looking over their shoulders all the time. The Government does not want to give contracts to offending companies. Transparency and openness are key.

We may never discover the extent of this abhorrent practice or the number of people who have been damaged by it, but let us send a clear message today to those companies that engage in it: “We don’t want your tenders, you won’t get our contracts, and we will seek to prosecute if you are caught”.

12:51

Drew Smith (Glasgow) (Lab): I congratulate Neil Findlay not only on securing the debate but on the campaigning that he has done on the issue. Presiding Officer, I draw your and other members’ attention to my entry in the register of interests.

Like other members, I thank the Scottish Affairs Committee for its work. In particular, I thank the chairman, Ian Davidson, and Pamela Nash, who both came here recently to provide us with a very useful and, as Anne McTaggart was right to say, shocking briefing, which was co-ordinated by Neil Findlay and included representatives of people who have been affected—UCATT, Unite and the GMB.

Blacklisting has cost men and women their livelihoods. It has destroyed lives. The companies that are responsible are forever tainted by their involvement, and they must be held accountable.

This time last week, we marked international workers memorial day in the chamber. Many members made the connection between the fight for decent health and safety regulation in this country and the utterly unnecessary sacrifice of human life for greed and profit that occurred in Bangladesh.

Here, health and safety is under attack as never before. Vital regulation is being ripped up, and workers are being put at risk by cuts to inspections and a failure to enforce or prosecute. The Tory Government seems to be picking up where it left off in 1997. The focus has moved—rather, it has been widened—from trying to break workplace organisation and the labour movement through assaults on collective rights to a new assault on individual employment rights. Workers are being encouraged to swap rights for shares, and the employment tribunal system, which is a last resort, is being closed off, too. A worker who has been

unfairly dismissed now has to pay to have their complaint heard.

It is claimed that blacklisting is a historical practice. What has been uncovered is indeed a conspiracy that has gone on for decades, but members should be in no doubt regarding allegations that have been made about blacklisting during recent construction projects, including for the Olympic games and London crossrail. The same firms are currently benefiting from Scottish public sector contracts, and they are employing my constituents to work for them today.

By its very nature, blacklisting is a clandestine activity, and its victims are unlikely to know that they are victims. The most recent concerns raised by Unite relate to crossrail contracts, or rather the loss of a contract when it was alleged that 28 workers had been made redundant because of an attempt by union members to raise health and safety concerns. That allegation relates to circumstances in September 2012.

I ask members to imagine what it would be like to be a construction worker who raises concerns about corners being cut on a site or about the safety of a scaffold or a piece of equipment. What is their motivation to speak out? Now, I ask each member to think about the motivation of the employer, who notes down their name and shares their file to ensure that they never work again.

The worker concerned might not know that he is on that list. He might suspect, and he might tell others about it, but he will probably be dismissed as a conspiracy theorist. Perhaps his partner blames him for not being able to find work or keep a job. His kids wonder why their friends' dads are in work, whereas he is unable to provide for them.

Blacklisting victims are victims of an imbalance in the workplace between the employer and the employee. There are good employers and bad employers, but that imbalance exists everywhere. Collective organisation by the weaker party—by working people, both at work and politically—remains the only way to ensure a tilt towards a world of work for our children that is better than the one that we inherited from our parents and grandparents.

People who organise in trade unions, people who speak out because something is unsafe and people who agitate for the fair remuneration of their labour should not be blacklisted—they should be celebrated. Let this Parliament celebrate them by getting on and doing something for them. If the UK Government will not have a public inquiry, let us set one up. Let us demand compensation for victims. Let us examine the contractors who are delivering our public works now. Let us use procurement to ensure that the corporations

responsible are hurt in the only place that they will notice it—on their balance sheets.

The Deputy Presiding Officer: Due to the number of members who still wish to speak, I am minded to accept a motion without notice to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Neil Findlay.]

Motion agreed to.

12:55

Alex Johnstone (North East Scotland) (Con):

I welcome the fact that Neil Findlay has been able to bring this matter before the chamber today, not least because it gives me an opportunity to speak from the Conservative benches about the issues that his motion raises.

The practice of so-called blacklisting is a scandal. It is a shameful chapter in our industrial relations history that we should work hard to ensure does not continue. It is bad enough that the legitimate trade union activity pursued by some has been used as an excuse for some very shoddy treatment, but it is worse still to hear that attempts to improve health and safety and adhere to health and safety regulations have been used as another reason for attacking individual workers.

It has been suggested that the procurement bill that will pass through Parliament in the near future can be used to ensure that public money is not used to support that type of practice in Scotland's industrial environment. I see that as a worthwhile pursuit. If I am on the committee that considers the bill, I will ensure that, wherever possible, I support such measures.

The priority for us all, though, must be to ensure that the practice of blacklisting is ended and does not return in any other guise. For that reason, I am keen to emphasise that, if any inquiry takes place, it must have reconciliation as one of its key principles. The companies in the motion are ones that have a key role in producing growth in our economy in the longer term. As we go through the process, it is vital that we do not impede the opportunities for growth that those companies can deliver.

Neil Findlay: That hits the nail on the head, to use a phrase from construction. This lot has to get its act together and get its house in order. The member mentions an inquiry. Can I take it that the Scottish Conservatives support an independent inquiry in Scotland? That support would be very welcome.

Alex Johnstone: I am not in a position to give that commitment at the moment. I retain an open

mind on the suggestion and look forward to hearing the contributions to this debate.

One of the key things that I will take into account when considering any such inquiry in future is its nature and purpose. As I said, reconciliation must lie at the heart of the process. The many companies that were listed in the motion have a key role in our future and it is important that, once we have achieved the objective of ending the practice of blacklisting in Scotland once and for all, we can draw a metaphorical line in the sand and get on with the business of providing economic growth, jobs for Scotland's workforce and a more economically stable future for all the people of Scotland. For that reason, I want blacklisting brought to a legitimate end, our priorities properly dealt with and this episode consigned to the history books.

12:59

Richard Baker (North East Scotland) (Lab): I, too, congratulate Neil Findlay on securing the debate and on all the work that he is doing to ensure that this Parliament takes meaningful action so that there can be no opportunity for the operation of blacklisting in the future and that there are penalties for those who have been engaged in the practice in the past.

There is no doubt that blacklisting has ruined lives and careers and cost families throughout Scotland dear. We now know from the excellent work carried out by the Scottish Affairs Select Committee in Westminster that that pernicious and destructive practice was in operation for too long in our construction industry. Indeed, as we have heard, it may be in operation even today.

I know of oil and gas workers in Aberdeen who were blacklisted in the 1980s, so the dreadful practice has unfortunately been widespread. Certainly, workers in my region—the north-east—were blacklisted. Indeed, we have been made aware of some 50 such cases.

I am pleased that we are joined today by Tommy Campbell, the Unite regional organiser based in Aberdeen, and other Unite members who are campaigning on the issue. Tommy has played a leading role in the campaign in the north-east as someone who experienced the trauma of being blacklisted himself.

It is right to congratulate my union Unite, the GMB and UCATT, which have been campaigning for action at a UK and Scottish Government level to tackle blacklisting effectively. I hope that the Parliament can move forward together to deal with the practice. We need an inquiry not only to understand the extent of the practice in the past but to be reassured that it is not widespread at the

moment. Indeed, as we have heard in the debate, the unions fear that it is happening today.

That needs to be investigated, which is why I wrote to the First Minister in December to request an inquiry. I hope that we get a more positive response to that suggestion today. In the debate, members from all sides have seen merit in an inquiry, so I hope that the minister will take the proposition seriously. I want to hear more from her about that in her closing speech.

I also hope that the Scottish Government will take the action that it can take to prevent blacklisting in future by ensuring that the forthcoming procurement reform bill includes provisions to ensure that no company engaged in blacklisting can win public sector contracts. Unlike Christina McKelvie, I am not entirely supportive of everything that the Scottish Government has done on procurement, but I am very pleased indeed to hear from her that the SNP—and therefore, I hope, the Scottish Government—will commit to including such provisions in the forthcoming bill.

Labour members will welcome that development, as we have been campaigning for it for some time. I am pleased that we seem to be making progress on the issue and look forward to seeing the provisions in black and white when the bill is published. We strongly believe that the Scottish Government should use all its spending power so that companies know that they simply cannot afford to be involved in practices such as blacklisting at any level and so that, therefore, those companies promote a culture of health and safety at work instead.

Last weekend, many of us commemorated international workers memorial day. I joined the Aberdeen Trades Council at such an event where we remembered those who lost their lives at work because there was no culture of safety. That is why we must ensure that all workers can be confident that, when they raise concerns about health and safety or when they speak up for their union members, they will be listened to, their input will be valued and they will not have to live in fear of ending up on a blacklist and having their lives and careers ruined as a result.

We are told that blacklisting is a thing of the past. Unfortunately, we suspect that it might not be. We are told that it does not happen any more. If that is the case, nobody should have anything to fear from an inquiry. Everyone should welcome the proposal and no one should have any problem with the measures for which the unions are campaigning and that Neil Findlay has proposed.

I congratulate Neil Findlay again on giving us the opportunity to debate the action that we must take to ensure that blacklisting truly is a thing of the past.

13:03

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Along with others, I congratulate Mr Findlay on securing time for the debate and on the powerful illustrations of abuse that he brought to us, as other members who have participated in the debate have done.

Richard Baker correctly pointed to what happened in the oil industry as well. The abuses that took place in that industry led to the formation of a new union led by Jake Molloy, which is now incorporated elsewhere.

The issue does not relate simply to construction. Blacklisting is an abuse that has travelled beyond a single industry and might exist in industries in which we, as yet, know little of it.

It is worth making a couple of points about how such practices can happen. Our constitutional situation is quite different from that which prevails in the United States for example. Amendment 6 to the US constitution states that a person shall be entitled to

“a speedy and public trial, by an impartial jury ... to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his”

or her

“defence.”

It is clear that, in the environment that we are talking about, none of that prevails. UK companies have arrogated the right to the accusation, trial, conviction and sentencing of individuals by holding privately constituted courts, meeting in secret, denying to the accused all knowledge of the sentence, preventing access to a proper defence and not allowing any oversight or accountability in respect of public policy.

It is of course illegal to deprive someone of their liberty and property without due process of law, but it is not clear that it has been illegal to deprive people of the right to employment without due process of law.

John Wilson (Central Scotland) (SNP): Does Mr Stevenson accept that many of the allegations against the individuals who were placed on the blacklist were made by other individuals? The blacklist was kept by individuals and involved not trial by jury but trial by hearsay.

Stewart Stevenson: John Wilson helpfully makes the point for me. If there is to be an accusation made and a sanction laid, that must be done in an open and transparent way that duly causes people to end up in a position in which they are penalised. Virtually none—probably none—of the people who were blacklisted fall into

that category, and John Wilson is absolutely correct.

The point is that every worker should be a safety officer. It is disgraceful that people have been placed on blacklists for trying to make their workplaces safer and for trying—as the Conservatives should recognise—to promote the interests of their employers as well as workers. We should take extreme notice of that.

I am coming to the end of my short speech. I welcome the indications from ministers that the issue will be addressed in forthcoming legislation. I point out that we are of course restricted in the powers that we have—in particular, we do not have the powers to control business organisations such as those that operated the blacklists. I hope that the Government can find a way to ensure that this never, ever happens again in Scotland.

13:08

Neil Bibby (West Scotland) (Lab): I refer members to my entry in the register of interests. I welcome the debate and join other members in thanking my colleague Neil Findlay for bringing it to the chamber.

Much has been said this afternoon about blacklisting, which has had a significant amount of media coverage. As members will know, I recently spoke about blacklisting in the Scottish Government debate on procurement two weeks ago. During that debate, I congratulated Unite, the GMB, UCATT and their members for being at the forefront of the campaign to expose this shameful practice, and I reiterate that. Without their campaigning, I doubt that the issue would be discussed here or in the House of Commons, where the Scottish Affairs Committee has done tremendous work to expose blacklisting.

I have met union members inside and outside this Parliament on at least four occasions to discuss blacklisting, and each time the message has been loud and clear. The trade unions and their members want us to do more than just talk about how bad blacklisting is and condemn the practice with words alone. They want us to use the powers that we have to eliminate this illegal and immoral practice.

We know that at least 582 people in Scotland have been blacklisted, and the issue affects people in every part of Scotland. The map that the GMB union has provided shows that, in my region, blacklisting has affected seven people in Paisley, 19 in Irvine, 16 in Greenock, 10 in Port Glasgow, 10 in Saltcoats, 11 in Stevenson and 15 in Ardrrossan, as well as people in Johnstone, Erskine, Renfrew, Largs, Kilwinning, Bishopbriggs, Clydebank, Helensburgh, Balloch and Dumbarton—the list goes on and on.

That is a list of numbers, but of course we know that we are talking about people, not statistics. They are people who were denied the right to work just because they joined a trade union or raised concerns about health and safety; people whose lives were devastated and who deserve action and a full and independent Scottish inquiry; and people who deserve compensation and action on procurement from the Scottish Government.

That is why my Labour colleagues and I propose that we exclude from providing public service contracts organisations, companies and individuals who have been found guilty of grave misconduct such as blacklisting in the course of their business activities. As members have said, it is regrettable that the Scottish and UK Governments have issued contracts to companies involved in blacklisting. I know that the Deputy First Minister and other Government members have said that they are keen to engage with the trade unions and to do so on a cross-party basis. I welcome that and hope that that will progress matters. As the Unite briefing for the debate states, if there is the political will to act, action can and must be taken.

I advise the minister and the Government again that, if the Government does not take action through procurement, Labour will. I will fully support my colleague Neil Findlay if he lodges amendments to the procurement bill to stop public contracts for blacklisters. The debate has put our views on the record and put the cards on the table. From the speeches that we have heard, it is clear that there is the political will to act. It is now time to act and for the Government to deliver on its commitments.

13:11

John Wilson (Central Scotland) (SNP): I declare that, as my entry in the register of members' interests shows, I am a member of Unite. I have been a member of the trade union movement for almost 40 years.

I, too, congratulate Neil Findlay on securing this important debate on the abuse of people's basic human right to work or employment. I commend the Scottish Affairs Committee at Westminster for its work on the issue. In particular, I thank Ian Davidson MP—thanking him is a unique event for me, given our political differences—for his campaigning work on the issue at Westminster, which has highlighted its importance.

I know that many members in the chamber recognise that employment rights must be defended and enhanced. The evidence that was provided to the Scottish Affairs Committee clearly identified that people were blacklisted for expressing the most basic concerns about health

and safety in their workplace. Professor Keith Ewing produced a report for UCATT entitled "Ruined Lives: Blacklisting in the UK Construction Industry". I found the report's evidence compelling, and its main title—"Ruined Lives"—really says it all. It refers to situations in which gossip somehow becomes fact, which can only lead to discriminatory practices.

Neil Findlay rightly highlights in his motion the construction sector and some of its bad practices. It must be remembered that many people still do not know whether they have been a victim of blacklisting and that many other industries carried out blacklisting.

There was recent action by the Information Commissioner's Office against the Consulting Association, but its activities were clearly just the tip of the iceberg, because they followed almost 90 years of similar practices, including those of the Economic League since 1919, which highlighted particular workers and discriminated against them. That meant that people who were in work and people who were applying for work were discriminated against, so some people could not even apply for jobs. For example, I know of a case in which someone was told not to bother applying for a job in an industry because they were blacklisted.

The difficulty is that much of the evidence was not available to many workers. I have met many trade unionists over the years who told me that they were blacklisted but could not prove it. All that they were told when they applied for a job was that they were not suitable or that no job was available. Even when they knew that they were well qualified and could do the job, they were denied the opportunity even to apply for a job. For a number of years, employers have been able to pick and choose on the basis of hearsay, as I said when I intervened during Mr Stevenson's speech, or a person's involvement in political or environmental campaigns.

It is clear that the practice has gone on. We must all condemn it and move forward. That means that we must identify the companies that we know engaged in the process, given the evidence that we have. The difficulty is that we do not have evidence of the work that the Economic League carried out and the blacklisting that took place while the league existed.

I support the Government's stance on the issue. The procurement reform bill should include provision to ensure that we tell employers that we will not condone such practice and will take whatever action we can to stop it.

The Deputy Presiding Officer: You must draw to a close, please.

John Wilson: In closing, I say that it is quite clear that the practice has gone on for too long. Workers who have been denied the basic right of employment must be compensated by the employers concerned. We must look at all the contracts in the public sector. Not just the Scottish Government but many local authorities have entered into contracts with the companies concerned—

The Deputy Presiding Officer: You must close, please.

John Wilson: We must look closely at those contracts and end them as soon as possible.

13:16

Elaine Smith (Coatbridge and Chryston) (Lab): I have a registered interest: I am a member of Unite.

I am grateful for the opportunity to speak in this important debate, which comes at an apposite time, just after international workers memorial day and as we celebrate May day. I commend Neil Findlay for his hard work to ensure that the odious practice of blacklisting is fully exposed and stopped in Scotland.

In 2009, concrete proof was found, at last, that the construction industry was rife with blacklisting, but blacklisting first made the headlines when the shady Economic League's activities were unearthed in the early 1990s, as John Wilson said. At that time, Tony Blair was a shadow secretary of state, and he proposed a law to ban blacklisting. However, the Tory Home Secretary, Michael Howard, opposed a ban and said:

"There is no reason to make the activities of those organisations illegal."—[*Official Report, House of Commons*, 20 January 1990; Vol 165, c 44.]

I am pleased that all members who have spoken in the debate have said exactly why such a disgraceful practice should be illegal.

Workers are on blacklists simply for being members of trade unions, fighting for better pay and conditions and raising health and safety issues that save lives. No worker should be punished for speaking out for their rights and the rights of their workmates to enjoy decent working conditions, fair pay and acceptable standards of health and safety.

Blacklisting's victims are not just the thousands of workers who have been prevented from gaining employment but the many workers who have been killed and injured at work because the people who spoke out about unsafe practices were silenced. Why were they silenced? So that the multimillionaire owners of big construction firms could milk even more profit out of their operations, often at the expense of health and safety.

I naively thought that such practices went out with the match girls' strike. In 1888, women at Bryant and May's match factory were working a 14-hour day for a pittance. They were fined for crimes such as talking, dropping a match or daring to go to the toilet without permission. They suffered from cancer caused by yellow phosphorus, which had been banned in the United States of America but which the British Government had refused to ban, in case a ban created a restraint on free trade.

The familiar rule of putting profit before people was alive and flourishing in 19th century Britain, just as it is now, when blacklisting is going on. More than a decade ago I wrote an article for *The Citizen* in which I said:

"Unlike our comrades of two centuries ago, at least we don't have to lose our liberty for fighting for socialism and decent conditions for the workers."

I was wrong to assume that things are so different now. Many trade unionists have been unable to secure work because of big business blacklists. That has resulted in poverty, family breakdown and mental ill health.

It is unfortunate that, when he became Prime Minister, Tony Blair did not outlaw blacklisting, despite his earlier promise. It was assumed that, because the Economic League had gone, blacklisting had stopped. If only. We know now that the Consulting Association continued the disgraceful practice, ruining people's lives. I am pleased that Johann Lamont has signed up to a trade union anti-blacklisting agreement; the firms that blacklisted trade unionists should suffer as ordinary workers have suffered.

I support the call by the GMB, Unite and UCATT that the firms involved should not be awarded public sector contracts until those damaged by their vile blacklisting are compensated. It is a scandal that, even now, big companies such as Balfour Beatty, Skanska and McAlpine are gaining public contracts—they are being rewarded for their use of illegally held blacklisting information rather than being penalised for their shocking behaviour.

We should send a strong message that we stand in solidarity with the trade unions and all those affected by this scandalous conduct and we should stop the companies at the heart of it being rewarded with lucrative public contracts. I know that Neil Findlay will not give up until the workers are compensated and the companies are made to pay. I congratulate him again on leading the debate and I support his call for an inquiry.

13:20

John Finnie (Highlands and Islands) (Ind): I, too, add my congratulations to Neil Findlay not only on securing the debate but on his on-going

work on blacklisting and other worker-related issues. Thanks are due, too, to the trade union movement—individual members and collectively—the *Hazards* magazine, the blacklisting support group and countless others. As many members have mentioned, thanks are also due to the Scottish Affairs Committee for its interim report. We know that there is evidence of financing and supporting the sinister list.

I am grateful to Unite for its briefing. It refers to the

“human story of poverty, family breakdown and emotional despair and—in the worst case—suicide.”

It is important that we recall that we are talking about individuals. The damage has been done. Perhaps it cannot be repaired directly, but it certainly cannot be allowed to be repeated and we must see the eradication of what, as many other members have said, is an attack on human rights.

Unite’s general secretary described the matter as an “on-going problem.” I am dealing with an incident of corporate abuse of smaller businesses, which in turn affects workforces, so the bullying continues. What we have seen is vindictiveness, deceit and collusion but, as yet, we have not seen any justice.

Some members have talked about attitudes. The attitude that is shown when the United Kingdom’s Prime Minister talks about slaying the “health and safety monster” and refers to equality impact assessments as “nonsense” is the very attitude that underpins a lot of this.

Drew Smith referred to the erosion of safety in the workplace and the dearth of proactivity from the Health and Safety Executive, including no unannounced or follow-up inspections, the consequence of little investigation and even less prosecution and the pernicious—that is a word that is used a lot—rights for shares issue.

Whose interests are served by that? It is certainly not those of the workforce and it is not efficient. It is political dogma and invariably the blind pursuit of profit, which cannot be allowed to go unchecked.

I hope that the minister will set out what plans the Scottish Government has to address the issue and, indeed, whether it has moved on from earlier in the year when Fergus Ewing, the Minister for Energy, Enterprise and Tourism, said:

“I remind members that this is a Parliament and not a court. It is not appropriate, in my view, to bandy around allegations without evidence.”—[*Official Report*, 31 March 2013; c 16250.]

There is a growing wealth of evidence on blacklisting and I hope that that will be picked up by the minister.

Many members have talked about the procurement bill, in which there will be opportunities to address much more than blacklisting. I do not know whether it is appropriate to commend the blacklisting of blacklists, but there may be a place for that. Neil Findlay talked about owning up and Alex Johnstone talked about reconciliation. We certainly need to shift the burden of proof. I favour no public money going to any company that disregards workers’ health and safety or the important role of trade unions and staff associations. We can make a start on that through the procurement bill.

I support Neil Findlay’s calls for an independent public inquiry. There is a debate to be had about the status and powers of such an inquiry and about issues of compensation. However, we must ensure that the corporate cowboys are reined in. I like the challenge that has been thrown to the Parliament by the trade unions. Everyone who genuinely supports social justice and a positive future for Scotland must add their voices of support to the call for an inquiry.

13:24

John Pentland (Motherwell and Wishaw) (Lab): I declare an interest as a member of Community union.

I thank Neil Findlay for securing the debate and for campaigning on the issue. There is significant common ground between blacklisting and my members’ business debate last week on international workers memorial day when we remembered all those who had lost their lives or suffered injury and ill health because of poor health and safety in the workplace. It was highlighted during that debate that many people were put on the blacklist because they dared to question unsafe practices that threatened workers’ lives and wellbeing.

Between the two debates, we have had the May day international workers day, when we celebrate the strength of the labour movement. We therefore have good cause to look at the victimisation of those who raise concerns about safety, to highlight the links between poor health and safety and the lack of unionisation in the workplace, to talk about people who have lost their jobs and livelihoods because they tried to do something about the situation and to examine what we can do, the policies that we can adopt and the action that we can take to ensure that such victimisation is not tolerated in a society that cares about its workers’ safety and wellbeing.

Many of those on the blacklist were employed—or, to be more accurate, denied employment—in the construction industry. This is an industry that has one of the worst health and safety records

outside agriculture; which, like agriculture, is notoriously anti-union; and in which people have been sacked and even charged with conspiracy for attempting to organise. The list of subscribers to the Consulting Association reads like a "Who's Who" of the construction industry; as Neil Findlay has already pointed out, although some are no longer members, the damage has been done.

We all know that people who challenge unsafe practices and organise a workforce to fight against dangerous working conditions should be heroes, but the big construction companies try to make them zeroes by operating a blacklist. What can we do to protect them and encourage good practice? The ICO might have busted the Consulting Association but, in its own words,

"compiling and operating an intelligence database, even where this is done covertly, does not automatically breach the Data Protection Act."

That means that anyone who is determined enough can still operate.

The way forward has been set out and we must start with central and local government's dealings with construction companies. Should we be giving contracts to those that have poor health and safety records and which victimise trade unionists? Indeed, it has been suggested that that should be added to the ethical criteria for procurement. Moreover, the fact that bad health and safety has consequences for society and puts a burden on health and other services is an economic criterion that should be taken into account.

As Roz Foyer from Unite and the blacklist support group said just over an hour ago, there needs to be no more rhetoric and no more hypocrisy. We need to send a clear message to employers that we will not support such victimisation. Let us have that public inquiry.

13:28

The Minister for Youth Employment (Angela Constance): Like other MSPs, I commend Neil Findlay for securing this well-attended and well-supported debate.

For the record, I restate the Scottish Government's position, which is that blacklisting is wholly unacceptable. The Scottish Government endorses the Health and Safety Executive's comments; condemns any form of blacklisting of employees by employers for raising concerns about safety standards at work; and is totally opposed to blacklisting or the compilation of a blacklist on such a basis.

First of all, I want to address the most prominent issue that has been raised by Neil Findlay and other members. Although we as a Government acknowledge the call for a Scottish Government

inquiry, we believe that it is appropriate for the Scottish Affairs Committee to conduct and conclude its inquiry into this issue. As we know, matters of employment law are reserved to the UK Government and the Scottish Government is not at this time convinced of the merits of holding another inquiry while the Scottish Affairs Committee's investigation is on-going and its recommendations are pending.

John Finnie: Does the minister accept that human rights are a devolved issue?

Angela Constance: Absolutely. As members of the Scottish Parliament, we are all very aware of the high standard that has been set for the Scottish Government and the Scottish Parliament as regards compliance with the European convention on human rights, but the fact remains that employment and industrial relations continue to be reserved to the UK Government. In my view, that is an anomaly of the constitutional settlement, but it is the position.

John Wilson rose—

Neil Findlay: Will the minister give way on that point?

Angela Constance: I will let Neil Findlay in once I have made a bit of progress.

We are pleased by the rigour that the Scottish Affairs Committee is applying to its investigation. As a Government, we have read the committee's interim report with great interest. In that report, the committee concludes that the service that the Consulting Association offered was a blacklisting service into which subscribers put money, and that information that they took out of a database was used to make decisions about whether to employ certain individuals. We concur with the committee in concluding that that practice was unethical and is to be condemned.

Neil Findlay: Justice is devolved, too.

Will the minister confirm that, although the Scottish Government does not see any merit in having an inquiry now, as the report is an interim one, that position will be reconsidered once the full report has been published? Secondly, will she address the point that I made earlier and say what steps are being taken now on major construction projects such as the new Forth road bridge to ensure that no blacklisting is still going on?

Angela Constance: I will come on to the point about action that can be taken. There have been significant regulatory changes since 2009.

On Mr Findlay's first point, I reassure him that, as a Government, we are looking forward to the Scottish Affairs Committee's final report, which we will look at extremely carefully. It would be inappropriate for me to pre-empt any conclusions

or recommendations that the committee is considering as part of the weighty and serious investigation that it is undertaking.

I note from the committee's interim report that it intends to continue its investigation in four main areas. It will consider whether companies that have been involved in blacklisting should be prevented from tendering for public sector contracts in the future or whether they should be allowed to tender only if they pay compensation to people who have been blacklisted.

It is important that the committee continues to seek evidence on whether blacklisting is still taking place, whether within the construction industry or more widely, especially in Scotland. Other issues that it is exploring include whether compensation should be paid, to whom and by whom it should be paid, and whether the existing legislation on blacklisting is sufficient, if it is properly enforced, or whether changes in the law are necessary to eradicate the practice.

I come to Mr Findlay's second point. As we know, the legislative framework at the time meant that blacklisting was not illegal but, as Elaine Smith told us, the Employment Relations Act 1999 (Blacklists) Regulations 2010, which were introduced by the UK Government in 2010, prohibit blacklisting. Therefore, I believe that we are starting from a better position. There are also the Public Contracts (Scotland) Regulations 2012, which provide that contracts should not be awarded to companies that have been involved in grave misdemeanours.

A number of companies that have been awarded contracts by the Scottish Government and its agencies since 2007 have been named by the Information Commissioner's Office as companies that subscribed to the Consulting Association. However, we have no evidence to suggest that any of those companies engaged in blacklisting in connection with the performance of any contracts that were awarded by the Scottish Government or its agencies. I am sure that members will appreciate the need for evidence and rigour.

Drew Smith: Does that not underline the fact that we need a public inquiry to raise that evidence, and that the agencies in Scotland that award the contracts are the people who are best placed to tell us what is going on in those contracts? We could do that all in public and we could involve a range of agencies in Scotland, including the police, as there have been questions about where some of the information that was passed to the Consulting Association came from.

Angela Constance: I understand Mr Smith's point and there is no doubt in my mind that there are many people who have been adversely

affected by blacklisting. However I hope that he understands the point that I am making and accepts it in the spirit in which it is intended. It is appropriate for the Scottish Affairs Committee to continue its investigation and to seek further evidence. The Scottish Government will consider the final report closely when it is published.

We have invited the unions—the STUC, Unite, Unison and the GMB—to work with us on the development and strengthening of guidance for public bodies on addressing the issue of blacklisting in terms of their procurement processes and with regard to public contracts. We intend to circulate an initial draft of the guidance to the unions shortly and to convene a meeting to get their valuable input.

We want to explore with the trade union movement the potential for asking additional questions of suppliers at the selection stage of a procurement exercise and for holding suppliers to account through revised terms and conditions of contract, including issues such as termination clauses for those who breach relevant legislation.

As members have suggested, we are, in addition, considering what measures we can include in the forthcoming procurement reform bill to deal with inappropriate conduct, including blacklisting, by companies that are bidding for public contracts in Scotland.

In a recent debate, the Deputy First Minister stated clearly:

"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."—[*Official Report*, 17 April 2013; c 18685.]

Given the tone and tenor of this debate, I am confident that we can move forward as a Parliament with due diligence and vigilance to ensure that blacklisting is consigned to the history books.

13:38

Meeting suspended.

14:30

On resuming—

Motion of Condolence

The Presiding Officer (Tricia Marwick): Our first item of business is one that we would all prefer not to be holding—a motion of condolence, in the name of Alex Salmond, following the death of Brian Adam.

I would like to welcome Brian Adam's wife, Dorothy, and his family to the gallery as Parliament pays our own tribute to him. Thank you very much for being with us today.

Like many others in the chamber, I treasured Brian Adam both as a friend and as a colleague. Brian was admired across this Parliament because of what lay at his core: he was simply a good and decent man. The private courage and stoicism that Brian showed during his long illness added to the enormous respect that we had for him.

As a member of our original intake into this Parliament in 1999, Brian enjoyed an impressively successful parliamentary career. Always a dedicated MSP to his constituents, Brian also served as a committee convener and deputy convener, chief whip for his party and the Minister for Parliamentary Business. In all those roles, Brian's greatest contribution was not in the jobs that he did but in the way that he did them—all with honesty, even-handedness and humour.

Since the sad news broke last week, fellow MSPs and staff from across our Parliament have all gone out of their way to tell me their own stories about Brian. He was admired, he was respected, and he was loved. We will all miss him and our Parliament will be the poorer without him.

14:31

The First Minister (Alex Salmond): It has been my privilege to count Brian Adam as a friend throughout my parliamentary career. When I first stood for election back in 1987, although Brian was a candidate in the neighbouring constituency, he was generous in his help for my campaign. That characteristic as a good neighbour is something that all Brian's friends and colleagues will recall with great affection. He was a family man, a kind and generous friend and an outstanding politician, and he will be sorely missed.

Brian's first pride and joy was his family and our sincere condolences go to his wife, Dorothy, and his five children, Neil, Jamie, Sarah, David and Alan, his brother Rodney and his sister Irene and indeed the wider family, all of whom are here

today, and of course to his parents James and Isabel.

Brian was proud of his community and his country. Born in Newmill in 1948, Brian grew up in Banffshire and would spend his life in the north-east of Scotland, which he loved dearly.

After getting a BSc and an MSc at the University of Aberdeen in clinical pharmacology, he began work with Glaxo in Montrose before embarking on a career as a biochemist and was later to become principal national health service biochemist at Aberdeen royal infirmary.

Politics was a very early interest for Brian. He was a trade union activist and a champion for his local community. It was perhaps inevitable that he would stand for election. Between 1988 and 1999 he served as a councillor on Aberdeen District Council, which was later to become Aberdeen City Council.

Brian was a trailblazer for the Scottish National Party in the north-east. When he was elected in 1988, he was the sole SNP councillor—a one-person group—a position that he later told me demonstrated the crucial importance of a group leader staying on good terms with his chief whip.

Brian was devoted to his home community and there is no doubt that his constituents were just as fond of him. One area of Brian's Middlefield and Heathryfold council ward is Logie. Such was the support for Brian at election time that almost every window would have a dayglo yellow SNP poster in the window, earning it the nickname "Dayglogie" among SNP activists.

On one occasion when canvassing in Middlefield, Brian's campaign team lost him. They retraced their steps to the door that he had been chapping and inside found him tucking into a plate of food, having been invited in for his tea. That was not universally appreciated by the campaign team, but the point of the story of course is that Brian's constituents did not see him just as a politician who was distant from them, but as a friend whom they could invite into their home.

Following his election as an MSP in 1999, Brian devoted his energy to championing the cause of Aberdeen in the Parliament. No issue was too large or too small; he was a tireless campaigner. He played a central role in the campaign to retain neural surgery and children's specialist services at Aberdeen royal infirmary. Similarly, he was instrumental in the reversal of plans to close the forensic laboratory in the city.

Brian made his maiden speech in the Parliament during a debate on prayers. He was a man of great faith and an active member of the Church of Jesus Christ of Latter-Day Saints. He argued in his speech that Parliament should hold

what was to become time for reflection on an inclusive, non-denominational basis, something that we have done and which reflects well in the Parliament. That consensual approach was one of Brian's greatest political assets and, as SNP chief whip, it was a priceless resource in sustaining the minority Government between 2007 and 2011.

That said, things did not always go according to plan. Bruce Crawford reminded me of a key division in May 2010 when Brian, after herculean efforts, managed to get John Swinney back from London with literally seconds to spare before a vote. Unfortunately and through no fault of Brian's, we still lost the vote, because two Opposition MSPs—who will remain nameless, but are here today—accidentally misled each other into voting the wrong way, which shows that the best-laid schemes, even of chief whips, gang aft agley.

My colleagues and I were privileged to have Brian's skill in those uncertain days for a minority Government. In 2011, I was really delighted to ask him to serve as Minister for Parliamentary Business as part of the majority Government that he had worked so hard to secure.

Brian was, of course, a Scottish nationalist; he believed passionately in Scotland and in the Scottish people. When I visited him at home just three months ago, he wanted to hear about events here at Holyrood. Despite his rapidly failing health, he told me that he would be coming back to Parliament. In a most remarkable demonstration of willpower, he did exactly that the following Thursday. As it turned out, that was to say farewell.

Brian was a great source of support for new members. There is one piece of advice that many colleagues will have heard him offer many times. He would say, "Only ever promise to do your best." I know that this chamber will agree that Brian always did his best and that every one of us is in his debt.

It is with great sadness, but great pride, that I move the motion of condolence for the Parliament,

That the Parliament expresses its deep regret and sadness at the death of Brian Adam MSP; offers its sympathy and condolences to Brian's family and friends, and recognises the significant contribution that he made to Scotland's public and political life through his years of dedicated service in the Scottish Parliament and as a champion of Aberdeen and the north east of Scotland.

14:37

Johann Lamont (Glasgow Pollok) (Lab): This is a sad day. It is a privilege to pay tribute to Brian Adam on behalf of Scottish Labour.

We gather to remember Brian and to pay our respects to him. Our thoughts today are with his family, who must feel most sorely the loss of a

beloved husband, son and loving father. Since his illness, Brian's courage and strength of character in overcoming the challenges that his condition brought and continuing his work in the Parliament, speaking in debates while he could and contributing to the politics of Scotland, have been a source of admiration, inspiration and respect from us all. His bravery was evident as he faced up to an illness that saw a proud man fade before our eyes, its cruelty all too visible. We should honour and celebrate that courage.

I want, too, to remember not just the hard battle that Brian had in recent years, but to reflect a little on his role and contribution to the work of the Parliament since he first became an MSP. Brian was, as I was, part of the class of 1999. That was a hugely exciting time; we were present at the birth of a new institution created to bring power closer to people. However, for those of us who remember it, it was also a turbulent time, when we felt, on occasion, as though we were under siege. A bond was forged between us that—despite our political differences—lingers even now. Brian was, of course, very much part of that group and that time.

I remember Brian as a key SNP figure, strong in his views, articulate in making his case and someone we recognised as having real authority on his own side. Brian and I crossed swords many times—and those exchanges were often robust—when we served on committee together. Some more uncharitable observers might suggest that we fought like ferrets in a sack, but I believe that, while Brian was passionate and persistent in his views, those views were expressed without animus towards those with whom he disagreed. I never found him to be anything other than courteous.

I am sure that Labour members who worked with Brian will recognise, as I do, that although we often disagreed with his argument, we could respect the toughness and energy with which he prosecuted his case. Equally, where there could be agreement, he worked constructively to make cross-party consensus effective. I know that he shared the passion of many members to tackle homelessness and create warm and affordable homes for those who need them, and that he worked where he could to build support on those issues.

Brian will be missed as a parliamentarian. I know that many SNP members mourn him as a colleague and a dear friend, and our thoughts are with them today. However, ultimately, in remembering Brian, I reflect on this: he never seemed to me to be only a politician. Being a politician did not define him. No one could be in any doubt about his commitment to his party and his loyalty to its cause, but he also loved his land

and the language and culture of north-east Scotland. He was proud not just of all things Scottish; he was proud, too, of the distinctive heritage of his own background.

Even more than that, we were always aware of the importance of Brian's family and his faith to him. In all things, he seemed to me to put the job of politician in its proper place and its proper context. What he did here mattered to him, but it was evident to all that his family and faith mattered even more. That should be part of his legacy.

We offer our sincerest sympathies to Brian's family, colleagues and friends. He was taken from them all too soon, having suffered more in his last years than we can even begin to imagine. We hope that they can draw strength in these bleakest and rawest of times from the affection and admiration that he earned beyond his own party and the recognition that his was a good life, lived in the service of others.

14:42

Ruth Davidson (Glasgow) (Con): I said last week in the chamber on hearing of Brian Adam's death that those outside Holyrood too often see only the clash and confrontation here; they do not see the camaraderie. They do not see the respect that is fostered and the friendships that exist between MSPs of different parties, or that a person can spend a lifetime fighting for something that someone else will spend a lifetime fighting against, but still recognise their conviction, truly held belief, honesty and principle.

Brian had friends on every side of the chamber and was as decent, diligent and principled a member of the Parliament as we have seen. He believed in service, and he loved representing the people of Aberdeen.

Before the debate, I talked to my colleague Nanette Milne, who served with Brian on Aberdeen City Council before they made their respective ways to Holyrood. She said that, during much of his time there, he ploughed a pretty lonely furrow as the SNP's only representative, but she recalls the unfailing diligence with which he represented his constituents and his party. He took a keen interest in the financial management of the council, and every year, without fail, he would produce a full set of budget proposals, knowing that they would never see the light of day. He did that anyway because it was the right thing to do.

Brian's move from Aberdeen City Council to Holyrood in 1999 was an obvious one. He helped to grow the SNP council group from just one member in 1988 to 15. It would be fair to say that the SNP's rise in Aberdeen and the wider north-

east was in no small measure down to Brian Adam's efforts and his example.

Nanette Milne and other MSPs knew Brian for decades, and often caught up with him in conversations on the train back to Aberdeen. I never had that privilege. I came to the Parliament as a new member in 2011. Brian always had a soft word for me, a bit of encouragement to offer, a chat in the lift and a comment in the corridor. That time taken and that generosity of spirit were not reserved just for new members, whatever their party.

Brian believed in democracy, and in others benefiting from being part of it and seeing it up close. That is why he instigated one of the Scottish Parliament's regular internship programmes with Brigham Young University in the United States. Although MSPs across the chamber have hosted college interns, I have a sneaking suspicion that hundreds of young American graduates have a bit of a soft spot for the Scottish National Party because of the influence of Brian Adam.

Possibly Brian's most significant achievement in this place was in his role as chief whip during the SNP minority Government of 2007 to 2011. Few people thought that such an arrangement could last, and it was largely down to Brian's exceptional abilities that it did. My colleague and his opposite number, our chief whip at the time, David McLetchie, appreciated Brian's honesty and square dealing. Their trust in the other's integrity and their ability to do business helped them to navigate those uncharted waters successfully.

I do not think that there is anyone in the chamber who was not struck by the courage that Brian showed when facing his illness. Knowing the full extent of it, but not speaking to more than a few close confidants, he carried himself with optimism and resolve to continue to do good service. Serve he did, right to the end.

Brian Adam's death has robbed the Parliament of one of its key figures. It has robbed the city of Aberdeen of one of its proudest servants. It has robbed his family and friends of a thoroughly decent man.

While the greatest pain at this time will undoubtedly be for Brian's family and close friends, they should be proud and they should take strength from the knowledge that he was an outstanding servant to his city, his party and his values. It is to them that I extend my thoughts and prayers, and those of my party, at this most difficult time.

14:46

Willie Rennie (Mid Scotland and Fife) (LD): Brian Adam made a bit of a habit of bucking the

trend, of being ahead of the pack and of making a difference. He did it his way, and he certainly made a difference.

It is not common for scientists to cross into politics, and there are not many in the Parliament today, but Brian bucked the trend—he was one of those scientists. He was a proud one, too, with qualifications in biochemistry and clinical pharmacology, which led him from the University of Aberdeen to Glaxo in Montrose, and on to City hospital in Aberdeen.

Brian and I first met when he provided me with great assistance in establishing an annual event for scientists to come together and have dialogue with politicians at Our Dynamic Earth. He was always willing to help and was always keen to stand up for science.

Brian also bucked the trend in elections. I am an election geek, and I like looking at numbers. Let us consider the results for Aberdeen North in 2003. I know well that parties go through ups and downs, and the Scottish National Party was on a wee bit of a down at that time, but Brian managed to secure a win from Labour. He transferred that result—a majority of 500—to a majority of 7,000 in subsequent elections. In every successive election, he increased his majority. That told me that he was respected and valued by local people. Brian won against the odds at that time.

Brian was a true champion for the north-east, and local people respected and valued him there. We also respected and valued him here. Together with Bruce Crawford, Brian skilfully piloted his party through minority administration. That had never been done before in this Parliament, and it is rarely done in other Parliaments—it often leads to chaos. Here, however, it was very calm, in part due to Brian's skill and determination. He made a success of it, and he did so in his own gentle but firm characteristic way. He was quite a man; he was quite a character.

I am sure that bucking trends was quite tiring, but what impressed me most throughout was that he managed to remain a good and decent man, a man of whom his family and friends will forever be proud. In the worlds of science, elections and Parliament and, most of all, at home, Brian was valued and appreciated.

We need more people like Brian in politics—trusted, respected and good. He was a member whom the Parliament will remember for a very long time, long after he is gone. Brian Adam: a good man who bucked the trend.

14:49

Patrick Harvie (Glasgow) (Green): I extend my condolences and those of the Scottish Green

Party, and those of my colleagues in the Green and Independent group, to the family and friends of Brian Adam MSP.

A moment like this stands apart from the everyday banter, heckling and jockeying for position that characterises a great deal of our parliamentary debate. When one of our members—someone we knew and worked with—passes away, it is a moment to reflect on the true realities of life and the common humanity that unites us.

Presiding Officer, I cannot pretend that I knew Brian Adam as well as you, other SNP colleagues or those representing the north-east did. I never served on a committee or cross-party group with him. We never even propped up the bar together—more to do with his habits than mine, I freely admit.

I contacted my former colleagues to ask for their thoughts, including Robin Harper, who was elected back in 1999 and therefore knew Brian Adam the longest. Every reply that I received from my former colleagues included descriptions of Brian such as “helpful”, “considerate”, “warm”, “friendly” and “approachable”. They also described him as “straightforward”, “businesslike” and “a dedicated parliamentarian”. Shiona Baird, who was our member for North East Scotland, wanted to express her thanks for all the lifts that Brian Adam gave her back to the railway station—one of those little forbearances that I know colleagues from all political parties have had to endure from time to time with Green Party members. We have always been grateful and I know that Shiona Baird was grateful to Brian Adam.

My dealings with Brian Adam were largely restricted to his role as SNP whip, particularly in session 3, during all those exciting, knife-edge votes that I know we all miss so much. There were times when our political positions aligned and, as Brian sidled up to me in the minutes before decision time in the chamber, I was able to give a reassuring nod and send him away with his blood pressure just a tiny bit lower.

There were other occasions when Brian would approach with a hint of worry in his eye. More than once, I had to send him away shaking his head, his worst fears confirmed. Although that must have been a trying role, I was never left in any doubt that he took this Parliament seriously and that he was committed to keeping all parties in the loop as much as he could, even on days when his nerves were a bit calmer and the votes were thought to be in the bag already.

I thank him for that and express appreciation that Parliament has had the chance collectively to let Brian Adam's family, friends and colleagues

know something of the regard in which he was held.

15:00

On resuming—

14:52

Meeting suspended.

Community Justice System

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-06433, in the name of Kenny MacAskill, on redesigning the community justice system.

The Cabinet Secretary for Justice (Kenny MacAskill): I know that the mood in the chamber is more sombre than usual, given events and the debate that has just taken place, but I am grateful that members have agreed to participate in this debate; their comments and thoughts will be important.

I am pleased to open the debate on redesigning the community justice system in Scotland. Reoffending is an important issue that affects everyone: it creates victims, damages communities and wastes potential. Audit Scotland has estimated the total social and economic cost of reoffending at approximately £3 billion per annum. That is why it is imperative that the arrangements that are in place to plan, manage and deliver offender services in the community maximise the potential for delivery of positive outcomes for victims, communities and offenders.

I commend the hard work of our partners in the statutory and third sectors—including in community justice, health, housing and education—in tackling reoffending over the past five years. I have seen at first hand the excellent work that is being done throughout the country.

The new community payback order has been successfully implemented, with 10,228 orders commenced between April 2011 and March 2012. As a result, 934,502 hours of unpaid work or other activity have been undertaken in communities throughout Scotland.

The whole-system approach for young people continues to be rolled out throughout Scotland, resulting in a decrease of 32 per cent in recorded crimes and offences committed by young people between 2008-09 and 2011-12. Most recently, we have invested £7.7 million in a national network of mentoring schemes, which are to be provided by partnerships between the third sector and the public sector and will target women offenders and prolific offenders who are at risk of committing more crimes. Reoffending rates are now at their lowest in more than a decade, and recorded crime is at a 37-year low.

Although all that is progress in the right direction, a series of recent reports have highlighted shortcomings in community justice and have called—understandably—for urgent action.

Those included Audit Scotland's report, "An overview of Scotland's criminal justice system", which was published in September 2011, and the report by the Parliament's Public Audit Committee, which took evidence on the findings of the Audit Scotland report. Both highlighted concerns about the lack of information on the range, capacity and effectiveness of offender services, as well as about the accountability arrangements for community justice authorities.

Although there are many different bodies involved in reducing reoffending, CJAs, which were created by the Management of Offenders etc (Scotland) Act 2005, are the main bodies responsible for setting the direction and priorities on reducing reoffending in their geographical areas. CJAs are not directly accountable to Scottish ministers or to local authorities, although we monitor how they discharge their statutory functions. Criminal justice social work in local authorities continues to provide offender services including community payback orders and services for offenders leaving prison, as well as commissioning services from the third sector.

That set-up has created a confusing picture. Indeed, the effectiveness of those arrangements was questioned in the report of the commission on women offenders—which was chaired by Dame Elish Angiolini—that was published in April 2012. It found that

"there still exist inherent barriers in the structural and funding systems for criminal justice social work, and working practices which inhibit greatly the potential to reduce reoffending."

The report stated that CJAs

"brought an extra layer of complexity, disproportionate in a jurisdiction of five million people".

It called for "radical reform" and the establishment of a national community justice service to plan, manage and deliver offender services in the community.

Most recently, Audit Scotland's report "Reducing reoffending in Scotland", which was published in November last year, said on community justice authorities:

"The way they were set up has significantly limited their effectiveness".

Audit Scotland called for

"stronger leadership at national, regional and local level if reoffending is to be tackled effectively".

In summary, it is evident that the status quo is no longer tenable, which is why on 20 December last year we, as a Government, published a consultation paper that set out options for redesigning the community justice system. Before I get into the detail of the issues involved, I will set

out our vision of a successful community justice system.

We want a more efficient and effective system with strong and visible leadership at national and local levels, collaborative working across the public and third sectors, and robust accountability. Offender services should be built around people's needs, based on evidence of what works and what offers best value for money. Local partnership, with the engagement and commitment of non-justice partners including housing, education and health is critical to success. Service users, their families and the wider community should be routinely involved in the planning, delivery and review of services in order to help to improve performance and outcomes. In addition, there should be a strong focus on prevention and early intervention.

We are under no illusions that structural change alone will result in transformation of the community justice system; we also need a shift in culture. At the heart of any reforms should be the development and empowerment of practitioners, managers and leaders who work with offenders in the public and third sectors. Unlike the United Kingdom coalition Government, we have no plans to outsource to the private sector the management of offenders in the community. We value highly the professional contribution of our public sector criminal justice social workers and others who work in community justice. We want to use this opportunity to reform the existing arrangements to help to make best use of their skills, knowledge and expertise.

Our vision of a reformed community justice system acknowledges the findings of the Christie commission and is consistent with our wider public service reform programme, including the integration of adult health and social care and the review of community planning partnerships. The consultation paper sets out three possible options for reform, which were developed with input from the Convention of Scottish Local Authorities, the Association of Directors of Social Work and CJAs. I thank them for their assistance.

Option A is an enhanced community justice authority model, in which changes would be made to CJA membership and functions, including widening of their membership to include an appointed member of the health board, and expansion of their statutory functions to include strategic commissioning of services.

Option B is a local authority model, in which CJAs would be abolished and local authorities would assume responsibility for the strategic planning, design and delivery of offender services in the community.

Jenny Marra (North East Scotland) (Lab):

Can the cabinet secretary clarify whether, if option B was chosen, consideration would be given to the fact that some local authorities that have areas of very high deprivation would have to spend much more money on CJAs or whatever will replace them? Would option B take account of that expenditure? Would the expenditure be devolved down to local authorities so that they would have to pay for it themselves?

Kenny MacAskill: Those matters will have to be discussed in detail. The funding formula that we use takes account of the additional pressure that many areas face as a result of social and economic conditions. The detail will have to be sorted out, but it is self-evident that areas that are under the greatest pressure have the greatest needs and will have to be given the most appropriate level of resource to deal with those needs.

Option C is a single-service model. CJAs would be abolished and a new national, social work-led service for community justice would be established. The Angiolini commission recommended that approach. The new service would be separate from but would sit alongside the Scottish Prison Service. It would subsume the Risk Management Authority, which is a non-departmental public body. Therefore, option C would not create an additional public body.

Any new arrangements will need to be achieved largely through reconfiguration of existing resources—currently £111 million per year. We will undertake detailed financial work on the cost of the different options through liaising with local authorities and CJAs. That work will inform a final decision on the way forward.

We recognise that a wide range of professionals, organisations and individuals have an interest in how we take this forward. That is why, as well as publishing the consultation paper, we held 13 consultation events across Scotland to seek views on future arrangements. More than 550 people attended the events, including criminal justice social workers, people from the third sector, CJA officers and conveners, police, prison staff, health workers, addiction workers, local authority staff, housing officials, members of the public and ex-offenders.

I have been working constructively with COSLA, ADSW and the Society of Local Authority Chief Executives and Senior Managers. I have met third sector representatives to hear their views on weaknesses in the current system and possible solutions. All contributions have been immensely valuable and it is clear that the issue matters greatly to many people.

I expect to make in late 2013 an announcement on the way forward. Subject to a suitable legislative vehicle and parliamentary approval, provisional implementation will take place from 2016.

This debate provides an opportunity for members to contribute to the discussion. Although progress has been made on tackling reoffending, it is clear that significant areas for improvement remain. We need stronger leadership, clearer accountability arrangements and services that are based on evidence of what works. It is time to be ambitious and to put the needs of victims, communities and offenders and their families at the forefront of our minds, so that we reduce reoffending further and make a positive difference to the lives of the people of Scotland.

I do not accept the Labour amendment, but I say to Labour members that it covers many matters that I think we accept, and we will be happy to hear their views and enter into discussions outwith the chamber. At the end of the day, this matter is not ideological or party driven; it is about making our communities safer. I am grateful for the opportunity to move the motion.

I move,

That the Parliament acknowledges that solid progress has been made in tackling reoffending and commends the work of local community justice practitioners in achieving this; notes the recent reports from Audit Scotland and the Commission on Women Offenders that highlight shortcomings in the community justice system; further notes the publication of the Scottish Government's consultation document, *Redesigning the Community Justice System*, and looks forward to an analysis of the responses; agrees that the status quo is untenable, and recognises the importance of continuing to work constructively with COSLA, the Society of Local Authority Chief Executives and the Association of Directors of Social Work to put in place arrangements that support strong leadership and robust accountability and bring together the public and voluntary sectors to deliver better outcomes for victims, communities and offenders and their families.

15:13

Lewis Macdonald (North East Scotland) (Lab): I welcome the cabinet secretary's closing comments. We will take up his offer of further discussion outwith the forum of parliamentary debate.

There is general agreement about the importance of redesigning the community justice system. The Government's decision last year to consult on how that should be done was uncontroversial. The Government's decision to call a debate only two days after the consultation closed is perhaps more surprising. I listened closely to what Kenny MacAskill had to say, but even he cannot have had much opportunity to read and consider the views of everyone who

contributed their thoughts to the consultation—far less to make those views public or to reach a considered response on the part of Government.

Last week we debated the cabinet secretary's wide-ranging proposals for cuts in the functions of and the closure of many of Scotland's local courts, which he had taken only a couple of days to consider after the details of the consultation on that were made public. The cabinet secretary could not have had prior knowledge of all the informed and detailed contributions on community justice that no doubt landed on his desk earlier this week, so I am not at all sure—and the cabinet secretary's closing comments suggest that he is not at all sure—why this should be the day for this debate. That is why our amendment calls on the Government to schedule a further debate before it introduces any draft legislation later this year—a debate that can be informed by the consultation process and the Government's response.

In common—I hope—with the other parties, we approach the substance of the issues with an open mind. We acknowledge the need for change in how community justice is delivered, but we are not dogmatic about the direction of travel. We are, as ever, open to the arguments to be made in favour of the options on which the Government has consulted. I am keen to see the evidence of what works. In the final analysis, structures are only a means to an end. The objective behind reforming the structures must be effective action to reduce the scale of reoffending.

The efforts of the people who work in the field should be applauded. However, last November's Audit Scotland report on reducing reoffending, which the cabinet secretary mentioned, showed that there is no room for complacency. It found what it described as a “relatively static” rate of offenders reconvicted within one year, with 30 per cent in 2009-10 compared to 32 per cent in 1997-98, and more than 42 per cent reconvicted within two years. It also found that 22 per cent of those convicted in 2010-11 had 10 or more previous convictions, that the prison population had risen by 27 per cent in a decade and that less than a third of the public money that is spent on dealing with convicted offenders is spent on services specifically to reduce reoffending.

Elish Angiolini's commission on women offenders last year had, as we have heard, important things to say that are relevant to offenders in general. The proposals included one-stop-shops based on the 218 service model to allow offenders to access services in one place, with multidisciplinary teams in those centres to meet the needs of offenders for support on health, addictions or social work services, and naming key workers for those who are at risk of reoffending in

order to provide a single contact point for navigating through the criminal justice system.

Those are all significant changes—quite apart from the specific issues of community justice structures in which the services might be delivered, to which the cabinet secretary referred. The question is therefore whether those services require a single national service in order to be effective or whether they require more responsive and flexible local services.

The Angiolini report also identified

“inherent barriers in the structural and funding systems for criminal justice social work and working practices which inhibit greatly the potential to reduce reoffending.”

That is why, as Mr MacAskill said, the report called for a new national community justice service, in place of the existing community justice authorities, to commission, provide and manage adult offender services in the community. It also called for a national community justice and prison delivery board to promote integration between the proposed new community justice service and the prison service, in order to achieve a joined-up approach to reducing reoffending

“across the community and within custodial settings.”

That brings us back to the essence of the Audit Scotland report: that tackling reoffending will succeed only if what is done in prison is also included in the bigger picture. We need greater focus on meaningful activity in prison to go alongside more effective delivery of community justice services.

Earlier this year I asked the Government how many hours a week prisoners spent in purposeful activity, whether in work, education, training or rehabilitation. The answer was an average of 21 hours a week across the estate, with HM Young Offenders Institution Polmont being one of the lowest, at 16 hours a week. No wonder the chief inspector of prisons concluded in his latest annual report that the

“current poor access to purposeful activities is not acceptable and contributes to a negative picture when considering whether prison is working.”

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I think that Lewis Macdonald will be aware that, with the new governor at Polmont prison, there is a new culture and determination that the expression “purposeful activity”, which includes a range of things from education to rehab and everything else, will be drawn together much more tightly.

Lewis Macdonald: I am grateful for that intervention. I do not doubt for a moment the commitment of many leaders in the Scottish Prison Service to achieving precisely that change, but they require resources to make that happen.

Of course, I welcome the conclusions of the Justice Committee that more could and should be done on purposeful activity in prison.

In developing a strategy to tackle reoffending, ministers need their starting point to be the scale of the challenge not only in reducing reoffending through the community justice service, but in joining up those with what is being done in prison to address reoffending.

If there is no room for complacency about reoffending in general or about the joining up of services, the same is also true of community disposals, for which the community justice system is responsible. Community payback orders have, indeed, increased the number of hours of unpaid work that the courts are handing down—in some cases, several times over—but the approach is worth while only if the orders are obeyed. Kenny MacAskill mentioned the number of orders and hours, but 1,391 of the more than 11,000 community payback orders that were handed down in 2011-12 were breached—a failure rate of 12 per cent—and many of those breaches were not pursued. In those cases, the community disposal did not work. Of course, there was no automatic adjustment in the funding of services to meet the increased demands on community justice social work budgets, which is one of the reasons why the review is so important.

Although we do not agree with the claim in the Conservative amendment that CJAs were doomed to fail, we recognise that their current structure has to change. The Government's options offer ways forward; option A, which is to enhance the CJAs, is clearly one such way and might well be supported by a number of people who are involved in the existing authorities.

Others, however, will favour option B, which is to return responsibility to local authorities. Councils are already the ultimate providers, albeit that it happens under the CJA umbrella, and there are obvious democratic benefits to placing both responsibility and authority at the most local level of government possible.

The proposal for a national service also has clear advantages as the most direct route for ensuring common standards and shared approaches to community justice across the country. It is clearly what the Angiolini commission believed would deliver the best outcomes in reducing reoffending; however, such an approach also raises concerns about centralisation and ensuring that that goes no further than it needs to.

Whatever new system is designed on the basis of the consultation, we must not forget the role that CJAs play in monitoring high-risk offenders who have served their time in prison and are returning to live in the community. It is essential that

whatever changes are made to the community justice system, the funds that are provided for multi-agency public protection arrangements to monitor those individuals are protected. I would welcome the cabinet secretary's assurance that, whatever option is chosen, MAPPA funding will continue to follow need.

We call on ministers to assess the evidence carefully and to come back to Parliament with a considered review, so I am pleased that they have promised today to do so. It is important that we strike the right balance between the successes of community justice over the past eight years and the need to move the system on; between the imperative to build on those successes and the general recognition that they must now change; and between the coherence of a national system and the local accountability of services delivered by local councils.

Whatever conclusions ministers reach, they should be informed by the central objectives that have been highlighted both by Audit Scotland and the Angiolini commission of reducing reoffending and joining up community justice and Scotland's prisons to do so.

On that basis, I move amendment S4M-06433.2, to leave out from "acknowledges" to end and insert:

"commends the work of local community justice practitioners in making progress to tackle reoffending; notes the recent reports from Audit Scotland and the Commission on Women Offenders that highlight shortcomings in the community justice system; further notes the publication of the Scottish Government's consultation document, *Redesigning the Community Justice System*, and looks forward to an informed future debate, based on an analysis of the submissions to the consultation and publication of the Scottish Government's response, prior to the introduction of any primary legislation; agrees that the status quo is untenable, and recognises the importance of continuing to work constructively with all relevant stakeholders including the Scottish Prison Service, COSLA, the Society of Local Authority Chief Executives and the Association of Directors of Social Work to put in place arrangements that support strong leadership and robust accountability and bring together the public and voluntary sectors to deliver better outcomes for victims, communities and offenders and their families; believes that further improvements are required to address reoffending, and considers that substantially greater engagement by offenders in meaningful activity while in prison would assist in making changes to the community justice system more effective."

15:22

Margaret Mitchell (Central Scotland) (Con): I welcome the debate because it gives Parliament the opportunity to examine why the current arrangement for strategic and operational responsibility with regard to community sentences and reducing reoffending is not as effective as it could be. Given that, at present, the eight

community justice authorities work with 32 local authorities, 32 alcohol and drug partnerships, 16 prisons, 14 health boards, six sheriffdoms and now one police force, it is perhaps not surprising that co-ordination between the various agencies and avoiding duplication are proving to be a challenge.

The Conservative amendment highlights not only that, but shortcomings resulting from the way in which CJAs were set up. First of all, there is inconsistency in service provision in local authorities, particularly over supervised bail schemes and throughcare. Secondly, the distribution of core funding by CJAs does not encourage reduction of reoffending because the funding is based on workload with regard to the number of community sentences that are imposed in a local authority area.

Next, the make-up of CJA boards is complex and there is concern that councillors find it difficult to separate their responsibilities as CJA members from their responsibilities as local authority elected members, which has limited the ability of CJAs to move funds between constituent councils. Finally, there is a general lack of assessment of the performance of CJAs.

All those aspects are worthy of in-depth discussion, but I want to explore more thoroughly funding and the allocation of resources.

Audit Scotland questioned the effectiveness of CJAs' short-term funding after each of the eight CJAs received an additional £100,000 from the Scottish Government in 2010-11 and 2011-12 for services to support women offenders. That money was allocated following the Cabinet's consideration of the Equal Opportunities Committee's 2009 report on its inquiry into female offenders in the criminal justice system, which identified the work that one CJA had done in reducing reoffending by women from more than 30 per cent to about 14 per cent.

Although the Government is most certainly to be commended for providing that funding, it could be argued that if it had gone a little further and given some direction to the CJAs in the form of information on what had worked well for the south-west Scotland community justice authority—which, by working with the charity Circle and supporting the families of women prisoners and the prisoners themselves on release, had dramatically reduced reoffending—I believe that a much better outcome could have been achieved, which would have addressed Audit Scotland's criticism.

It is certainly not in doubt that sufficient long-term resources must be made available, not only for the third sector but for community-led projects that have proven track records in delivering and tackling reoffending. The argument for that is

compelling; one such four-year project that was run by Circle that involved community-based support being given to marginalised children and families led to the return-to-custody rate among supported offenders falling to as low a level as 19 per cent.

However, although reconviction rates might be at their lowest level for a decade, in reality reoffending has barely dropped in that time and remains far too high. That is particularly true of those who are in prison, with a staggering 22 per cent of all offenders who were handed a custodial sentence last year having 10 or more previous convictions.

Furthermore, the introduction and delivery of community payback orders as alternatives to custody has contributed to the problem. The first person who was granted a CPO breached the order. In January, it was revealed that offenders were being credited with two hours' work just for turning up if a work project could not be found for them, and the latest figures show that less than a third of the CPOs that were handed out last year were completed within a year. Can the cabinet secretary confirm whether the evaluation of CPOs will be completed in time to feed into the Government's analysis of the consultation on the community justice system?

Community disposals and alternatives to custody other than CPOs are undermining community justice and the case for community sentences as an alternative to custodial sentencing. For example, according to the latest fines survey, £3.6 million is owed in unpaid court fines that were imposed in the first six months of the 2012-13 financial year. That includes £1 million that is owed in sheriff court fines, £700,000 that is owed in justice of the peace court fines, £1.1 million that is owed in fiscal direct penalties and £800,000 that is owed in police antisocial behaviour penalties.

Arrears have built up in 17 per cent of the fines that were imposed in the first six months of 2012-13. Collection rates for some fines are better than they are for others. For example, more than 50 per cent of police penalties that were imposed during that time are being ignored.

That figure is in addition to the £14.9 million that is already outstanding in unpaid fines that have been imposed since 2009-10, which means that a staggering £18.5 million of fines remain unpaid by criminals who have avoided tougher sentences. Crucially, that money could be spent on projects to reduce reoffending. It is clear that fiscal fines and fixed penalties urgently require to be overhauled—that is an absolute priority.

The Government's consultation and this afternoon's debate are the first step in the process

to come up with the more strategic approach that Audit Scotland recommends.

It is crucial that, as well as containing an element of accountability, either through elected officials or through a publicly appointed figure, the option that is chosen should deliver flexibility in service provision. That will ensure that the new model is better placed to direct resources to projects that are known to be effective.

I move amendment S4M-06433.1, to leave out from “solid progress” to “achieving this” and insert:

“while some progress has been made in tackling reoffending, rates remain far too high; recognises that the work of local community justice practitioners has been hindered by failings in the way in which community justice authorities were established”.

The Deputy Presiding Officer: We move to the open debate, with speeches of six minutes. We have a little bit of time in hand for interventions.

15:30

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): This week, I had the good fortune to be briefed by Rob Strachan, the chief officer of Lothian and Borders community justice authority. It is important to state some facts about the general offender cohort in Edinburgh and Midlothian. There are 4,362 offenders. Some 27.9 per cent of offenders are reconvicted within one year. In the Scottish Borders, there are 802 offenders, with a one-year reconviction rate of 26.2 per cent. That is better than the Scottish average, but it gives members an idea of the task in hand.

Males are more likely than females to be reconvicted within two years. The peak age for reconviction for men is under 21. It is estimated that 90 to 95 offenders a month are released from prison and return to communities in Lothian and Borders with substance misuse problems. Breaking that life habit is complex and difficult.

On prolific and persistent offenders, research points to an average of 10 per cent of offenders being responsible for 50 per cent of all crime. It is the same people who commit all those offences. Past behaviour is the most reliable predictor of future behaviour, as demonstrated by the number of previous convictions and reconviction rates. It is estimated that 200 offenders cost the system in Lothian and Borders at least £12.2 million per year. When we consider that we are paying out £97 million a year to CJAs, we can see that a lot of money is going into the system, and it needs to be looked at again.

A different pattern emerges in relation to women offenders. Some 37 per cent of women offenders have attempted suicide. Two thirds of women in prison have a history of abuse. The rate of drug

problems among women prisoners in Scotland has been found to be as high as 98 per cent. That group of people has a very different set of complex problems, all of which must be addressed to try to break the habit of reoffending.

Not being terribly au fait with CJAs, I was struck by the fact that the membership is made up of councillors. That seems to be a narrow membership, when CJAs need many skills. I therefore welcome what the cabinet secretary said about people from health services, drug addiction teams and housing services—I see that Jenny Marra is nodding.

The Justice Committee found when we examined purposeful activity in prisons and throughcare that one of the biggest issues for people coming out of prison is having a home to go to. If they do not have a home to go to and an address, they cannot get a general practitioner. As Alison McInnes and I found out when we were in Polmont, that means that, after all the work that is done in prison on breaking the drug and alcohol habits and on rehabilitation, most of these young men come out and have no GP, which means that their medical records stay where they are and the young men go back into the same cycle. I therefore welcome the refresh of the CJAs.

Rob Strachan was clear about the fact that provision is patchy. He knows that there are faults in the system and he is working to address them. For example, he said that he does not have the latest breakdown of the violent offenders profile. I have already raised with the cabinet secretary my view that the MAPPA approach, which has a role to play in the release of sex offenders, should have a role to play in the release of serious violent offenders.

Rob Strachan also said that he does not have the latest breakdown of the women offenders profile. One of the problems with women offenders and young offenders is that they are not in a local prison. People who are in Polmont and Cornton Vale have come from all over Scotland, and people who are released from prisons that are not in their locality face even bigger problems than other prisoners do.

One of the options that I favour—I do not think that it is in the consultation paper, but that is just me being difficult—is a marriage of options A and C. We need national oversight, national guidance and accountability, whether to a board or whatever, as to how the money is being spent. Good practice must also be shared—when something works in one area, we should let it go somewhere else, while never taking away local delivery.

I would like the CJAs to have a much broader membership with responsibility for delivery and to

be accountable for what they do to a centralised board or whatever we want to call it. If we address all the other issues that we are raising—such as throughcare, the Scottish Prison Service following what happens to prisoners beyond the prison walls and the fact that, because the NHS now delivers healthcare in prisons, there should be continuity of care when a prisoner leaves—and if we have refreshed CJAs with a broader membership and with real accountability for the money that they spend and how effective they are, we might improve reoffending rates, which are very difficult to bring down, for the reasons that I have touched on.

That is not simple; everyone is individual and different categories face different problems. If we had a central organisation to look at strategies and make CJAs accountable, while CJAs said, “I know what works in this area and I know how we could do this,” we would have the best of both worlds.

I say to the cabinet secretary that I want something between options A and C—A plus C or A and C jammed together in some way, or maybe we could make it option D.

15:36

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): The debate’s timing is rather unfortunate. The consultation principle has always been central to the Parliament, and it would have been better to wait until all the written responses were available to members. It is particularly unfortunate for someone such as me, as I have no background or experience in the area and I would have much preferred to read the views of those who do.

I was a minister when the community justice authorities were set up, but it is the nature of being a minister to plough one’s own field. I remember that there were debates at that time—similar to those that we are having now—about the tension and the choice between a central system and more local variation. In a way, we are repeating some of the debates that we had then.

I recognise the importance of the policy area. Dealing with the rehabilitation of offenders and stopping reoffending are critical to justice policy. Although I am in no way an expert, I have been inspired by some of the people who work in the area. Margaret Mitchell mentioned Circle, which is an organisation that is based in my constituency. It has remarkable success rates in stopping reoffending, and I will want to listen to what it has to say about that. I have also spoken a couple of times in recent months to the violence reduction unit, which is prioritising such work with offenders, particularly on employability, as a way of cutting

down reoffending. There are leaders in the field to whom we will want to listen.

Although there is no agreement about the solutions, there is unanimity about the nature of the problems, and most people agree with what Margaret Mitchell said about the cluttered and fragmented landscape, which was a key theme of the Christie report. Everybody also seems to agree that structures are not the be-all and end-all—that is absolutely right. Equally, some changes to the structures are required, which is why three options are before us.

What are the problems? They have been well described in the Audit Scotland report and the Angiolini report, which both refer to a lack of leadership and accountability and to problems with funding. Some of those problems relate to the short-term nature of the funding, which Margaret Mitchell referred to, but both reports also say that funding is based on activity rather than outcomes. A lot of the funding is based on the historical allocation of funding, and there is the issue that councillors sometimes—understandably—favour their own local authority.

Perhaps the strongest problem is the inconsistency of service. I was particularly struck by the observation in the Audit Scotland report that, because some services in prisons are funded by local authorities, some prisoners get a service while others do not. That is a stark example of localism going too far. Audit Scotland also emphasises the importance of employability and the great variations in the availability of employability services. Another issue is poor access to purposeful activities in prison, which our amendment highlights.

On where we go from here, I agree with the principles that are set out on pages 15 and 16 of the Government’s consultation document. They include the need for strategic direction and leadership; the emphasis on prevention and early intervention; the desirability of having effective local partnerships; the need for strategic commissioning; and, of course, an approach that involves evidence-based policies that are based on an analysis of need. We all agree with those, but where does that lead us to on the options?

All the options have their attractions and disadvantages. Option A would at least avoid structural upheaval, which is often a good principle to follow, as there is an advantage in having a degree of continuity. Option A suggests that, if we have more strategic leadership, give the CJAs strategic commissioning powers and ensure that partners have a statutory duty to be involved, that will improve the present system. Option A should certainly be looked at seriously.

Option C is championed by the Angiolini report. In itself, that is quite a strong recommendation, given that most of the recommendations of that excellent report have been accepted without controversy. Clearly, in championing a single community justice service, option C is a lot more controversial, but the advantages that are highlighted are that the combination of strategic and operational responsibility would provide clearer lines of accountability, more consistency and potentially a greater quality of service. There would also be the potential to roll out models of good practice. There is a lot to recommend that option.

However, we should not forget option B or the good work that is being done at local council level. We also need to look at the arguments for that. It is attractive in principle to have local authorities in the driving seat, although it can be problematic in practice.

In my final minute, I will give an example of good practice that is being carried out by criminal justice services in Edinburgh. Launched in May last year, the break the cycle project takes old and unwanted bikes and renovates them. The bikes are then donated free to community organisations, youth groups, other interested organisations and children. Crucially, the project works with offenders who are on community payback orders as a direct alternative to going to prison. As the City of Edinburgh Council highlights,

“Experience shows that if an offender is carrying out work that they have an interest in, they are more likely to successfully complete the order. Most of the people on these orders are young men under 25, many of whom have an interest in bikes and cycling.”

The council’s criminal justice workers, who have been trained to help in cycle maintenance, are on hand to monitor and help in the process. I highlight that as an example of the good practice and good work that local councils are doing on the ground.

That example also highlights the central importance of job readiness, job opportunities and the employability agenda. Whatever solution we come up with, I hope that employability will be at the centre. For example, for what will be a really good event that will take place over three days at the end of this month, the violence reduction unit is bringing over from America people who work with offenders on helping them to get ready for the jobs market. That should be right at the centre of our agenda, and I certainly hope that I will be able to attend one of those events.

15:43

Colin Keir (Edinburgh Western) (SNP): It is clear that there is a fair degree of agreement across the chamber this afternoon. I associate

myself with many of the comments that other members have made.

We know that the most persistent reoffenders are those who serve short-term sentences. The revolving door in and out of prison is used by many in our communities. If we could slow down that movement, we would see an easing of prisoner numbers and of other pressures on the justice system. For that to happen, we require those who enter the justice system—many of whom live chaotic lives, whether due to poverty, drugs or the psychological problems that they suffer—to be shown a path other than to the front door of a prison. We require a management system that can be at home in a national policy context but which is flexible enough to allow local decisions to be made that ensure that local priorities are met.

Therefore, I welcome the consultation document as well as the report of the commission on women offenders, which was chaired by Dame Elish Angiolini. Both documents are valuable, in that they bring to the debate information that could previously have been seen as anecdotal.

I am a member of the Public Audit Committee, which last year scrutinised Audit Scotland’s report, “Reducing Reoffending in Scotland”. A clearer picture has emerged of the actions that are required. CJAs across the country are not uniform. They have different governance systems, arrangements and lines of accountability and there are different levels of success on reoffending. Certainly, CJAs have brought organisations together, but it was obvious that they work, as people say in horrible managementspeak, in silos. Communication between many CJA partners is limited and, as a result, the system can fail the people whom it was designed to deal with.

Dealing with cross-territory prisoners is another problem. A good example would be a woman serving a short-term sentence at Cornton Vale prison who comes from, say, Aberdeen or Galashiels. On release, does she have a family and home to return to? She is highly unlikely to have a job lined up, so does she have a point of contact to help her, especially if she is released on a Friday afternoon when there is little time to arrange benefits or council services?

Throughcare is difficult enough at local level, let alone on a cross-territory basis. It is also something that CJAs and other partners have difficulty managing. That is why I am not all that keen on option B in the consultation. I am also not convinced that local authorities are fully geared up to provide throughcare and other services on their own. The third sector, the national health service and others must have a part to play, particularly in evolving a national strategy.

However, local authorities are vital partners in delivering with other stakeholders a plan for their own area and tying in national and local priorities. I have no real view at this time of whether I prefer option A or option C—I am certainly not going to introduce an option D, as Christine Grahame suggested she might—but if we are to go down the road of national management, a form of true local accountability will have to be found.

Every speaker in the debate will have some real-life stories to tell. I will give members two examples. A few months ago, David McLetchie and I visited Saughton prison in Edinburgh. We looked at the facilities and talked to staff and prisoners. We tried to ascertain the difficulties faced by staff and prisoners—in particular, how to get prisoners back on track through the prison system. We met two prisoners who were being released the following week and who had quite clear views that the 18 months that both had served was nothing more than—I quote—“an inconvenience”. It was not the first sentence that they had served, they had not learned anything in their time inside, and I do not suppose that it will be the last sentence that they will serve. Facilities are geared up for longer-term prisoners. The system cannot work for short-term prisoners; there is just not enough time for the rehabilitation side of things to work.

The second example involves a male aged around 17 whom I met with members of the Streetwork organisation. He was leading a group of younger boys. In front of them, he was bullish. He was proud to have already done time in a young offenders institution. He also appeared proud that he had another charge against him and that it was likely that he would find himself sentenced to time inside an adult prison for the first time. Only afterwards, when we started to talk to him after we got him away from the youngsters he was with, did we realise that perhaps he was not quite so bullish after all. He saw his life in prison as inevitable, but if he had the full support that perhaps he deserves, there would be a way out for that lad.

Those are two examples of why we need a total redesign. The partners that we have already are vital. They have experience, but the issue is the management of bringing the system together. I thoroughly believe that there is hope for the people out there, that we have a way forward and that there is common ground across all these benches. We can make this work and ease the pressure on the prison system.

I am convinced that we should get rid of short-term prison sentences. When I became an MSP, I came here thinking that many of the problems that we face locally should be sorted out by sending people to prison. I have learned that sentences of

anything less than two and a half to three years are a waste of time—I have been converted to that. There are better ways to deal with people in our system.

I support the cabinet secretary's motion.

15:49

Graeme Pearson (South Scotland) (Lab): I acknowledge the speeches from all members thus far and I associate myself with many of the comments that have been made. I welcome the cabinet secretary's indication—as I understood it—that he would welcome cross-party discussions outwith the chamber to identify an appropriate way forward. That is a productive way to look at where we are and to identify future delivery in the community justice system.

I agree with many of the comments that have been made, particularly by Labour colleagues, that we would have benefited from having sight of a report on the responses, as we might have been better placed to offer strong and, I hope, educated views about the various options that are being considered.

I hope that, in the time left to me, I can bring a slightly different view to the debate. As regards the size of the problem that we are trying to address, the prison population—in spite of annual declarations from the Government—continues to rise. In 2011-12, the daily average was 8,178. In 2012-13, that rose to 8,300, and the forecast from those who have knowledge of such matters indicates that it is feasible that 9,500 prisoners will be in our prisons in 2020-21. There is an endemic, systemic problem that needs to be addressed, not only from the point of view of the human tragedy that it reflects, but in terms of the public investment and finance that are necessary to care for offenders in our system.

As regards reconviction rates, Audit Scotland reported—I think fairly—that progress on reoffending has been fairly static. Reconviction rates were 31.8 per cent in 1997-98, and 30.1 per cent in 2009-10—a reduction of 1.7. While that is welcome, it does not reflect progress, in the wider sense of that word.

At the same time, the Scottish Prison Service, the Government and community justice authorities spent £419 million in 2010-11 dealing with people convicted in the courts, but less than a third of that—£128 million—was spent on cutting reoffending. The prison population continues to increase and the cost to wider society of reoffending is estimated by Audit Scotland at about £3 billion per year—without even considering the impact on victims and witnesses.

Audit Scotland also noted that the reconviction rates are significantly affected by changes in the criminal justice system and by how the Scottish Government chooses to classify cases. That is illustrated by the fact that the reconviction rates do not include people who have reoffended after receiving early intervention measures such as police fixed-penalty notices and the like.

It is important that we have a debate and decide the way forward. It is a pressing issue. However, of the 8,300 prisoners that I mentioned earlier, we should bear it in mind that more than 70 per cent are classified as functionally illiterate and innumerate. Unless we find a way to deliver purposeful activity—I prefer to call it “activity with purpose”, and that purpose should be to educate and provide the facilities that will give prisoners opportunities as they leave the prison environment—we will always slam into a wall of self-defeat.

Margaret Mitchell: Does Graeme Pearson agree that the meaningful and purposeful activity that he refers to can be delivered in so-called short-term sentences? Putting people in prison may not be the first option, but if they are there, they should not be allowed just to wither on the vine.

Graeme Pearson: Yes. When a prisoner is in custody 24/7, there are always avenues for delivery, if there is the will to deliver, the necessary support, the health interventions and the whole panoply of services that can make a difference. That will give the young person mentioned earlier who finds himself or herself in custody the opportunity to reconsider.

Like other members of the Justice Committee, I visited prisons to gather information. As someone who knows something about the system, I was shocked to learn from a prison officer that a prisoner who leaves one of our establishments—a man who has served his sentence—is guaranteed only three nights in a sleeping bag in a homeless persons unit as part of our society’s homelessness provision. Given the hundreds of millions of pounds that we dedicate to community justice, that does not seem to reflect the linked-up services that we should seek to deliver in the future and which might work in reducing reoffending. The option that men often take in those circumstances is not to demean themselves by accepting the sleeping bag. They are then left to the vagaries of life on the streets of our cities and towns. It is no surprise that they return to where they came from.

Much has been said about the sheer panoply of services that are involved. The key to deciding the way forward is ensuring that, whatever our solution is—A, B, C or the pick and mix of option D—accountability for what we spend and the

results that are achieved will be at the kernel of whether we can trust things.

The role of the third or voluntary sector is vital, because it has the commitment, the expertise and, with people such as those in the Robertson Trust behind it, the finance to help to deliver in this important area.

15:57

Roderick Campbell (North East Fife) (SNP): Recorded crime is at a 37-year low, and the number of first-time offenders is falling. However, around half of the number who receive a short custodial sentence still go on to commit a further offence within a year of their release. That poses serious problems for the justice system and the public purse, for which there are no simple solutions.

Notwithstanding the progress that the Scottish Government has made in recent years, there remains a lot of work to do to reduce reoffending further, in respect of which the community justice system must play its part. We therefore need to look at ways of improving the whole system, from the reporting of a crime right through sentencing to release and, crucially, beyond. We know that simply locking people up, particularly for less serious crimes, is not an effective crime prevention solution.

Scottish Government research from 2011 shows that community sentences are more effective in reducing repeat offending than short-term custodial sentences—and a great deal more affordable. The average cost of a community payback order is in the region of £2,400, or half the cost of a three-month prison sentence.

We should not forget the Scottish Government’s reducing reoffending change fund of £7.5 million, plus the contributions of the Robertson Trust and the Scottish Prison Service. In 2012-13, that enabled projects in Fife that were run by Sacro and Addaction to move forward. I particularly welcome the use of funding for mentoring, the importance of which was underlined by Dame Elish Angiolini and her commission and referred to in the Justice Committee’s report on purposeful activity in prisons.

Community justice authorities have, of course, been involved in work on reducing reoffending. In its November 2012 report, “Reducing reoffending in Scotland”, Audit Scotland highlighted the fact that

“Many bodies are involved in reducing reoffending.”

It said:

“Eight CJAs were established ... to develop a more coordinated approach to delivering services for offenders and reduce reoffending.”

Its conclusion was:

“CJAs have brought people together, but the way they were set up and inflexible funding have significantly limited their effectiveness.”

Moreover, it damningly said that CJAs had

“made little progress in reducing reoffending.”

Change is therefore clearly required.

As the cabinet secretary has said, Audit Scotland also identified a need for

“stronger leadership at national, regional and local levels”,

and recommended that the Scottish Government needed to target money more effectively.

That recommendation is clearly important when we remember that, in 2010-11, the SPS, community justice authorities and the Scottish Government together spent an estimated £128 million on reducing reoffending. CJAs dispensed most of the money to local authorities—£37.8 million was spent on rehabilitation, including drug addiction programmes, and £11.9 million was spent on reintegration, including supported accommodation and employment services.

Among the other recommendations that Audit Scotland made were the need to be more flexible in meeting local needs and priorities and the need to ensure that allocations are more responsive to changes in demand.

As other members have said, three strategic options were identified in the consultation document. In considering that document and the responses to it, we need to ask which options will encourage flexibility and responsiveness.

Option A seeks to enhance the role of community justice authorities as a means of reducing reoffending by conferring on them responsibility for carrying out strategic commissioning and procurement of services and ensuring that they allocate funding on the basis of need, thus enabling them to move funds between constituent councils. That seems to meet the test of flexibility and responsiveness. However, option A also proposes that the CJA chairs be appointed by Scottish ministers and that one member of the local health board be included on the CJA board. I am not sure that that is quite so important, but I recognise that it might improve the overall operation.

Option A further includes the possibility of transferring responsibility for the operational delivery of criminal justice social work from local authorities to CJAs. CJAs do not deliver services; local authorities do. As Audit Scotland has stated, CJAs lack operational control, and priorities can easily become those of the local authorities involved, not the community justice authority. If multiple local authorities are involved, it might be

difficult to liaise effectively with them. Those criticisms are undoubtedly valid.

Option B would mean CJAs being abolished, with powers transferred to local authorities, which would have a statutory duty to work with other partners to deliver a statutory plan for reducing reoffending. Local authorities would be required to take account of the strategic planning of community planning partnerships. That all sounds wonderful in principle and certainly more joined up, but I am not sure how much difference it would make in reality.

I cannot ignore the irony of the situation in my constituency. Cupar sheriff court has been earmarked for closure, and criminal justice social service work in north-east Fife—in Fife Council’s jurisdiction—receives funding from the Fife and Forth valley community justice authority. Under the new court set-up, it will be necessary to work with a court system that is located in a different local authority area—and, uniquely in Scotland, as far as I can see—in a different CJA area.

On option C, notwithstanding efforts to streamline the provision of reducing reoffending services, as outlined in the single-service option, I assume that the single service would be required to produce 32 local plans. I note that the Scottish Government would expect local representatives of the Department for Work and Pensions and further education colleges to be involved in the development and delivery of reducing reoffending plans. I am not sure how that would work in practice. I accept, however, that grouping local delivery around the three federation model, as now employed by the Crown Office and the police, would have some attractions, but a single service led by a national social work service will certainly require significant cultural change.

I welcome the consultation, which has just closed, and I hope that the Scottish Government will carefully consider the responses to it.

16:03

Alison McInnes (North East Scotland) (LD):

We know that the economic and social cost of offending and reoffending is immense, and we pour so many resources into picking up the pieces. Lives are ruined, communities are blighted and potential is lost.

Considering those who are in our criminal justice system, we can see that we have failed to get to grips with the underlying problems—mental health problems, a history of abuse, addiction, poverty, exclusion from education and being in the care system. We know what lies behind the chaotic lives that lead to prison. Worse, we also know what makes a difference. Reoffending rates remain stubbornly high, however.

Liberal Democrats want safer communities, people brought to justice when they offend and robust community justice schemes. We also believe that everyone deserves a chance to get back on track. A robust but compassionate targeted community justice system that is flexible enough to respond to individual needs will benefit everyone in Scotland.

I agree with the cabinet secretary that the status quo is clearly not an option. The Angiolini and Audit Scotland reports both highlighted serious shortcomings in the operation of the community justice system, and the Justice Committee has seen clear evidence of failings in the system. The Angiolini report had some frank words to say about the lack of leadership up until now. For sure, it will take strong and sustained leadership, both nationally and locally, to make a difference.

Audit Scotland found a mismatch between the services that are provided and what we know works in tackling reoffending. It found that access to and availability of services varies significantly throughout Scotland. While CJAs have been successful in bringing people together, Audit Scotland reported that the way in which they were set up and the inflexible funding arrangements that are in place have limited their effectiveness. Audit Scotland concludes that funding for community justice services is particularly inflexible and does not encourage reductions in reoffending. Only a small amount of funding is currently available for local discretion, and the funding is based largely on historical activity.

The CJAs report to ministers and have regional budgets to dispense to local authorities, but they also have little discretion and a lack of clear governance arrangements. I acknowledge that good work is going on, but I cannot legitimately argue that what we have at the moment is the right model.

I agree with the Labour Party that although it is good to have an exploratory debate on this complex issue, it would be useful if we could come back to it once we have all had the opportunity to review the consultation responses.

Faced with the fact that a number of the other agencies involved—the Scottish Court Service, the Crown Office and Procurator Fiscal Service, the Scottish Prison Service and now the police—operate nationally, some might be tempted to say that we should also have a national community justice organisation. I am instinctively uncomfortable about that option. Like it or not, a complex web of societal interactions need to come together to prevent reoffending and ensure that community justice disposals provide both punishment and alternatives. A national agency—possibly remote and bureaucratic—is unlikely to be able to maximise those connections.

Audit Scotland made much in its report of the number of people round the table at CJA meetings. In fact, we need everyone working together. The real problem at the moment is that no one has the proper clout to bring about the change that is needed.

Criminal justice social work is rightly part of the local government family. We need to develop and build on those close links between criminal justice services, social work, education, drug and alcohol services, disability services and of course the third sector. Those connections have meant that there has been progress on tackling the root causes of crime. I am concerned that removing criminal justice social work from the local authority family would be expensive and disruptive and might lead to the loss of integration with other local services.

On the other hand, disbanding the CJAs completely and returning responsibility to our 32 separate local authorities will not address the current problems of poor integration and postcode-based justice services. What we need is a structure that facilitates a tailored, community-based response, while ensuring that a much more rigorous approach is taken to the standard of service that we should expect to see throughout Scotland. I am probably with Christine Grahame on this issue. None of the three options outlined in the consultation document seems quite to fit the bill. I suspect that the answer lies in a hybrid form of them.

It seems at this stage that the best way forward would be to reform the CJAs by ensuring that they have the right—indeed the responsibility—to plan, co-ordinate and monitor services in their area. Clearer governance, proper control of budgets and building on what is good in CJAs is likely to bring about change most effectively. However, there also needs to be a national strategy—one that sets standards and ensures equality of access to services, especially in relation to specific groups such as sex offenders, young offenders and women prisoners. Leadership needs to be provided nationally to champion all the change that needs to come about. It might be that a federation of the CJAs working in tandem with the Government could drive that forward; if necessary, we could have joint commissioning of regional specialisms at the same time. However, if we are to reduce reoffending drastically, at the heart of it all has to be local, community-based solutions.

Over and over again at the Justice Committee we have heard how patchy throughcare is for short-term prisoners because there is no statutory provision for them, yet we know that those prisoners are most at risk of reoffending. I genuinely urge the cabinet secretary to use this opportunity, this year, to extend statutory

throughcare to all prisoners. He would have our support for that.

Recent research by the Prison Reform Trust concluded that it is important for offenders to take responsibility for their own resettlement. Right now, there is no dialogue with or involvement of offenders or ex-offenders. We want that to change.

Although the Liberal Democrats are open to further discussion on the best way forward, we are clear that there must be improvements in how community justice services are funded, how performance is measured and how services for offenders are planned, designed and managed.

16:09

Sandra White (Glasgow Kelvin) (SNP): Perhaps I am the only one—I do not know—but I am pleased to speak in the debate. I take on board what everyone has said, but the more we discuss the community justice system, the better it is all round. I am sure that we will come back to a fuller debate.

I say that not only because I am a member of the Justice Committee but because I believe passionately in delivering a justice system that serves all the community and delivers a better outcome for victims, communities and offenders. It must also deliver positive outcomes for all, because that is what we are in the Parliament to do. It is difficult when we go out to communities and listen to the victims' stories, but it is also difficult when we go into prison and speak to prisoners who have experienced the revolving-door system and had a chaotic lifestyle, perhaps even from childhood.

It is important that we debate the redesign of the community justice system. It will be better for everyone in society, not only in our local communities.

A number of people mentioned the three options for the CJAs. Members will probably be glad to know that I will not mention those, but I will make a small point about CJAs. Perhaps it is a failing on my part—I really do not know—but I have never had any contact with my local CJA. No one from it has contacted me, and I could not tell anyone who the members are. Perhaps, if some other members tell me their experience of CJAs, I will be able to understand the options better. I am sure that we will get further into that.

I will raise two areas that a number of members have mentioned: throughcare and delivery, and mentoring.

Like other members of the Justice Committee, I recently went on a visit. I visited Barlinnie prison in Glasgow and, when I spoke to the officers,

agencies and prisoners, one thing came through clearly: the need for joined-up thinking and throughcare in relation to housing—which has been raised before—health and financial support. The prisoners I spoke to told me that, although they were visited by agencies that could provide housing, they received no advice about housing until they were released. When they turned up, there was no housing for them and they had to go into hostels. As Graeme Pearson mentioned, in some cases they were given sleeping bags. The prisoners told us that they did not want to go into the hostels because that would mean that they were going back into a life of crime and would have to sleep on the streets.

That must be looked at. I hope that the redesign of the community justice system will examine that in particular. I hope that it will also consider the simple matter of what time people get out of prison and how they can access social work and finance. It became clear that, although there are a number of agencies that do a fantastic job, they do not seem to meet together. There is a desperate need to look at the number of agencies, the services that they provide and whether there is joined-up thinking in throughcare.

The cabinet secretary mentioned the £7.7 million that has been given to extend the mentoring system. I am a great supporter of mentoring, as I have said in the chamber before. In particular, the extension of using prison staff and peer groups to mentor prisoners is a fantastic idea. That system provides support to vulnerable prisoners who lead chaotic lifestyles. It is not only about the prisoners but about the communities into which they are released and their families. Everyone in the Parliament should be extremely proud of the mentoring system and the fact that we are moving it on and delivering more.

Much has been said about reoffending. I take that on board, but we must also take on board the fact that progress has been made on tackling reoffending. The reoffending rates are at their lowest for more than a decade. Graeme Pearson mentioned the figures for 1999, which is more than 10 years ago. Recorded crime is also at a 37-year low.

We must also consider the fact that community payback orders, which members have mentioned, have been successfully implemented. Between April 2011 and March 2012, 10,228 orders were commenced. Although I realise that the system must be looked at, the whole-system approach for young people continues to be rolled out throughout Scotland, resulting in a decrease in the number of recorded crimes and offences committed by young people. There are positives, but we have to do something to move forward.

I think that we all agree that there is a revolving-door system and that, although progress has been made, we need to do something to stop that. As I said, I am pleased to speak in the debate, and I believe that the outcome of the consultation will go some way towards achieving proper community justice and stopping the revolving-door system, which is a blight not just on individuals but on entire communities.

16:15

Mary Fee (West Scotland) (Lab): Today's debate seems premature given that the consultation finished only two days ago and we are awaiting the responses and conclusions. However, like other members in the chamber today, I would like to give my views on the redesign of community justice in Scotland.

First, I express my disappointment that the Government motion makes no mention of the excellent work of the CJAs. I am expressing the views of members of the CJAs, who feel that their work is unappreciated and undervalued.

Looking at the three options that are proposed in the consultation document, I have concerns about how a national model will best meet local needs and reoffending patterns.

Sandra White: Perhaps Mary Fee will be able to educate me on the CJAs. She said that various members of CJAs had contacted her. Would she say that the CJAs work differently in different areas? As I said in my speech, no one from my local CJA has ever contacted me. I wonder whether the situation is different in various local authority areas.

Mary Fee: I think that CJAs work in broadly the same manner in different local authorities. I am perhaps fortunate in that I was a local authority member before I came to the Parliament, so I knew who the CJA members were. That may explain to Sandra White how I know about that.

Although most offenders come from the poorest backgrounds and communities, which often share similar levels of poverty, addiction and inequality, there must be a local focus that meets local needs in addressing crime and rehabilitation. Centralising the community justice system and creating a national body could remove the ability of local services and local authorities to develop the best action plans to reduce reoffending.

Although I agree that there must be reforms that improve efficiency and effectiveness, any changes should equip communities with the best tools and guidance on how to keep people out of prison, support families in need and create a safer country.

The Government's consultation is to be commended for reaching out to a wide range of stakeholders and partners. However, the three options that the Government outlined offer no guarantee of improved outcomes, and the case for such structural reform needs to be clearly outlined.

Christine Grahame: Can I tempt Mary Fee with option D?

Mary Fee: I thank Christine Grahame for her intervention—I will hold my decision on option D for a bit longer, if that is all right.

Before the debate, I had the opportunity to preview two responses from CJAs in West Scotland. The south-west Scotland CJA has concerns that the overall approach to redesign

"will not deliver the changes required, for a number of reasons".

It goes on to list the reasons for its concerns, stating that

"The redesign does not appear to be connected to other reforms or policy developments",

such as getting it right for every child, the road to recovery and health and social care reform, among others that it names. It states that

"The redesign has removed the opportunity to capitalise on the current momentum and positive direction of reducing crime, convictions, and re-offending"

and, most critically, that

"the whole consultation is based on a false premise that change will in itself deliver the required improvements."

The main theme of the south-west Scotland CJA's response is that none of the stated options will deliver the 15 key characteristics, support the four pillars of public sector reform or tackle the key barriers to progress.

The CJA offers instead its own model, which aims to retain the best existing arrangements and to continue to build on good progress and the expertise developed by CJAs, as well as address the barriers to progress that CJAs have individually and collectively experienced over the years since their inception. Once the Government evaluates all the consultation responses, I look forward to its response to the south-west Scotland CJA.

The north Strathclyde CJA also expresses concern that the consultation and redesign will reduce the current momentum towards reducing crime and reoffending. If we are serious about continuing that progress, the Government has to address those concerns as quickly as possible. Indeed, many of the concerns highlighted by the south-west Scotland CJA are shared by the north Strathclyde CJA. Another major issue with the redesign is the lack of costing provided so far, and

both CJAs link that with the warning offered by the Christie commission.

I turn from the consultation to discuss why we need strong community justice, an effective prison system and well-designed throughcare. Reoffending rates are too high, which is a fact that we are all too familiar with hearing. However, what is being done to reduce the rates? Freedom of information requests to the SPS show that a total of seven rehabilitation programmes are used in Scottish prisons. However, each prison will run no more than four of the seven and most will provide only one or two programmes, with limited spaces. When we consider the annual funding and the places provided, it is not surprising to hear that reoffending is at the level that it is. One programme receives annual funding of £188,000 for 52 places, which means that the total cost per prisoner is approximately £3,300.

Last month, I met a group of ex-offenders, and one of the key themes that arose from that was the lack of purposeful activity and joined-up working that they had experienced. For example, one ex-offender told me that he had decided to take up an education course to improve his chances of employment on release. He received £6 per week for attending the course, but if he had taken up a vocational course, he would have received £15 per week, with the possibility of a bonus. There is therefore no incentive to take up educational activity, which is deeply worrying, given the literacy levels in prisons. Also, when he completed the course, he was transferred between prisons and he has yet to receive his certificate, which prospective employers require. That is an example of the lack of joined-up working.

If we are serious about reducing reoffending, throughcare should start as soon as the offender enters prison, as many feel the need to reoffend on release because they have little support or money, or they do not have a home to go to. We on the Labour benches support the need for reform, but it needs to be reform that meets the needs of offenders, their families and the community as a whole.

16:22

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): It has been highlighted already that the total economic and social cost of reoffending in Scotland is about £3 billion a year. According to the Audit Scotland report on reducing reoffending that was published in November last year, we spend over £400 million every year on criminal justice-related services, with some £99 million of that going to the community justice authorities every year for the past five or six years.

Some of the key challenges that we face in Scotland are that we have one of the highest prison population rates in Europe and that approximately 30 per cent of offenders are reconvicted after a year. There are, however, a number of positives and the trends are favourable: recorded crime is at a 37-year low, having fallen by 26 per cent since 2006; offences by young people have fallen; and the reoffending rates are at their lowest level for 10 years. The stakes are pretty high. The cost to society of offending is massive and the public investment in tackling it is substantial. That level of investment must return higher dividends to us, and the time is right for the Scottish Government to move the agenda forward.

I am a member of the Public Audit Committee, which has looked at the reoffending issue a few times. We did so in September 2011 and again last November. In the 2011 report "An overview of Scotland's criminal justice system", the Auditor General said that,

"Although CJAs were established in 2007, there are no agreed measures to assess their performance or impact",

and he noted that funding arrangements were particularly complex in relation to the targeting of spend. As a result, CJAs tended to develop localised performance indicators, which made it difficult to establish a consistent picture on progress towards delivering on the national objective of reducing reoffending.

In last year's follow-up report, "Reducing reoffending in Scotland", Audit Scotland noted that none of the statutory partners who attend CJA board meetings is accountable to the CJA, which ultimately limits the effectiveness of the current model of delivery. Of course, that is not the fault of the CJAs themselves.

Audit Scotland made several recommendations, such as targeting spend at measures that are known to be effective, promoting collective responsibility among key players, co-ordinating work with the third sector and introducing clear lines of accountability, underpinned by effective monitoring of performance.

The recommendations are the natural next steps to take, seven or so years after CJAs were established, if we are to see the progress that I know we all want to see. I hope that the consultation on redesigning the community justice system will lead to our embracing the recommendations. Indeed, I am confident that all stakeholders will see the merit in moving in such a direction.

Over the past few years, my contact with the south-west Scotland CJA has been positive. We have an extremely dedicated and able convener in Councillor Peter McNamara, who is very committed to the task. I have been particularly

impressed by the work that has been carried out under his stewardship.

When I was elected in 2007, one of my first visits was to Bowhouse prison in my constituency, to see for myself the work that is going on to come up with a strategy to reduce reoffending. I met prison officers, council officials, voluntary sector staff, the local community justice authority team and an ex-prisoner, who talked openly about his experience of prison and his journey away from offending. If one message stood out for me that day, it was this: one of the most important factors in reducing the risk of reoffending is the maintenance, as much as possible, of the links between the prisoner and their family. Prisoners who maintain close relationships with partners and children are less likely to develop associations with fellow criminals, which might lead them to reoffend.

Audit Scotland gave several examples of what works. More holistic, person-centred approaches, which involve throughcare and support services, all have encouraging results in the context of reducing reoffending. Such interventions do not come cheap, but we know that they work. They will help us to achieve our goal and reduce the massive cost to the public purse that I mentioned.

I commend the work that is carried out by my local CJA and its partners. Despite the deficiencies that Audit Scotland and the Parliament's Public Audit Committee highlighted, the commitment that is given by everyone involved, even in the absence of clear governance arrangements, still gives me confidence that dedicated and capable people are at the heart of the criminal justice system in Scotland.

I make a plea to the cabinet secretary and the minister not to forget victims and families in the community justice system. It is not all about offenders; victims' needs and expectations are just as important. Given the funding that we channel into offenders services, I hope that victims of crime will also feel that they are part of the new community justice process.

I have no doubt that whatever model the cabinet secretary adopts, he will have teams of excellent people, who will all be determined to work towards reducing reoffending in Scotland and who will be backed up by clear expectations and strong governance arrangements, to assist them in their task. That will be crucial.

16:29

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I welcome the debate and, like Sandra White, I am quite happy to speak on an important subject. It is important to get the structure to deliver community justice right. As was stated at

the outset, the debate is an open one in which members can contribute their views, and it is good to know that the Government will take those on board.

Various levels of criminal activity make the lives of the people we represent a misery. It is appropriate that those who commit the most serious offences and who pose a danger to society face a period of incarceration. However, there is a vital role for community justice if we are to ensure that those who have caused damage to their community are in some way seen to be giving something back to that community.

In my area, the local authority has an effective restorative justice team. There are various examples of how it has ensured that offenders on community payback orders who have been referred to it work and give something back.

I want to speak about a positive example. The cabinet secretary is aware of it as he came to visit the Carron valley medieval fort that the Clanranald Trust for Scotland is building. The initiative will be important for educational purposes and local tourism and has involved a huge amount of work. I was pleased to see that North Lanarkshire Council has allowed its restorative justice team to assist the trust in making—I should give it its proper name—the Duncarron fort a reality. Indeed, even Falkirk Council has contributed in that way, too.

I mention that not only because it allows me to highlight an important project in my constituency—which is always positive—but because my experience of the restorative justice teams' engagement with the project has demonstrated how that method can work. Those who were involved through that mechanism not only were giving something back to their community, as I mentioned; some of them learned something about themselves. Some of those who were sent there under a community payback order returned once their sentence was complete. That is important to mention, because it demonstrates that community justice can rehabilitate, too.

Often, community justice is seen as the soft option. I do not accept that: it is an effective mechanism for delivering justice. We know that prison does not always act as an effective deterrent to reducing reoffending. Therefore, we must be prepared to do something else, and it is good that the Scottish Government has embraced the concept of community justice.

In the introduction to the consultation paper, the cabinet secretary wrote:

"Public spending should aim to prevent rather than only react to crimes and harms. This approach will lead to better results in the long term for individuals, families and communities and save money for the public purse."

I entirely agree. The Scottish Government has set out that reoffending rates are at the lowest for a decade and Rod Campbell pointed out that recorded crime is at a 37-year low. We should not only celebrate that fact but look to build on that record. Therefore, it is right to look at the structure for delivering community justice.

Reference has been made to the Audit Scotland reports, the commission on women offenders report and the consultation paper. I am also aware that the Justice Committee published in March its "Inquiry into purposeful activity in prisons" report. It is clear that the work that the Scottish Government is undertaking to redesign community justice is not being done in isolation; rather, it is building on work that has gone before it. I hear the concerns about the timing of this debate—I appreciate that it was mild criticism—but I think that we should be rather relaxed about having the debate today.

I turn quickly to the three options that are set out in the paper. Option A is the enhanced CJA model. Malcolm Chisholm made the point that that would avoid institutional upheaval. That said—Sandra White made this point too—I am not entirely convinced that CJAs are very visible entities. I am not particularly aware of the CJA that covers my area.

Option B is the local authority model. Clearly local authorities are very visible entities and have a clear line of accountability. However, Colin Keir asked the fair question whether they are equipped to provide all the necessary support.

Option C is the single service model, which Elish Angiolini has posited. Given her reputation, we have to take it seriously.

All the approaches have merits, as might option D. I am afraid that I am going to sit on the fence just now, but I look forward to the Scottish Government taking this work further forward and to seeing what type of model emerges. I wish the cabinet secretary well in that task.

The Deputy Presiding Officer (John Scott): We move to closing speeches. I call Annabel Goldie, who has six minutes or thereby.

16:36

Annabel Goldie (West Scotland) (Con): I welcome both the Scottish Government's recent consultation and this afternoon's debate on redesigning the community justice system. That matters not only because more and more offenders are being punished within the community but because it relates directly to Scotland's eight community justice authorities, the sole purpose of which is to reduce reoffending in Scotland.

As a number of members have noted, reoffending is a both worrying and costly problem in Scotland. Margaret Mitchell was right to reflect that in her amendment, which I support. Why is it worrying? It is worrying because nearly one in three offenders is reconvicted within a year. Why is it costly? Despite spending £128 million annually in an attempt to reduce reoffending, the Scottish Government estimates its economic and social cost to be around £3 billion a year.

I am pleased that the Scottish Government accepts that reform is necessary. The Audit Scotland report, to which many members have referred, concluded that the way in which CJAs were set up, along with inflexible funding, have "significantly limited their effectiveness." The report was remarkably blunt and concluded that CJAs

"have made little progress with reducing reoffending."

Identified shortcomings include a lack of incentive to reduce reoffending, complex management arrangements, a short-term approach to funding and a lack of assessment of CJA performance. Those are serious criticisms.

The Scottish Government has put forward three proposals for reform, each of which has advantages and disadvantages. Like the Government, I, too, will wait for the consultation responses before indicating a preferred option. However, I would like to make three general observations.

First, the priority of any future model must be to direct resources to what works in reducing reoffending. As the Audit Scotland report notes:

"There is a mismatch between what is currently being delivered and what is known to be effective."

That is damning, so we need to ensure that the new model is much more clearly focused.

Secondly, I suggest that the Scottish Government must learn from its mistakes in driving through the reform of the police service despite justified criticism. It must seek to carry all the relevant agencies and, I would suggest, the Opposition parties, with it in the process. I welcome the Government's apparent willingness to take time to get this right. It is helpful that this debate has been called before any firm decision has been made.

Thirdly, I suggest that the Government should not restrict itself to the three options proposed for reform. Perhaps in summing up the minister will indicate whether the Government has considered more radical reform. For example, there is clearly room for improvement in throughcare. Christine Grahame, Colin Keir, Graeme Pearson and Alison McInnes all made what I thought were helpful and reflective contributions in that respect. Has

consideration been given to the creation of one body with overall responsibility for reducing reoffending both inside and outside prison?

It would be remiss of me not to look back at the creation of the system that we are debating today. I was convener of the Justice 2 Committee, which considered community justice authorities back in November 2005. My party was the only party in this chamber to vote against the bill that introduced them. We did so for two reasons.

First, we took the view that insufficient time had been afforded to assess the regime that CJAs replaced, which had been established in 2002. By 2005, it was already proving to be useful in effectively co-ordinating activity and co-operation between agencies. My party worried about unnecessary bureaucracy. Eight years down the road, we are debating whether CJAs are fit for purpose.

Back in 2005, the view was taken—and has been embraced by the Scottish National Party—that because reoffending rates were slightly lower for those who were given community sentences than they were for those who were given custodial sentences, more offenders should be dealt with in the community.

My party has no principled objection to robust community sentences, which are cheaper and can be more effective than a prison sentence for some crimes, but we do not support the use of community sentences as a means of emptying our prisons of violent and dangerous individuals who should be locked up for the protection of the law-abiding majority. We fundamentally disagree with the SNP's analysis that, because reoffending is lower with community sentences, more and more offenders should be spared prison. That is like saying that, because lambs in fields do not attack people, we should put more lions into fields—it is perverse logic. It is not the community element that reduces reoffending; it is simply that less serious offenders are given community sentences, so the risk of reoffending is lower.

The second reason why my party opposed the Management of Offenders etc (Scotland) Act 2005 was that it introduced home detention curfews and did so under the much-discredited automatic early release regime. I lodged amendments to try to end that practice, but I am afraid that the Labour and SNP members of the committee voted against them.

As I was looking back at the passage of the 2005 act, I came across a statement by a substitute member of the committee, who agreed with my approach on automatic early release. He told me:

"I have a great deal of sympathy with what you are trying to achieve".

He added:

"We would all agree that we wish that we were not where we are. We are not in the chamber so, to some extent, who did what and when does not matter. What matters is what we are going to do about it. Lawyers are all aware of the differences: 50 per cent for those serving under four years and two thirds for those serving more than that. The public, however, are baffled; they simply think that whether the sentence is six months, two years or 12 years, what you see should be what you get."—[*Official Report, Justice 2 Committee*, 27 September 2005; c 1688.]

I wonder whether the Cabinet Secretary for Justice, Kenny MacAskill, still stands by the comments that he made eight years ago.

16:42

Jenny Marra (North East Scotland) (Lab): I reiterate what other members have said about the timing of today's debate. Two days after the closure of the consultation is perhaps a little too soon to debate the redesign of the community justice system properly, because expert opinion on the matter is crucial. Under any restructuring of the system, the difference will be made by those who deliver services in our communities—those who work day in, day out with some of the most vulnerable members of our society. Those people who do the work know how to get the results, so it is important that we inform ourselves of their opinions.

If we are to transform lives, to drive down the cost of reoffending and to avoid incarceration rates growing in the way that has been predicted, we must build a system that is more integrated than ever before with health, social work and education systems, not least in our poorest communities.

The economic and social cost of reoffending cannot be overestimated, nor can it be teased apart from the wider social problems that are faced in our most deprived areas. It is not coincidence that 40 per cent of prisoners come from the very poorest communities of Scotland. We can be in no doubt that the staggering £3 billion cost of reoffending will affect those areas the most.

To tackle reoffending is to build a system that creates not just meaningful second chances, but meaningful first chances. To ask how we tackle reoffending is to ask why the first person whom a released prisoner meets outside the prison gates is the same drug dealer who helped them end up in jail in the first place. To ask how we tackle reoffending is also to ask how we overcome childhoods that have been blighted by the trauma of neglect, abuse and substance misuse; how we build an education system that empowers every child with the ability to learn not just the facts of the world around them, but how they can shape their own world; and how we build a health service

that not only treats illness and addiction but teaches us how to make healthy choices. That is the scale of the challenge that we face, and it is Labour's starting point in this debate.

We need change that is expert led, integrated and driven by innovation in every aspect of our public services. So, when we are asked to debate the restructuring of the community justice authorities without the benefit of the evidence, we are not satisfied that that is the best approach, and neither are the CJAs themselves. As Mary Fee says, there is disquiet among the community justice authorities about the timing of this debate. In response to the Government's motion, on which we will vote at decision time today, Howard Llewellyn, the chief officer of Tayside community justice authority, says:

"It does not seem unreasonable to infer from the absence of an expressed commitment in the motion by the Cab Sec to continue to work with CJAs as well as the other partners referred to that there is no intention to do so and that therefore the CJAs are 'dead'."

Kenny MacAskill: Did the member not listen when we said quite clearly that the proposal—whether it is A, B or C—would not come into effect until the spring of 2016? Given that that is the case, CJAs will need to continue operating until then. To suggest that they are dead when we are only in the spring of 2013 is, frankly, fanciful.

Jenny Marra: Fanciful or not, those are not my words but the words of a leader of a community justice authority, and they are a response to the cabinet secretary's motion. Mr Llewellyn continues, making a pertinent point about the timing of the debate:

"This is an extremely disappointing message especially so soon after the closure of the consultation process upon which so much effort has been spent by those of us who believed the Cab Sec's and his officials' assurances that no assumptions had been made and who believe in the potential for CJAs to rise to the challenge if enhanced appropriately."

It is important that, as Lewis Macdonald said, we debate the issue again once we have all had a chance to digest the consultation responses.

Christine Grahame: I spoke about enhanced and expanded CJAs with oversight at a national level. I wish that Jenny Marra would refer to my D option, because I think that it could be the solution. I certainly did not say that I wanted to get rid of CJAs.

Jenny Marra: I am reading the response of the leader of a community justice authority. I very much appreciated Christine Grahame's speech, in which she outlined a number of options. As Labour has outlined today, we need to see the evidence first before we explore any of the options and come to any decision on what option we should choose.

The options raise a number of questions. If we opt for a local authority model, how can we be sure that funding will be targeted to the areas that need it most? I raised that issue with the cabinet secretary in my intervention during his opening speech. How can we ensure, under that model, that innovative programs are shared between local authorities? How can we ensure that they will be sustained under a funding arrangement that is devolved to local authorities when, currently, 83 per cent of cuts are at a local authority level? The cabinet secretary assured me that he would answer all those questions. If the Government's preference is to centralise the system, which is implied in the motion, how can we ensure that central control does not stifle local expertise? *[Interruption.]*

I hear qualms being expressed on the SNP benches, but those are all legitimate questions.

How do we make community justice authorities integrate better with the local health practitioners, alcohol and drug partnerships and social work services when their jurisdictions are all different? That point was very well made in Rod Campbell's speech. He highlighted the implications of the Government's wider programme of justice reform and the effect that the proposed closure of Cupar sheriff court will have on integrated services to reduce reoffending, as cases from north-east Fife will be heard in Dundee, which is outwith the local CJA area, the health board area and the local authority area. The Government must consider these reforms in the round. Labour raised that point in the courts debate last week and we emphasise it again today.

Malcolm Chisholm and Annabel Goldie reminded us that we have had this debate before, when the CJAs were set up. Perhaps the challenge that we face again with the options in the consultation is in striking a balance between council and Government control and where the power lies.

Kenny MacAskill: On the specific matter of Cupar sheriff court, it may interest the member to know that, when I met David O'Neill of COSLA and I mentioned the proposed closures, he made the point that, as the leader not only of COSLA but of North Ayrshire Council, he has no court in his council area but people there cope quite well and do not miss having a sheriff court. Does Jenny Marra disagree with David O'Neill?

Jenny Marra: That is beside the point. Lucky him if the court reforms do not affect his area. The point that Rod Campbell was making is that court cases will be heard in a jurisdiction outwith the control of the local health service, the local authority and local social services. That does not make sense if we are trying to improve community justice.

I welcome the cabinet secretary's invitation to discuss the matter outwith the chamber. We very much look forward to that meeting after we have all had a chance to digest the consultation's findings.

16:51

The Minister for Community Safety and Legal Affairs (Roseanna Cunningham): I am grateful to members for their speeches in this afternoon's debate, which I think has been productive. It is clear that reducing reoffending and protecting victims and communities from crime is a high priority across the chamber. I suspect that Malcolm Chisholm had it right when he said that there is unanimity on the nature of the problem.

I recognise the good work that has been and continues to be done by our community justice partners. Working with offenders can be very demanding, as they often have complex and entrenched problems. Changing their behaviour to help them to make a positive contribution to their families and communities and to make reparation for their crime requires a professional, competent and very skilled workforce. We must continue to support and empower practitioners, managers and leaders in the public and third sectors who work in that important area—I recognise that it cuts across both sectors.

We cannot ignore the serious issues that have been highlighted by reports from Audit Scotland and the commission on women offenders. Those reports have identified a lack of strategic leadership, the absence of robust accountability arrangements and the need for a more strategic commissioning of services that are based on what works. It is crucial that structural arrangements support rather than hinder those who work in community justice if we want real and lasting improvements.

A redesigned community justice system should meet the needs of offenders and their families, deliver services that are evidence based and cost effective, and have the confidence of the judiciary and local communities. Engagement with partners across the whole public sector is critical. Reducing reoffending is a matter not just for criminal justice but, as many members have flagged up, for those working in mental health, addiction, employment and housing. All those services have a key role to play.

In addition to changes to the existing arrangements for the planning, management and delivery of offender services in the community, a host of other work is under way to reduce reoffending, and that work will continue. Under phase 2 of the reducing reoffending programme, we are establishing a community justice centre for

women who offend. We are also introducing changes to existing funding arrangements to give more flexibility to local partners to commit resources to what works to reduce reoffending, and we are reviewing voluntary throughcare services for offenders in custody and on their release into the community. All those aspects of the programme were raised by members throughout the debate.

All of our activity is underpinned by a strong preventative approach, whether that is diverting minor first-time offenders out of the criminal justice system or using the proceeds of crime to fund facilities and activities for young people who are at risk of turning to a life of crime.

As most members here will agree, effective prevention and early intervention can make a positive difference. Such an approach has the potential to bring not only long-term savings for the public purse but benefits to individuals, their families and communities. Of course, that approach does not go without criticism, and we must be robust in our defence of how important it is. When prevention and early intervention are brought into play, they are not a soft option but an important part of all the tools that are available to us. The importance of early intervention was articulated strongly during the consultation exercise.

As members will know, the consultation exercise ended only a few days ago. We held 13 events across Scotland and heard the views of more than 550 people. I could hardly pre-empt and summarise all those views, but I can tell members that the discussions were insightful and well informed and they will play an important part in our consideration of the way forward. Before the summer recess, we plan to publish a report summarising the findings from the consultation events, but members should be reassured that the discussion is continuing. Indeed, today's debate is part of that.

Annabel Goldie: Can the minister confirm whether the Government's approach is restricted to the tripod of options in the consultation document? Is there a willingness slightly to look outside that envelope?

Roseanna Cunningham: If Annabel Goldie is a little patient, I will come to that aspect.

I think it fair to say that most members will agree that, in Alison McInnes's words, the status quo is not an option, although I detected a departure from that in Mary Fee's speech. As Lewis Macdonald rightly articulated, a key point in the debate is whether the delivery of the various services needs a single national service or better local responses, and each option has its merits. I can reassure him that MAPPA funding will

continue irrespective of the approach adopted, because the management of serious offenders remains a Government priority. Margaret Mitchell made a fair point about the almost guaranteed duplication that arises out of the many different agencies that are involved at present.

Members across the chamber grappled with the real difficulty of achieving the right balance between localisation and central direction—Margaret Mitchell, Christine Grahame, Malcolm Chisholm and others mentioned that. I know that Malcolm Chisholm recognises the tensions that exist in that debate, as we have had some interesting conversations on Twitter precisely about the issue of centralisation versus the criticism of having a postcode lottery, which tends to come with localisation. We all have to be mature about that debate.

On fine collection, Margaret Mitchell rather skated over the fact that a great deal of the money that she mentioned would go to the Treasury and would not be available to us to do what she wanted. On her specific question about the timing of the CPO evaluation, I can confirm that that will not be completed until November 2014. I am sure that she would not want us to hold things back until then, but we will consider any learning from it that we can.

Christine Grahame reminded us that all the good work that is done in prisons can be undone when there is no joined-up delivery on the outside. She also introduced an ad hoc option to the list that she will not allow us to forget.

A number of members, including Colin Keir, drew attention to the problem of working in silos. Colin Keir also raised a point about people being released from prisons that are far away from their local communities, which creates difficulties for joining up services. Other members, including Graeme Pearson and Rod Campbell, also mentioned their own experience of the problem.

Annabel Goldie asked about the options. I think that she may have given some succour to Christine Grahame about her ad hoc option. Without committing the Government only a few days after the consultation has closed, I can say that other options, or even hybrid options, are still open for consideration. That is why we are having today's debate.

I am sorry that Jenny Marra introduced a rather discordant note at the end of the debate. In the main, the debate has been profoundly productive and positive, and there will be further debate before any legislation is introduced. Today's debate has been thought provoking, I thank all members for their contributions to it, and I hope that we can continue to work together

constructively in the future. With that, I draw my remarks to a close.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There are four questions to be put as a result of today's business. The first question is, that motion S4M-06450, a motion of condolence, in the name of Alex Salmond, be agreed to.

Motion agreed to,

That the Parliament expresses its deep regret and sadness at the death of Brian Adam MSP; offers its sympathy and condolences to Brian's family and friends, and recognises the significant contribution that he made to Scotland's public and political life through his years of dedicated service in the Scottish Parliament and as a champion of Aberdeen and the north east of Scotland.

The Presiding Officer: I remind members that if the amendment in the name of Lewis Macdonald is agreed to, the amendment in the name of Margaret Mitchell will fall.

The next question is, that amendment S4M-06433.2, in the name of Lewis Macdonald, which seeks to amend motion S4M-06433, in the name of Kenny MacAskill, on redesigning the community justice system, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)

Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)

Against

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

Abstentions

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 36, Against 62, Abstentions 13.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S4M-06433.1, in the name of Margaret Mitchell, which seeks to amend motion S4M-06433, in the name of Kenny MacAskill, on redesigning the community justice system, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Davidson, Ruth (Glasgow) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)

Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (North East Scotland) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 13, Against 99, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S4M-06643, in the name of Kenny MacAskill, on redesigning the community justice system, be agreed to.

Motion agreed to,

That the Parliament acknowledges that solid progress has been made in tackling reoffending and commends the work of local community justice practitioners in achieving this; notes the recent reports from Audit Scotland and the Commission on Women Offenders that highlight shortcomings in the community justice system; further notes the publication of the Scottish Government's consultation document, *Redesigning the Community Justice System*, and looks forward to an analysis of the responses; agrees that the status quo is untenable, and recognises the importance of continuing to work constructively with COSLA, the Society of Local Authority Chief Executives and the Association of Directors of Social Work to put in place arrangements that support strong leadership and robust accountability and bring together the public and voluntary sectors to deliver better outcomes for victims, communities and offenders and their families.

Meeting closed at 17:03.

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