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Official Report

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Thursday 13 June 2013

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Scottish Parliament

Thursday 13 June 2013

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

General Question Time

The Deputy Presiding Officer (John Scott):

Good morning, everyone. The first item of business is general questions. In order to get in as many people as possible, I would be grateful if we could have succinct questions and answers.

Scottish Islands Renewables Project

1. Mike MacKenzie (Highlands and Islands)

(SNP): To ask the Scottish Government what its response is to the final report of the Scottish islands renewables project. (S4O-02252)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The Scottish Government welcomes the independent Scottish islands renewables project report, which the Scottish and United Kingdom Governments published on 15 May. It confirms that, as many of us in Scotland already know, the renewable energy resources of the Western Isles, the Orkney Islands and the Shetland Islands are significant and can make a cost-effective contribution to 2020 renewables and decarbonisation targets.

The report confirms that, with the right policy and regulatory approach, the islands can help to ensure security of supply and supply diversification and can provide up to 5 per cent of Great Britain's total electricity demand by 2030. It also confirms that there are significant socioeconomic benefits from developing island renewables.

Mike MacKenzie: Does the cabinet secretary consider that the northern isles and the Western Isles have the best of all opportunities for marine and wind energy and that, if they were not connected to the mainland, they would be prevented from fulfilling their potential? If they were not connected because of a lack of support from the UK Government, would that Government, in a literal sense, be cutting off those islands and their residents from those massive opportunities?

John Swinney: Mr MacKenzie is absolutely right about the scale of the opportunity that exists to capture the natural energy potential in and surrounding the Western Isles, the Orkney Islands and the Shetland Islands. There is potential to create up to 3,500 jobs in the Western Isles, almost 2,900 in the Shetland Islands and more than 4,500 in the Orkney Islands by 2030.

It is essential to take the necessary steps through the electricity market reform process, to which the Scottish Government has contributed constructive suggestions about an islands uplift in the contracts for difference proposals that will be considered as part of the exercise. We are working closely with the UK Government to reach an agreement that will create the opportunities to realise the abundant energy potential in our northern and western islands.

Liam McArthur (Orkney Islands) (LD): Does the cabinet secretary agree that, following on from the working group's excellent report, it is worth pursuing in the work that is done with the UK Government the idea of the Crown Estate underwriting some of the risk and cost of putting in place the cable infrastructure that is needed to support renewables not only in Orkney but in the Western Isles and Shetland?

John Swinney: Mr McArthur raises a fair point. That issue can be pursued. As he knows, the Crown Estate is not accountable to the Scottish Parliament—it is reserved—but the issue that he raises should be examined and explored as part of the constructive discussions that we are having to try to resolve the issues.

There is clearly a financial gap and, if we could close it through the suggestions that we have made about an islands uplift under contracts for difference, the suggestion that Mr McArthur made or a combination of the two, all the individuals whom he represents would welcome that. That would certainly be welcomed by the Scottish Government as an indication of how we can take forward investment proposals to realise and harness our renewable energy potential.

The Deputy Presiding Officer: Chic Brodie was to ask question 2, but he does not appear to be here. I will seek an explanation from him by the end of the day.

Superconnected Cities Initiative (State-aid Rules)

3. Colin Keir (Edinburgh Western) (SNP): To ask the Scottish Government what the implications are for the ambitions set out in "Scotland's Digital Future: A Strategy for Scotland" of the United Kingdom Government's superconnected cities initiative funding for Edinburgh not meeting state-aid rules. (S4O-02254)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): The Scottish Government is extremely disappointed that the UK Government has been unable to secure state-aid clearance for key aspects of its superconnected cities scheme. As a result of that failure, projects in Edinburgh, Aberdeen and Perth will no longer

deliver ultrafast broadband access through the scheme. That could make the achievement of our national infrastructure ambitions more challenging.

However, we are collaborating with Scotland's cities on a range of digital initiatives through the Scottish cities alliance. A key part of that work will be to ensure that any future funding for broadband in cities is planned properly from the outset, in conjunction with the European Commission, to ensure full state-aid compliance.

Colin Keir: Does the cabinet secretary agree that, although the superconnected cities initiative is well intentioned, it has involved a huge waste of public funds because of the Westminster Government's apparent lack of awareness of state-aid rules, which has resulted in my constituents in rural west Edinburgh, in places such as Kirkliston, not having the broadband connection speeds and infrastructure that they were promised and which they deserve?

Nicola Sturgeon: I agree that, although the superconnected cities scheme was undoubtedly well intentioned, there appears to have been a lack of foresight and a lack of planning on the UK Government's part to ensure that the scheme was state-aid compliant. The last-minute redesign of the programme has placed enormous pressure on Edinburgh, Aberdeen and Perth, which, at very short notice, have had to refocus their plans on city wi-fi and voucher schemes for small and medium-sized enterprises.

We have supported and will continue to support the City of Edinburgh Council through the process, and we remain hopeful that the redesigned proposals will still deliver benefits for the city. However, the lack of infrastructure remains disappointing. I should say that west Edinburgh remains in our step change programme, which should help us to enhance broadband speeds in the area.

As I said in my original answer, we are working with the Scottish cities alliance on a project to map digital infrastructure across Scotland. That will give us a basis on which to plan future investment, which we will ensure is state-aid compliant.

Scamming

4. Graeme Dey (Angus South) (SNP): To ask the Scottish Government what action it is taking in conjunction with local authorities to tackle scamming. (S4O-02255)

The Cabinet Secretary for Justice (Kenny MacAskill): We are firmly committed to tackling the problem of scamming, which often targets the most vulnerable members of our society. Everyone has the right to feel safe in their community and it is unacceptable for people to feel intimidated on their own doorstep or in their

own home, as is invariably the case with such crime.

The Scottish Government and the Scottish business resilience centre are working on a project that is chaired by Chief Inspector Ronnie Megaughin of Police Scotland. The project will engage with all 32 local authorities across Scotland to ensure consistency of practice, maximum protection for adults who are at risk of financial harm and greater collaborative efforts by all key stakeholders in the public and private sectors. The project will build on the wealth of good work that is under way across Scotland. We all need to work together to prevent scams and to protect the vulnerable.

Graeme Dey: I draw the cabinet secretary's attention to an initiative that Angus Council is to launch tomorrow. I believe that, in launching scam-free Angus, Scottish National Party-led Angus Council is the first local authority to adopt a specific policy on financial harm that will involve cross-departmental and multi-agency co-operation. That is aimed particularly at protecting the most vulnerable adults.

Will the cabinet secretary join me in welcoming that initiative? Will he encourage other councils to do something similar?

Kenny MacAskill: I welcome the initiative. I am aware—not just as the Cabinet Secretary for Justice but as a constituency member—of the harm and trauma that are caused, especially to the vulnerable, by the often sophisticated scams that are carried out. We fully support the excellent work that Angus Council is doing.

It is important that we take on board the important role that trading standards officers and local authorities perform. We are working with the Convention of Scottish Local Authorities on the issue, and I hope that the Angus approach will be integrated.

I have been involved in activity on the issue, and I pay tribute to outgoing Assistant Chief Constable Angela Wilson, who raised matters to do with sophisticated scams that we, as an Administration, took on board. We did so in conjunction with Police Scotland and some financial institutions, which, along with trading standards officers and local authorities, have an important role to play.

We are talking about sophisticated and deeply hurtful crimes that are perpetrated on the vulnerable. We all have a duty to protect those people, so I am grateful to the member for raising the issue and to his council colleagues for their actions.

The Deputy Presiding Officer: Question 5, in the name of Ken Macintosh, has not been lodged, but an explanation has been provided.

Open Market Shared Equity Scheme

6. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the Scottish Government what steps it is taking to promote the uptake of the open market shared equity scheme in rural areas. (S4O-02257)

The Minister for Housing and Welfare (Margaret Burgess): The Scottish Government has procured the services of five registered social landlords to administer the open market shared equity scheme throughout Scotland. The scheme is being promoted to all first-time buyers through local authorities, advice agencies, local financial advisers and estate agents. Some registered social landlords plan national newspaper advertising in the summer, and other media advertising is planned for the autumn.

Alex Fergusson: I am grateful for that response, but I am sorry to say that the scheme does not appear to be working—at least not in my constituency. Is the minister aware that, since 2009, there have been just 79 shared equity purchases in Dumfries and Galloway, of which 62 were in Dumfries town, but only five were in Galloway and only two were in communities of fewer than 8,000 people? Does she agree that there is not enough flexibility in establishing the scheme's threshold prices, that the scheme is not being promoted enough—at least not throughout my region—and that it is not working as it should? Will she look into what improvements could be made to the scheme to ensure that my rural constituents are given an equal opportunity to get a foot on the housing ladder?

Margaret Burgess: We are aware of the challenges that relate to the delivery of affordable housing in rural areas and island communities, where small numbers can make a difference. Although a number of other Government initiatives are specifically for rural areas, we will continue to look at the matter. I am more than willing to discuss in more detail the open market shared equity scheme with the member, but we think that the 10 per cent uplift in the threshold has taken account of rural areas.

Shale Gas

7. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government what it is doing to exploit the potential of Scotland's shale gas reserves. (S4O-02258)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Proposals for coal-bed methane or shale gas production in Scotland will be studied on their merits. Each proposal will be considered through the normal planning process and under the appropriate regulatory regimes, including the

Scottish Environment Protection Agency's guidance on the regulation of shale gas and coal-bed methane, which was published in December 2012. The Scottish Government will continue to support Scottish companies in the oil and gas supply chain to utilise their world-leading skills, knowledge and expertise in the development of opportunities that are presented across Europe and further afield.

Murdo Fraser: This week's report from the United States Energy Information Administration states that the United Kingdom's technically recoverable shale gas reserves are 26 trillion cubic feet—10 times our annual gas demand—of which a reasonable chunk is in Scotland. The Institute of Directors previously estimated that 35,000 jobs could be created from this new industry. Given that, in the US, shale gas has delivered a 50 per cent cut in wholesale energy costs, a reindustrialisation of the economy and a cut of millions of tonnes in carbon emissions, will the Scottish Government be enthusiastic about pursuing the new opportunity?

John Swinney: As Mr Fraser knows well, the Scottish Government's approach is designed to support and maximise sustainable investment in our economy. We will continue to take that approach.

As I said, individual applications for the development of shale gas reserves will be studied on their merits and considered through the due process that the existing arrangements in Scotland provide. The Government and its regulatory authorities will give due consideration to any approaches that are made.

It is essential to rely on substantive and quality information about the availability of resources and the manner and the practicalities of exploiting resources, which will be an implicit part of the assessment when each application's merits are considered.

Elaine Smith (Coatbridge and Chryston) (Lab): Following an outcry in the Moodiesburn area of my constituency about shale gas exploitation, will the cabinet secretary guarantee that communities' views will be fully considered and taken into account, with proper consultation processes, before decisions are taken on granting permissions for such controversial gas extraction schemes?

John Swinney: In response to Mr Fraser, I emphasised clearly the importance of undertaking due process to ensure that applications are properly considered. That is because I recognise the issues and concerns that Elaine Smith raises on her constituents' behalf.

Two types of scrutiny would apply to any application in Scotland—one relates to the local

authority and one relates to SEPA. There is, of course, a separate licensing process that the Department of Energy and Climate Change in the United Kingdom Government presides over. In the SEPA and local authority processes, there are clear expectations about the level of consultation that is required to be undertaken with communities, to ensure that the concerns that Elaine Smith raises are properly and fully considered. I certainly want to be confident that all authorities would take that approach, which is consistent with their existing responsibilities and obligations.

Greenhouse Gas Emissions

8. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government whether the Scottish greenhouse gas inventory will show that the emission target for 2011 has been reached, and whether the shortfall resulting from the missed target in 2010 has been compensated for. (S4O-02259)

The Minister for Environment and Climate Change (Paul Wheelhouse): Official statistics on emissions of greenhouse gases in Scotland were published on 7 June 2013. Unadjusted figures show that Scotland's direct emissions fell by 9.9 per cent between 2010 and 2011. However, once the effect of emissions trading was factored in, the net Scottish emissions account fell by only 2.9 per cent. The result is that Scotland's statutory climate change target for 2011 has been missed by 0.848 million tonnes of CO₂ equivalent.

Annual fluctuations in emissions are to be expected, but Scotland's long-term trend is in the right direction: emissions are down by more than a quarter since 1990. When the targets were set, a 23.9 per cent reduction in 2011 after adjusting for emissions trading was envisaged; we actually achieved a 25.7 per cent reduction. To compare like with like, we have cut emissions more than any country in the European Union 15.

The Scottish ministers plan to publish the finalised second climate change report on proposals and policies—RPP2—on 27 June. That report will show how we can compensate for the excess emissions in 2010 and 2011 over the longer term.

Patrick Harvie: The short answers being no and no, does the minister accept that that news justifies the view that many have expressed that ambitious climate change targets can be achieved only with a radical change of policy, or does he imagine that the Scottish Government can carry on building every road, expanding every airport and even burning Mr Fraser's 26 trillion cubic feet of shale gas, and climate change emission cuts will happen by wishing for them?

Paul Wheelhouse: I am not sure whether Mr Fraser actually owns the 26 trillion cubic feet of shale gas, but he can respond to that point himself.

The serious point is that we recognise the severity of the challenges that we face globally and in Scotland to achieve what are still the world's leading climate change targets, as I said on the record the other day, and we still have world-leading ambition. We recognise that we have to deliver. As I said, and to pick up the point about saying no and no, RPP2, which is in draft form and will be finalised later this month, will show that we can recoup the lost ground over the longer term. We can address the emissions overshoot.

Mr Harvie should recognise—I think that I made this point to him earlier this week—that we face a situation in which the baseline in 1990 has moved by about 2.5 megatonnes, but we missed the target this year by 0.848 megatonnes. As I said, we have had a faster rate of descent than was envisaged for the percentage reduction by 2011. We have to do more, the Government is committed to doing more and we will do our best to demonstrate that on 27 June.

Ministry of Defence (Procurement Rules)

9. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what impact Ministry of Defence rules for procurement of naval vessels will have on jobs in Scotland. (S4O-02260)

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): I understand that the objective of the MOD's rules is to incentivise cost efficiency in order to boost exports. As Bill Kidd will be aware, the shipbuilding workforce on the Clyde is highly efficient and renowned for the quality of its work. I would therefore expect it to be very well placed to benefit from any environment that enhances and emphasises those qualities.

Bill Kidd: As the MOD currently procures equipment from overseas, including France—where Thales, which is a company with a significant presence in Glasgow and which is a major supplier to the British Navy, is located—may I suggest that a fear factor is being thrown into the equation in order to suggest that leading companies with highly skilled workers in Scotland would be barred from bidding for and receiving orders from the MOD following independence?

Nicola Sturgeon: Yes—I absolutely agree with that. As members know, I used to represent Govan shipyard in the Parliament, and I know that the skill and efficiency of its workforce will equip that shipyard to compete, and compete successfully, regardless of the constitutional

arrangements. The MOD has recently placed an order in Korea. As Bill Kidd suggests, anybody who suggests that our shipyards would not succeed in the future is not being entirely credible.

The Deputy Presiding Officer: Before we come to the next item of business, members will wish to join me in welcoming to the gallery the Speaker of the Queensland Parliament, the hon Fiona Simpson MP. *[Applause.]*

First Minister's Question Time

12:00

Engagements

1. Johann Lamont (Glasgow Pollok) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S4F-01456)

The First Minister (Alex Salmond): Later today, I will meet Marilyn Barnes, who is the managing director of the marketing firm Aquira, which I am delighted to announce is creating up to 200 jobs at a new facility in the city of Glasgow. After yesterday's positive employment statistics and last week's announcement on sparkling performance on inward investment, and despite a number of challenges in a number of areas and companies, and austerity from Westminster, this has been a good news week for the Scottish economy.

Johann Lamont: Will the First Minister tell us what—apart from the pound, the Bank of England, the national health service, the armed forces, the monarchy and the welfare state—the United Kingdom has ever done for us?

The First Minister: Is not that a question more for those who advocate continuing rule from London over the Scottish people? I think that having rule from London and an austerity budget that was described by former Chancellor of the Exchequer—I am just trying to grasp his name—Alistair Darling as “madness” in terms of economic policy direction, rather makes the case for economic fiscal decisions over tax and spending being made in Scotland.

I also think that many people in Scotland would rather like to stay in one of the 190 countries—out of 200 in the world—that are free of nuclear weapons, as opposed to having the largest concentration of weapons of mass destruction in Europe.

Johann Lamont: It is very odd, in that case, that the First Minister wants to reassure everybody that everything will stay the same and that nothing will change.

The mystery is this: if the UK has so much that we want to share, why would we leave it and then ask it to share the things that we have left behind? If the rest of the UK is so monstrous, I wonder why it would want to share those things with us anyway.

The truth is that the First Minister's current plan would only weaken Scotland. Now his plan is to enshrine a foreign Government's economic and welfare policies in Scottish policy without Scots having any say whatsoever.

My question to the First Minister is this: he used to say that the pound and the UK welfare state were bad for Scotland, so what has changed?

The First Minister: Can I correct Johann Lamont? One of the reasons why we want independence is so that we can have social justice for the Scottish people. I note that only a few weeks ago Johann Lamont said that if she could be persuaded of that point, she would support independence, so let me have a go at persuading her.

One thing that independence will guarantee for the people is that we will not have different rates of benefits from the rest of the United Kingdom. I quote from the *Daily Record*—a very reliable source indeed—of 4 June:

“Scots could get welfare benefits at lower rates than people in wealthy parts of England under plans being worked on by Labour.

Shadow Chancellor Ed Balls yesterday raised the idea of a regional cap on welfare, opening the door to variations in a range of social security benefits.”

Not only will independence free us from the bedroom tax that is being imposed by the Tory party, it will free us from Ed Balls's plans to pay people in Scotland less benefits than people in wealthy parts of England.

Johann Lamont: First, that is not what Ed Balls said, as the First Minister knows perfectly well. *[Interruption.]* We have all learned that just because the First Minister says it does not mean that it is true—*[Interruption.]*

The Deputy Presiding Officer (John Scott): Order. Order!

Johann Lamont: The idea that it is possible for this Government to argue that it will have a greater commitment to social justice under independence, when it has said that it will be tied to UK policies on welfare until 2020, is completely ridiculous. Independent experts have said that it would be impossible to get rid of the bedroom tax on day 1 of independence if we continued with the welfare position as advocated by the UK. It is nonsense on stilts and everyone but this lot—Scottish National Party members—knows it.

Many of us—maybe too many of us—remember a young nationalist rogue in Westminster, who was, when Tory chancellor Nigel Lawson announced a cut in corporation tax, expelled from the chamber for calling the budget “an obscenity”. Now, the all-too-rich irony is that the one thing that the First Minister wants control of—the one thing to which he holds firm and on which he will not shift—is corporation tax. In an independent Scotland, corporation tax would be 3p lower than whatever level the Tories set it at. The benefits? The First Minister reckons that there would be

massive 0.07 per cent growth per year—and that is with a 3 per cent margin of error.

I ask again: what happened to that young man who believed in independence, and who now advocates “independence”?

The First Minister: Johann Lamont forgot to mention the thousands of jobs that will be created. I know that the Labour Party these days does not care about jobs, and I knew that Johann Lamont would not ask about the matter today, given yesterday's splendid jobs figures, but I think that jobs are still important to some people in this country, which is why having a competitive rate of corporation tax—and then collecting it—seems to be a good idea.

I have been the first to criticise George Osborne for his lack of direction in collecting corporation tax in this country. However, it has been pointed out to me that non-payment of corporation tax and other taxes peaked under Gordon Brown's tenure at the Treasury. Of course, we know that the Labour Party is at the moment actively advising people—its own donors—on tax avoidance, so Labour is in a poor position to lecture people on tax avoidance.

Let us get to the guts of the welfare report. What Johann Lamont misunderstands is that the administration of a system does not mean identical policy throughout the system. For example, we currently have joint administration of the student loans system, but there are two radically different policies in Scotland and England. In Scotland, we have no tuition fees—thanks to the SNP—but people in England have tuition fees, thanks to the Tories and the Liberals, and they would have more tuition fees in the unlikely event of the Labour Party ever getting back into power.

Johann Lamont said that I misrepresented Labour policy. I was quoting from the *Daily Record*. If Johann Lamont has got to the stage at which she thinks that the *Daily Record* is secretly trying to undermine Ed Balls and the Labour Party by misinterpreting statements on welfare, that indicates a difficulty in her party that goes beyond even my expectations.

The fact is that Ed Balls has accepted the Tory spending plans and he has accepted the Tory cap on welfare. Labour refuses to say that it will repeal the bedroom tax, and here we have it in the *Daily Record*: Labour wants to pay poor people in Scotland less than poor people elsewhere in these islands. What sort of United Kingdom is that?

Johann Lamont: That is simply not true. *[Interruption.]* Only the First Minister wants a welfare system that is better and that will be funded by cutting corporation tax by 3p. That is completely ludicrous. If it were not for the fact that this is about pensions, people's wages and the future of our children, we could just laugh at that

ludicrous response from the First Minister. Well prepared as it was, it did not respond to the challenge that lies at the very heart of his proposals for an independent Scotland, which would rely on the good will of a state that we will have said oppresses us and from which we will have said that we have to free ourselves.

The question that we face, on which I suspect the First Minister's own back benchers and party members will also reflect, is this: has the First Minister lost his mojo on independence, or does he—this might be more accurate—simply think that the people of Scotland are mugs? His plans for the currency, pensions, benefits, jobs and mortgages now all hinge on the good will of a country that we would just have made a foreign country by voting to leave it.

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Rubbish!

Johann Lamont: I do not know why Mr Swinney is saying that that is rubbish. His First Minister and Deputy First Minister have reassured us that that is what would happen after independence. Perhaps the SNP back benchers might want to set up a breakaway group—"SNP for independence"—[*Interruption.*]

The Deputy Presiding Officer: Can we have a little bit of calm to allow Ms Lamont to complete her question?

Johann Lamont: As we know, the noisier it is, the truer the accusation.

The truth is—the First Minister acknowledges this; indeed he celebrates it—that the UK would control our currency, our economy and now our pensions. Perhaps he has another plan that he is not telling us about. It is all too evident that the current plan is neither independence—

John Swinney: Come on! Ask a question.

The Deputy Presiding Officer: Order, Mr Swinney!

Johann Lamont: Indeed.

The First Minister must have another plan that he is not telling us about, because the current plan is neither for independence, nor is it credible.

The First Minister: I was waiting for the big punchline, but it never came. It is interesting that we had got to the fourth question before Johann Lamont evinced a spontaneous reception from the Scottish Conservative Party. Alistair Darling managed a standing ovation.

I point out to Johann Lamont her fundamental misunderstanding. She said that it would take the "good will" of the Government in Westminster for it to accept shared administration of the welfare

system. The point is that Scotland administers a large part of the welfare system of England and Wales. I do not think that that is "good will"; it is common sense for the Government at Westminster and therefore is consistent with the proposals put forward by the welfare expert group.

Let us turn to a specific policy, which I think has more public currency than any other when it comes to the differences between governing in this place and governing from Westminster: the bedroom tax. We know not just from the *Daily Record*, from which Johann Lamont wants to disassociate herself, but from Helen Goodman, the Labour shadow cabinet spokesperson on the bedroom tax, who made it quite clear on "Daily Politics" on 11 March, that Labour has no plans to abolish or to reverse the bedroom tax. That point was exemplified by Ed Balls when he said only this week that he would accept the Tories' entire spending plans. In contrast, this Government will abolish the bedroom tax if we are elected as the first Government of an independent Scotland. Not only will we abolish it, we will do so in the first year of that independent Scotland.

Secretary of State for Scotland (Meetings)

2. Ruth Davidson (Glasgow) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S4F-01453)

The First Minister (Alex Salmond): There are no plans in the near future.

Ruth Davidson: This morning, the Cabinet Secretary for Health and Wellbeing, Alex Neil, promised that people who had been forced to pay thousands of pounds in care costs for relatives with complex care needs that should have been covered by the national health service would be "appropriately reimbursed." In three years, we have seen the number of people across Scotland having those care costs supported fall by 27 per cent. Why have relatives of some of the most vulnerable and desperately ill people in this country been denied the support to which they were entitled?

The First Minister: The guidelines on continuing care in Scotland have been consistent for some time. The updated guidance, which was issued in 2008, took account of the good-practice recommendations that were put forward by the Scottish Public Services Ombudsman. I will repeat what the health secretary said, which is that in any case in which those guidelines have not been followed, the situation will be rectified.

Luckily, because of the passage of the Patient Rights (Scotland) Act 2011, the patient advice and support service, which is operated by Citizens Advice Scotland, the Care Information Scotland line—a confidential phone line funded by the

Scottish Government—and access to health boards means that there are many routes for patients to challenge a position that they think is unjust.

Of course, if any individual has not had their rights according to the regulations in Scotland, that case will be looked at and rectified. However, I would much rather live in a country in which 77,000 people, at present, have access to free personal and nursing care and are cared for as part of the fabric of the health service than in a country that does not have that advantage for its elderly people.

Ruth Davidson: I am sure that the First Minister is not conflating continuing healthcare entitlement with free personal care on purpose, knowing as he does that they are separate. We are not talking about free personal care. We are talking about the continuing healthcare entitlement.

I am pleased that the First Minister has acknowledged that the health minister held his hands up to the problem today. That is a start, and I thank Alex Neil for that. However, at one point in his BBC interview, he said that he thought that only “a small number” of people were affected. At another, he said that he thought that we were talking about “a few thousand” people.

The truth is surely that nobody knows how many people have been affected. The health minister and the First Minister ask for those affected to come to them. The Government needs to be a bit more proactive than that. The First Minister has a responsibility to find out how many people in Scotland caring for critically ill relatives have been handing over thousands of pounds when they should not have been. We need a full audit of every person in every health board who may be affected, currently or historically, to ensure that proper reparations are paid. Will the First Minister order such an audit?

The First Minister: This is a serious subject for people so I will take Ruth Davidson through what happens at present. As I mentioned in my first answer, the guidance was updated in 2008 and took account of the recommendations from the ombudsman on good practice. What happens to people is that the consultant or general practitioner, in consultation with the multidisciplinary team, will decide whether an individual is eligible for NHS continuing healthcare. That guidance states that it is down to

“the complexity, nature or intensity of the patient’s health needs”.

People are assessed within the system at present.

Secondly—and thank goodness for this—far from sitting back and not doing anything about the rights of patients, we have passed the Patient

Rights (Scotland) Act 2011 and instituted two additional means for people to ensure that the health service is treating them properly and according to the guidance: the patient advice and support service from Citizens Advice Scotland and the confidential line that is provided by Care Information Scotland and funded by the Scottish Government. Those are avenues by which people can get their rights and entitlement under the national health service.

Ruth Davidson sweeps away the importance of the 77,000 people who get free personal nursing care, but that is exactly on this subject. What happens to people who are entitled to continuing care within the health service—almost three quarters of people in that position are in hospital and therefore have no accommodation charges in that sense—is that they get help with accommodation charges in nursing homes in a way that does not happen under free personal and nursing care. That is an aspect of the system, and the system is a continuous one.

Therefore, what needs to be done—and certainly will be done—is that we will ensure that the regulations are properly followed and that the opportunities exist for elderly patients and their relatives to come forward on these matters. If anything has been done that is contrary to the regulations, it will be rectified.

Not to understand that having a system of free personal and nursing care in society is fundamentally superior to not having such a system is not to understand the importance of defending that system for the Scottish people.

The Deputy Presiding Officer: Neil Findlay has a constituency question.

Neil Findlay (Lothian) (Lab): Let me tell the First Minister that it has not been a “good” or “sparkling” week for employment in my area. What help can be given to the people in my region, now that Robert Wiseman Dairies has entered consultation over 116 job losses at its Whitburn depot? The area is already reeling from the loss of 1,700 jobs at Hall’s of Broxburn.

The First Minister: The sparkling performance relates to inward investment. The Labour Party should accept that the employment figures, particularly for young people in Scotland, are very good news indeed.

The member raises a very important constituency issue. Scottish Enterprise officials have already been in touch with the company and the national partnership action for continuing employment manager spoke with the company’s human resources representatives yesterday, offering support for any employees who might be affected by redundancy. The company says that no decisions have yet been made. It also points to

the number of posts that could be created at other distribution centres.

The member should understand that we take such matters very seriously. There will be both PACE and ministerial intervention—as there has been substantial intervention in West Lothian—to try to secure the employment and employment prospects of his constituents. We should do that jointly as a Parliament, just as we should jointly welcome the substantial indications that the Scottish employment situation is improving and that youth employment, in particular, has shown remarkable progress over the past 18 months.

Cabinet (Meetings)

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

To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S4F-01458)

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

Willie Rennie: When I asked before about divisions within the police, the First Minister laughed and said that it was creative tension. Was he laughing when the chief executive of the Scottish Police Authority resigned in February? The First Minister told me that matters had been resolved, but we now discover that chaos continued at the heart of our newly centralised police force. Why did he not tell the Parliament about the resignation of that senior public leader? That stinks of a cover-up. Why was the Parliament not informed of the resignation of the authority's chief executive? Just what did the First Minister have to hide?

The First Minister: Vic Emery, the chair of the Scottish Police Authority, said today:

"There is plenty of confidence and continuity at the top of the Scottish Police Authority. Strategic direction and decision-making at the Scottish Police Authority continues to be provided by a board of 13 members. We have all been appointed for a four-year term. Continuity is strong at board level and the organisation is developing and maturing its relationships with both Police Scotland and other stakeholders."

He also pointed out that he has been before the Parliament on a number of occasions. I do not think that Willie Rennie should conflate interim appointments with permanent ones at the Scottish Police Authority. He should take the word of the chairman of the authority, who says that matters are in hand and that the organisation looks confidently to the future.

Given the spectacular success of the Scottish police service in delivering the lowest rate of recorded crime for a generation and the excellence of its performance across Scotland, a

party that is forecasting doom and disaster when all the figures on justice and the effectiveness of the police in Scotland say otherwise is going to be on a hiding to nothing as those points and arguments are replayed to it in the months to come.

Willie Rennie: The First Minister cannot hide behind the Police Authority's operational independence. As Andrea Quinn's letter points out, the Scottish Government has been involved every step of the way on the structure of the new Police Authority. The chief executive was going, but the matter was kept quiet. As a result, we will be without a permanent chief, and we have had three chief executives in just one year. If that is continuity, I do not know what not having continuity is. Why was the recruitment process not started earlier? The First Minister told me that the chaos was sorted in January. Then, in February, Andrea Quinn resigned. We led a police debate in March, but Parliament was not told about that. Did the Government ask the chairman to keep the resignation quiet to avoid embarrassment? Did the Government tell Vic Emery to keep that quiet?

The First Minister: I am not hiding behind operational independence but, certainly, I have no knowledge of anyone in the Government suggesting any such thing to Vic Emery. Vic Emery says not, too. In his statement today, he said:

"changes in personnel are a feature of most mergers and reform programmes".

The issue of operational independence is not something to hide behind; it is something of fundamental importance. The operational independence of the police service is of huge importance in a democratic society. By definition, it is even more important that the Scottish Police Authority should have operational independence.

In his statement today, Vic Emery said:

"By the end of this month I will have appeared before the Justice Committee on four occasions."

There will be ample opportunity for Willie Rennie to raise in the Justice Committee any conspiracy theory that comes into his head, assuming he remembers to turn up this time.

Illegal Surveillance

4. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the First Minister whether the Scottish Government has been in contact with the United Kingdom Government regarding illegal surveillance activities in Scotland. (S4F-01457)

The First Minister (Alex Salmond): We are clear that people have the right to communicate without the fear of unlawful surveillance by the

state. Following the extensive media coverage of the access by the Government Communications Headquarters to US intelligence, the Scottish ministers have sought assurances from the UK Government. On Tuesday, the Cabinet Secretary for Justice wrote to the Foreign Secretary to acknowledge a statement that Mr Hague made on Monday and to ask for further information for the benefit of this Parliament.

Christine Grahame: I thank the First Minister for his answer. Will Mr Hague's reply be published?

What is the current oversight system for surveillance in Scotland? Has there been any consideration of changes to the system?

The First Minister: On the issue of the future work, I refer the member to the evidence that the Deputy First Minister gave to the relevant committee.

I can share with Christine Grahame the points that the Cabinet Secretary for Justice made to the Foreign Secretary. He said:

"You will appreciate that as Cabinet Secretary for Justice I wish to be satisfied that the rights of the people of Scotland have been upheld. In addition I expect that there will be Scottish Parliamentary interest in this issue. I would therefore be grateful for further information from you about the approach that you are taking to the investigation of this matter, and the progress that is being made to provide the necessary assurance in relation to compliance with the law."

The straight answer to Christine Grahame's question is that the reply will be published. Although it is for the relevant parliamentary committee to decide, it could also lead questions on that evidence and further pursue the matter.

Cervical Cancer (Detection)

5. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister what steps the Scottish Government is taking to improve detection of cervical cancer. (S4F-01460)

The First Minister (Alex Salmond): The earlier that a cancer is detected, the easier it is to treat it. We know that screening is the best way to stop cervical cancer at its earliest stage.

Every woman in Scotland between 20 and 60 is invited to be screened for cervical cancer every three years. Information leaflets that are issued with each invitation contain information on the symptoms and give advice on seeking medical advice if the symptoms are present.

This week is cervical cancer awareness week. The message from this Government—and, I am sure, from the whole chamber—is that all eligible women in Scotland should find out more about

cervical screening so that they can be as informed as possible about the benefits of such screening.

Jackie Baillie: I associate myself with the First Minister's response: early detection is, of course, extremely important. Does the First Minister agree that securing swift follow-up treatment is also key? Unlike in England, the Scottish Government has cancer waiting targets only for initial treatment. There is evidence that patients are waiting longer for follow-up treatment, but that is not recorded. Does the First Minister believe that that hidden cancer waiting list is acceptable?

The First Minister: I was hoping that on this issue—given its importance and the fact that this is cervical cancer week—the chamber could speak with one voice and Jackie Baillie could avoid seeing every issue as a potential issue for political division. The service that we are discussing should unite this chamber.

As Jackie Baillie should know, we are considering the inclusion of additional tumour groups in the detect cancer early programme. There are excellent results in terms of the cancer treatment waiting times, as Jackie Baillie also knows. For goodness' sake, just for once let us unite around the importance of this condition and our support for the efforts of those who are providing the service.

Independence (Benefits)

6. Alex Johnstone (North East Scotland) (Con): To ask the First Minister how much it would cost annually for an independent Scotland to raise benefit payments to a level that the Scottish Government considers appropriate. (S4F-01469)

The First Minister (Alex Salmond): As Alex Johnstone should know, we have made two specific commitments for changes that we think are necessary in the context of an independent Scotland when this Parliament gains control over social security. However, I think that we should reflect on the changes that we have already had to make as a result of the imposition of some of the welfare changes from Westminster.

The attempt to cut council tax benefit by 10 per cent, which would have affected 560,000 people across Scotland—including Alex Johnstone's constituents and my constituents—was luckily avoided by the joint action of the Convention of Scottish Local Authorities and the Scottish Government in making up that amount, which cost £40 million. We have now put £33 million into the social welfare fund to boost the emergency loan fund as a result of the impact of the welfare changes being imposed from Westminster. Of course, an additional £8 million is also going to the advice agencies so that people suffering from the policies being imposed by Alex Johnstone's

colleagues at Westminster can get the help and advice that they need.

Those are points in mitigation, but the two policies that we have already announced for an independent Scotland will also offer fairness and justice to the people of Scotland.

Alex Johnstone: I note the First Minister's careful answer, but it still does not account for the fact that members of his front-bench team and, particularly, his back benchers are making promises to many people in Scotland about what would apparently happen to benefits and welfare should Scotland become independent.

It is essential that the First Minister take the opportunity to lay out which of those promises he intends to keep, which he believes are merely on-the-hoof commitments and what the cost will be. If the cost is substantial, the additional transfer of wealth required within the Scottish economy is something that everyone should be aware of before they vote on independence. Will the First Minister give the commitment to make those figures public?

The First Minister: Oh yes, I give the commitment to welfare, equity and justice—it will be one of the key arguments in this independence campaign. The cost of the commitments that we have made in terms of abolishing the bedroom tax will be £60 million a year, while moving away from the earnings disregard and giving parity and justice to women in Scotland will cost in the region of £60 million to £80 million a year. We have made those commitments already.

I say to Alex Johnstone that we should look at his argument: the imposition of deep unfairness in the Westminster Government's attitude to these things; the plunging of tens of thousands more people in Scotland into relative poverty; and the reversal, which I believe the changes will bring about, of the progress that has been made on child poverty in Scotland. Of all the flimsy bases on which the union and the alliance with the Labour Party will stand, that is the flimsiest of them all. People who vote for independence will vote for social justice and progress in Scotland.

The Deputy Presiding Officer: Thank you. That concludes First Minister's question time.

Jackie Baillie (Dumbarton) (Lab): On a point of order, Presiding Officer. Last week, I asked a question about the inappropriate payment of senior staff at the state hospital. Last week, the First Minister told me that, under the terms and conditions of the Scottish pay reference and implementation group in June 2005 and the terms and conditions for state hospital senior managers in October 2006, I was wrong and everything was fine. He believed that it was acceptable for senior managers to pay themselves as much as £7,000

each in back pay while the pay of front-line staff was frozen.

The Deputy Presiding Officer (John Scott): Can we get to the point of order, please?

Jackie Baillie: Indeed. I am just coming to it.

Last week, I was clear that there is nothing in either document that would allow such payments and that, in any event, they would need to be signed off by the cabinet secretary, not by the chair or the chief executive of the health board—something that has patently not happened.

That, Presiding Officer, was the position last week. This week, of course, the position has changed. Now, the chief executive has been moved and there is an internal inquiry not just about bullying but about shortcomings, procedures and governance processes. I published a letter from Gordon Craig today that is clear about the inappropriate nature of the payments.

The Deputy Presiding Officer: Can we get to the point?

Jackie Baillie: So, Presiding Officer, I would be grateful to know whether it was in order for the First Minister last week to—perhaps unknowingly—mislead Parliament, or was he misled by his Cabinet Secretary for Health and Wellbeing? Will you invite the First Minister to amend the *Official Report* to correct his evident error?

The Deputy Presiding Officer: As Presiding Officers have said in the past, we are not responsible for the veracity of what is said in the chamber. The content of the First Minister's responses to questions is a matter for the ministerial code, and that is therefore not a point of order, as I am sure Ms Baillie is well aware.

Margo MacDonald (Lothian) (Ind): On a point of order, Presiding Officer. I apologise for bringing up such a minor matter, but is “mojo” an example of parliamentary language?

The Deputy Presiding Officer: As you said, Ms MacDonald, that is a minor matter and not a point of order.

Before we move to the next item of business, and for the information of members not intending to participate in members' business, I remind members that the annual general meeting of the Commonwealth Parliamentary Association Scotland branch is due to get under way at 12.45 in committee room 2. I encourage all members to attend.

Interest-rate Swap Agreements

The Deputy Presiding Officer (Elaine Smith):

The next item of business today is a members' business debate on motion S4M-06307, in the name of Roderick Campbell, on sales of interest-rate swap agreements. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern that banks throughout the UK, including some banks in Fife and across Scotland, may have mis-sold interest rate swap agreements to small and medium-sized businesses; further notes the campaign by bullybanks.co.uk to further highlight this issue, and notes calls for banks to adequately compensate businesses that have been affected and for the Scottish Government to engage appropriately with stakeholders to ensure that customers throughout Scotland are offered appropriate redress.

12:37

Roderick Campbell (North East Fife) (SNP):

I welcome members of the support group for customers of National Australia Bank, who are in the gallery, and I thank MSP colleagues who have stayed behind for the debate. I also acknowledge the contribution of Simon Bain of *The Herald* on this issue.

Following the payment protection insurance scandal and the manipulation of London interbank offered rates, perhaps we should not be surprised that the banks are again in the midst of another scandal—interest-rate swaps misselling. The banks certainly have a long way to go to restore their battered image, which is being further tarnished this week by the latest scandal highlighted by *The Times*.

The issue was first brought to my attention by a constituent back in 2011, and I have had a considerable amount of correspondence with the Clydesdale Bank on the matter.

It is clear that the product that my constituent was sold is not a straightforward financial product. In the past, many people placed a lot of trust in their long-term relationship with the banks, but the days of the friendly bank manager have long since gone. Sadly, banks today seem to many to be finance shops with substantial sales forces operating on commission, to the neglect of customers' real interests.

Bully-banks has been at the forefront of the campaign to highlight the issue, and has illustrated just how it has affected small and medium-sized businesses across the United Kingdom. At Westminster, the all-party parliamentary group on interest-rate swap misselling has met often to discuss the issue, and I am grateful for the assistance of the Liberal Democrat MP for

Ceredigion, Mark Williams, and his caseworker, Lisa Francis, and of the Labour MP Clive Betts.

Some members may be asking what exactly interest-rate swaps are. At the basic level, banks would offer customers the right to fix the base rate on a loan at a certain level, to ensure that a rise in interest rates would not lead to companies' borrowing costs rising to a level that they would be unable to pay. Customers were routinely advised that it was like a form of insurance or fixed-rate mortgage, but interest-rate swap agreements are highly complicated financial products that are difficult to get your head round if you do not have a degree in economics or finance.

The loans were originally devised for sophisticated investors, but the products were subsequently sold to small and medium-sized enterprises. Of course, although the rate swaps were designed to protect customers if interest rates rose, it also cost them dear when they fell, and as we all know we have been living in a low-interest environment for some while.

A frequent allegation is that banks failed to give proper advice on the break costs of exiting the swap when customers wished to terminate the agreement. It is clear that most customers were unaware of the complicated nature of the product when it was presented to them by their local banks.

Misselling of interest-rate swap agreements has had a devastating impact on the businesses affected, which include bed and breakfasts, hotels and restaurants, among many others. Bully-banks surveys have subsequently identified those businesses as being the key target for the sale of tailored business loans, to which I will refer later.

In April 2012, it emerged that the Financial Standards Authority had been told a year before by an industry whistleblower about swap misselling, but it ignored those warnings and the practices used in relation to what it now accepts were "unsophisticated clients". That term lies at the heart of the matter.

A review by the FSA was agreed with a number of banks in June and July 2012, in relation to those unsophisticated clients. The FSA's successor, the Financial Conduct Authority, has yet to confirm the date on which it will publish its findings, but I understand that it aims to do so in the next six to eight weeks. However, in an interim comment in January this year, the FSA accused Britain's largest banks of selling "absurdly complex" products, having found that 90 per cent of firms in a pilot study with the big four banks were mis-sold complex interest-rate swap agreements. Current best estimates are that the cost of compensation to be paid by banks may be up to £2 billion in the United Kingdom as a whole.

The FSA identified four broad categories of interest-rate hedging products:

"Swaps; which enable customers to 'fix' their interest rate ... Caps; which place a limit on any interest rate rises ... Collars; which enable customers to limit interest rate fluctuations to within a simple range ... Structured collars; which enable customers to limit interest rate fluctuations to within a specified range, but involves arrangements where, if the reference interest rate falls below the bottom of the range, the interest rate payable by the customer may increase above the bottom of the range."

I said that it was complicated. The FSA emphasised:

"An interest rate swap is a separate contract to the underlying loan agreement. It is an agreement between two parties whereby one type of interest payment is swapped for another, such as exchanging a fixed interest rate payment for a floating payment."

As I understand it, since 2001, approximately 38,000 IRHPs have been sold in the UK: approximately 2,000 structured collars, 28,000 swaps and simple collars and 8,000 caps, with approximately 32,000 customers affected.

In addition, although this was not part of the agreement with the FSA, in October 2012 Clydesdale Bank agreed that it would review the sale of some tailored business loans whose characteristics were comparable to stand-alone structured collars, simple collars and caps, but it excluded products that included a fixed-rate loan for any part of the loan period and which were deemed to be commercial loans.

The FSA and now the FCA's position is that stand-alone IRHPs are regulated by the FCA pursuant to European legislation, but commercial loans in their own right, including those with embedded IRHPs, are not generally regulated by the FCA. Despite requests to change that position, such loans still do not form part of the review.

The FCA advised the all-party group at Westminster at its meeting on 15 May that it is in discussions about products that have similar features to complex IRHPs but which are embedded within commercial loan agreements. No final decision has been taken by the FCA and its position remains that the matter is for the Treasury.

The truth is, however, that a customer who has taken out a tailored business loan with an embedded IRSA may be faced with exactly the same potentially large break costs as they would have faced had they taken out a loan and a stand-alone IRHP. Why should tailored business loans be excluded on the grounds of a mere technicality? Loans with embedded or hidden swaps are just as toxic as stand-alone IRSAs, and if the bankers who sell the swaps need to be registered with the FCA to do so, why are the swaps not included in the review?

Such loans ought to be included in the review and the decision to exclude them means that fewer than 10 per cent of all tailored business loans—generally those with a structured collar, which Clydesdale Bank and Yorkshire Bank sold—are included in the review and 90 per cent are not. Derivatives experts such as Abhishek Sachdev believe that those tailored business loans should be included in the review and I agree. We need to put pressure on the Westminster Government to ensure that tailored business loans in particular are addressed.

I am aware that banking and the regulation of financial services are a reserved matter, but I hope that the Scottish Government can demonstrate its support for those affected by the current exclusion of tailored business loans in particular by making the appropriate representations to the UK Government and encouraging it to ensure that compensation is paid to those affected by missold interest-rate swaps in general.

12:45

Gavin Brown (Lothian) (Con): First of all, I congratulate Roderick Campbell on securing this debate and bringing to the chamber on behalf of some of his constituents a very important and, I think, deeply distressing subject for consideration. The subject is very complex and in his speech Mr Campbell dealt with it in a very fair and fairly straightforward manner.

Concerns about interest-rate swap agreements have been around for a year or two. Anecdotally, the original issues were about the inappropriateness of the products, the lack of explanation of the risks and, in particular, the pressure to buy that was put on various businesses; indeed, taking out the product was sometimes a firm condition of the loan. It was also suggested that in a number of cases businesses were given a very short timescale within which to make their decision, which made it even more difficult for them to get their head around the matter and to take independent advice.

Roderick Campbell said that it is difficult to get your head around this issue if you do not have a degree in economics or finance. That is true, but I also know plenty of people with degrees in both who say that it is equally difficult for them to get their heads around it. When the then FSA looked at this, its initial findings, which were published in June last year, almost entirely backed up everything that businesses had been telling MPs, MSPs and the FSA itself, highlighting the very poor disclosure of exit costs from the products; the failure in many cases to ascertain the customer's understanding of risk; non-advised sales straying into advice; overhedging; rewards and incentives being a driver of practices; and—to cap it all—

evidence of poor record-keeping. Among the biggest concerns was that there was no mention at all—or, at least, minimal mention—of the break costs of leaving the contract, nor of the fact that, in many cases, the length of the hedge contract was substantially longer than the length of the loan period. As a result, when the loan came to an end, perhaps after five years, the business might find that it had signed up to and would have to continue to pay for a 10-year contract for a hedging product for a loan that no longer existed; after all, when the crisis hit, the banks simply did not renew many of those loans.

The findings of the initial pilot review in January would have been of concern to many people. Of the 173 sales that were looked at in greater detail, more than 90 per cent did not comply with at least one regulatory requirement. That figure is staggering. It is fair to point out that all of the cases were complex and might not be wholly representative of the tens of thousands of other cases but, notwithstanding that, the fact that the figure in the pilot was so high should be a matter of concern to us all.

Most important, we need to decide where we go from here and, although it is absolutely critical for the timescale to be as swift as possible, we also need to take time to get this right. The banks that are looking at the customers who took out these products must prioritise the most vulnerable companies; many of them will be in great difficulty at the moment and must be processed quickest to ensure that they do not stray into administration in the interim period.

On top of that, the banks must go further than they need to go legally to resolve this issue. Roderick Campbell was quite right to talk about reputational issues. In this case, the banks simply cannot do just the bare minimum; they must do everything that they possibly can for their customers to ensure that the independent reviewers are not consistently sending them back.

The ultimate sting in the tail is that most of these problems have arisen because of our record low interest rates, which are due in quite some measure—although not exclusively—to the behaviour of the banks. That is why it is doubly important that they resolve the issues as quickly and as effectively as possible.

12:50

Chic Brodie (South Scotland) (SNP): This chamber has been the centre of many emotions but none so great as the anger felt on this issue by myself, by my colleagues and by those affected, some of whom are with us in the public gallery today. Today, we highlight the dangers of the interest-rate swaps embedded in tailored business

loans—the shark that lies just below the surface in bank lending to small and medium-sized businesses.

Much though it went beyond my entrepreneurial spirit, after 2008 I suggested that we should take those banks that are supported by public funds at least temporarily into public ownership, to ensure that the banks changed their casino culture, which existed particularly in the investment parts of some banks. We did not, and the banks have not.

Privilege does not extend to this Parliament so we cannot name or shame, but the banks concerned know who they are. The Financial Secretary to the Treasury confirmed to the Westminster Parliament that Yorkshire Bank and Clydesdale Bank have agreed to review at least one customer's fixed-rate loan.

The interest-rate swap mechanism embedded in tailored business loans is a relatively simple finance mechanism. Where two parties have taken out loans of equal value, one at the prevailing fixed rate and the other at a floating rate, the parties swap the loans and, as the loan principal is the same, in effect only the interest rates are swapped. The problem is that one party, in this case the bank, demands a risk premium for its gambling from the other party, which in this case is a small business client. That premium on the floating interest rate was tied to the London interbank offered rate, which members will recall was the subject of daily manipulation by bank representation on the LIBOR committee. Here were bankers—or at least some of them—gambling with other people's chips.

The interest-rate gambling embedded in tailored business loans means that such loans are not fixed-rate loans; but—as some of our friends in the public gallery today will confirm—the banks say that they are. The banks will even smooch people into thinking that such loans are better and more protected than fixed-rate loans, but that is not the case. The conditions inherent in those tailored business loans, particularly on exiting or breaking the loan, are penal. Banks will stay quiet about and/or surreptitiously write into the small print conditions on the loans without making it clear that their investment risk is being passed on to the client. The banks did not want people to know that exiting the loan might ultimately cost them 20, 30 or even 40 per cent of the loan value.

I could regale members with stories of what has happened so far. For example, although Mr and Mrs L have paid off most of their initial loan, they now owe more because of the exit or break fees. Mr and Mrs H were told that they would need to pay 30 per cent of their large loan for paying it off early. I could mention the experiences of Mr P, a tea shop owner; or Mr M, who himself was previously involved in banking; or Mr B, a

successful small business man in Dundee; or Mr Mac; or the church that cannot now provide the community services for which it was renowned because it must repay expensive missold loans.

The UK Government and regulators are exploring whether to expand the compensation scheme to cover missold swaps on fixed loans, but they may be too late—the horse may have bolted. It is believed that, throughout the UK, there are 40,000 embedded interest-rate swaps as well as a further 60,000 fixed-rate loans that are subject to scrutiny. All of those affect good small businesses. As Rod Campbell said, £2 billion may need to be set aside to address the issue.

However, that will not be enough to compensate people for the loss of property and lifestyle, nor assuage the worry that has been created and the unnecessary anxiety that has been imposed on many good small business people. It will certainly not be enough to assuage the anger. I ask the Parliament to act by encouraging Westminster to move quickly in support of those small businesses.

The Deputy Presiding Officer: Before I call the cabinet secretary to respond to the debate, I will clarify, for the record, the position on parliamentary privilege. Section 41 of the Scotland Act 1998 provides that:

“For the purposes of the law of defamation—

(a) any statement made in proceedings of the Parliament, and

(b) the publication under the authority of the Parliament of any statement,

shall be absolutely privileged.”

That is to ensure that members are free to debate, and that the Parliament is free to report on, matters of public interest without the fear of a defamation action being raised.

12:55

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): I record my thanks to Roderick Campbell for lodging the motion on an important subject. He demonstrated in the argument that he presented to Parliament the depth of the analysis that he has undertaken in addressing on behalf of his constituents the issues that have come to him. That is exactly what members of the Parliament should do: face the real-life circumstances that affect the members of the public whom they have the privilege to represent and bring those issues to the Parliament to ensure that they are given full scrutiny and attention.

I thank Mr Campbell for setting out so clearly and in such depth the issues with which we are wrestling. They are significant. A number of members in their speeches set out their

experience—I have my experience from my constituency case load—of the impact of interest-rate swap agreements on members of the public in the small business community. There are important implications for members of the public who have taken on such agreements. When we hear about such circumstances, we are all aware of the depth of difficulty that they cause for members of the public.

At the heart of the debate is the question of trust. That is the nub of the argument that Mr Campbell put forward. This is about individuals who seek to develop and grow their businesses, which is precisely what we all want them to do. We want to encourage business growth, and the Parliament has expressed on countless occasions its opinion on the extent to which business growth must emerge from the SME community.

It is essential that SMEs are able to access the financial support and assistance that they require to enable them to grow, so the people who have been affected by interest-rate swap agreements are not doing something unusual or at the high end of risk; they are simply trying to grow their local businesses in their local communities in the fashion that Parliament and politicians are encouraging them to do. They go to financial institutions in an atmosphere of trust—which they should be able to do—to obtain the necessary products, support and access to finance to enable that to happen. I am not sure how business growth happens without participating banks supporting expansion of the SME community and delivering such products.

The problem, however, is that people have been sold products that are not appropriate for their requirements. Mr Campbell made the point about them being sophisticated products for an unsophisticated market. If there was ever a statement that marshals the difficulties with which we are wrestling, it is that. At the heart of the debate is the fact that members of the public should be advised on and sold products that are appropriate for their needs and circumstances. That has clearly not been the case, and the individuals who are involved are now in some difficulty.

The first port of call in trying to resolve the issues must be the remedial actions that the banks themselves can take. All of the dispute resolution procedures over which the Parliament presides have a common theme, which is that disputes are best resolved at the closest point to decision making rather than being investigated and pursued over a longer period. Therefore, I encourage the banking sector to engage with those who are affected and to come to some form of resolution as quickly and as effectively as possible. If that is not done, we will get into the

territory that Mr Brown was fair to identify, where the more protracted the inquiry into the arrangements in question, the more difficult the financial situation could be for the individuals who took out the products. Early resolution through those mechanisms is important.

As Mr Campbell said, and as Mr Brodie and Mr Brown mentioned, the Financial Conduct Authority has now secured agreement to hold an inquiry into these matters, and I encourage it to carry out that inquiry speedily and to ensure that the issues are properly addressed. Mr Campbell made a strong point about the need for the remit of the review to be expanded to take into account the issue of tailored business loans, and I commit to contacting the FCA to press his point.

We must also ensure that the review and the banks engage in a dialogue with those who are affected to resolve the issues speedily. There has been some dialogue between bully-banks, the FCA and the banks, and I encourage the continuation of that dialogue. The process of review, inquiry and dialogue with the individual banks on the individual cases will lie at the heart of resolution of the issue.

In general, we will resolve the issue by ensuring that the highest standards of banking advice, decision making and support are available to members of the public. In that respect, our banks have been in a difficult and poor position. Many thousands of people who work day and daily in our banks deliver good service and good support to members of the public, but in some circumstances members of the public have experienced an acute absence of high-quality service and of appropriate advice. It is in no one's interests for that state of affairs to be prolonged; it is in everyone's interests for it to be remedied as quickly as possible.

I thank Mr Campbell for raising an important issue that relates to members of the public who have been badly affected by decision making on the products in question, and I assure him that the Government will encourage the review process to resolve the issues as quickly as possible.

13:03

Meeting suspended.

14:30

On resuming—

Commission on the Delivery of Rural Education (Report)

The Deputy Presiding Officer (Elaine Smith):

Good afternoon. The first item of business this afternoon is a statement by Michael Russell on the report of the commission on the delivery of rural education. The cabinet secretary will take questions at the end of his statement, and there should therefore be no interventions or interruptions during the statement.

14:30

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell):

I thank the Parliament for the opportunity to make a statement in which I will set out the Government's response to the recent report by the commission on the delivery of rural education.

There are few issues that unite all sides of this Parliament, but the Schools (Consultation) (Scotland) Act 2010 achieved that distinction when Parliament agreed to it unanimously in November 2009. Prior to the 2010 act, significant concerns were expressed on all sides about the inadequacies of the procedures that local authorities had to follow in relation to school closures. The legislation was intended to make the proposed closure of any school open, transparent and fair. The act also secured a number of special provisions for rural schools: where a council proposes to close a school, it must have regard to three special factors before it moves to consult. The intention was to ensure that a decision to close a rural school must be regarded as a decision of last resort—in other words, at the heart of any decision about rural schools should lie a presumption against closure.

In addition, prior to the 2010 act, the involvement of ministers in closure decisions mainly related to issues around occupancy and distance. The new act established a more formal role by means of a safeguard, whereby ministers can call in decisions where they perceive serious flaws in the consultation or decision-making process.

When Parliament passed the legislation, most people envisaged no more than a handful of cases being called in. However, it soon became clear that, despite the Parliament's good work, local government, communities and national Government interpreted the 2010 act in widely differing ways. The number of call-ins has risen to a level that is far higher than expected, which is undesirable. The differing interpretations of the act

have hindered the clear policy intention behind it, and the improvements that we all felt we had made did not lead to as much improvement on the ground as we had hoped. That situation was neither sustainable nor acceptable, and the problem was particularly acute with regard to rural schools.

Accordingly, the Government and the Convention of Scottish Local Authorities announced in July 2011 the establishment of a joint commission on the delivery of rural education. The commission, chaired by Sheriff David Sutherland, was given a remit to review the 2010 act and its application and to make recommendations on best practice in the delivery of education in rural areas. It was also asked to look at innovation and the link between rural education and rural regeneration.

The commission published its report on 19 April 2013. I thank Sheriff Sutherland and the members of the commission for all their hard and thoughtful work over the past two years. The commission's report provides some clear and concise analysis of the issues, along with 38 helpful recommendations.

I have given careful consideration to all the recommendations. In doing so, I and my officials have had extensive discussions with COSLA, so that we could understand clearly local government's view of the report. I can support the vast majority of the recommendations and, working closely with COSLA, I will be taking the steps necessary to implement them. The Government's response to each of the recommendations is published today.

Many of the recommendations can be taken forward administratively, through revised guidance; others will require legislative change. Once in place, I am confident that the changes will lead to real improvements and will deliver more effectively the policy that the whole Parliament intended when it passed the 2010 act.

In particular, I note the commission's assessment that greater clarity, transparency and consistency are essential on financial issues around proposed closures. Parents deserve no less. I therefore welcome the commission's recommendations that, where financial arguments are presented, they should be based on clear and accurate data. I know that COSLA shares that view. I am committed to working with COSLA to develop the financial template and associated guidance that will deliver that.

I also welcome the commission's advice that educational benefit statements must continue to be an important part of a closure proposal. I am happy to accept the commission's recommendation that further guidance be provided

to ensure that, going forward, those statements are improved.

However, after careful consideration I have concluded that there is one area in which the Government cannot accept the commission's recommendation. The 2010 act established a high bar—that for every school closure proposal, a key component would be the educational benefit statement, setting out the educational benefit from the change. That principle is very dear to me, the Government and, I am sure, many in this Parliament. Education provision can and should change over time, to meet the needs of new generations of young people, but what must characterise those changes is educational improvement. That is a core purpose for every one of us. It is vitally important that a rigorous assessment is carried out of the educational impact of any change, and that closure—which can be disruptive to children and detrimental to communities—proceeds only on the basis that it will deliver an educational benefit to the children involved. I therefore do not intend to bring forward changes to the 2010 act to implement recommendation 20.

However, I know from my conversations with COSLA that local authorities are rightly concerned about how to deliver the statutory requirements of educational benefit statements, which I recognise is both difficult and challenging. In light of those discussions, it is clear that we all need better and more focused guidance on how to evidence educational benefit. I am committed to working jointly with COSLA to develop that guidance. I believe that the guidance can be improved and made to work better for education authorities and communities.

Following discussion with COSLA, I will also implement the commission's recommendation for a greater role for Education Scotland to provide a detailed response to the proposed educational benefits and have a more sustained involvement in school closure proposals.

At the heart of this is the shared desire of Government and local authorities to improve the quality of closure proposals so that the number of cases that have to be called in for determination can be significantly reduced. That is our joint aim. It will help communities, too.

The commission's work was unavoidably delayed by the court case that involved Comhairle nan Eilean Siar, which tested the 2010 act. The judgments in that case have now been received, most recently on 31 May. The court concluded that ministers' role in considering school closures is to look at the merits as well as the process that was applied. The commission considered the court's conclusion carefully and supported that approach.

Following the judgment, the commission's recommendation and discussion with COSLA, I will introduce amendments to the 2010 act through the Children and Young People (Scotland) Bill this autumn. Those amendments will clarify the 2010 act and provide a statutory basis for what is required when a local authority's closure proposal is being reviewed. I consider that it is essential to set out how the Government will in future review the local authority's assessment of the merits of the proposal and consider the process applied by the local authority. It will be important that the approach continues to respect the primacy of local authority decision making in this area and restricts potentially open-ended consideration. None of this is about second guessing local authority decisions.

My object in proposing such amendments would be to prescribe clearly the role of ministers and the factors that have to be taken into account in coming to a decision on a closure proposal. I will consult on the principle of those amendments during the summer.

The final judgment in the case also commented on the presumption against closure under the 2010 act. I will want to reflect on that aspect of the judgment and consider whether further amendments to the 2010 act are required to ensure that that central aspect of the Government's policy on rural schools is secured.

I recognise, as does the commission's report, that schools, including rural schools, sometimes have to close. Communities change, populations move and, sometimes, buildings become unsuitable. However, it is our duty to ensure that such decisions command public confidence as a result of a rigorous, transparent process for any proposed closure. It must also be an objective process that reviews the specific circumstances of individual schools and recognises the different issues of rurality and remoteness that are faced by particular schools, communities and areas.

As well as accepting the commission's recommendations on the call-in process, I want to build on them and address the issue of who should determine closure proposals that have been called in. It continues to be suggested that the nature of such decisions is not one that sits well with ministers and that it might be appropriate to take this opportunity to establish a better arm's-length system.

I believe that responsibility for considering whether a school closure proposal should be called in should remain the responsibility of Scottish ministers. However, once a call-in decision has been made, proposals might well be best referred to a new independent decision-making body. I am exploring options for that body and considering alternatives, including dispute

resolution mechanisms such as arbitration, an independent adjudicator or a panel.

I intend to work closely with COSLA in developing thinking around that issue. It is important that we get the mechanism right, so at this stage we all need to be open minded about how it can be delivered, rather than come at it with any fixed or preconceived ideas.

Such an approach would remove school closure decisions from accusations of political bias and provide an independent and objective assessment of the most controversial cases. It would also—importantly, and unlike judicial review—be easily accessible to the communities affected by the proposal.

It is important that local government has confidence in the mechanism and we will work jointly with it and parent representatives to ensure that the appropriate knowledge, skills and links are built into the process, to allow it to reach fair and objective decisions.

Schools can be fundamental to a rural community's social and economic make-up. They allow its young people to be educated in the community, by the community. They provide a meeting place. They underpin social cohesion. They support a wider and broader learning community in the area. Their removal can undermine a community and rob it of its future. Although closure decisions are emotive and difficult, they are nonetheless necessary in some cases, but it is right that we put in place a mechanism that will allow the communities themselves to have confidence in the consultation process and its outcome.

I put on record again my thanks to David Sutherland and the commission members for their thorough and sensitive work, which goes to the heart of many issues involved. It is clear that the 2010 act has not provided the clarity that we all wished it to, and that we all have more work to do. I am committed and look forward to working closely with local government to deliver the many improvements that Mr Sutherland has identified and which both of us would like to be implemented.

I also recognise that the commission's work has delayed some decisions and that communities and education authorities now need clarity and certainty as soon as possible. We will work as quickly as we can to deliver that clarity and certainty, including using the Children and Young People (Scotland) Bill to amend the 2010 act. I hope that members will be supportive of that approach.

I believe that our rural communities and their young people are a vital force that energises and drives Scottish society. The rural schools on which

they depend deserve the thorough consideration that the report has delivered and I commend it and the Government's response to Parliament.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow 20 minutes for questions, after which we will move to the next item of business. It would be helpful if members who wished to ask a question were to press their request-to-speak button and, in doing so, to ensure that their cards are correctly inserted.

Neil Findlay (Lothian) (Lab): I thank the cabinet secretary for an advance copy of his statement.

One of the most difficult decisions that any council or councillor might have to take is to close a school. A school closure is a very emotive issue that often provokes a great deal of concern among the affected communities, and the decision to close a school is never taken easily. In 2011, following a lengthy consultation process and a democratic vote, Western Isles Council decided to close a number of rural schools, and the cabinet secretary, in a rather desperate attempt to shore up his party's political support on the islands, intervened to call in the closure programme. Now we find that the courts have rejected the cabinet secretary's position and that the council's closure programme was indeed legal and followed due process. How much did the Scottish Government spend on the court case? How much did it cost the Western Isles Council, and will it be compensated?

Moreover, if the issue is so dear to the cabinet secretary and his Government, why does it apply only to rural schools and not to all schools? If the independent body makes a decision that has financial implications for the affected council, will the council receive the necessary financial support to keep the school open? Who will the independent body be accountable to? Who will appoint its members and how can the public get rid of the members who sit on it? Currently, the decision to close a school is made by democratically elected councillors who are then held to account by the electorate through the ballot box; after call-in, a Government minister is accountable to this Parliament and the electorate. What is being proposed is scandalous and political cowardice. The cabinet secretary proposes to remove responsibility from democratically elected councillors and is now refusing to take responsibility himself.

The Deputy Presiding Officer: Mr Findlay, I need a question.

Neil Findlay: Instead, the cabinet secretary proposes to hide behind a new quango,

presumably appointed by himself and accountable to no one for its decisions. He clearly does not have the courage of his convictions. He should either leave responsibility with elected councillors or take responsibility himself.

Michael Russell: I am not sure that I detected a question in all that, but I will address the issues that have been raised.

First of all, I must tell Neil Findlay that the costs of the court case are not yet to hand. A process requires to be gone through; as I am sure he will know, having read all the legal documentation, the question of expenses is reserved to the final interlocutor. In those circumstances, there will be a decision at some point on the matter of costs.

Of course, Mr Findlay was not here when the Schools (Consultation) (Scotland) Bill went through the Parliament, but it is regrettable that he has not grasped its purpose and the fact that it had the full support of the chamber, including the Labour Party. I am sorry that there seems to be some indication that that support has now gone and that Labour members want another system to be put in place.

When we introduce the amendments through the Children and Young People (Scotland) Bill, Labour members will have the opportunity to vote against them or to lodge amendments of their own. However, when the original decision was made, it was absolutely clear that we needed a different process—that is why the whole Parliament agreed to the 2010 legislation. Unfortunately, it has been hard to get the process exactly as we wish it.

The reason why rural schools are different was explained fully when the 2010 legislation went through. It is quite clear that rural schools are in a special category, and I am sorry that the Labour Party seems to think that that is not the case. That is a very odd view, which is not shared across the chamber. [*Interruption.*]

The Deputy Presiding Officer: Order.

Michael Russell: Rural schools are in a special situation, as their relationship to the community is particularly strong. When a rural school's closure is proposed, there are questions about whether many other things in the community will be lost. Therefore, the commission that we set up jointly with COSLA—it was not just the Scottish Government that set up the commission—was supported across the chamber. Unfortunately, for whatever reason, that support appears to have been withdrawn this afternoon, and I regret that.

As I said in my statement, I am open-minded about the next step. The commission says that it might be best to leave the present situation and then to review it. However, there remains—largely

from Labour councils, I have to say—criticism about the politicisation of the process. As part of the constructive nature of this Government's engagement, we are asking, "Can we envision a better way to do this?" We have said that we remain open-minded about the ways to take the matter forward. However, Mr Findlay has already decided that that is not to happen and that there is a political fight to be had. Mr Findlay can create a fight in an empty room, but he is not going to create a fight with me. I will remain open-minded about the matter and will try to create opportunities to ensure that there is an understanding that we want the process to be fair to all parties.

Having been involved in fighting for rural schools for many years, I take the issue immensely seriously. I do not shout out from a sedentary position; I take it seriously, and I have to make difficult decisions. The difficult decisions that the Scottish Government has made are reflected in its record, which shows that it has been able to save some, although not all, schools. It is interesting to note that, from May 1999 to May 2007, the Labour-Liberal Executive did not save a single one of the 45 schools on which decisions had to be made. In those circumstances, my record—the record of this Government—speaks for itself.

Liz Smith (Mid Scotland and Fife) (Con): I thank the cabinet secretary for prior sight of the statement.

I am pleased to hear that emphasis will be placed on the primary importance of educational improvement. The current situation seems open to considerable question because it requires only that the educational benefit should be neutral. I am also pleased to hear that greater clarity of purpose will be demanded. That will be in our minds when we talk about the relevant criteria by which the improvement will be measured. That is helpful and will be warmly welcomed by parents.

I also welcome the proposal to set up an arm's-length independent adjudicator, who will be responsible for decisions after the ministerial call-in. That will help to put public trust back in the system.

What involvement of parents does the cabinet secretary envisage in the process of deciding which criteria should be used to determine educational improvement? How will he consult on the process of deciding who will be represented on the adjudicator panel?

Michael Russell: I thank the member for those questions. It is important to stress that I am not proposing a panel but opening up the debate. I think that a number of options are available. For example, using the Scottish arbitration service is a reasonable and possible way forward. Good,

modern arbitration allows the parties to be heard and to be represented, but appeals are possible only on points of law. Communities would be able to take part in that approach in a way that they cannot usually take part in the judicial review process.

There are a number of options. I will discuss them with COSLA, and I will be happy to discuss them with the member and with the Parliament. I am also happy to discuss them with parents and parents' representatives. It would be helpful if we could get a consensual view across the chamber—excluding Mr Findlay, who obviously does not want to be part of this—about the best way forward.

The member is absolutely right to welcome the issuing of much clearer guidance. The commission is very strong on the need for financial guidance. Those of us who have been through repeated school closure processes know that a great deal of difficulty is caused when figures are bandied about by all sides. Getting the template right will be good and is important. We also need to ensure that there is clarity about what determines educational benefit. We will work with COSLA on that and I am happy to work with parents groups on it, too.

Education Scotland has a role to play. One of the issues on which the commission touches and which we need to bring forward is the continued role of Education Scotland during a closure process. That will help to point out what needs to be done in such circumstances.

I have sat through closure meetings in small communities in which there has been real confusion about what was being said. That should not happen. It was not intended by the legislation, and we need to improve.

Graeme Dey (Angus South) (SNP): The aim of the 2010 act was that the Scottish Government should act as an impartial referee on the process followed by local councils. However, in the Western Isles judgment, the court ruled that, when the Scottish Government calls in a case, it must also take into account the merits of the case. What scope, if any, does the cabinet secretary see for a return to the position intended under the 2010 act?

Michael Russell: That is an important question. We have to start by making it absolutely clear that local authorities are best placed to take decisions about the provision of education in their areas. We have a distributed system of education delivery in Scotland, but there should be a safeguard in place to review those decisions—one that is accessible to local communities. That is particularly important given the difficult nature of these decisions, and we all know how difficult they are.

The commission has had the opportunity to consider the judgment—indeed, it did not want to

report until it had considered it—and it supports the approach of ministers reviewing the merits of a proposal. However, we need to have a system that ensures that we do not interfere in decision making but can review the merits of a case alongside the process issues.

We need to discuss what that means and what it would look like in legislation and in practice with local authorities, parents and others to ensure that we understand with absolute clarity—Liz Smith made the point that clarity is all—what it really means.

Graeme Pearson (South Scotland) (Lab): In his question, Mr Findlay raised real concerns about the proposals. Those concerns must be dealt with.

Having said that, I welcome the cabinet secretary's declared intention to clarify the 2010 act and to provide a statutory basis for what is required when reviewing a local authority's closure proposal.

I also welcome, particularly from a South Scotland perspective, the cabinet secretary's acknowledgement that schools can be fundamental to the social and economic make-up of rural communities.

The Deputy Presiding Officer: Mr Pearson, I need a question, please.

Graeme Pearson: I am coming to the question now, Presiding Officer.

The cabinet secretary acknowledges that it might be best to refer a case to a new, independent decision-making body. When does the ministerial decision-making process enter a final outcome, and how can we hold ministers to account, democratically, for that decision?

Michael Russell: I welcome that question. I am tempted to say to Mr Pearson, "Come on down." He could clearly make a stronger contribution to education debate than his front-bench team can. I will address his point, because it is serious and good, and must be addressed well.

I propose that ministers will retain the right to call in. The court supported that right. Ministers will be the first line of defence, so to speak. They will take the call-in decision. However, there has been criticism—indeed, there has been strong criticism from Labour councils recently—of the same ministers making the final decision.

I suggest that we can get a better decision-making process. Ministers would remain responsible for the operation of the 2010 act and for general education delivery. However, we already have a split situation: local authorities make the decisions and ministers review them. Mr

Findlay appears to criticise that situation, but he does not have a solution to it.

It is entirely appropriate that, if there are grounds for review—that is what the minister decides—the final decision be made in a way that is fair to all sides. The proposal will allow that to happen, but I am very open to discussion about what the process should look like and what should be built into it.

If Mr Pearson wishes to contribute to that discussion, he will be welcome to do so, so that we get it right. The Parliament agreed to the 2010 act unanimously. It is my hope that we might reach the stage at which we can agree on this matter, too. I hope that Mr Pearson will play his role in that regard.

The Deputy Presiding Officer: I am afraid that I need quicker questions and answers if we are to get everyone in.

Clare Adamson (Central Scotland) (SNP): I welcome the cabinet secretary's statement, especially in relation to the commission's recommendations about financial arguments being based on clear and accurate data. Having just gone through school closures in my region, I know how important it is to parents that they have transparent financial information when a school closure is considered.

Can the cabinet secretary confirm that recommendations 21 and 22 are being accepted? Does he agree with the commission chairman, Sheriff David Sutherland, that the more information we give parents, the more balanced, reasonable and open the discussion that can take place will be?

Michael Russell: To accept the Presiding Officer's strictures, I agree with Sheriff David Sutherland on the matter, and I am accepting those recommendations. That is the right thing to do.

Liam McArthur (Orkney Islands) (LD): I thank the cabinet secretary for early sight of his statement, some of which I read in *The Herald* this morning.

As the parent of a child who attends a school that was recently identified for closure, I know only too well the impact that the threat of closure can have on pupils, parents, staff and the wider community. I think that the legislation that we passed was absolutely right in insisting that the closure of a school must be the last option.

However, given what the cabinet secretary has said about the need for a clear "financial template", does he believe that his previous statements that financial considerations had no place in decisions about school closures were misleading? Does he not accept that, if ministers

are still responsible for calling in decisions, the independent referral mechanism will not depoliticise the process and is likely to lead to a higher number of call-ins, with ministers being spared the uncomfortable task of final determination?

Michael Russell: No, I disagree with that, and I am sorry that Mr McArthur takes that point of view.

It is clear that we need to clarify the role of financial decision making in the process. That is one of the issues that the commission looked at and came up with recommendations on. It would have been positive if Mr McArthur had welcomed those recommendations, because they have been accepted. They will clarify the situation, and clarity is necessary. In previous decision making, financial considerations were excluded. The commission is saying that such considerations need to be taken into account, but that the information needs to be presented properly. That is what will happen.

I am surprised by the attitude that the Liberal Democrats seem to be taking on the mechanism, because it provides an opportunity to depoliticise the situation and to have a better—*[Interruption.]* Mr Scott shouts out. He is constantly arguing that things should be depoliticised. Most recently, he argued that the Royal Highland Show should be depoliticised, although Mr Lyon is politicising it. When I provide an opportunity to depoliticise something, he shouts out. The inconsistency of the Liberal Democrats is absolutely stunning. The voters cannot understand what they do, which is why they do not vote for them.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): As someone who attended a commission session at Gairloch high school, I very much welcome the commission's report.

Will the cabinet secretary comment further on the need for improved staffing ratios in small rural primary and secondary schools in my constituency and many others, so that threats of premature closure or school mergers can be avoided, wherever possible?

Michael Russell: I am keen to ensure that the stability in teacher numbers that this Government has achieved, following the failure of the previous Government, is maintained. We must ensure that teacher employment is consistent throughout Scotland. For example, under the teacher induction scheme, a financial incentive is available to probationer teachers who waive their right to specify in which authority area they would like to work during their probationary year. That allows them to be placed in authorities in rural areas where probationer teachers are needed but might not otherwise go.

We have also been looking at the issue of dual qualification as a concern for education authorities. We are working with the General Teaching Council for Scotland to explore how the issue can be taken forward.

It is extremely important that we can provide a good supply of properly trained teachers to every school in Scotland. There are great attractions to teaching in rural schools, which present a real opportunity for ambitious teachers. We should send out that message loud and clear.

Claire Baker (Mid Scotland and Fife) (Lab): Following the publication of the commission's report in April, the Scottish rural schools network said that it seemed likely that the end of the moratorium would mean that a considerable number of closure proposals would come forward in the succeeding months. Given the cabinet secretary's comments on the shared desire of the Government and local authorities to improve the quality of closure proposals, what assurances can he give parents and communities that any proposed changes, including the setting up of an independent decision-making body, will meet the decision timescales that some rural communities might face?

Michael Russell: I addressed that in my statement. I am happy to confirm that we want to get the matter concluded as soon as possible. We have identified a legislative route for doing that. We expect all councils to be mindful of the points that I have made this afternoon and the discussions that are going on with COSLA. There is legislation in place, but I expect the highest-quality practice to take place, too. We will want to ensure that, when councils consider closure proposals, they are mindful of the need to do the type of things that are being talked about, not just by me but in what is an extremely comprehensive report, which they will all have read. I am confident that councils that are in that position will want to produce robust and clear proposals that meet all the tests that I have set.

I must point out that we accept the argument made by the members of the rural schools network during the commission's inquiry on the importance of educational benefit remaining at the heart of what we are doing. I hope that they are pleased about that. I also hope that they are reassured by the statement.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Will the cabinet secretary elaborate on his view that educational benefit statements should remain a critical part of any school closure proposal? When will the new guidance be available?

Michael Russell: I have indicated that we want that guidance as quickly as possible. We will

consult intensively with COSLA and others over the summer to ensure that we bring it forward.

I have made it clear that the educational bar that the Parliament set unanimously is an important one. It tells us that everything that we do in education must have an improvement motive and must be judged by the improvements that we bring. The educational benefit statement, which is vital, is being retained in that way. That will be positive for education not only in rural Scotland, but in urban Scotland; it is the right thing to do. Providing that we get consensus in the chamber—I am hopeful, but one never knows—we will be able to get the matter through quickly.

Jamie McGrigor (Highlands and Islands) (Con): The cabinet secretary makes the welcome comment that, unlike the situation with a judicial review, the independent adjudicator will be easily accessible to the communities affected by the proposal. That will be welcomed in communities in Argyll and Bute, the Western Isles and other parts of the Highlands and Islands. How will communities be able to engage with the adjudicator?

Michael Russell: I have an open mind about what that will look like. I keep stressing that point, because we will base the final decision on accessibility, among other factors.

An arbitration process would allow representations to be made—that is why it is a strong contender. However, other processes could be constructed that would allow representations to be heard.

It is important that such a process happens. I am keen to ensure that rural communities in Argyll and Bute and throughout Scotland are happy with the process, and accessibility is one factor that we will bear in mind.

Stewart Maxwell (West Scotland) (SNP): The cabinet secretary will be aware that rural regeneration is highlighted as a key issue by the commission. Sheriff Sutherland stated:

“Sustainable rural communities depend on a range of services including schools, but also jobs and housing”.

Will the cabinet secretary outline what steps are being considered to progress the report in the wider context of sustainable and vibrant rural communities?

Michael Russell: There are very good recommendations in the report that make the links that many of us have made for a long time around the presence of rural schools in communities, including shared services, the imaginative use of buildings, and how the potential closure of a rural school is treated not only as an educational matter, but as economic and social matters. Those are all questions of good practice that we are keen

to encourage, and the recommendations will help local authorities to take them forward.

Scottish Guardianship Service

The Deputy Presiding Officer (Elaine Smith):

The next item of business is a debate on motion S4M-06960, in the name of Aileen Campbell, on the Scottish guardianship service, a celebration of success.

15:03

The Minister for Children and Young People (Aileen Campbell): Today's debate about the Scottish guardianship service for unaccompanied asylum-seeking children and young people, which is leading in its model of guardianship in the United Kingdom and across large parts of Europe, is timely for three reasons. First, next week is refugee week. This year's theme celebrates the diverse cultures and heritage that make Scotland the place that it is today—I will touch on that theme later. Secondly, today's Scottish Council for Voluntary Organisations awards ceremony has the Scottish guardianship service shortlisted for a partnership award. Thirdly, yesterday the Joint Committee on Human Rights recognised the lessons that can be learned, across the UK, from this Scottish service unique to these islands.

I am proud to lead a debate that I know will gain the support of us all, across the chamber, on a service that shows Scotland at its best, leading the way, and our ambition for Scotland to be the best place to grow up extends to those who make Scotland their home.

I want to put on record my thanks to all those who have worked tirelessly for unaccompanied asylum-seeking children: the Refugee Council; Aberlour, which manages the guardianship project; Barnardo's; the Mungo Foundation; and many others across Scotland, including Glasgow City Council's social work department.

So, what is the system all about? The service allocates guardians to unaccompanied asylum-seeking children who find themselves in Scotland. Let us pause for a moment to reflect on how scary, frightening and daunting it is for someone to arrive in a country that they probably know nothing about and whose language they may not even speak, where all the while they are on their own. On top of that, they then need to embrace the policies and laws governing asylum and immigration.

The guardians help children and young people to make sense of the complex and often overwhelming systems and processes around asylum and welfare that they have to face immediately upon arrival in this country. They form a single point of contact where information can be pulled together; the roles of the different agencies working with the child can be explained; and all that can be repeated until the child fully

understands what is going on. The guardians do that in a way that gains the child's trust, gratitude and friendship. They provide a voice for the young person until they are empowered enough to speak for themselves.

That is in sharp contrast to the situation that was highlighted in 2005 by Kathleen Marshall, who was Scotland's Commissioner for Children and Young People at the time. She noted that there was a lack of support or of robust systems in place to cope with the emerging presence of unaccompanied asylum-seeking children in Glasgow, alongside the emotive issues around the detention of children for immigration purposes and dawn raids.

I have had the pleasure of meeting and listening to some of the young people who have been helped by the guardians. Although they have now made Scotland their home, it is still painful to learn about what some people have had to endure during their young lives. Through one of the therapeutic art projects that they had participated in, they conveyed to me their aspirations to become a mechanic, a professional football player—even a politician, of all things—as well as many other dreams and aspirations that had been made possible because of the guardianship service.

I want to take a wee moment to share with members Paul's story. He came to this country when he was 16 and was allocated a guardian. Initially, Paul was very confused and scared and found it difficult to speak about his experiences. It took a long time to build trust with people, and that was not helped by a difficult age assessment. Paul now has a great relationship with his guardian and continues to come for advice on a vast range of different subjects. He has become a good role model for other young people in the service, and is clearly a very popular young man. The change that the guardians have observed in Paul is striking: he is now confident, articulate and very motivated to make something of his life. To illustrate that point, he co-hosted a recent Scottish guardianship service conference that I attended and spoke incredibly well. He has now got a place at the University of Strathclyde to study product design and will have much to offer to Scotland. What a talent and what an asset for Scotland.

Such stories about the help that young people receive from the SGS are robustly backed up by the very positive and independent evaluation by Professors Ravi Kohli and Heaven Crawley of the model of guardianship that the service has used. The evaluation finds that the Scottish model of guardianship is well established, as

"reflected in good communication and information sharing"

between the service and referral agencies. The guardians are described as knowledgeable and competent. Most important, the guardians were found to be

“committed to young people in terms of safe and sustaining relationships”.

The evaluators found clear evidence that outcomes were improved for the unaccompanied asylum-seeking young people as a result of the service. They identified the added value of guardianship, which lies in its ability to work across the three domains of asylum, wellbeing and social networks. It is all too easy to forget the real sense of contentment and self-worth that we derive from the most basic aspects of our lives when things are going well: a place we are happy to call home; interaction with our families, friends and wider communities; consistent provision of appropriate healthcare; and access to education.

The guardians have made time and taken time to explain and to listen to the children who are referred to them. The guardians have not only helped those young people cope with the obstacles that they faced on their arrival and provided day-to-day support with other issues such as health, housing and education; they have actively encouraged the young people to improve their wellbeing by creating wider social networks, so that they can participate in Scottish life and meet others of their own age groups.

The guardians have helped the young people to begin to feel like any other young citizens of Scotland. That is particularly important, according to the evaluators, who noted that the work that the guardians undertake in one domain has an impact on the young people’s capacity to deal with issues in other areas of their lives. In other words, it builds on their assets and builds their resilience so that they can overcome other challenges. The evaluators found that a young person’s capacity to deal with issues in relation to his or her asylum claim is often contingent on their general sense of wellbeing and on feeling socially embedded and connected. On the topic of wellness, resilience and connectedness, I heartily recommend the work and the words of Dr Larry Brendtro, whom I had the pleasure of listening to yesterday at an event on residential childcare, as he explains the psychological importance of all those things.

The well-developed trust between the children and their guardians has resulted in more information being made available to UK Border Agency case owners, who are able to make better decisions earlier in children’s lives. A large increase has been observed in the number of young people who are granted refugee status or humanitarian protection at an early stage since the service came into being.

The evaluators highlighted the circumstances in Scotland that have helped the non-statutory guardianship service to flourish, which include the Scottish Government’s commitment to ensuring that the children’s rights that are set out in the United Nations Convention on the Rights of the Child are recognised and that children’s voices are heard, and the positive influence of our getting it right for every child programme. All of us in the Parliament can be proud of GIRFEC, which keeps the child at the centre of every decision that affects them. It involves everyone who works with children and it expects that they will co-operate in providing co-ordinated, holistic support for those children no matter who they are, where they live or what their circumstances require.

The Scottish guardianship service mirrors that approach, and the learning from the scheme has fed directly into wider policy that affects vulnerable Scottish children and young people—particularly young people who are looked after at home—with the development of the long-term mentoring scheme by Susan Elsley through her work as a member of the looked-after children strategic implementation group.

As Minister for Children and Young People, I am determined that all of Scotland’s children get the support that they need to become healthy, confident and responsible members of their communities—to be successful learners, confident individuals, effective contributors and responsible citizens. Every child and young person has that potential and deserves that opportunity and I want to ensure that we get it right for all of them, regardless of how Scotland came to be their home.

These young people just want to lead normal, stable, secure lives and to have access to the same opportunities as their peers. The Scottish guardianship service can help them to achieve that goal, and in many instances it has already done so. I know how much the young people value the support and friendship that they have received in the absence of their families and I am determined that that support will be available in the future so that others who may find their way to our shores receive the same welcome and the same standards of care and assistance and go on to the same success. That is why we have committed funding to continue this excellent service for a further three years.

Scotland has a long history of welcoming refugees and asylum seekers. That was the case even prior to the 1951 UN refugee convention. Migrants from various parts of Europe, Asia and Africa have been coming to Scotland for centuries, and we want to continue to be a welcoming country. We have a large, established migrant community and we welcome the contribution,

colour and vibrancy that new Scots bring to our economy and society. I wish the Scottish Refugee Council all the best for next week's refugee week, which seeks to ensure that there is a greater understanding and appreciation of the culture and diversity that immigrants, asylum seekers and refugees bring to Scotland, making a positive impact on our lives and our society.

With the guardians, I have witnessed enthusiasm and a desire to help. The lessons that we have learned from this unique Scottish service can be shared with the rest of the UK and the service has attracted interest from Europe. Sometimes, that is not the case. It is time that we became proud of the fact that Scotland has a lot to contribute to public policy, particularly in this area. We should share our learning as well as learning from others around the world.

It is often said that one of the measures of a civilised society is how well it looks after its most vulnerable members. These children are some of the most vulnerable members of our society. They come here in distress, needing help and looking for an opportunity to rebuild their lives and contribute to their new home.

I am proud that Scotland has shown that we can accept and support young people from all over the world. In return, young people from all over the world have shown how willing they are to learn about and contribute to Scotland, enriching all our lives. I had the opportunity to meet such young people and I encourage members to do so, because they might be inspired by the stories that the young people tell.

In such a policy area, challenges will always lie ahead and there will always be far more that we can do. This debate is about recognising the efforts of the people who have made the project a success and getting the Parliament to give its backing to the important work that continues to put Scotland at the vanguard of this policy area.

I move,

That the Parliament recognises that 17 to 23 June is Refugee Week 2013; welcomes the success of the Scottish Guardianship Service in supporting more than 100 unaccompanied young people going through the asylum system; further welcomes the positive evaluation of this unique Scottish service and the help that it has delivered to vulnerable young people, and commends the Aberlour Childcare Trust and Scottish Refugee Council for operating the service.

15:15

Neil Bibby (West Scotland) (Lab): The Labour Party welcomes this debate and the opportunity not only to pay tribute to the work of the Scottish guardianship service in supporting children and young people who arrive in Scotland unaccompanied and separated from their families,

but to recognise the difficulties and challenges that asylum-seeking children and young people face.

Children are children, regardless of where they come from, and we have a duty to support young people and do all that we can do to ensure that they are safe, secure and able to access the services that they need.

Forced migration is a sad fact of life for many of the world's children and young people. According to the Scottish Refugee Council, in 2012 around 1,200 children sought asylum in the UK, and up to five separated children arrive in Scotland each month to claim asylum. Many of the young people show indications of having been trafficked. The minister was right to say that most of those children and young people have little knowledge of Scotland and its language, culture or policies.

I cannot begin to imagine what that is like, and I do not think that any member can do so. However, I am sure that we all understand that it would be hugely daunting to be faced with the bureaucratic processes of a new country, in a world that we did not know, while bearing the physical and mental scars that many asylum seekers have—let alone facing all that without the protection and support of an adult family member.

The Scottish guardianship service works with vulnerable children and young people who arrive in Scotland unaccompanied and separated from their families. Those children and young people need the service's crucial support if they are to navigate the complexities of the asylum process and access the support services that they need, when they need them.

As the minister said, guardians work primarily in three areas: they assist separated young people in their claims for protection as refugees; they act as a bridge to social work, accommodation, education and health services; and they support young people in their everyday lives. It was good to hear from the minister some personal testimonies of the service. I put on record my appreciation of the Scottish guardianship service's work, and I welcome the Scottish Government's announcement of further funding for the project over the next three years.

The Scottish guardianship service does excellent work in supporting young people through the complexities of the asylum process, but we must also do everything that we can to reduce the barriers that such young people face in accessing the support that they need.

I thank Aberlour Child Care Trust, the Scottish Refugee Council and other partners for their work on the service and for their informative briefings ahead of today's debate. It is important that we use this debate to congratulate the people who run an important service. We should also use it to

consider how we might offer more and better support to asylum-seeking children and young people and to recognise some of the wider concerns in relation to young asylum seekers and victims of trafficking.

On how we better support asylum-seeking children and young people, organisations such as Barnardo's Scotland, which provided a helpful briefing for the debate, have expressed concern that some local authorities tend to assume that asylum seekers are a low-needs group, which requires low levels of service support. The experiences of asylum seekers suggest that the opposite is often the case. Many asylum seekers have high levels of trauma, and people often have mental health issues as a result of their experiences. Young people who seek refuge have often fled persecution, physical and mental abuse and even life-threatening situations in their own countries.

The first annual evaluation report of the service outlined that in year 1 of the project, nearly 70 per cent of the people involved were between 16 and 17 years of age. It also highlighted that a large number of young asylum seekers in Scotland are age disputed. That is often due to a lack of documentation or because of language barriers, which make it difficult for young people to communicate with the authorities.

Barnardo's Scotland has expressed concerns that many asylum seekers are not receiving appropriate age assessments from the UK Border Agency. Many young people are being identified as adults and are subsequently treated as such, which is of course a cause for concern. It is vital that everything possible is done to ensure that young people are identified correctly and do not miss out on vital support because they are wrongly classed as adults by the UK Border Agency.

On ensuring support, I would welcome information from the Scottish Government on whether it has considered whether asylum-seeking children and young people should be entitled to the same support that the Children and Young People (Scotland) Bill seeks to give looked-after children—namely support from corporate parents until the age of 25. I would also welcome it if the Scottish Government could tell us what liaison it has had with the Home Office regarding the questioning of young asylum seekers and the criteria that are used for determining the age of adulthood, and whether it is calling on the UK Government to raise the qualification age to 21 or 25.

Support for children in terms of immigration and welfare when they arrive in Scotland is very important, but young asylum seekers also face a number of education issues. Many young asylum seekers are keen to access education and

learning opportunities, but often they do not have access to the support that they need in order to learn. A lack of language skills is often the main reason for that, but the reality is that many local authorities across the country have been forced to cut language support services, which provide vital support to young asylum seekers. That affects their ability to learn and, ultimately, their ability to gain meaningful employment.

Although many young people will have positive experiences while they are here, it is very concerning to hear about instances of interfaith and racial bullying in Scottish schools. I would welcome it if the minister could provide—or give a commitment to obtain—up-to-date information on the instances of interfaith and racial bullying in Scottish schools and details on what action the Scottish Government plans to tackle the issue.

Barnardo's Scotland and others have expressed a desire to see more intensive support for young asylum seekers who are keen to access education in order to improve their long-term outcomes. I hope that the minister will take that on board this afternoon.

As I mentioned at the start, around a third of young people receiving the service show signs of having been trafficked. The evaluation of the Scottish guardianship service pilot states that around a third of young people receiving the service had

“trafficking indicators associated with domestic servitude, sexual exploitation and cannabis cultivation.”

That is an extremely worrying statistic. It is all the more worrying when we consider that there are likely to be many more trafficked children and young people whom the authorities are not aware of. As well as facing the difficulties and challenges that all young asylum seekers face, victims of trafficking face additional problems and have additional needs. Victims of trafficking have often experienced considerable trauma and need specialist support.

Many trafficking victims do not see themselves as victims of exploitation and accept the view of their traffickers that they owe them a debt. Others live in fear of their traffickers, who have forced them into the sex industry or drugs industry or to work as cheap labour. The problems that trafficking victims face are serious and wide ranging and require tailored, specialist support.

It is therefore alarming that Barnardo's Scotland has raised concerns that trafficked children across Scotland are not receiving the specialist support services that they need in order to recover and integrate into their local community. I urge the Scottish Government to listen to those concerns and to do all that it can to ensure that those children—as the minister said, they are some of

the most vulnerable in Scotland—receive the specialised support that they need.

It would be good to hear from the minister what priority the police and the Government are giving to tracking down and prosecuting traffickers. In particular, how are they supporting young asylum seekers to give evidence against those who have exploited them? Where young people are targeted for exploitation in their communities, what support do the police and local authorities give to those young people and communities?

We should welcome the important and worthwhile work of the Scottish guardianship service. However, we must recognise that we can and should do more for children and young people who arrive here in Scotland without their parents.

The Deputy Presiding Officer: There is time in hand at the moment. If members wish to take interventions, they can be compensated for that.

15:25

Murdo Fraser (Mid Scotland and Fife) (Con): I am grateful for the opportunity to speak about the Scottish guardianship service and the tremendous work that it does in helping to look after and support vulnerable young asylum seekers, particularly given that, as the minister indicated, next week is refugee week 2013.

The issue of asylum is emotive and complex and requires calm and serious consideration. In wider public and political discourse, it is often confused with immigration more generally. It is important to distinguish between economic migrants—those who freely choose to come to the UK—and vulnerable and persecuted people who, as we have heard in the debate, might be victims of human trafficking and in need of asylum.

The UK is a signatory of the 1951 United Nations convention relating to the status of refugees and therefore has an obligation to those genuinely seeking asylum, perhaps as a result of persecution in their home countries due to race, religion, political beliefs, sexual orientation or other matters. We should be proud of our record in providing a safe haven for those who are desperately in need of freedom, safety and security.

Seeking asylum is undoubtedly a traumatic process for all those who are forced to endure it. Many will have come from countries experiencing conflict, ethnic or religious tension, or political repression. They will sometimes have had to go through hell on earth just to get here and will often arrive with nothing but their name and the clothes on their back. For some it will be a more painstaking ordeal than for others. This debate is right to focus on those issues and the challenges

facing the thousands of children who go through the asylum process every year, often without the support of their family or friends.

It is a sad fact of life that forced migration affects millions of children globally. According to the UN High Commissioner for Refugees, nearly half of the 34.5 million people around the world who are classed as “people of concern”, and more than a third of all asylum seekers, are under the age of 18. In the UK, about 2,000 unaccompanied children apply for asylum each year, presenting unique difficulties and challenges, which often fail to be taken into consideration.

Children are frequently unaware of their rights and have no real knowledge of the culture or language of their host nation. The UK Border Agency treats all asylum applications—from adults or children—in largely the same way. It is entirely right that the UKBA ensures that all asylum applications are treated consistently and are scrutinised effectively. It has my support for the difficult work that it does. However, we should recognise that the process will inevitably be more difficult and demanding for younger people, particularly when they have very little family support.

John Mason (Glasgow Shettleston) (SNP): I agree very much with the theme of the member's comments. When we are dealing with health, for example, we deal with young people in a different way and give them extra support and so on. Would the member say that the UK Border Agency has a responsibility to deal with young people more sensitively?

Murdo Fraser: The member makes an important point. It is important to distinguish the legal framework under which the UK Border Agency has to operate and the way in which it approaches individual cases. It seems to me that it is right to apply a legal framework that treats everybody the same, regardless of their age. However, when it comes to the sensitivity of dealing with individuals, there needs to be additional support for children, which is why this debate is so important. The guardianship service that we are talking about is crucial to ensuring that children are being properly listened to in that environment.

Children can be subjected to interviews and they have to prepare a testimonial on why they left their country of origin. That can be particularly difficult for the number of children who have been forced to leave their home countries against their will. As Neil Bibby said, it is estimated that almost a third of children who apply for asylum may have been trafficked. Human trafficking is a heinous and sickening practice and we must do all that we can to eradicate it. We also need to recognise that it is

a very important factor in contributing to the numbers that are being presented in the debate.

For all children, regardless of how they arrive here, the asylum process can be traumatic, uncertain, and at times bewildering. Many will not have access to the guidance that they need. That is why the work of the Scottish guardianship service is so important. It is a very good example of the third sector filling in to provide essential services in the absence of direct Government support.

The service, as we have heard, provides a guardian to children to act as a point of contact throughout the entire asylum process. That is invaluable and it goes some way to filling the void that is left by the absence of close family. It also helps to ensure that young people are aware of their rights and are given advice on how they can integrate into the local community. The latter point is particularly important, given that the children come from a wide variety of different backgrounds and cultures and many of them have little or no proficiency in English.

Our asylum system is not perfect and much more can be done to improve it, but I am encouraged by some of the steps that the UK Government is taking, such as the asylum improvement project, which seeks to speed up the processing of applications and improve the quality of decisions. That project has had significant results and the evidence shows that asylum cases are being handled more and more quickly.

Despite that, charitable organisations and the third sector have—and always have had—a crucial role to play when it comes to supporting some of the most vulnerable people in our society and they are worthy of our praise and our support. I was pleased to hear from the minister about the additional funding for the service and I hope that that means that the Scottish guardianship service is here to stay, to help those who are most in need who come to our country.

I commend Aileen Campbell for bringing the debate to the chamber. It gives us all an opportunity to pay tribute to that excellent service and I am pleased to support the Government motion.

15:32

John Mason (Glasgow Shettleston) (SNP): I am very glad to take part in the debate. I will touch on three areas. First, we can obviously celebrate the guardianship service, which has been established for a couple of years. Secondly, we can acknowledge refugee week. Thirdly, however, we must regret how many refugees there are in the world.

First, we can celebrate the guardianship service. I have to admit that I was not very familiar with the whole concept of guardianship, but the more I have learned about it, the more positive I have become. When I think of myself aged 15 or 16, I am not at all sure how I would have coped if I had been dumped on my own in a strange and perhaps seemingly hostile country.

In education, in health and in other spheres, we rightly do not treat young people exactly the same as we treat adults. The same should apply in immigration—young people should be treated more carefully. I am not a fan of the UK Border Agency; it seems to be an organisation that is designed to keep people out of England, which is seen as an overpopulated country. However, that is clearly not the case in Scotland—we very much need to grow our population, so our starting point is probably different, in that we can be more relaxed about welcoming people here.

On reading the evaluation of the guardianship pilot, it is encouraging to see that progress has obviously been made during the two years in which it has been operating. It states that in year 1 there were often tensions and disagreements regarding the roles and responsibilities of guardians, in particular in relation to other service providers—especially statutory service providers, including social workers. However, in the second year, it seems to have been broadly agreed that interventions by guardians are very helpful.

I especially like the description of the guardianship role as

“filling gaps in resources and services in a timely way”

and the comments that the guardian

“had time to get to know the young person”

and

“provided them with a level of acceptance and support”.

That raises an interesting point about some of our public services. There is sometimes a danger that advice and support are seen as needing to be wholly cold, objective and impersonal. In fact, sometimes there can be a positive fear of a relationship developing between the person helping and the person being helped. That happens not only in the public sector; it happens in the voluntary sector, too. It sometimes seems that it is felt that it does not matter who gives advice, but that approach leaves out the importance of trust, confidence and similar issues.

By contrast, I was encouraged to read the 10 core standards of guardianship practice, especially standards 7, 8, and 9. Standard 7 says:

“The Guardian treats the child with respect and dignity”

and

"shows a flexible approach tailored to the individual needs of the child".

Standard 8 says:

"The Guardian forms a relationship with the child built on mutual trust, openness and confidentiality."

Again, that emphasises the relationship.

Standard 9 says:

"The Guardian is accessible"

and

"can be reached easily, lives near enough .. the child to be able to respond quickly ... and contacts the child ... when there is no specific need to do so."

I see all that as being extremely positive. Perhaps we could learn from that model in relation to other areas of child care.

Aileen Campbell: I am sure that John Mason will appreciate that the lessons that can be learned from the project have been fully recognised. The project that I mentioned on mentoring looked-after children recognises the strong policy levers that are evident in the report to which he referred.

John Mason: I thank the minister for making that point. Some of the most successful outcomes that we have seen with regard to children in care have involved there being, in a young person's life, one adult who performs above and beyond the call of duty, even after the young person has left care.

On refugee week, it has to be said that we now have many designated days and weeks when we remember events and highlight issues. That is a good thing, although I suppose that there is a danger that the number of such events can dilute their impact. I am more than happy to welcome refugee week Scotland, because the sad fact is that, although the focus of today's debate is on young refugees in Scotland, we are seeing only the tip of the iceberg here; there is a huge problem worldwide.

Murdo Fraser mentioned some of the figures. The UNHCR figures show that there are around 10 million refugees worldwide. However, when we add other groups, including internally displaced persons, of whom there are some 15 million, we get to the figure that is given in the briefing from the Scottish Refugee Council and the Aberlour Child Care Trust, which suggests that there are 34.5 million "people of concern", of whom nearly half are young people under the age of 18.

As I said, we must regret that there are so many refugees. The definition of "refugee" in Wikipedia is:

"a person who is outside his or her country of origin or habitual residence because they have suffered (or fear) persecution on account of race, religion, nationality, political opinion, or because they are a member of a persecuted

'social group' or because they are fleeing a war or natural disaster."

There have always been people who flee a regime or another group of people, and I suspect that there always will be. Often, we cannot have much influence over the causes of the fleeing, so first and foremost it is right that we protect the victims and give them whatever help we can and that they need.

However, that is not to say we should not be doing more to prevent people from becoming refugees and asylum seekers in the first place. Sometimes we, or our countries, have been partly responsible, for example, by supplying arms to despotic regimes for use against their own citizens, or for going to war against neighbouring countries. We might also have been guilty of not speaking out enough—or at all—about unacceptable situations around the world. That can be tricky, because we western powers have an unpleasant record of colonialism and of telling Asian and African countries how they should run themselves. We do not want to repeat those mistakes.

Ideally, we should not have been in Iraq and Afghanistan, but we cannot undo that now, and we should be speaking out for minorities there, and in countries such as Egypt and Syria, where people are being pressured to leave and, potentially, to become refugees.

We can be positive about the guardianship service and we can recognise refugee week, but we must also regret that there are so many refugees around the world.

15:39

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I am very pleased to be taking part in this debate, although the subject of separated young people seeking asylum is particularly emotive, and the accounts that many provide of their ordeal are both upsetting and disturbing. They are vulnerable young people who come to our country without the adult support that they require, and who often come here through necessity and sometimes by force. They desperately need structured help, and for that reason I am happy to be able to congratulate the guardianship pilot on its successes and achievements.

The process of moving to a new country and adapting to a different culture is intimidating at the best of times, even for adults. Can members imagine how daunting it must be to people under 18 who may recently have been through the most traumatic experiences of their lives? The value of a friendly face who understands the situation and is readily available for advice and emotional

support cannot be overstated. In the first independent evaluation of the service, which was published in December 2011, 36 per cent of the young people interviewed were noted as having mental health difficulties ranging from anxiety, through psychosomatic symptoms to post-traumatic stress. When there is such a diverse range of physical and mental health issues to be addressed, it is essential that guardians are present to help the young person make sense of the situation and deal with both immigration and welfare processes.

Neil Bibby mentioned evidence that we have received that about a third of the young people in question have been trafficked. In its submission for the Public Petitions Committee's investigation into child sexual exploitation in Scotland, the Scottish guardianship service highlighted that young migrants are also exceptionally vulnerable to child sexual exploitation when they are here. Such youngsters face a wider range of barriers to accessing advocacy and support than would otherwise be the case. For any victim, articulating the harrowing experience of trafficking or of past trauma is at best a difficult and emotional experience, but when English is not their first language, it is an even greater problem.

If left unaided, the young person may also be open to exploitation through isolation and loneliness. As the guardianship service emphasises, the young person may feel drawn to adults who are from a similar cultural background, even when the subsequent relationship becomes exploitative. People can perhaps relate to that if they put themselves in the position of those individuals, who often have no experience of the world outside their home countries. The majority who meet guardianship services are only 15 to 17 years old and come from 17 countries, including Afghanistan, Vietnam, Nigeria and Iran. We know that up to five separated young people arrive on Scottish shores each month and claim asylum. Tragically, as others have mentioned, a significant proportion of those youngsters have experience of being trafficked.

It is vital that the best interests of those children are put at the forefront of future policy decisions, which can happen only if services are developed with and for the young people themselves. The difficult decisions in the process of asylum, as well as welfare issues in respect of housing, education and health, can be shared with the guardian, who will help to shoulder some of the burden. As a result, young people can focus on what life should really be about, and can find their own sense of place and a social circle, as well as building up their skills.

Of course, it is not just the guardians who matter. Neil Bibby mentioned the evidence from

Barnardo's, which emphasises that many trafficked children in Scotland are not receiving the specialised support services that they need in order to recover and integrate into the local community. Obviously, a range of services need to respond to those service gaps.

Neil Bibby also asked questions about the police and trafficking, which is clearly a central issue both in terms of identifying young people who have been trafficked and in terms of tracking down and charging the people who are guilty of trafficking. I believe that in that, training for the police is crucial. I understand that a report has come out today that highlights the importance of training for not just the police but other professionals, which will, I believe, be the subject of debate at the parliamentary cross-party group on human trafficking meeting at 5.30 today.

The first annual independent evaluation of the guardianship service highlighted that the UN Convention on the Rights of the Child specifically recommends that separated children be provided with a guardian as standard, and called for the UK Government to introduce a statutory guardianship scheme for all young people who go through the asylum process alone. The pilot service in Scotland is the first of its kind in the UK; I hope that it will be replicated across the whole UK in the very near future. The evaluation was essential because it provided an opportunity to review the experiences of the young people and to come up with suggestions about how the process may be taken forward even more successfully in the future.

It is welcome news that the Scottish Government will continue to fund the service for a further three years. I hope that, over that period, it will go from strength to strength.

The service evaluation highlights the case of Ali, who became separated from his family in the immigration process. On attempting to enter the UK in Glasgow, he was refused asylum and told that he had no grounds to appeal. At just 15 years old, he was offered the help of the guardianship service, which then sought a second legal opinion. That led to his appeal being accepted, and Ali now has the chance to rebuild his life with the support network that has been built up through interaction with his guardian. Without that help, he would perhaps have been forced to return to the situation from which he had fled.

That graphic example sums up the success of the Scottish guardianship service. I congratulate it on its achievements so far and wish it all the best for the future.

15:45

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): Members will be well aware that I play an active part, with other members, in seeking to improve the lives of young people who have undergone the trauma of trafficking or who have been seeking asylum, and in some cases both.

Immigration is a reserved power, so we in Scotland have no real control. The UK Border Agency sees it as being fit and proper that it treats children who are as young as 10 or 11 the same as it handles adults who arrive at its borders. That means lengthy interviews, probably through an interpreter, and—as we have heard—the preparation of a testimonial that they probably do not understand but that is meant to explain why they are seeking asylum. I imagine that those young people have a feeling of complete and utter disorientation.

That will not do. The UKBA has got it badly wrong in the past. I cite Dungavel and dawn raids as clear testimony to, and perfect examples of, where the UKBA has got it badly wrong. Westminster needs to re-examine the system and to find a better, fairer and more compassionate approach. The young people are scared and confused about why they are there. They lack the comfort of having a family member beside them, they have few belongings and they do not know what is going to happen next. They must be absolutely terrified. In my opinion, that is beyond Dickensian.

It is incontrovertible that we are talking about extremely vulnerable and frightened young people who have been displaced. We need to give them more than an introduction to our fingerprinting service—they are children. They have rights that are enshrined in European and UK law, and we have a duty to uphold and implement those rights. That is why I was pleased to hear that Westminster's Joint Committee on Human Rights suggested that the Scottish guardianship service be used as a model for England and Wales. The committee's interesting report on the issue states on page 49:

"We welcome the findings from the Scottish Guardianship Service, which demonstrate the value that a guardian can add for unaccompanied asylum seeking and trafficked children. We recommend that the Government commission pilots in England and Wales that builds upon and adapts the model of guardianship trialled in Scotland. The guardian should provide support in relation to the asylum and immigration process, support services and future planning, help children develop wider social networks, and ensure that children's views are heard".

I could not have said it better myself. I hope that the Westminster Government will take heed of that recommendation.

Without independence, we are helpless to change the official UK Border Agency system with its apparent lack of interest in compassion or understanding. The squeeze on time to produce the crucial testimonial barely gives the child time to build any kind of meaningful or trusting relationship with a solicitor, who probably does not even speak their language.

Liam McArthur (Orkney Islands) (LD): Does Christina McKelvie accept that setting up a radically different process for immigration and asylum north of the border, compared to the process south of the border, would inevitably require a more onerous system of border controls, not just for those people, but for anybody travelling back and forth across the border?

Christina McKelvie: That is a good point, although Liam McArthur will not be surprised to hear that I do not agree with it. Like the Westminster Joint Committee on Human Rights, I believe that Scotland could be the beacon. We could make the difference and, I hope, change the system in the rest of the UK. That is what I strive for. My agenda is positive and is not just about criticising—although, as he will understand, I criticise the UKBA quite a lot.

To assume that a child could instantly recover from cataclysmic circumstances that have brought him or her to the UK, and be ready to explain it all cogently and clearly in a couple of weeks, seems to be not just unrealistic but inhumane. I have taken part in interviews with adults who have had to explain their circumstances in extremely difficult terms. That a child should have to do that is unbelievable. What people go through when they relive and retell their stories is indescribable.

UKBA is not interested in helping Scotland to be a little more caring and sensitive. The Scottish guardianship service, which is provided so effectively through Aberlour Child Care Trust and the Scottish Refugee Council, is clearly not going to be encouraged by the Border Agency. UKBA refuses even to record interviews with children that are carried out at the guardianship centre, and will accept only those that take place at UKBA, even though that means additional trauma for the interviewee. Recording transcripts are often crucial, later in the decision-making process, for the child's future. The system is patently unfair and militates against any form of natural justice.

The Scottish Government supports a Scotland-based programme that takes the guardianship service forward, which is something that I hope the rest of the UK will consider. It will allow the service to develop its mission to help vulnerable displaced young people, to enable them to have a more positive experience of arriving in a new and alien country than they get in England, for example, and

to help them make sense of procedures that are daunting and confusing.

All the evidence points to just how helpful the model is. The guardians are able to deal with the enormous complexity of their work because they have the qualifications and skills to do so. They are thoroughly trained, supervised and supported and are committed to the young people whom they work with and for.

I commend the guardianship service not only for what it does so well, but for actively pursuing improvements, even though we are at present so restricted in our powers. I hope that the Scottish Government will be able to offer more support for those disadvantaged and often traumatised young people. Human trafficking is not just a developing-country problem; it is a problem for all of Europe. Sometimes it is an in-country problem, as well.

The Scottish Government has already pledged to develop the guardian pilot so that young people entering Scotland in that way will have someone whom they can trust and rely on to help their case—not a civil servant, but an advocate who understands and who cares about that child's future.

UKBA does not have the professional skills to offer judgement on child cases. Such assessment needs to be made through child protection panels or similarly professional forums at local social work level. Those people are best placed to respond sensitively and with care. I recommended that action to the Equal Opportunities Committee's predecessor committee during an inquiry in the previous parliamentary session.

Furthermore, as I have told Theresa May, the impending breakup of UKBA looks set to make matters worse rather than better. Far from operating in a more dignified manner, treating all people fairly and humanely, UKBA's UK-wide organisation will be even more unable to determine the trafficking status of children and young adults.

The Deputy Presiding Officer (John Scott): You must close, please.

Christina McKelvie: That is something that needs to be managed from within the local community. I invite everyone to join me when I host refugee week next week—

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

Christina McKelvie: Thank you.

15:53

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): In preparing for the debate, I read the briefings that were provided by a number

of organisations, in particular the Aberlour Child Care Trust. The information in the trust's briefing is truly humbling. As has been said, on average, five children arrive in Scotland every month, seeking asylum without their parents, through separation or another tragedy. Very few can speak English, and more than half have so little information or documentation that they are classified as "age disputed". That is a potent reminder that there are societies around the world in which people exist in incomprehensibly desperate circumstances. It is a sad indictment of humanity that societies still exist in which life is so desperate that children have to make a dangerous journey across the world to seek asylum.

The guardianship service, as others have mentioned, is a programme that pairs those vulnerable children up with an adult who can act as a guide and confidant throughout the asylum process. As Malcolm Chisholm said, they provide advice and emotional support. The second of those things is really important because we need to be wary of the cold approach. As well as guidance, probably the best thing that we can offer those children is a shoulder to cry on—a human, caring face for the whole process—because they will be traumatised and need someone whom they believe cares about what will happen to them.

As has been pointed out, the project began as a three-year pilot in 2010 operated by the Scottish Refugee Council and Aberlour Child Care Trust and, in February, the Scottish Government announced that it would fund the project for another three years. Although that is very welcome, it is unsurprising. In its relatively short period of operation, the Scottish guardianship service has attracted praise from the Joint Committee on Human Rights at Westminster, which has recommended that the UK Government introduce a similar pilot for England and Wales.

Children who have received a guardian through the service have a significantly higher success rate in their asylum applications, with 44.2 per cent being granted refugee status or humanitarian protection, compared with only 20 per cent in the parts of the UK where no such service operates. Clearly, the Scottish guardianship service has already had a positive impact on those who have arrived in Scotland, and is serving as an example of good practice across the country. It is right that we, as a relatively rich developed country, do all that we can to help those who do not enjoy our luck in living in a wealthy and democratic nation. It is our responsibility to do all that we can to help those who arrive on our shores in desperate need of assistance, so I am pleased that the guardianship service is helping those most vulnerable of asylum seekers to navigate the process when they arrive.

However, although I sincerely welcome the service, it is—as John Mason suggested—a way of addressing the symptoms rather than the underlying problem. Of the children who arrived between September 2010 and August 2012, almost three quarters came from just seven countries: Afghanistan, Vietnam, Nigeria, Iran, Somalia, Gambia and Eritrea. To truly improve the quality of life of people around the world, we need to be internationalists and to champion causes that address the vast inequalities that still exist.

As part of their campaign for global tax justice, Christian Aid and Church Action on Poverty have highlighted that each year the amount of corporation tax that is avoided by international corporations in developing countries is three times the global aid budget. The UK is about to host the G8 summit and David Cameron and George Osborne have both stated that reforming international tax practice will be high on the agenda. Although that would be a welcome step, the Prime Minister and the Chancellor of the Exchequer should perhaps look closer to home and prevent tax avoidance in the UK. Words are all very well but, as we know, actions speak far louder, and only through taking action on tax havens and tax avoidance can we truly improve the situation of many people living all over the world. After all, the United Nations projects that, by 2015, around 1 billion people will be living in extreme poverty on less than \$1.25 a day: we must do all we can to drastically reduce that figure.

While these conditions exist around the world, services like the Scottish guardianship service will continue to play a vital role in helping vulnerable children to escape desperate circumstances and to settle into better lives. However, there are a number of steps that we can take to build on the solid foundations that have been created through the service. As Murdo Fraser pointed out, we in the UK do not distinguish between children and adults in respect of completion of assessments, unless the children show signs of torture or trauma. Moreover, although the UKBA will allow interviews of children to take place offsite, it will not allow those offsite interviews to be recorded. I have no idea why that should be the case.

Aberlour has suggested that the UKBA might not have the required expertise to deal with vulnerable children in such cases, and that a two-stage process involving child protection committees having responsibility for formal identification of trafficking, while the Home Office and UK human trafficking centre retain responsibility for making the immigration decision. I think that that sensible suggestion is worth looking at.

I am very pleased that the Scottish guardianship service has had such a positive impact and that it

will continue to operate for the next three years. However, although I believe that we should all welcome that move, we must not lose sight of the fact that the need for the service highlights the unacceptable inequality that exists around the world. That should spur us on to take decisive action to reduce global poverty and to lift hundreds of millions of people out of desperate situations.

16:00

Graeme Pearson (South Scotland) (Lab): The issue of refugees and asylum seekers in our country can cause significant concerns, which has always surprised me. As a nation, we are proud of our country, we celebrate our culture and we enjoy a quality of life that is second to none. How fortunate we are that we do not have to flee our country and seek refuge in another country because of war, oppression or persecution. Which one of us would choose to send a child of ours to strangers in a distant land in the hope that the child would be well received, loved and supported?

In that light, as well as recognising the significant contribution that refugees make to Scotland, it is important to acknowledge that allowing people to come to Scotland to escape torture and tyranny is the duty of a compassionate and responsible nation. I believe that Scotland is such a nation.

In addition to the moral obligation that we have to refugees, it is vital that refugees, particularly children, are well looked after for however long they choose to stay here. As almost half all refugees are under 18, it is clear that the Scottish guardianship service is a vital and worthwhile initiative. I welcome the Scottish Government's announcement that £200,000 will be allocated to the service over the next three years. I hope that the scheme will provide care and support to vulnerable children.

It must be an absolutely terrifying experience for a child to arrive alone in a new country. Often, such children have no knowledge of Scotland, our systems and support services or our language. We must bear in mind the fact that the authorities in their homelands—including the police—are not always seen in a positive light. The difficulty that such children experience might be magnified by the fact that many of them are fleeing war zones, persecution or physical and mental abuse. Another concern is that a significant number of young refugees might have been trafficked, with many living in fear of traffickers who would force them into the sex industry or drugs industry to provide cheap labour. We must ensure that all young people are sufficiently looked after for however long they are here.

Police Scotland has an important role to play. Continued work on identifying, targeting and prosecuting traffickers is vital in reducing the number of trafficked people in Scotland. The number of prosecutions for trafficking in Scotland is very low, and more needs to be done to ensure that victims understand the nature of exploitation, so that they can act as witnesses. We need to reassure victims that they will be safe and protect them from any potential repercussions that they might fear suffering from traffickers.

Since its establishment, the Scottish guardianship service has been designed to ensure that young refugees are better supported during their experience of immigration and better informed about the welfare system. As well as developing a model of practice that is centred on the child's interests, the service is designed to encourage co-operation and communication among the agencies so as to provide better information and support.

Aberlour Child Care Trust and the Scottish Refugee Council, which are the two primary partners in the guardianship service, agree that vulnerable young people who enter the UK as refugees need support and assistance in navigating the often complex processes and systems that they face. A particular challenge comes from the added barriers of language and cultural differences. The children's charity Barnardo's Scotland further supports that view and has added its backing to the guardianship service. Providing young asylum seekers and refugees with support and enabling them to access the assistance that they need are paramount if we are to represent ourselves as a responsible and compassionate society.

The appointment of an individual to act as a young person's guardian means that the young person has a single point of contact throughout the asylum and immigration process, which offers a vulnerable child continuity, stability and the establishment of trust in a most challenging circumstance. Having the guardian explain to the child in understandable terms the process that they are going through makes the experience less daunting and overwhelming for them.

I will highlight two issues in the system. The first is the fact that separated children who are seeking asylum are processed in the same way as adults. The second is that, unlike England and Wales, Scotland does not afford young asylum seekers the official status of children in need. If we can address those issues, combined with the Scottish guardianship service, Scotland will have a programme for dealing with young refugees of which we can be proud.

Aileen Campbell: Under section 25 of the Children (Scotland) Act 1995, which covers

voluntary accommodations, the children about whom we are talking are covered by the regulations on looked-after children, which underpin the approach that we take. In many respects, that is considered to be stronger than the approach that Graeme Pearson proposes in relation to children in need.

Graeme Pearson: From the briefings that have been provided, the official status of children in need seems to be a key issue for those who have deep experience of the processes. I invite the minister to revisit that and, if there is a gap, to deal with it.

I support the motion and hope that the Government will continue its efforts to ensure that Scotland provides a safe place for asylum seekers and refugees.

16:06

Annabelle Ewing (Mid Scotland and Fife) (SNP): I, too, am pleased to have been called to speak in the debate on the Scottish guardianship service, which we can all agree is groundbreaking. It is apt that we are having the debate in advance of the celebration of refugee week Scotland 2013, which commences next Monday. My colleague Christina McKelvie, who has had to leave, is hosting an event to celebrate that excellent initiative next week in the Scottish Parliament.

As we have heard, the Scottish guardianship service was established as a pilot project in 2010, further to a commitment made by the Scottish National Party Scottish Government in its 2008 response to the UN Committee on the Rights of the Child. It should be acknowledged that the service was set up further to a lot of work behind the scenes by Aberlour Child Care Trust and the Scottish Refugee Council, which operate it. All credit should go to both those excellent organisations for the hard work that they did to set up the service and for the excellent way in which they have operated it since its inception.

As has been said, the service is non-statutory and operates independently. Its key focus is to provide support for children seeking asylum who find themselves separated from those who would otherwise have parental responsibility for them. Sadly, that includes many trafficked minors. The key recognition that underpins the service is that, aside from being extremely vulnerable and isolated, those children would, in the absence of the service's support, find themselves at a severe disadvantage in their representation in the asylum process and, therefore, their ability to invoke their rights under the law.

The support that is provided is designed to ensure that those gaps are filled. That is secured by the institution of guardians. It is important to

note for the record the definition of a guardian for the purposes of the guardianship service, as it differs in certain respects from the terminology that is employed in Scots law in general. A guardian is defined as

“someone who accompanies children and young people when they claim asylum or are trafficked and are cared for by health, education and welfare services. A Guardian will help a child or young person to be actively involved in decisions that affect their life and to get the help they need, when they need it. A Guardian is on the child’s side, can explain what is happening to them, will listen to their views and experiences and speak up for them when needed. A Guardian will also help a child or young person to plan their future”.

That definition sums up clearly what we are talking about in the debate.

In addition to ensuring that such children have somewhere that they can call home and that they have social contact and—as the minister mentioned—access to healthcare and education, the service makes a big difference in facilitating better decision making by UK Home Office caseworkers. That is because it means that much more information is available to the Home Office at the right time. At the same time, all the professionals who are involved work together and share information during the asylum process.

I understand that, since its inception, the guardianship service has supported more than 100 young people from countries such as Afghanistan, Nigeria, Vietnam, Iran and Somalia. Most—about three quarters—of those who have been supported are young males, and nearly a third of the young people have presented trafficking indicators that are associated with domestic servitude, sexual exploitation, cannabis production and the supply or sale of drugs.

As we have heard, after the initial pilot period ended, the service was evaluated by the learned Professors Kohli and Crawley earlier this year. It is significant to note that that independent evaluation found that some 80 per cent of stakeholders felt that the pilot had made young people’s lives better. That view was shared strongly by the young people. It is important to note that the evidence on asylum outcomes supports that conclusion. About 44 per cent of the young people who had a guardian and for whom an initial decision had been made secured refugee status or humanitarian protection. That compares with a rate of about 20 per cent in the UK more generally.

I am therefore very pleased—as I think that everyone in the chamber is—to note that the SNP Scottish Government has agreed to fund the service for the next three years. That will allow key support to some of the world’s most vulnerable children to continue to be provided. The continued funding will also allow the service to build on the

experience that has been gained over the first three years and to develop best practice.

As for the suggestions that were made in the Barnardo’s briefing, as I did not receive that briefing—and nor, it seems, did some of my colleagues—I cannot comment on them in any detail.

It is a credit to everyone involved that the service is going from strength to strength. I reserve particular praise for the guardians, who are making such a difference to the lives of the young people concerned.

We have heard about the interesting paragraph in the report on the human rights of separated children that Westminster’s Joint Committee on Human Rights published yesterday, which suggested that the Scottish guardianship service could serve as a model for the commissioning of pilot projects elsewhere in the UK. That is very much to be welcomed. However, from the time that I spent at Westminster as the MP for Perth and my constant battles with the then Labour Blair-Brown Westminster Government over the disgrace that was the detention of children of asylum seekers in detention centres such as Dungavel, I am afraid that I am not particularly sanguine about the prospect of a speedy response from Westminster on the issue. We can but hope.

Fortunately, in Scotland, at least on the matters that the guardianship service covers, we can continue to forge ahead in meeting our international commitments, while recognising that Westminster retains—although not for much longer, I hope—sole jurisdiction over asylum policy and procedures.

16:14

Liam McArthur (Orkney Islands) (LD): It might be a little presumptuous of us to claim that the debate is a highlight of—or rather, the perfect launch for—refugee week Scotland 2013. Amid an array of what I understand will be more than 100 arts and cultural events in different parts of the country that will celebrate the contribution that refugees make to the communities that have welcomed them in, it is perhaps inevitable that our deliberations might seem a little drab by comparison.

Nevertheless, we should not be disheartened or deterred. We have a contribution to make, not least in raising public awareness of and broadening people’s horizons on the contribution that refugees make. As many members have mentioned, we, too, can highlight the challenges that refugees face, particularly those at the younger end of the age spectrum. In that regard, I welcome the debate and I am happy to confirm the Scottish Liberal Democrats’ support for the

minister's motion. I thank Aberlour and the Scottish Refugee Council for their excellent briefings, the contribution that they and others make to the guardianship service and their wider support for refugees and asylum seekers.

We may wish that it were otherwise, but there is no getting away from the fact that forced migration is an unpleasant fact of life and, what is most distressing, that that is the case for many children and young people in different parts of the world. War and conflict are an all-too-frequent catalyst. One need only consider the appalling events unfolding in Syria to see the effect that they can have. That civil conflict has displaced more than any other, and no end is in sight.

People are forced to flee their homes and countries for many reasons, including famine, disease and persecution. Meanwhile, displacement because of human trafficking is on the increase. As Graeme Pearson articulated in an excellent speech, that growing threat entraps children and young people, as it does adults.

The UNHCR estimates that about half the 34.5 million people who are of concern worldwide are children. Aberlour and the SRC explain that few of those children who arrive in the west are separated from their parents and that a small proportion of them end up in the UK. Those who arrive in this country have a right to be treated with humanity, dignity and compassion. Unaccompanied asylum-seeking children are often exceptionally vulnerable, as Malcolm Chisholm, Christina McKelvie and others have explained, and they need more tailored and specialised support. I therefore very much welcome the Scottish guardianship service pilot and the funding that Scottish ministers have made available to prolong the initiative for three more years.

Before I turn to the scheme's details, it is important to acknowledge the decision that the UK coalition Government took to end child detention. The experience of the children who were incarcerated at Dungavel shamed us all. The campaign to end that practice rightly commanded support across the political parties in the Parliament and wider society. I share the relief at the ending of such detention, but it is a chapter in our history that we can only reflect on with deep regret. It is also worth recognising the moves that have been made to end deportations of people who could be threatened in their home countries because of their sexuality.

Like other members, I believe that further changes to immigration and asylum policy are necessary. I am alarmed at how the debate is conducted and heavily politicised. Some of that is reflected in the conclusions of the Joint Committee on Human Rights from earlier this week, to which other members have referred. However, I am

pleased that progressive steps have at least been taken in the two areas that I mentioned.

I urge caution to members, such as John Mason, Christina McKelvie and Annabelle Ewing, who are tempted to argue that we should break up the UK so that we can establish our own approach to immigration and asylum. The greater the disparity between the regimes north and south of the border, the more onerous the border controls would inevitably be and the more rigorously they would be enforced across the board and not just for those seeking asylum. I accept more readily Christina McKelvie's suggestion that we should promote a more progressive approach.

Sandra White (Glasgow Kelvin) (SNP): I thank the minister—I am sorry; I did not mean to promote the member. I thank him for taking an intervention.

Although I accept Liam McArthur's arguments when he talks about Scotland's independence from the rest of the UK, he might not accept mine. Does he accept that MSPs should have the same rights as MPs to defend our constituents who are seeking asylum on our shores?

Liam McArthur: I have heard Sandra White's question before. As she suggests, MSPs have a right to represent their constituents. I have sympathy with her argument, because it is not always reasonable to expect constituents to make the distinction between reserved and devolved responsibilities.

The guardianship service represents a progressive approach. It reflects the recommendations of the UN Committee on the Rights of the Child and practice elsewhere in Europe, although equivalent schemes appear to vary significantly.

As others have said, the Scottish scheme is aimed at enhancing the support and improving the outcomes for unaccompanied asylum-seeking children. There is also a focus on improving joint working between different agencies. Both aims are vital, and the evaluation of the pilot phase is encouraging, as other members have suggested.

So far, the scheme has helped about 100 young people from countries such as Afghanistan, Iran, Nigeria, Somalia and Vietnam. The guardians have helped those vulnerable young people to navigate the often highly confusing and stressful complexities of the asylum and welfare processes and have improved their understanding of and engagement with those processes.

As important is the fact that communications and collaboration between all those involved appear to have improved. That has resulted in, among other things, Home Office case owners

having better-quality information on which to base their decisions—Annabelle Ewing made that point.

The evaluation report into the pilot phase of the scheme suggests that guardianship has helped to lift the overall quality of the service, although it is acknowledged that increased success rates for asylum applications partly reflect the applicants' nationalities. The service has also allowed the young people involved to build a capacity to deal with the events, many of which are very traumatic, that are taking place in their lives. There are positives to take from the scheme, although Aberlour and the SRC point to areas where further work and improvement are necessary—they include dealing with trafficked children and supporting those whose case for protection has been refused.

There are lessons for other parts of the UK. A similar scheme is being considered for Northern Ireland. The Joint Committee on Human Rights has recommended that the UK Government should consider establishing pilots in England and Wales. I agree with Malcolm Chisholm that that seems sensible, although it might not be straightforward, as Professor Kohli—one of the evaluators of the Scottish scheme—has acknowledged.

Scotland receives relatively few unaccompanied asylum-seeking children; the average is three per month, in comparison with 46 in London. With smaller case loads, guardians can spend the additional time that is necessary to engage with the young people and deliver the welfare and support outcomes that we are seeing. Replicating that elsewhere would present bigger challenges. In that sense, it might have been helpful if the Scottish pilot had looked at other ways of delivering the service—through greater use of the voluntary sector, for example.

The Deputy Presiding Officer: Please draw to a close.

Liam McArthur: I very much welcome the work that has been done through the guardianship service. I look forward to that work helping to inform and improve practice not just in Scotland but across the UK. I am happy to support the motion in the Government's name.

16:22

Sandra White (Glasgow Kelvin) (SNP): I worked with asylum seekers and refugees for many years, back in the 1990s when they first arrived in Glasgow and in other areas of Scotland. I know only too well how difficult it is for asylum seekers—for the adults, never mind the children—to work their way through and understand the system. A different approach was needed then

and is definitely needed now; we need to look at that.

In my work, I was involved with a group, supported by Glasgow City Council social work department, that worked with unaccompanied asylum seekers. The concern about age always raised its head when I visited the groups and the children. I see that we have young people in the public gallery today; they have been listening very intently. For them and also for others I want to give a small case study of one of those disputes about age.

The study concerns Abdul, who arrived in the UK in 2011 and was referred to the service in June. Abdul believes that he is 14 years old; indeed, he was told his date of birth by his mother. However, when he came here he was assessed as being 16 years old, which caused numerous problems. The dispute about Abdul's age meant that he was unable to attend school; he was told to attend college. Obviously, Abdul wanted to be with children of his own age and he refused to go to college. As a consequence, he has become socially isolated and increasingly withdrawn and his mental health has deteriorated.

As I said, I give that example because we have children and young adults in the public gallery today. Some of those young adults may be voting next year. They have the freedom to do that; yet here in our country we have unaccompanied young adults, trafficked from whatever source, who do not have the opportunity to have a say—or would not have if we did not have the unique Scottish guardianship service.

The Scottish guardianship service is, indeed, a unique partnership between Aberlour and the Scottish Refugee Council. It is funded by the Scottish Government, and I welcome the minister's announcement of an extra three years of funding. It is also supported by many charities, including Barnardo's. Like other members, I thank everyone who is involved.

The project was set up and developed with young people and for young people. It is little wonder that the UK Parliament's Joint Committee on Human Rights has recommended that the UK Government should commission similar pilots in England and Wales with a view to establishing a wider system of guardianship. I hope that the minister will monitor whether that goes ahead and report back to us on whether the UK Government accepts that recommendation and looks at such a project, which would add to what we are doing in Scotland.

I thank Professor Crawley and Professor Ravi Kohli for their independent evaluation of the service. Annabelle Ewing mentioned some aspects of that. They found that the guardians

advocate for all decisions by professionals to be taken in the best interests of the child, and that guardianship has worked within the principles of getting it right for every child. That is an important point, and it perhaps answers some of Neil Bibby's questions about how we go forward with the service. Using the premise of getting it right for every child for unaccompanied children is a good start.

The evaluation also found that guardianship has lifted the overall quality of service provision by encouraging professionals such as legal representatives, social workers and residential staff to work together more closely, and it demonstrates the advantages for young people when they do that.

As I said, it is difficult for adults to cope with the asylum process, so we can only imagine what it is like for a child. Having guardians there to go through every single step with them gives them support and builds up not only their confidence but their capability to take on the things that are happening in their lives.

I am pleased that this fantastic service will operate for another three years. I would like it to be monitored, with more reporting back. However, we cannot have a debate on asylum and immigration without mentioning the UK Border Agency. I see that Liam McArthur has left the chamber, but I believe it is really important that we, as representatives of our constituents, have the same right as MPs at Westminster to contact the UK Border Agency and the Foreign Office. I have contacted the Red Cross, which is a fantastic organisation that can find the birth parents of unaccompanied asylum seekers back in the Congo or wherever it may be. It does not ask whether we are an MP or an MSP. If we have an interest, such as a constituent who is looking for their long-lost child, it will do that work for us.

I know that the minister will speak to the Minister for External Affairs and International Development, and I plead with the Government to speak to the UK Government once again. We can do what we can, but we desperately need the same powers that MPs have to find out, on behalf of constituents, exactly what is happening in the asylum system.

We have talked about unaccompanied children, but we also have young children who are with families who are seeking asylum in our country. I ask the minister whether there is anything that we can do to make their lives better. Can we extend the project to include the children of those families? Can we prevent them from having to go down to Brand Street in Glasgow to have their fingerprints taken just in case they are not the children they say they are? They are taken out of schools and away from doctors appointments.

I see that the Presiding Officer is asking me to wind up. I thank the minister and everyone else for their speeches.

16:28

Stewart Maxwell (West Scotland) (SNP): I am delighted that Scotland has met the UNHCR's guidelines on international protection, which state that an independent qualified guardian should be appointed immediately, free of charge, for all separated children. As others have pointed out, Scotland is the only part of the UK to have a guardianship service. I am pleased that, after its successful 30-month pilot, the Scottish Government has committed to funding it for the next three years.

I am sorry that Liam McArthur has left the chamber because he seemed to suggest—I hope that I am not wrong here—that the reason for the higher than average granting of asylum in Scotland is to do with the cohort of countries that children and young people come from. The Aberlour Child Care Trust said in its briefing for this debate:

“The higher than average grant of asylum to separated children in Scotland cannot be attributed to the predominance of certain countries of origin in the cohort of young people who have received a Service.”

I hope that Liam McArthur simply misunderstood the briefing.

I am slightly concerned that there is no central listing of all the separated children and young people in Scotland or indeed in the UK. Such children are recorded only at local authority level. That must make the work of the Scottish guardianship service more complex, because it must apply to each local authority to find out about unaccompanied children in the authority's care. I would appreciate hearing the minister's view on putting in place a more organised data collection system, so that discrepancies between what is known centrally and what is known by agencies and local authorities can be overcome.

I read with interest the evaluations of the Scottish guardianship service that Professor Heaven Crawley and Professor Ravi Kohli produced in December 2011 and earlier this year. It is heartening to find that stakeholders' views have developed and become more positive as time has gone on and the service's work has become clearer and better understood. For example, in the 2012 survey of stakeholders, 74 per cent of respondents thought that the service

“helped the young person to participate as fully as possible in the asylum process”,

compared with only 48 per cent in 2011.

I am sorry to say that the UK Border Agency was not as positive in its view of the guardianship service. Professors Crawley and Kohli reported:

“Case Owners in UKBA were largely of the view that Guardians had not made any difference to the decision making process, at least as far as the final outcome was concerned”,

although case owners agreed that, because the guardians worked mainly with the legal representative, their input might be largely invisible to them.

We know that case owners were wrong, in that guardians can and do make a difference—sometimes all the difference—to the outcome of cases. In one case, a young girl called Patience was refused asylum because the UKBA believed that she was a member of an ethnic group that lives in urban areas and does not practise female genital mutilation. Patience said that she was a member of an ethnic group that lives in remote rural areas in her country of origin and practises FGM. It became clear to Patience’s guardian that she was unfamiliar with and fearful of the urban environment, including escalators, trains and traffic lights. When Patience appealed the UKBA decision, her guardian provided extensive evidence in that regard and a letter of support. Patience was eventually granted refugee status.

In another case, Husain, who was almost 18, was waiting for a decision on his asylum application. He was being supported by social services but he was due to be moved on to adult services and asylum support. His guardian lobbied for social work to continue to accommodate Husain until his asylum support application had been dealt with, to prevent him from having to be moved into Home Office accommodation. He was moved directly into national asylum support service accommodation as soon as the accommodation became available, which significantly reduced the number of moves he had to make.

Guardians do not just make a difference to the outcome of asylum appeals; they provide help and support at many levels. The dedicated guardian helps the child or young person to navigate the asylum system and rebuild their life here in Scotland. Guardians act as independent advocates for the child, assisting them with everything from dealing with lawyers to helping them to build social networks.

For example, a guardian helped a newly arrived young person, who could speak no English, to gain a place on a photography project so that he could focus on visual images. That might seem odd, but the boy met other young asylum seekers from his country on the course and began to have a wider circle of friends. He is now on a course for English for speakers of other languages and he

hopes to move on to a photography course in the near future. The guardian’s inspired help provided that young person with a focus, an ambition, a means of expressing himself and a new group of friends. What a difference one course made to the life of a boy who came to a country in which he could not speak the language, with no friends and no family.

Ultimately, the most important measure of the service’s success is the views of the children whom the guardians support. The service was designed to deliver two outcomes, which members mentioned. The first is:

“To ensure that each child will have a significantly improved experience and understanding of the immigration and welfare processes, evidenced by the child’s informed participation and that they receive services and responses appropriate to their needs and entitlements”.

The second is:

“To develop a child-centred model of practice that promotes interagency working and provides better information upon which to base immigration decisions”.

If the children and young people did not believe that their guardians were an asset, the service would have failed.

The young people overwhelmingly had a positive view of their guardians. Indeed, the report by Professors Crawley and Kohli states that their reports were in many cases glowing. Here is one young person’s report:

“Big interview in Home Office. My Social Worker is not come. My Guardian go with me. It was hard questions. Big interview. She help me to find break time, and explain big questions to me.”

Frankly, given their level of English, that young person would have been in an impossible situation without the support that their guardian provided.

We must not forget how young these people are. During the period of the evaluation, 81 young people were allocated to a guardian. The majority of those referred to the service were between 15 and 17-years-old, although some were younger and, to be fair, some were assessed and found to be older than they had originally stated.

Often the young people had no idea of the whereabouts of their parents. Some had been abandoned and others’ parents had perhaps died. More than a third of the young people knew that their parents were living in other countries. Imagine what it is to be 15—my own daughter is 15—and to be on your own in a country where you know no one, do not speak the language and have to apply for asylum and talk to professionals such as lawyers. These young people have no home, no family, no friends and no money and some of them are not literate in any language. How frightening and difficult must their lives be? Their

guardians are literally a lifeline, providing friendship, continuity and support.

I am delighted that the Scottish Government is doing the right thing by these young people, and I hope that the rest of the UK soon follows our example.

16:36

Murdo Fraser: The most striking aspect of this debate has been the personal stories of the young people involved. I was very taken with Stewart Maxwell's contribution in which he highlighted a number of those stories.

What we have in essence is a situation in which children are arriving alone in this country. We know from the figures that roughly five per month are arriving in Scotland. As Stewart Maxwell said, they are mostly aged between 15 and 17. They arrive in a country where they might not speak the language, the culture is alien to them, and they have no home, perhaps very little education, no family or friends and literally no one to turn to. It must be the most confusing and in some cases terrifying situation to be in.

Thankfully, there is support for those children in the form of the guardianship service. Members on all sides of the chamber are right to celebrate the success story that is the Scottish guardianship service. I am glad that it has been possible to have this debate.

If we drill down into the causes behind these stories, we find that human trafficking is at the core of many. Apparently 32 per cent of the young people involved have trafficking indicators, which might be domestic servitude, sexual exploitation, cannabis production or the supply or sale of drugs.

Human trafficking is one of the great social ills of our age. The UK led the way in the abolition of the slave trade. It was the great crusade of William Wilberforce more than 200 years ago—I think that we remember the bicentenary celebrations that were held a few years ago. We are also leading the way in relation to human trafficking. The Foreign Secretary and the UK Government are doing great work on that internationally. As a result of the displacement of persons and issues around the world such as civil unrest, war and persecution, human trafficking is a growing problem. It requires proper international attention if we are to address it.

When my family and I lived in rural Perthshire a few years ago, a cannabis factory was discovered just down the road from us. It caused great concern and, I have to say, some excitement in the local community. We found cannabis being grown in a very discreet tenement flat—I should

say that it was not me personally who found it, but the police.

The interesting human aspect was that a young Chinese man was effectively locked in the flat for weeks on end. He was not allowed out because he would have been very obvious in that community. He was kept under lock and key and was not allowed to see daylight, and it was his job to tend the cannabis plants. He of course turned out to be an illegal immigrant and had in effect been trafficked in to do that particular job.

Sometimes these issues can seem very distant to us, but that case brought home to me just how close to home some of the incidents can be. Everybody in the community in which we lived was absolutely astonished by what was happening under our noses and that nobody was aware of it.

Let us look at some of the causes. John Mason made a very thoughtful contribution about the international causes of human displacement. Last week, I had the privilege of meeting a representative from the Christian church in Pakistan, where the church faces persecution—perhaps not state-sponsored persecution but certainly persecution of some of its members. That is repeated throughout the world. Whether it is Christians in the middle east, gay people in sub-Saharan Africa or the Falun Gong in China, there are groups facing state persecution. It is not surprising that they try to seek asylum and protection elsewhere.

This country has an excellent record in international aid. The UK is the second largest provider of international aid in the world. Much of that comes out of the excellent work done by the Department for International Development, many of whose workers are based at East Kilbride.

I do not think that we should automatically tie the donation of international aid to demands for civil reforms, but we can ensure that we are buying influence. We should ensure that, when we give aid, it buys us at least a conversation with foreign Governments to say, "You need to try to clean up your act and make things better for the people in your countries." We should make no apology for trying to spread the benefits of liberal democracy and promote human rights elsewhere in the world. If that makes me a neo-conservative, I will have to live with that label—although I am not entirely sure whether Mr Mason would be happy to share that description.

Dave Thompson raised the interesting issue of tax justice. I agree with a lot of what he said. It is a very easy soundbite to say, "Why doesn't the Government just get companies to pay their taxes?" Of course, those things are all bound up in international trade agreements, the situation with the European Union and the general agreement

on tariffs and trade. However, at the top of the agenda for the UK Government in relation to the G8 meeting is the issue of how we ensure that companies pay their taxes, because we all lose out when that does not happen.

Dave Thompson: I am glad that Murdo Fraser has given us an absolute assurance that the issue is top of the agenda. I am sure that that is what will come out of the G8 meeting, too.

I do not know whether the member visited the tax justice bus that appeared outside the Parliament some months ago. There is plenty that can be done to move the issue on without getting international agreement. I am pleased that the member accepts that tax justice could be one way of ensuring that fewer people around the world have to leave their countries.

Murdo Fraser: Mr Thompson makes some fair points. It might be unkind of me to point out that the party of which he is a member seems to be engaged in a race to the bottom on competitive corporation tax rates within the United Kingdom. Perhaps he is not best placed to take the moral high ground on the issue.

There was a broader debate about immigration. Some SNP members could not resist making a constitutional point. I entirely understand that, but the response from Liam McArthur was spot on. The reality is that—even if we were independent—if Scotland pursued a radically different policy on immigration or asylum from the rest of the United Kingdom, the result would simply be that a more solid border was required between Berwick and Carlisle. I am not sure that that is necessarily in our interests.

I close on a note of consensus. We should all celebrate the good work done by the Scottish guardianship service and welcome the additional support promised. In particular, I acknowledge the input from charities and the vital work done by those involved at the coalface.

16:43

Neil Bibby: It has been a good, constructive debate, with many excellent contributions from across the chamber. The debate has been a welcome opportunity not only to recognise the important role played by the Scottish guardianship service but to identify some of the issues affecting asylum-seeking children and young people who arrive in Scotland unaccompanied. It is clear from the contributions to the debate that we believe that, as a society, we need to support children who arrive in Scotland unaccompanied by a parent and that there are aspects of that support that we can improve.

All members have paid tribute to the important work done by Aberlour Child Care Trust, the Scottish Refugee Council and other partners in the Scottish guardianship service. I reiterate the recognition that I gave those organisations in my opening speech. I also welcome again the Scottish Government's pledge of continued support for the project over the next three years.

We do that because children are children and—as many members, including Stewart Maxwell, demonstrated—we have a duty to care for children who find themselves in a country where they do not understand the language or the culture. Graeme Pearson put it best when he said that we have a moral obligation if we are to be a compassionate society.

As many have said, forced migration is sadly a fact of life for many of the world's children. That forced migration can often cause high levels of trauma as well as mental health issues. Malcolm Chisholm spoke about the range of physical and mental health issues and the need for a friendly face—a need that the Scottish guardianship service meets.

Many members also spoke about children and young people who have fled persecution, physical abuse or, even, life-threatening situations, and about children and young people who have been trafficked to Scotland, against their will, to be exploited.

A number of other important points were raised. John Mason started his speech by saying that he had not been overly familiar with the service, but the more he found out about it, the more positive he became. I am probably the same as Mr Mason in that regard. He made an important point about learning lessons from the excellent work of the Scottish guardianship service and seeing whether those lessons could be applied to looked-after children. I was pleased to hear the minister give a reassurance on that point.

Dave Thompson talked about an internationalist approach to tackling the issues. I agree that we need an international approach to global poverty and trafficking, and I hope that the UK Government will use its influence to take such an approach, working with other Governments around the globe.

A number of other issues were raised and I hope that the Scottish Government will listen to them and take on board the comments and the concerns and do all that it can to ensure that some of the most vulnerable children in Scotland receive the specialised support that they need.

Following on from the debate, the Scottish Government should look at three key areas that are as evident now as they were at the start of the debate: consideration of how best we extend

support; how we improve the support that is offered; and child trafficking.

First, on the issue of whether support should be extended, as I said earlier the Children and Young People (Scotland) Bill will be discussed in the Parliament later this year. Perhaps there is an opportunity for the Government to consider whether asylum-seeking children and young people could be entitled to support similar to the support that the bill seeks to give looked-after children—namely, support from corporate parents until the age of 25.

A number of points were raised by, I think, Christina McKelvie, Sandra White and Stewart Maxwell in relation to the UK Border Agency. I will not get into the constitutional debate about that, but improvements could be made—in particular around age assessments. It would be helpful if the Scottish Government could update us on its liaison with the Home Office on the questioning of young asylum seekers and the criteria that are used to determine the age of adulthood.

Secondly, on what better support we can give asylum-seeking children to complement the job that the Scottish guardianship service is doing, it would be good to know, for example, more details of what the Scottish Government is doing to support children who are traumatised, who do not understand the language and who need on-going support to live if they are given leave to remain.

We have discussed immigration and welfare issues. However, in relation to education it would be helpful—as I said in my opening speech—if the minister either has, or could give a commitment to obtain, up-to-date information on instances of interfaith and racial bullying in Scotland's schools. I hope that the level of bullying is not significant but I am sure that the Government will agree that it is important to look into the matter. I also ask the Scottish Government to tell us what action it will take to address those issues.

The third key area is trafficking. Murdo Fraser referred to it as one of the great social ills of our time and he is absolutely right. Many members have mentioned the issue and we know that a third of the children who are supported by the guardianship service show indicators of having been trafficked here against their will to be exploited. We also know that there are likely to be more. We need to ensure that everything possible is done to identify trafficked children and stop trafficking. It would be good to get an assurance from the Scottish Government that it and the police view the tracking down and prosecution of traffickers as a priority.

Malcolm Chisholm also made an important point about the need to train police officers to help to identify trafficked children and to prosecute

traffickers. It is also good to know that the cross-party group on trafficking will consider the issue seriously later today.

Graeme Pearson was right to raise the issue of the low number of prosecutions for trafficking that have been secured.

It would be good to know how the Scottish Government is supporting young asylum seekers to give evidence against those who have exploited them and, where young people are targeted for exploitation in communities, what support police and local authorities give them and the communities.

I reiterate what my Labour colleagues and I have said about the important work that is being done by the Scottish guardianship service. We hope that that will continue to improve and help the children who, for whatever reason, end up here without parental support. Of course, we are happy to support the Government's motion.

16:51

Aileen Campbell: I thank everyone who has participated in this positive debate, in which there have been many heartfelt contributions. The debate has been constructive, and there has been a healthy amount of consensus about the topic.

No wonder. How could any of us fail to support work that helps frightened, daunted and possibly persecuted young people who arrive on our shores without the support of their family? John Mason put his 15-year-old self in the shoes of a young person who has arrived in Scotland without any family support, and Stewart Maxwell spoke about those young people's lives through the prism of his own young daughter's life. Those approaches give us a greater emotional appreciation of the important work that the guardianship service does. I think that all of us largely agree that supporting these frightened young individuals who arrive in Scotland is simply the right thing to do.

The debate's tone has been correct. As Murdo Fraser has said, this is a sensitive issue. I appreciate the comments that have been made from across the chamber. Members have been appreciative of the quality of the work, which has been acknowledged by the independent evaluation of Professor Ravi Kohli and Professor Heaven Crawley. John Mason acknowledged that high-level research and evaluation when he referred to standards 7, 8 and 9 in the evaluation of the guardianship pilot. His point about the need to learn lessons and apply them across the broader suite of policies on children and young people is correct. In an intervention on John Mason, I mentioned the national mentoring scheme for young looked-after people. That very

much concentrates on those young people having a stable relationship with a trusted adult, and views that as being extremely important for their long-term wellbeing and positive future outcomes.

Paul Brannigan is the star of the film "The Angel's Share", which was out last year. Speaking at the first learning session of the early years collaborative, he talked about his way out of the personally destructive lifestyle that he had been following. He got out through the support of his prison officer, who helped him to get through that. It was to do with more than support; it was about the stickability of that relationship, and the trust that he had in that prison officer. John Mason spoke about the importance of that sort of stable relationship with an adult, and that is what is so important about the guardianship service. Of course, it is important to apply lessons that are learned across other social policy initiatives in Scotland.

It is important to remember that the guardianship service has flourished because of the current framework for dealing with the young children and young people through GIRFEC. I recently discussed with Dr Bruce Perry another approach that has generated international interest. He said to me that he believed that progressive social policy would come from small countries. I think that the GIRFEC approach and the guardianship service show that statement to be true.

Neil Bibby made a valid point about the interplay between this issue and the Children and Young People (Scotland) Bill. The bill of course covers all looked-after children, including those who are voluntarily looked after, such as unaccompanied asylum-seeking children.

I will happily get back to Neil Bibby to furnish him with more information on interfaith and racial bullying, but the Government takes bullying very seriously regardless of the motive behind it. I am happy to have dialogue with him on that issue.

Christina McKelvie, Malcolm Chisholm, Neil Bibby and others raised the issue of trafficking. The Government is committed to improving the identification of trafficking and the prosecution of those who commit trafficking offences. In Scotland, we have firmly embedded the issue of child trafficking in our national child protection guidance, and the Scottish guardianship service has been instrumental in helping to identify child trafficking. That important issue is being considered in the on-going work of the anti-human trafficking summit, which is being led by the Cabinet Secretary for Justice, Kenny MacAskill. The summit is due to reconvene early next year, but there is a progress group meeting next month. I am sure that some of the points that have been raised in the debate will feed into that meeting.

Independent living arrangements as opposed to supported living arrangements for unaccompanied children have a risk attached to them. We have identified that they enhance the possibility of asylum-seeking children who have been trafficked being drawn back into the influence of the traffickers and being re-trafficked. I am keen to look at ways of ensuring that appropriate accommodation for that group of children and young people remains available. I want local areas to have protocols on child trafficking in place, which all staff should be aware of, by the end of 2013. Of course, trafficking is a disgusting and criminal act, and we must do all that we can to support work on it. That work links to the work of a newly established working group, which I have tasked with looking at child sexual exploitation and ensuring that those connections are readily made.

The issue of age assessment was raised in the debate. We recognise the difficulties in establishing the age of undocumented young people and we believe that it is best done through a fair and transparent assessment that is carried out sensitively and takes a holistic look at a young person's needs as well as likely age. Sandra White's example highlighted the need for the holistic approach. The Scottish Refugee Council's age assessment practice guidance has filled a gap in the area, and the Government has provided £5,000 for training on that age assessment toolkit, which I think will be welcomed by many members who have contributed to the debate.

John Mason, Christina McKelvie, Dave Thompson and Malcolm Chisholm noted the international element of the issues of asylum and immigration. The fundamental cause of the issue that we are discussing is, frankly, that people arrive on our shores because they are often fleeing from instability in their own country. In that context, John Mason and Dave Thompson rightly talked about the effect of the UK's foreign policy footprint over a number of years. We need to remember the possibly devastating impact on children and young people now living in Scotland of hearing news reports about what is happening in their country. I think that we all agree across the chamber that a fairer and more peaceful world is possible. If we strive for that approach, that will stymie some of the issues that we have heard about in the debate of people arriving on our shores because of persecution and instability in their countries.

Christina McKelvie has a long-held interest in and knowledge of this topic and she is to be admired for the tenacity with which she has pursued the wellbeing of asylum-seeking children and young people and adults. She rightly addressed why trafficking should be an issue for child protection committees, and we will continue to take cognisance of that point. She and

Annabelle Ewing also raised the issue of the UKBA's restructuring, and I agree that we need to be alert to the impact of those changes. I will continue to ensure that Scottish interests are safeguarded, particularly as we forge our own path in dealing with immigration. Sandra White raised the frustrating issue of members of the Scottish Parliament not being treated with parity by the UKBA. Stewart Maxwell asked how we can paint a more accurate national picture through better-organised data. We will look at that issue and get back to him on it in due course.

The Scottish Government is proud of the guardianship service but, of course, as always, we need to do more to ensure that Scotland can be the nurturing country that we want it to be, especially for the children and young people who, for a number of reasons, arrive on our shores and who are very vulnerable indeed. If we want to create the best place in the world to grow up, it needs to be so for each and every child who makes Scotland their home. We must never take our foot off the gas on this important issue.

We were right to debate the topic today. It sounds as though many people did not know about this unique Scottish service, so it has been good to be able to raise awareness. The debate has also been a nice introduction to Scottish refugee week and has helped to ensure that we fully appreciate the positive contribution that refugees across Scotland make to our society and our country.

Decision Time

17:00

The Deputy Presiding Officer (John Scott):

There is one question to be put as a result of today's business. The question is, that motion S4M-06960, in the name of Aileen Campbell, on the Scottish guardianship service, a celebration of success, be agreed to.

Motion agreed to,

That the Parliament recognises that 17 to 23 June is Refugee Week 2013; welcomes the success of the Scottish Guardianship Service in supporting more than 100 unaccompanied young people going through the asylum system; further welcomes the positive evaluation of this unique Scottish service and the help that it has delivered to vulnerable young people, and commends the Aberlour Childcare Trust and Scottish Refugee Council for operating the service.

Meeting closed at 17:00.

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