



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 17 June 2014

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## Scottish Parliament

*Tuesday 17 June 2014*

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

### Time for Reflection

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

Good afternoon. Our first item of business is time for reflection, and our leader today is the Rev Alison McDonald, minister, Northesk parish church, Musselburgh, and convener, Church of Scotland committee on ecumenical relations.

**The Rev Alison McDonald (Minister, Northesk Parish Church, Musselburgh and Convener, Church of Scotland Committee on Ecumenical Relations):** When people are determined to meet, there is always a way. In an age that now seems remote, though well within living memory, when Europe was divided into east and west, the Conference of European Churches was born. Its aim was to bring together churches separated by the iron curtain. Gathering was a complex business. In 1964, a planned assembly looked destined for failure when the German Democratic Republic denied delegates permission to travel. Not daunted, the conference chartered a ship large enough to house the 230 participants and sailed to the neutral demarcation line between Denmark and Sweden. The GDR delegates sailed out to meet it and the assembly was held at sea.

A boat out at sea is the logo of the present-day Conference of European Churches, which brings together 115 Anglican, Protestant, Old Catholic and Orthodox churches from across Europe, from Iceland to Armenia and Norway to Greece. Today, the conference still provides a space for dialogue, promoting the unity of the church. It enables churches to act together on a European level, particularly in relation to the institutions of the European Union and the Council of Europe, contributing to debate and raising matters of concern. I am a member of its governing board.

Meeting today is no longer so difficult and can even be done by videoconference from the relative comfort of an office, yet the example of the assembly at sea still has much to say to us. It highlights the importance of gathering across division and, despite difference, finding the space to encounter one another. In doing so, we come face to face with our common humanity, from which we must not turn away.

It is an encouragement to meet, even when that may seem a risky, daunting or well-nigh impossible venture, and, in gathering, to engage in the kind of respectful dialogue that has open listening and honest exchange at its heart. Such

interaction between churches and between church and society is a hallmark of the Conference of European Churches, which has acted as a bridge builder across Europe since 1959. May the assembly at sea inspire and challenge us to be bold in the pursuit of peace, justice and reconciliation across Europe today.

## Business Motion

14:03

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

The next item of business is consideration of motion S4M-10324, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, which sets out a revision to the business programme for today.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business for Tuesday 17 June 2014—

after

*followed by*            Topical Questions

insert

*followed by*            Ministerial        Statement:        Scottish  
Government        Response to the Infant  
Cremation            Commission—[Joe  
FitzPatrick.]

*Motion agreed to.*

## Topical Question Time

14:04

### **Motor Neurone Disease (Care Charges)**

**1. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what steps it is taking to ensure that people with motor neurone disease are not charged for care. (S4T-00744)

**The Cabinet Secretary for Health and Wellbeing (Alex Neil):** The Scottish Government is clear that people who are terminally ill should not be charged for care at home. We are working closely with the charging guidance group of the Convention of Scottish Local Authorities to ensure that that is the case for everyone in Scotland and that there is consistency across all local authorities. We want to ensure that everyone who requires care has access to the highest standards of care in every setting, including their own home or a care home. We are integrating health and social care to provide a more responsive and joined-up service for all those who require care.

**Dr Simpson:** Do we not have a pattern here? If a person is in a hospice or a hospital, terminal care is undoubtedly and without question free. In the community, there is currently a postcode lottery of charging, which has been exposed by the recent MND Scotland survey, because there is no clarity in the existing guidance on what constitutes terminal care. The lottery is made even more unfair by differences for different age groups.

With all those dividing lines making things worse, does the cabinet secretary agree that South Ayrshire's definition is especially problematic? Is it not simply unacceptable to require it to be determined that someone has four weeks to live before they get free support? As a doctor, I could not make such an arbitrary judgment. Will the cabinet secretary rapidly establish clarity with COSLA? Can he give us a timetable for when that information will be issued? What monitoring will then take place to ensure that all those with terminal care receive the care that he and I would wish them to receive?

**Alex Neil:** First, I will gently correct the member. I think that he is referring to East Ayrshire, not South Ayrshire. However, I agree with the general gist of the member's remarks. There is far too wide variation between councils in how the policy is being applied.

The member will remember that, back in 2002, rather than laying down central charging by statute or secondary legislation, the Administration at that time agreed that COSLA would work with councils to try to get as consistent an approach as

possible. We have carried on with that policy. I have made it absolutely clear to COSLA that I am not happy with how terminally ill people are currently being charged or with the wide variations between councils, as highlighted by the situation in East Ayrshire, which the member mentioned. COSLA is working at that through its charging guidance group.

I make it absolutely clear that, if agreement cannot be reached and we cannot get the problem tackled by councils on a voluntary basis, I am prepared to use what reserve powers I have to ensure that it is tackled, as the current situation is not acceptable.

**Dr Simpson:** I welcome the further elucidation by the cabinet secretary and his correction—I give my apologies to South Ayrshire in that regard.

Will the situation not get worse, despite the cabinet secretary's undertaking to use reserve powers if necessary? In England, there are currently 59,000 fully funded national health service continuing care patients. That includes people who are terminally ill. Those are patients in the community only, as continuing care in England applies only to the community. In Scotland, we currently have only 400, not 5,000, as the number would be if the criteria were the same as in England. Does he recognise that, with what will be introduced in April 2015 and the increasing anomalies, which really cannot be fixed by a review here or an agreement there, the MND survey has exposed another of those? Do all the parties now need to seriously consider a major rethink of how we fund the whole system when we join health and social care?

**Alex Neil:** First, I caution against direct comparisons with south of the border, because obviously they do not have free personal care there and about 77,000 people in Scotland benefit from free personal care, which the Scottish Parliament unanimously endorsed.

Secondly, as part of the extension of the review of residential care services, I have agreed with COSLA to extend the remit of the working party that carried out the review of residential care to carry out a review of all aspects of care at home, as there are a number of things, including the charging of terminally ill patients, that require modernisation and a simpler and more consistent method so that we do not have a postcode lottery across the country. It is also looking at issues such as 15-minute visits.

I absolutely agree that we need very clear residential care and care at home strategies—each of which relates to the other—and that we need to have those agreed before the formal start date for the integration of adult health and social care on a statutory basis from 1 April next year.

The Scottish Government and COSLA are working towards that objective.

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** This week, Macmillan Cancer Support revealed the results of a survey that showed the unacceptable waiting times for the United Kingdom Government's new personal independence payments for people with cancer and the impact that that has on their wellbeing. Does the cabinet secretary share my concern that people with motor neurone disease may also be facing unacceptable delays in receiving those payments? Will the Scottish Government approach the UK Government and ask it to halt the further roll-out of the PIP, a benefit that is causing significant anxiety among claimants? Let us not forget that Lord Freud, who was appointed by Tony Blair, brought this situation about and is continuing it.

**Alex Neil:** It is clear that the UK Government's cuts and changes to the welfare system—including the change from the disability living allowance to the PIP—are causing significant anxiety and distress to people in Scotland. It is unacceptable that some of the most vulnerable people in our society are not getting the support that they need. I believe that the solution is for the Scottish Parliament to have control over welfare. We have made it clear through the white paper that, if we are elected the first Government of an independent Scotland, we will halt the further roll-out of PIPs. That will allow the first Government of an independent Scotland to design a welfare system to meet Scotland's needs.

**Nanette Milne (North East Scotland) (Con):** I find what is happening to patients with MND deeply concerning and I agree with what has been said already about it. Clearly, from what the cabinet secretary says, this issue would apply to other patients with terminal conditions across the board. Would the cabinet secretary consider hosting a summit meeting and bringing together all the interested parties—not just COSLA but individual councils too, perhaps—to thrash out this issue and seriously try to get something done about it?

**Alex Neil:** I would be more than happy to convene such a meeting, but I think that the appropriate time to do that is once the working party has worked out its recommendations. The working party does not just include the Scottish Government and COSLA; it also includes Scottish Care, the independent sector, third sector representatives and user groups, so it is the appropriate body to work out a set of recommendations on the way forward. I would be more than happy to host whatever meeting we require to build a consensus in this area because it is in everybody's interests to get a consensus on

charging policy throughout the country and within this chamber.

**Jim Hume (South Scotland) (LD):** I welcome the cabinet secretary's acknowledgement that a disgraceful anomaly exists and that he will take steps to ensure uniformity across the country by all local authorities. I do not think that any of us wants a situation whereby a charity has to reveal that some local authorities are refusing to fund personal care for Scots.

Will the cabinet secretary promise to ensure that no terminal patient who requires personal care will ever have to pay for it again? Will he commit in the review to ensure that we know how many patients have been affected by local authorities' refusal to pay for personal care? Will he also investigate possible compensation packages for affected families and perhaps for those who have already paid for care?

**Alex Neil:** Those are primarily issues for the working party to look into. Indeed, it is up to the working party to quantify the scale of the issue in relation to the actual and forecast number of recipients, as well as to look at the forecast costs and the funding arrangements for future charging policy.

We should make a clear distinction between the formal policy of free personal care, which applies to over-65-year-olds, and the policy of waiving charges, which applies to under-65-year-olds, who do not qualify for free personal care, although people who are terminally ill qualify for free personal care in the formal sense as well. It is the application of that policy that has been the subject of most controversy in the very useful survey carried out by MND Scotland. We should all take that to heart and ensure that, by the time we get to the integration of adult health and social care, we have as our objective a saner and more consistent and fair regime for all charging policy in relation to all aspects of social care throughout Scotland.

## Infant Cremation Commission (Scottish Government Response)

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

The next item of business is a statement by Michael Matheson on the Scottish Government's response to the infant cremation commission. As the minister will take questions at the end of his statement, there should be no interventions or interruptions.

14:15

**The Minister for Public Health (Michael Matheson):** I want to start with a recognition—no action that I can take today or words of comfort that I can offer will ever truly salve the pain of families who not only lost their precious children, but had to bear the burden of doubt about what happened to the ones they loved. That said, I offer my heartfelt condolences as a minister, as a member of this Parliament and as a father.

Since this issue first came to light, I have been clear that two areas need to be addressed and that steps have to be taken to ensure, first, that what happened can never be repeated, and secondly, that, as far as is possible, families who seek answers in their own cases can get them. The foundation for putting those safeguards in place has been the work of the infant cremation commission under the leadership of Lord Bonomy, and I take this opportunity to thank all the commission members, and those who submitted evidence to it, for their efforts. Lord Bonomy provided the commission's final report to the Scottish Government last Thursday afternoon and it was published in full this morning.

During the process, Lord Bonomy visited a number of crematoriums across Scotland and the rest of the United Kingdom and spoke to professionals across the health, funeral and cremation fields. The commission itself has analysed a large volume of documentation and information, and it has made 64 recommendations to prevent any repetition of these events. The Scottish Government has accepted those recommendations in full and without reservation.

Lord Bonomy made certain that parents had a voice in this process. He met parents on a number of occasions, including in the last month, when he shared with them a draft of his report for comment. The central focus on the bereaved family is reflected in the commission's very first recommendation, which clearly states that the interests of the child and the bereaved family should be the central focus at all times.

Today we have published a response to each and every recommendation, setting out what we



will do and when we will do it. Although not all the recommendations are directly for Government, our role will be to ensure that progress is made. The proposals that I am about to outline to the Parliament were agreed this morning by the Cabinet, which was chaired by the First Minister from Kirkwall, a commitment that he had made to the parents with whom we met on Thursday.

We will take forward a number of actions immediately. A number of recommendations highlight the need for a renewed legislative framework, not least in respect of the current definition of “ashes” as set down in the Cremation (Scotland) Regulations 1935. That definition is not fit for purpose; indeed, Dame Elish Angiolini identified the same issue in her report on Mortonhall.

It is likely that most, if not all, of the changes to law will require primary legislation. We are already committed to bringing forward a new burials and cremations bill, and we will publish a consultation on that new legislation by the end of this year. In the meantime, we will act to ensure that the operation of all crematoriums will already be compliant with the new legislative provisions when they come into force. Good practice does not need to wait for legislation.

The commission also recommends the establishment of a national committee, chaired by the Scottish Government, to have oversight in this area. We will begin work on establishing that committee immediately, with the first meeting taking place, if at all possible, over the summer. Affected parents will be key members of that group; indeed, they will be involved in all the activities that we undertake to respond to the commission's recommendations.

A key first task will be to respond to recommendation 61, which asks the national committee to develop a code of practice for infant cremations. That will set out the minimum standards and best practice in relation to infant cremations. As I have already said, good practice does not need to wait for legislation, so the work on the code of practice will be prioritised. The code of practice will provide a robust foundation for all activities in this area.

The commission has also recommended that an inspector of crematoria be appointed with responsibility to monitor working practices at crematoria and with the authority to investigate complaints. I fully support that, and we will work to put the role in place as quickly as possible. Through the proposed legislation, we will also create powers to extend that inspection function to the funeral industry, as the commission recommends, to ensure that all parts of the cremation process are subject to independent scrutiny.

That work for the future is crucial, but for many parents questions remain about what happened in the past. Just last week, we learned about further allegations emerging in relation to Hazlehead crematorium in Aberdeen. Last year, Lord Bonython published guidance for local authorities and private crematoria, advising how they should establish independent investigations where they were required, just as the City of Edinburgh Council established the independent investigation by Dame Elish Angiolini into the cases and practices at Mortonhall. It is very disappointing that every other affected cremation authority did not follow Lord Bonython's guidance and launch an independent investigation in the same way that Edinburgh did.

As I said earlier, the First Minister and I met some of the parents last week, and I welcome that a number of those parents are in the Parliament today to hear this statement. Last week, the parents told me that many of them still did not have the answers they needed about their own case. They spoke about having nowhere to go and not knowing where to turn, and they spoke very movingly about having to carry the burden of trying to find out what happened to their babies.

Every parent who has concerns must have their case investigated and they must get the individualised response that they need. The Edinburgh investigation provided that for the families affected by Mortonhall, and I believe that every family must have this same opportunity. For that reason, I am announcing today that we will launch an independent national investigation team, and I am grateful that Dame Elish Angiolini has kindly agreed to lead this work for us. Dame Elish and her team will be able to look at every document and every record. They will interview every concerned family and will expect to speak to any officials or staff members who may hold information. They will be able to investigate cremations in local authority crematoria and private crematoria. They will be able to look at the national health service and funeral directors as well as crematoria. Parents can be reassured that every step will be taken in order to find out what happened to their babies.

In addition to the investigation of individual cases, following last week's announcement by Aberdeen City Council, I believe that there is now particular concern about practices at Hazlehead crematorium. Accordingly, Dame Elish has agreed that her investigation will look more broadly at practices there. If issues emerge in the course of the investigation about other crematoria, those too will be interrogated.

I should add that the remit for Dame Elish's investigation will also include the requirement to refer to the Lord Advocate any evidence of

criminality for investigation by Police Scotland. That is in keeping with the Mortonhall investigation remit.

The national investigation team is in place now, and parents can, from today, notify us if they wish their case to be investigated. They can do that by completing a simple form that is available on the Scottish Government website or that can be sent to them by post. It is difficult to know at this point how many parents will come forward, but we will support this work however long it takes.

This is not the end of the road, but the Mortonhall investigation and the cremation commission report are significant stepping stones along the way to where we want to go. However, we are not there yet and there is much still to be done. There are new laws to make, there are procedures and processes to update and there are individual cases and crematoria that we will now investigate.

Sadly, some parents will never know what happened to their children, but I hope that those parents recognise that we will do all that we can for them to get the answers that are available. I hope that all parents will recognise that the important legacy of the past 18 months is that this will never be able to happen again.

**The Deputy Presiding Officer:** The minister will now take questions on the issues that have been raised in his statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business.

**Neil Findlay (Lothian) (Lab):** I associate myself and my party with the minister's opening words, recognising the enormity of what has happened to these families. The pain and suffering that they have experienced through the loss of a child have been exacerbated by the baby ashes scandal and not knowing what has happened to their child's remains. We can sympathise, but we have not walked in their shoes and will never understand what they have gone through.

I welcome the report and its 64 recommendations. I also welcome the fact that the Government accepts them all and acknowledges the need for all those actions in recognition of the central role of the bereaved parents in any future changes. Scottish Labour welcomes the proposal for new legislation, and we will fully support its introduction subject to the usual parliamentary scrutiny. We also share the view that good practice does not need to wait for legislation and that it should be shared outwith Scotland. Any legislative and non-legislative developments should be shared throughout the UK and abroad to help to prevent other families, wherever they live, from having to go through what these Scottish parents have gone through. I am very pleased that

the parents will be part of the national committee that will be established, and I ask the minister to ensure that a broad geographical spread of parents be represented on it.

The report recommends that a code of practice be developed. Can the minister advise how long it might take to have that drawn up and implemented? When will the new inspector of crematoria be appointed and who will he or she be accountable to? We are pleased that the independent national investigation team will be able to investigate all cases and try to find out what happened to every child. It is right that Dame Elish Angiolini will be able to look at those cases and the happenings at Hazlehead in Aberdeen—a case that has caused real concern to families in that city and beyond.

Although this is a good report, for which I commend the Government, I do not think that we will get all the answers until we have a full public inquiry. Will the minister and the Scottish Government reconsider their position on such an inquiry?

**Michael Matheson:** I thank the member for his support for Lord Bonomy's report. We should all be grateful for the work that the commission has undertaken and the way in which it has conducted the process of engaging with families.

The member spoke about sharing good practice across the UK. As he will be aware, Lord Bonomy has highlighted the issue of whether we should share the report's advice and information with our counterparts in the rest of the UK, and we are more than willing to do that in a proactive way to ensure that they consider our findings and the work that we are undertaking to see whether they can learn any lessons. We do not want to see what happened in some of our crematoria in Scotland repeated anywhere else.

The establishment of the national committee is a key recommendation of Lord Bonomy—it is recommendation 57 in the report—and it is important that we achieve that as quickly as possible because of the role that the committee will have in developing an action plan for implementing all the recommendations. We want that committee to be made up of all the different stakeholders, including those parents who can be involved in it, and I am more than happy to look at the geographical spread of the parents who can be members of the committee. I also want the membership to include representative organisations from health, the funeral industry and local authorities, all of which have a part to play in taking the agenda forward.

An important part of the national committee's early work will be the code of practice. If we establish that code of practice at an early stage,

the measures that we will implement through legislation will already be in place. In effect, the legislation will underpin the good practice in the code of practice. The committee will have to advise us of the timeframe, but we are keen for the code of practice to be drawn up as quickly as possible. We want the committee to have a reasonable timeframe that allows it to carry out what will be a complex piece of work, but to undertake it as quickly as it can.

The inspector of crematoria will be accountable to the Scottish Government and will be independent in the role that they undertake. I am keen to accept Lord Bonomy's recommendation that we should look at how we can extend that inspection role to the funeral industry more generally, but that will require primary legislation. We will take that forward in the burials and cremations bill when it comes before the Parliament.

The member's final point was about a public inquiry. It is extremely important that the families can have a full, thorough and rigorous investigation into their circumstances carried out. As I said in my previous statement on Mortonhall, a public inquiry would not deliver that for individual families. However, the national investigation unit will be able to ensure that a detailed, forensic examination is carried out in each case.

Of course, if something comes to light in the course of Elish Angiolini's work that leads us to think that more must be done, we will consider that, but I believe that the very detailed work that Lord Bonomy has undertaken, along with the investigation work that Dame Elish Angiolini will now undertake, will provide us with a comprehensive picture of what has and what has not happened effectively in our crematorium system in Scotland.

**Jackson Carlaw (West Scotland) (Con):** I thank the minister for advance sight of his statement.

This has been one of the most distressing, depressing and gruesome episodes that the Parliament has seen. It has been distressing because, for the many parents involved, events unravelled like a bolt out of the blue, plunging them back into a grief that many of them had fought hard to come to terms with. It has been depressing because, however much we might wish it otherwise, the approach that has been shown to have been taken to these matters has involved a scale of indifference of a different era, and because that practice was allowed to rumble on into what is an entirely different era, in which people have an entirely different view of how such matters should be dealt with. It has been gruesome because the nature of everything that

we are speaking about is intensely personal and intensely difficult.

I welcome Lord Bonomy's report and I welcome the Government's response and acceptance of all the provisions and recommendations in it. I assure the minister that he will have our support in progressing all the recommendations as quickly as possible.

The Scottish Conservatives have previously called for a public inquiry, but in the light of the reports from Dame Elish Angiolini and Lord Bonomy we are now persuaded that, although a public inquiry should never be ruled out, the best possible hope for parents who seek a resolution of their personal circumstances lies with the independent national investigation team. The minister has our support for the establishment of that body.

On all these matters, will the minister undertake to work with all sides to ensure that the widest possible parliamentary support can be achieved with a sense of purpose and without further delay?

**Michael Matheson:** I welcome the member's comments. Like him, I recognise the real difficulty that has been caused for many families who thought that they had dealt with their grief many decades ago, but who have found themselves revisiting it. I particularly welcome his recognition of the value of the national investigation team and the fact that someone of Dame Elish Angiolini's standing and knowledge in the field will undertake such investigation for each and every family affected.

I give Jackson Carlaw and all members an assurance that we will work on a cross-party basis to take forward this agenda to ensure that we have the right policies and practice and the right system of accountability in place, so that people can have faith and confidence in how the process works in the future. I am sure that all of us are united in our determination to ensure that the events that we are discussing this afternoon can never happen again and that, if this deeply depressing episode has a legacy, it is that we have in place a system that has the right safeguards to ensure that that is the case. I have no doubt that all parties have a part to play in assisting us to achieve that goal.

**Jim Eadie (Edinburgh Southern) (SNP):** On implementing Lord Bonomy's recommendation to appoint an independent inspector who will monitor the working practices and standards of crematoria, can the minister provide further detail on how it is envisaged the inspector will take forward the investigation of complaints from the public, when the complaints process will be up and running, and what steps the inspector will take to provide feedback to cremation authorities on their performance? It strikes me that those are all vital

measures that—I hope—can go some way to restoring public confidence.

**Michael Matheson:** We will move forward with the inspector as quickly as we can within the existing powers that we have in relation to crematoria and cremation authorities.

In terms of extending inspection into the wider funeral industry, we will require primary legislation in order to make the inspection much more comprehensive. However, our intention is to have an inspection regime that allows the inspector to be able to undertake detailed inspections of policy and practice within any crematorium in Scotland and to investigate any issues without fear or favour.

Equally, when a family or a relative have a point of complaint, we want to ensure that they will be able to refer that directly to the inspector and for the inspector to have the responsibility to investigate that as well.

The inspector's role will be not to look at historical matters, which will be the responsibility of Dame Elish Angiolini and the national inspection team, but to ensure that any complaints from now on are investigated thoroughly and independently. The inspector will report to us on a regular basis on the findings from the inspection of cremation authorities and on any complaints that are investigated as well.

**Sarah Boyack (Lothian) (Lab):** What timescale has the minister set out for putting in place the review of training for health professionals and for updating publications to ensure that bereaved parents and families get the right support and guidance, as referred to at paragraphs 2.1 and 2.54 of Lord Bonyon's report? What support will there be for groups such as the Stillbirth and Neonatal Death Society—SANDS—and the Miscarriage Association to contribute to that work?

**Michael Matheson:** One of the things that I will be doing this afternoon is writing to all the agencies that have a role to play in implementing Lord Bonyon's recommendations, which include our NHS chief executives, those involved in support organisations and the third sector, so that they will feed into the national committee on the progress that they make in implementing the recommendations. Many recommendations, such as those that Sarah Boyack mentioned, do not require any form of legislation, and we want to see those changes implemented immediately.

In relation to organisations such as SANDS that can assist in implementing the recommendations, I would expect them to be part of the process of shaping any type of information that is delivered to parents who are affected by a bereavement and that their expertise and advice will be used when shaping information and advice documentation. I

will write today to all organisations that will have a part to play to set out the key recommendations that I will ask them to implement immediately and then feed their response into the national committee, which will be responsible for monitoring and for driving forward any further work that is required in this area.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** The minister mentioned the establishment of an inspector of crematoria. Can he clarify whether it is his intention to establish or extend legislative requirements so that he will, in effect, give a legal basis to the powers that he might confer on the inspector?

**Michael Matheson:** We have a range of powers under the 1935 cremation regulations for regulating and investigating crematoria. However, in order for inspections to take place in a comprehensive way and to extend them to the whole pathway, we need to ensure that the inspection purpose covers the funeral industry and funeral directors. In order to achieve that we will require primary legislation, which will be a key part of the new legislation that we intend to bring before the Parliament.

Obviously, there are wider issues in relation to regulation in the funeral industry, so the consultation will be drafted in a way that will allow individuals and groups to express their views on what further regulation may be required in the funeral industry in Scotland. We will consider whether that should be included in any future legislation in order to ensure that the public can have confidence in the funeral industry in Scotland in a comprehensive way by there being an investigation process for inspection and the establishment of an appropriate regulatory process for the system.

**Jim Hume (South Scotland) (LD):** I thank the minister for advance sight of his statement, and I welcome the report and its recommendations, which I am glad that the Government will implement. I offer the Liberal Democrats' support for progressing the proposed legislation.

The minister said that every family must have their case investigated and I agree entirely. However, it seems unlikely that we can rely on good will for people to provide evidence that might incriminate them. Will the minister explain what powers the national investigation team will possess to give it the required teeth to compel people to provide evidence, which will ensure that the investigations are robust and forensic and obtain the answers that the affected families deserve?

**Michael Matheson:** Under the 1935 regulations, the Scottish ministers have powers to compel people to provide documentation that

relates to the cremation process. Those powers will be conferred on the national investigation unit, which will be able to compel the production of documentation and information from any cremation authority on any case that it is investigating.

Members should also take some reassurance from the fact that, when Dame Elish Angiolini investigated the Mortonhall situation and during Lord Bony's investigation for the infant cremation commission, at no point was any resistance met from any party to providing information or responding to the investigations. I have no reason to believe that anyone would wish to resist any further independent investigations by the investigation unit.

I am assured that everyone will wish to comply with the unit. Ministers' powers to compel the production of documents and information will be conferred on the unit, so that it can compel the provision of information as required.

**Mark McDonald (Aberdeen Donside) (SNP):** My constituent Nicola Merchant is in the public gallery. She lost her little boy, Liam, in 2002. He was born 16 weeks early and survived for just six hours.

The minister referred to the fresh allegations about the reported practice at Hazlehead crematorium of cremating babies alongside adults. That has caused Nicola Merchant and many other parents enormous concern, and it has led to serious questions about what happened to their babies.

Given that the recent Aberdeen City Council audit failed to identify such practices, I welcome the news that the national investigation team will investigate the broad practices that were in operation at Hazlehead crematorium. Will the minister provide the reassurance that that will not prevent individual cases that relate to the facility from being investigated at the same time? Will the national investigation team's contact details be distributed to MSPs, so that we can assist in putting them out to constituents whom we are in contact with?

**Michael Matheson:** Since Aberdeen City Council made the announcement last week on the allegations about Hazlehead crematorium, we have been in touch with it to clarify that the practice that the allegations concerned no longer continues, and the council has confirmed that that is the case. We were also in touch with the council today to advise it that the national investigation unit is being established. The council's acting chief executive welcomed that and accepted that the unit would provide an appropriate way to investigate the activities at Hazlehead properly and thoroughly.

The national investigation unit will investigate individual cases. When it becomes apparent from a case that activities, practices or policies in a crematorium require further investigation, the investigation will be taken into the crematorium itself and will look at matters in great detail.

Given the concerns that have been highlighted about the situation in Aberdeen, Dame Elish Angiolini has recognised the need for further investigation into activities there. She will make that an early part of the inquiries that she will undertake.

The unit will consider individual cases and the detailed policies and practices that relate to individual cases. Often, it will be an individual case that gives rise to concerns about policies and practices in a crematorium, which will lead to further detailed investigation into those practices and policies.

**Siobhan McMahon (Central Scotland) (Lab):** I understand that a one-year time limit was in place for bereaved parents to make representations under the Human Rights Act 1998 and that the one-year period began when parents became aware of the wrong within. I was surprised to learn that one local authority has chosen not to waive the one-year time limit, and that is now affecting my constituents' cases. Does the minister share the frustration of parents in Falkirk who have lost a child, who have every right to know what happened to their baby's ashes regardless of how long that takes? Will the Scottish Government urge all local authorities to waive any time limits that may exist?

**Michael Matheson:** I am already dealing with some constituency cases because Falkirk crematorium is based in my constituency. I can assure the member that the investigation that the national investigations unit will undertake will look at cases that go back several decades. No matter when a particular case occurred, the unit will investigate it in the same way as Dame Elish carried out the investigation into Mortonhall.

Once that investigation has been conducted, if there are any concerns that activity could be interpreted as criminal, it will be referred to the Lord Advocate to decide whether Police Scotland has to investigate the matter further. The national investigations unit can look at cases that go back many decades if necessary, and if parents experienced issues several decades ago, the unit will investigate them in great detail.

**Kevin Stewart (Aberdeen Central) (SNP):** Like Mr McDonald, I am extremely concerned about the new allegations that are emerging in Aberdeen; they are extremely worrying for families in the north-east of Scotland.

Will Dame Elish's independent national investigation team's inquiry into Hazlehead run parallel to the current council inquiry or will it take over the council inquiry completely?

Will a whistleblowing policy be put in place so that former and current staff and officials can contact the council team directly, or the new inspector when he or she is in post?

**Michael Matheson:** Although Aberdeen City Council indicated that it intended to undertake an investigation following the allegations that it received last week, it has not, as yet, put anyone in place. Following a discussion that my officials had with the acting chief executive of Aberdeen City Council, it has accepted that the most appropriate way for the allegations about Hazlehead crematorium to be investigated is through the national investigations unit, which will be led by Dame Elish Angiolini. We are not anticipating a second investigation to be undertaken in Aberdeen now that the national investigations unit has been established.

Kevin Stewart's second point about whistleblowing is very valid. Once the national inspector has been put in place, an important part of their role will be to ensure that there is an opportunity for anyone who has concerns or issues that they want to raise to contact the inspector to flag them up. I have no doubt that, once the inspector is in place, they will wish to ensure that they give an opportunity to anyone who might wish to raise concerns with them, whether they be families or staff, to do so confidentially so that they can consider whether further investigations are required.

**Drew Smith (Glasgow) (Lab):** The minister has served Parliament well with the sentiments that he has expressed today and the response that he has outlined on behalf of the Scottish Government. He will appreciate that those of us who have supported a public inquiry have done so because it was the call of the affected parents. Does the minister envisage that the work of the investigations unit will lead to a full public report with the same care for privacy that was displayed in relation to Mortonhall? That would help us all to understand the scale of the scandal and tragedy and give recognition to the parents who have borne the suffering.

**Michael Matheson:** We expect the national investigations unit to operate by providing the appropriate information and documentation to the affected family so that it can consider it and decide whether to engage in dialogue with the national investigations unit to provide any further information.

We also expect that, at the end of the process, the information will be drawn together

comprehensively and submitted to Scottish ministers. I expect the report to cover many of the issues that have already been highlighted in the Mortonhall report and in the report that Lord Bonomy has just completed.

Drawing together all the information will be useful in highlighting any further factors that need to be taken into account. If there are any outstanding issues that the national investigations unit believes the Scottish Government should address, we will act quickly to respond to those as and when they arise.

**Bob Doris (Glasgow) (SNP):** I apologise for missing the start of the statement.

I welcome the national investigation team's work with the Glasgow answers for ashes parents, which I know is very important to those parents. It is also important to ensure that a similar tragedy does not happen to another generation of parents.

Concerns have been raised that Daldowie crematorium in Glasgow may have difficulties—as may other crematoria—in meeting a number of the recommendations in Lord Bonomy's report, and that its current practices may still need improvement.

What support can the Scottish Government provide to local authorities and crematoria, working constructively in partnership, without diminishing the primary responsibility of local authorities to get it right?

**Michael Matheson:** Today I will write to every cremation authority, including those held by local authorities, setting out the key recommendations that we are asking them to implement immediately. That will include Glasgow City Council and any other cremation authority in Scotland that is responsible for running a crematorium.

It is important that we do not wait until legislation is in place. As I have said to members, we intend to get the national committee up and running and the code of practice in place as quickly as we can to ensure that there is a consistent approach to practice and policy throughout the country. The national committee will be key in supporting us to achieve that so that, by the time we come to legislate, policy and practice will already have changed.

Lord Bonomy's recommendations will be intimated today to the cremation authority that is responsible for Daldowie crematorium, and we will be asking it to implement those forthwith and to make any required changes to its policy and practices.

## Budget Process (Written Agreement)

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

The next item of business is consideration of motion S4M-10268, in the name of Kenneth Gibson, on a written agreement on the budget process.

14:53

**Kenneth Gibson (Cunninghame North) (SNP):** I am pleased to speak on behalf of the Finance Committee in inviting Parliament to note the revised written agreement, between the committee and the Scottish Government, on the budget process.

The revisions that have been made relate to the introduction of the financial powers in the Scotland Act 2012. The two devolved taxes—the land and buildings transaction tax and the Scottish landfill tax—will be included in the draft budget that will be introduced in the autumn. It is intended that the written agreement will be revisited in due course to recognise the introduction of the Scottish rate of income tax. The committee will invite the Parliament to acknowledge any changes in that regard. The written agreement is an important document that sets out the expectations that the committee and the Government should have of each other in scrutinising financial matters.

This debate should be viewed in conjunction with the Standards, Procedures and Public Appointments Committee debate that will immediately follow this one. Without trailing that debate too heavily, I advise members that the small but perfectly formed changes to standing orders that they will be invited to agree will, for the first time, make scrutiny of Government proposals for revenue raising an explicit responsibility of the Finance Committee and Parliament.

I turn to the written agreement. I will set out what the changes mean for parliamentary scrutiny and then say a few words about the information that the Government will provide to Parliament to inform that scrutiny.

The main changes to Parliament's role in scrutinising the draft budget are set out in paragraphs 14 to 16 of the revised written agreement. Until now, it has been within the Finance Committee's power to bring forward in its draft budget report a set of alternative spending proposals. Under the revised written agreement, that has been expanded also to include alternative proposals for taxation. If there are no alternative proposals, the committee will be able to make recommendations on the Government's tax proposals. Subject committees will be able, in their

reports to the Finance Committee, to recommend alternative budget proposals for tax and spending.

The extension of the power to both spending and revenue is a significant and welcome development for the committee. The power is designed to ensure that the committee is in a position to make effective use of it—if and when the committee chooses to do so. In recognition of that, from this year on, a significant focus of the Finance Committee's scrutiny will be on the Scottish Government's revenue-raising proposals.

As has been the case with spending powers, in suggesting changes to the draft budget proposals that the Scottish Government sets out, the Finance Committee must consider the overall shape of the budget. Any increase in overall spending must therefore be connected with a commensurate increase in tax levels. The written agreement also makes it clear that any recommendation to increase tax levels should identify how the additional funding should be allocated. The obverse is also true, in that any recommendation to decrease tax levels should identify where spending should be reduced.

Any other committee or individual member who wishes to make alternative proposals will be able to do so by lodging amendments to the Finance Committee motion on the draft budget. Any amendments that are lodged to the motion must comply with the balancing requirements in relation to the overall budget that apply to the Finance Committee; suggested increases or decreases in spending must be matched in revenue terms and the amendment should identify where any changes would be reflected in the budget. Although that is a welcome position for Parliament, it would be remiss of me not to point out that such amendments will not automatically guarantee amendment of the budget bill.

Paragraphs 19 to 23 of the revised agreement set out what information the Scottish Government will provide to enable Parliament to carry out its scrutiny. It includes a commentary on expected income, including tax receipt forecasts and the assumptions, rates and thresholds on which they are based. In future years, when information on actual receipts is available, the draft budget commentary will also include outturn figures for the devolved taxes, including figures on any variance between outturn and forecast. The estimates are intended to provide context to the draft budget and to inform Parliament's scrutiny of it; they are not intended to constrain the Government in making any adjustment to the indicative tax rates and thresholds, prior to Parliament's scrutiny of the relevant subordinate legislation.

I move,

That the Parliament notes the revised written agreement on the budget process between the Scottish Government and the Finance Committee (SP Paper 554).

14:57

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** I welcome the debate and the Finance Committee convener's remarks, and I endorse the proposed changes to the written agreement. The proposals reflect careful consideration by the Government and the committee, and are a consensus view on how we should reflect the impact of the Scotland Act 2012 in our budget process.

The decisions that we take collectively about public expenditure are among the most important for which we are responsible. They impact on our economy, our public services, the environment and our citizens. The procedures that we follow when taking such decisions have served us well since devolution, but we must ensure that they remain robust as the surrounding financial and constitutional context changes. I have experienced at first hand, in opposition and in my time as the finance secretary, the strength of our budgeting arrangements. They support a transparent and consultative approach to decisions about public spending and compare well with practice in other legislatures.

The budget process, as detailed in the written agreement, strikes an effective balance between the respective roles of Government and Parliament. The process reflects the importance of our committee structure and provides scope for detailed scrutiny and debate with stakeholders. Over time, the Scottish Government and the Finance Committee have worked together to refine the written agreement to reflect changing circumstances and to support effective parliamentary process. We have worked to pursue shared interests in effective presentation of the budget document, and have changed the emphasis of the document to include an increasing focus on the achievement of better outcomes for our citizens, and on the need for strategic consideration of the content and development of the public finances.

The implementation of the Scotland Act 2012 requires us to make further changes to the written agreement. With effect from 2015-16, the Scotland Act 2012 will devolve responsibility for landfill tax and stamp duty land tax, as well as the power to borrow to support capital investment. We welcome those developments while noting that, together, devolved taxes and capital borrowing will represent a relatively modest 2.5 to 3 per cent of devolved expenditure.

As the updated written agreement makes clear, the Government will set out its proposals for the bands and rates of the two taxes in the draft budget 2015-16, which is due to be published in October. We will also provide a commentary on the income that we expect the taxes to generate and the forecasts that underpin our plans. To support parliamentary and wider scrutiny of the draft budget, we are establishing the Scottish fiscal commission, which will provide an independent commentary on the Government's tax receipt forecasts.

The written agreement also makes it clear that committees and individual members have the scope to advance their own tax proposals—provided that they form part of a balanced budget proposition—while reserving legislative responsibility for setting tax rates and thresholds to the Government. Through that approach, we can support effective public scrutiny and debate while delivering reasonable certainty in the budget process, which is necessary for effective planning of public expenditure and helps taxpayers' preparations.

We will also, building on the material that was presented in last year's document, set out in the draft budget further information about capital borrowing, which will all form part of the Government's integrated capital plan to stimulate and improve the performance of the Scottish economy.

The agreement, looking further ahead, notes that additional changes will be needed in due course to reflect the introduction from 2016-17 of the Scottish rate of income tax. Of course, the Government will engage closely with the committee in the formulation of all amendments and revisions to the agreement that are required to facilitate implementation of proper scrutiny of arrangements for the Scottish rate of income tax.

Of course, I stand ready to work with Parliament to consider the implications for our processes of a positive vote for change in the referendum later this year.

I look forward to working with the Finance Committee, and colleagues across the chamber, through this year's budget process, and I commend to Parliament the proposed updates to the written agreement.

15:02

**Iain Gray (East Lothian) (Lab):** Labour members also endorse the written agreement between the committee and the Cabinet Secretary for Finance, Employment and Sustainable Growth. We record our thanks to the Finance Committee for the work that it has done in achieving that agreed and consensual document. As the



convener made clear, the agreement clarifies, improves and expands some elements of the budget scrutiny process, and it clarifies the budget strategy phase, which takes place in spending review years.

The agreement also includes what I guess is a recommitment to the provision of level 4 figures for scrutiny. The amount of information with which committees have been provided has been a continuing problem, but there is a clear commitment in the agreement to provide greater detail than is found in level 3 figures, which is good.

As the convener and the cabinet secretary described, the agreement outlines how the scrutiny process will deal with the new powers that the Scottish Government and Parliament are taking, which are mostly on raising finance through the land and buildings transaction tax, the landfill tax and the capacity to borrow. That is all welcome, as is the broadening of the opportunities that committees have to influence budget decisions and to propose their own amendments. It seems that that will also improve the scrutiny process.

However, I am afraid that I cannot let the matter pass without noting the irony that, having reached a consensual agreement, the Scottish Government immediately invokes paragraph 12:

“Where the Scottish Government believes that it may not be able to meet the 20 September deadline”—

that is, the deadline for publication of the draft budget—

“the Scottish Ministers will consult the Finance Committee on a revised timescale”.

Of course, that has been necessary this year as a result of the change to our recess because of the referendum on September 18, and the committee has, indeed, dealt with that with the cabinet secretary.

We have often argued that the referendum process has stopped important decisions being taken and that it has delayed scrutiny of the normal governance of this country. Late publication of the draft budget is a classic example of that, because the late publication of the draft budget potentially squeezes the amount of time that Parliament and committees have.

Of course, it is clear that the draft budget could not have been published at the usual time; it would have fallen in recess, which would not have been appropriate. The simple question is this: why not publish the budget early rather than late? The cabinet secretary must surely already be working on next year's budget. On past occasions, he has published indicative figures, so there will be some

idea available on the basis on which he is calculating next year's budget.

That rather begs the questions what the Scottish Government is hiding and what difficult spending decisions have been pushed back beyond the referendum. No doubt the cabinet secretary will feel that that is an unjust accusation. If he does, the simple solution would have been for him to have published early, rather than late.

Nonetheless, this side of the chamber welcomes the new framework. Once again, we record our thanks to the committee and the cabinet secretary for reaching agreement on it.

15:06

**Gavin Brown (Lothian) (Con):** The motion that is before us asks us to note

“the revised written agreement on the budget process between the Scottish Government and the Finance Committee”.

The Conservatives will certainly do that now and at decision time.

The Scotland Act 2012 brings some significant changes to the Scottish Parliament, the Scottish Government and, most important, the budget process. We will have to look at the Scottish Government's specific forecasts for the land and buildings transaction tax, which is a new tax, and for the landfill tax, which is more of a replacement tax. For the first time, we will have to seriously examine the rates and the bands for those taxes, which will have an impact on a number of companies, businesses and voters across Scotland.

We will have to consider carefully the Scottish fiscal commission report. It will, of course, report on those two devolved taxes, but it will also report—for the first time—on business rates. That will give us the opportunity to examine carefully the Government's forecast for business rates.

We will also have to consider carefully the borrowing plans that are laid out by the Scottish Government and—this is extremely important—the block grant adjustment mechanism and the effect of that mechanism on the budget for the financial year ahead.

There is a huge amount of work for Parliament, and for the Finance Committee in particular, in considering this year's budget and every budget after that.

It is worth dwelling on how we got here for the 2015-16 budget; it is a good example of a committee doing its job and challenging assertions that have been made by Government so that Parliament ends up in a better place. When the Government wrote to the Finance Committee, it

suggested that the budget should be published by mid-November 2014, which would have given the Finance Committee about six weeks in which to scrutinise the Scottish budget. That would be a tough ask in any year, but when we add in all the elements that I referred to earlier—the landfill tax, LBTT, borrowing and block grant adjustment—we can see that it would have been unachievable for Parliament to have scrutinised the budget in that length of time.

The Finance Committee, in the guise of the convener, wrote to the Government saying very clearly that we did not think that mid-November was acceptable and that we could not see any reason why the budget could not be published as soon as possible after Parliament recommences after the referendum. Several months later, the Scottish Government responded, offering a compromise publication date of 30 October. Again, my view and the view of the committee was that that would not give Parliament enough time to scrutinise the 2015-16 budget—especially because of the complex issues that we would be considering for the first time. The committee wrote back, stressing that we did not think that 30 October was acceptable and saying that we could not see any reason why the Scottish Government would want to delay publication any longer than the first week or two after we come back following the referendum, and that it should certainly want to publish before the first part of the October recess.

Eventually, in March this year, the Scottish Government wrote back and accepted the committee's recommendation. So, there were five items of correspondence over a four-month period. Ultimately, I think it is an example of the Finance Committee doing its job. We will get the best possible scrutiny of the budget, rather than what was proposed, which would have given us only a small number of weeks and was clearly not enough to do the job that we were being asked to do.

**The Deputy Presiding Officer:** Many thanks. We will now have a short open debate. Jamie Hepburn has four minutes or so.

15:10

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** When Iain Gray pontificates about hiding things, I cannot help but reflect on the fact that his party has established a cuts commission that will not report until after the referendum.

I turn to the matter at hand. The agreement is important because it will allow Parliament to scrutinise the Government's budget proposals in a transparent and open manner. It is clear that we will from time to time need to update the agreement in the light of new developments. The

Scotland Act 2012 and the devolution of landfill tax and stamp duty land tax, as it was, and which will be known in the future as land and buildings transaction tax, are instances of that.

We know that Parliament is putting in place measures to take forward devolution of those powers by passing the Landfill Tax (Scotland) Bill and the Land and Buildings Transaction Tax (Scotland) Bill. We are getting on with the Revenue Scotland and Tax Powers Bill and of course the Government is putting in place arrangements to establish an independent fiscal commission, which will further enhance and aid parliamentary budget scrutiny.

It is correct to update the written agreement to reflect the new reality. Indeed, the agreement states:

"In respect of the two devolved taxes, the Draft Budget will include a commentary on the expected income, including tax receipt forecasts and the assumptions, rates and thresholds on which they are based. The commentary will also reflect the views of the Scottish Fiscal Commission on the level of receipts."

All the work that we are undertaking as a Parliament will be reflected in the new agreement.

I turn to another important consequence of the Scotland Act 2012—the block grant adjustment. That is also reflected in the written agreement, to which Mr Brown referred. Paragraph 23 of the agreement states:

"The Scottish Government will provide information about the calculation of adjustments to the Scottish block grant carried out by HM Treasury."

The UK Government command paper, which informed this Parliament's and the Westminster Parliament's consideration of the Scotland Act 2012, said:

"When the smaller taxes are devolved, currently planned to be April 2015, there will be a one-off reduction which will then be deducted from the block grant for all future years".

In its most recent report on implementation of the Scotland Act 2012, the UK Government reported a change in that position; it now wants to reduce the block grant baseline and to adjust the Barnett formula. That could involve an adjustment year by year, and not just the one-off adjustment that was expected by this Parliament, and by the Westminster Parliament, when we agreed the Scotland Act 2012.

David Gauke, the Exchequer Secretary to the Treasury, told the Finance Committee last week that it would be a one-off adjustment because it was being agreed on a one-off basis, one time, and that the Barnett formula was not being changed, merely "updated". I posit that that is just semantics; the UK Government seems to be clearly shifting the goalposts away from what

Parliament agreed when we agreed to the Scotland Act 2012.

This is an important matter for the agreement that we are debating today; the block grant adjustment will be an important part of Parliament's budget scrutiny. I hope that the Westminster Government will play fairer than it seems to be playing at the moment in agreeing this matter with the Scottish Government. I think it is important for this Parliament to emphasise that it should be agreed soon because it will affect this coming budget process. It is important that that message comes out of this debate.

I commend the agreement and welcome the approach that has been taken by the Scottish Government in working with the Finance Committee to put the agreement in place, because it is very important for this Parliament that such an agreement be put in place to ensure that we can thoroughly scrutinise the coming budget and future budgets.

**The Deputy Presiding Officer:** That concludes the open part of the debate. John Mason will wind up on behalf of the Finance Committee. You have four minutes or so.

15:14

**John Mason (Glasgow Shettleston) (SNP):** Thank you, Presiding Officer. You were absolutely right when you said that it would be a short open debate. I have never seen an open debate completely filled by Mr Hepburn before.

**Jamie Hepburn:** About time, too.

**John Mason:** I have to say that I am pleased to be able to close the debate on the revised written agreement between the Finance Committee and the Scottish Government on the budget process.

In his opening speech, the convener set out what the revised written agreement means in terms of expectations on the Parliament and the Government. That having been explained, I will say a little bit about what it means for scrutiny of the draft budget in practice and how we can move forward our approach to financial scrutiny.

In our report on the draft budget 2014-15, the Finance Committee agreed to adopt four principles of financial scrutiny: affordability, prioritisation, value for money and budget processes. Those principles provide a framework for the budget process that recognises distinct roles for the Finance Committee and subject committees. The issues of prioritisation and value for money will be for subject committees to pursue in their scrutiny, in which they will look at the decisions that the Scottish Government makes in directing its resources, and at how effectively public services spend that money to achieve outcomes. Questions

of affordability and budget processes will be for the Finance Committee to consider. It will ask whether the appropriate balance has been struck between revenue and expenditure and it will ask about integration of service planning and performance budgeting.

The written agreement already recognises an element of the budget processes principle, with the draft budget including an overall assessment of the progress that is being made towards a more preventative approach to public spending. The principle of affordability will provide us with a new challenge when scrutinising the use of the financial powers in the Scotland Act 2012, including the Government's revenue forecasts, the commentary that will be provided on those forecasts, details of any planned borrowing, and information about calculation of the adjustment to the Scottish block grant to take account of expected revenue levels.

This year, the Finance Committee intends to use its call for evidence to focus on the revenues that might be raised by the land and buildings transaction tax, and will seek views on the impact of the rates and thresholds that the Government sets for that tax. In doing so, the committee may have regard to the likely impact on the property market and the wider economy of the level at which the taxes are set. Undertaking that scrutiny at the earliest opportunity should ensure that we start to develop the experience that will be necessary to fully scrutinise revenue decisions in future years.

When debating the committee's report on the draft budget 2014-15, the cabinet secretary challenged the committees that were involved in budget scrutiny to tell him how the Government could improve the linkage between expenditure and performance, as measured through the national performance framework—a framework that has, it has to be said, been widely welcomed. I am confident that the scrutiny framework that we now have in place will enable committees to respond to that challenge positively and constructively.

I realise that this has not been the most confrontational or contentious of debates, but one or two interesting points have been made along the way—by Iain Gray, for example, in relation to the timetable. It must be accepted that there had to be a change of timetable this year; broadly speaking, the committee was in agreement on that. Gavin Brown gave a positive report about how the cabinet secretary had moved on his initial proposed timetable.

I say, as an accountant, to Iain Gray that we have to have some sympathy for staff. It is all very well saying that the cabinet secretary could

publish the budget somewhat earlier, but that would have practical implications.

The revised written agreement marks a clear transition in the approach to financial scrutiny and the role that the committees of Parliament have in holding the Government to account for its budget decisions. I and other members of the Finance Committee are very much looking forward to scrutinising the forthcoming draft budget.

## Budget Process (Standing Order Rule Changes)

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

The next item of business is consideration of motion S4M-10312, in the name of Stewart Stevenson, on standing order rule changes: budget process. I call Stewart Stevenson to move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

15:19

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I rise to speak to the small but perfectly formed changes that Kenneth Gibson referred to in the previous debate, which are the addition of 14 words to the standing orders, five of which are instances of the word “revenue”.

The Standards, Procedures and Public Appointments Committee has considered what changes are required to the standing orders as a result of the revised written agreement between the Finance Committee and the Scottish Government and the financial powers that were introduced by the Scotland Act 2012, which come into effect in April 2015.

Currently, the standing orders include only the high-level rules that govern the budget process—for example, the requirement to publish a draft budget by 20 September each year. As we heard in the previous debate, the specific details of the budget process are set out in the written agreement. We think that that is the right approach, and we recommend that it is continued. It has the advantage of flexibility, as the budget process can be adjusted in the written agreement without the need to amend the standing orders.

The changes that we are recommending to the standing orders are therefore relatively limited, as we are not proposing any significant changes to the broad structure of the budget process. As the report says, the changes would

“add references to public revenue alongside public expenditure at appropriate points”

in the standing orders

“to reflect the new requirement to consider the receipts from the devolved taxes.”

The Scottish rate of income tax will not come into force until 2016-17, so we are not including references to that tax in the standing orders at this time. There may be a requirement to make further amendments to the standing orders in around a year's time in preparation for the Scottish rate of income tax coming into force.

I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 3rd Report 2014 (Session 4), Standing Order Rule Changes - Budget Process (SP Paper 512), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 27 June 2014.

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

## Asylum Seekers and Refugees

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

The next item of business is a debate on motion S4M-10347, in the name of Humza Yousaf, on asylum seekers and refugees: the need to create a more humane system.

15:21

### **The Minister for External Affairs and International Development (Humza Yousaf):**

Last night, I had the enormous pleasure of speaking at the launch of refugee week Scotland 2014 at the stunning venue of the Old Fruitmarket in Glasgow. Refugee week Scotland, which is co-ordinated by the Scottish Refugee Council, is now 14 years old and is bigger and better than ever, with more than 120 cultural and community events and workshops around Scotland that celebrate the diversity and contributions of our refugee communities. It was a great spectacle to be part of.

Every year is themed and this year's theme is "Welcome". The strong message is given that refugees and people who are claiming asylum in Scotland are welcome to our country. That is an appropriate theme in the year of homecoming and in a year in which 70 nations and territories of the Commonwealth will be welcomed to Scotland and, more specifically, to Glasgow. It is also highly appropriate because of the negativity towards migrants, refugees and asylum seekers that we have heard in some elements of the media and the political structure.

We live in a world in which people travel more and more. However, not everybody who travels has a choice in the matter—they do so because they are searching for safety and sanctuary. As we all know across the chamber, Scotland has a long history of welcoming people from across the world, whether they are visitors, students, migrant workers or those have fled persecution and looked for asylum.

As well as the Home Office's dispersal of asylum seekers to Glasgow over the past 14 years, we have a history of supporting refugee resettlement. That has gone on for not only years, but for decades and even centuries. In the mid-19th century, at the time of the great hunger in Ireland, Glasgow and Scotland gave sanctuary to those who suffered great persecution and hunger, although that was not without problems and difficulties, of course.

In more recent times, over the past 20 years, we have had refugees from Bosnia, Kosovo and the Democratic Republic of Congo. Asylum seekers from Iraq, Afghanistan and most recently Syria, as many of us know, have come outwith the

resettlement programmes. We celebrate the cultural, social and even economic contributions that our refugee communities have made to Scotland.

During my time as a minister, as an MSP before that, and in various other guises, I have had great pleasure in meeting many asylum seekers and refugees, as most members in the chamber have probably done. I have been greatly impressed by their determination to rebuild their lives in Scotland and to contribute to Scottish society. They have left the place that they call home—not out of choice—and I can see in their eyes their determination to succeed in what is their new home. However, it has also been made abundantly clear to me that barriers are built into the asylum system specifically, which do not make integration easy—in fact, they make integration a lot more difficult. In some cases, those barriers clearly exacerbate the terrible traumas that people have already faced and are suffering from.

None of us can imagine what it is like for people to have to leave their homes—in the midst of persecution, in the midst of conflict or in the midst of the threat of sexual violence—but when, on top of that, people have to navigate their way out of a country and into another country, where they face a number of barriers that would be there anyway regardless of the asylum process, such as language, it becomes a difficult thing for any of us to comprehend.

The barriers to integration that are currently cited by refugees and asylum seekers reflect long-standing concerns about the highly negative impact of the United Kingdom asylum system over successive years. Those concerns have been expressed not just by this Scottish Government but by previous Scottish Administrations and are shared by many people from many parties.

I will highlight some of the impacts of the asylum system. People have waited for many years for the Home Office to reach a decision on their cases. All of us, as members of the Scottish Parliament, have had asylum seekers come to us and I have been aghast that some people have had to wait for more than 10 years for a decision. Yesterday, I came across a young lady who told me that she has waited for 20 years and a decision has still not been reached. In fact, she went to the Home Office a couple of days ago and was asked whether she wanted to return home. She said, “After 20 years here, I am home,” and she was quite correct to say that.

Although I recognise that the time that is taken to process new asylum applications has improved slightly, the vast majority of people who seek asylum in Scotland still face a harrowing trip to the Home Office in Croydon for initial screening. It is not a statutory requirement for people to be

screened in Croydon. I believe—I think that there will be widespread support for this—that people who have claimed asylum in Scotland should be screened here. There are trained staff in Scotland and it would result in a system that was not only more efficient and more effective but fairer to those who are seeking asylum and refugee status in Scotland. I hope that we can unite on that point across the chamber.

The ethos of the screening process should be supportive and enabling, helping people to tell their story in a culture where the default is not disbelief or suspicion. That is not to say that all claims for asylum should be granted; indeed, no one is suggesting that. However, everyone who seeks asylum should be treated—these are the important words—with dignity and compassion as their case is considered. We are often told by asylum seekers that it is that dignity and compassion that is missing in the system.

In my role as Minister for External Affairs and International Development, I have had the great opportunity of travelling overseas. When a person travels for a long time and is away for days or weeks, the best thing is the flight back home. Once a person arrives back, whether that is in Glasgow, Edinburgh or other parts of the country, they feel like they are at home. They know that there are home comforts and, in most cases, a family waiting for them, along with their own warm bed where no better sleep is to be had. Home is home. Nothing is better than arriving home.

Having a place to call home is a most basic need for everyone. A home that is secure and in good repair provides a substantial contribution to the health, wellbeing and quality of a person's life. For refugees and asylum seekers escaping the trauma of war and instability, the home contributes to the stability that they so desperately need. Unfortunately, I hear too many cases of poor housing conditions, where repairs are not carried out timeously; of overcrowding; and of people facing frequent accommodation moves, preventing them from settling in to communities.

Another area of great concern is the support that is—or perhaps is not—given to asylum seekers. Those who are on section 4 support do not receive cash, but are given the Azure card to enable them to buy food and other necessities only from certain shops; we have talked about that in a members' business debate. That is humiliating and dehumanising. The lack of cash makes it difficult for people to access basics such as culturally appropriate food and public transport. It is, at its essence, dehumanising not to trust people with cash; to give them a card, a bit of plastic, is to say that they are not deserving of real money.

As I have said, that makes people's lives difficult. Many asylum seekers have told me that

their children come to them, looking for 50p to spend at the school tuck shop, but what can they do? They cannot cut up the card to give them the money. All they have is what is on that card. I realise that being able to buy something from the school tuck shop is not a fundamental human right, but children need to feel that they can participate fully in their school and in their educational lives. The fear of destitution—and, indeed, actual destitution—is very real for asylum seekers who cannot work.

We have proposed that, for asylum seekers, there should be integration from day 1. As members know, we do not have full control over immigration and asylum policy, but where we do have some control, we ensure that integration happens from day 1, not from when a person's status is settled or otherwise. Many in the chamber will be familiar with our "New Scots: Integrating Refugees in Scotland's Communities" strategy, to which the Convention of Scottish Local Authorities, the Scottish Refugee Council and, more important, asylum seekers and refugees themselves contributed, and we have also produced a clear framework for the next three years for all those who are working towards refugee integration.

The projects that have been supporting asylum integration include the unique Scottish guardianship service, which works with unaccompanied asylum-seeking children who have been separated from their families, and the family key worker pilot for newly arrived asylum seekers, which embodies the ethos of ensuring integration from day 1 by providing support from the day of arrival and ensuring that asylum seekers get the help that they need right from the start of the process.

We are 92 days away from the referendum on Scottish independence, and people are debating our country's values and what is important to us as a nation. This debate on asylum and how we treat those who are fleeing persecution and prosecution who seek it is an important part of that bigger debate. In our white paper, "Scotland's Future", we make it very clear that asylum too often gets politicised, and as a result, we propose to separate the issues of immigration and asylum.

We want a system that is built entirely on compassion. To that end, we will close Dungavel detention centre, which represents an incorrect and inhumane way of treating those whose asylum applications have failed. We will also give asylum seekers the right to the dignity of work and end the practice of dawn raids.

In conclusion, I pay tribute to all the organisations and individuals who, for many years now, have worked hard to support refugees and asylum seekers and help them rebuild their lives

and integrate in Scotland. Our desire for a more humane system reflects our vision of a society and a country that we very much aspire to: an open, welcoming and tolerant nation that protects people who are fleeing persecution and violence, treats them with the sensitivity and compassion that they deserve, does not add to their trauma and helps them to rebuild their lives in our vibrant, diverse and inclusive country.

I move,

That the Parliament welcomes the celebration of Refugee Week Scotland 2014 from 16 to 22 June, co-ordinated by the Scottish Refugee Council; notes that the events highlight the vibrancy and dynamism of Scotland's many cultures; understands that refugees, many of whom have been victims of violence and ill-treatment, are seeking a place of safety to rebuild their lives; believes that asylum seekers and refugees should be integrated into Scotland's communities from day one, as set out in *New Scots: Integrating Refugees in Scotland's Communities*, developed in partnership by the Scottish Government, COSLA and the Scottish Refugee Council; recognises the excellent work of local authorities and third sector organisations in supporting asylum seekers and refugees; believes that more must be done to ensure that the asylum system treats people in the most humane, fairest and holistic way possible, consistent with the aspirations of the New Scots report and respecting human rights, and believes that, for many asylum seekers, the current system exacerbates the traumas that they have already suffered.

15:33

**Jamie McGrigor (Highlands and Islands)**  
**(Con):** I am pleased to take part in today's debate, and I want to say at the outset that I am proud of the UK's long and distinguished record of offering asylum and providing a place of safety to those who are genuinely fleeing persecution across the globe. We recognise that many of those who come to Britain seeking asylum have suffered terrifying experiences and have made a huge effort to reach our borders, and we should, as the minister has said, treat those people as all modern liberal democracies treat them, with compassion, dignity and respect. There is no argument about that, and I think that most people believe that individual and collective freedom within the rule of law is the basis of our democracy.

The key to dealing with asylum seekers who arrive in this country is having a system of assessment that is efficient, robust and transparent, processes cases as quickly as possible and, above all, is fair. That is fundamental so that we can then offer the appropriate support to genuine asylum seekers and refugees. We need to recognise that some of the people who come to the country seeking asylum may not be genuine but want to come here for other reasons including economic ones. In the interests of the genuine asylum seekers, therefore, those people must be removed from the country as smoothly as possible, and we support the UK Government in

taking all the necessary steps to remove those who have no valid grounds to stay here.

The UK coalition Government inherited an asylum system that many described as chaotic and dysfunctional with a massive backlog of cases, but it is making steady progress in putting that right. The UK takes a positive role in working with fellow European Union member states to ensure that asylum flows are properly managed and that those who are in genuine need of protection are given it without undue delay, while those who do not need protection are swiftly refused asylum and returned to their own countries.

The detention of children of asylum seekers has been debated in this Parliament before. I spoke in a debate on the subject in 2009. I am delighted that the UK coalition has made real progress in that area as it has sought to ensure that the welfare of children is promoted. It ended the detention of children at Dungavel as soon as it was elected in 2010. Home Office policy is clear that family detention is used only as a last resort in the removal of failed asylum seekers from the UK after all voluntary returns options have failed, and an independent family returns panel is consulted prior to every enforced return.

**Humza Yousaf:** Jamie McGrigor mentioned that he is pleased that the coalition Government took that step of not detaining children in Dungavel. What is his reaction when children from Scotland are taken for detention down in Yarl's Wood? Why does it make a difference just because it is in Yarl's Wood?

**Jamie McGrigor:** If that is really the case, I will have to come back to the minister at another time with an answer to that. All I know is that what I said is true.

Dawn raids on failed asylum seekers is also a real issue of concern that has been voiced in this Parliament in previous years. Indeed, I have voiced concerns about that myself. Again, we would want to see such raids used only as a last resort. However, where a family has chosen to break the law and defy the decisions of UK courts, we have to allow the agencies time and space to carry out operations to rectify that situation and ensure compliance with our laws. The timing of such operations will depend on a number of factors including the safety of the family and others and any concerns that the police and others raise around public order.

On the issue of allowing asylum seekers to work, the UK Government is clear that the purpose of the current policy is to deter economic migration through the asylum route. Economic migration comes through other routes.

On the level of financial benefits that are provided to asylum seekers in the UK in addition to the free accommodation and utilities that are provided by the Government, I am aware of the recent court ruling on the subject, and the Home Office is considering a range of options. Again, it wants to avoid doing anything that might encourage economic migration through asylum. Those who are granted refugee status can, of course, access welfare benefits and tax credits just as UK nationals can, as well as entering the labour market.

I pay tribute to those charities in Scotland that work with genuine asylum seekers and refugees. We should all commend the good work that they undertake. We are supportive of moves to encourage refugees to integrate with our communities. In that respect, we agree with the "New Scots" document and we recognise the positive part that they can play in society. I hope that the Government will continue to work with other EU countries, as it is doing, to do something about the disasters at sea in which so many unfortunate people have been drowned.

My amendment emphasises the need to ensure that our asylum system is "efficient ... and fair" and deals with cases in the shortest possible time so that some of the problems that we will hear about today are not suffered by asylum seekers who have to wait months for a decision to be made.

I move amendment S4M-10347.1, to leave out from first "believes" to end and insert:

"recognises the excellent work of local authorities and third sector organisations in supporting asylum seekers and refugees, and supports the work being done by the UK Government to improve the asylum system so that it is efficient, humane and fair and focuses on helping genuine asylum seekers and refugees".

15:39

**Alison McInnes (North East Scotland) (LD):** I, too, welcome the debate, which is fitting in refugee week.

I have no doubt that, across the chamber, we want to see the asylum system constantly improving and evolving. We should therefore welcome the ambition in the "New Scots" report to better integrate refugees into Scotland's communities. I share the vision that was set out by John Wilkes, the chief executive of the Scottish Refugee Council, when he said:

"Our vision is for a Scotland in which all people seeking refugee protection are welcome and where they are protected, find safety and support, have their human rights and dignity respected and are able to achieve their full potential in their new communities."

We should commend the excellent work of local authorities and third sector organisations in



supporting individuals and families who seek asylum in Scotland. Their work means that those who seek safety and a place to start their lives again, free from fear and persecution, are able to access the things that many of us take for granted, such as housing and education. However, the picture is not perfect. The report highlights the fact that 96 per cent of refugees experience homelessness at some point and that there must be greater, more flexible English for speakers of other languages—ESOL—provision for women with families.

Let us be in no doubt that the Scottish Government already has a duty to ensure that individuals and families who join us here in Scotland have those things—they are basic human rights. I reject the idea that independence would be a magic pill to a better system and the idea that the UK arrangement that is in place at the moment is cold and compassionless. The system is not perfect, but progress has been made.

**Bob Doris (Glasgow) (SNP):** I interject not on the subject of independence but on the responsibilities that the Scottish Government currently has. Housing would be a core responsibility for the Parliament, but there are certain restrictions on the Scottish Government. I have made representations to Margaret Burgess, the Minister for Housing and Welfare, on the quality of housing for asylum seekers and refugees, but the Parliament does not have power over that. Does the member agree that we could look at the standards of housing for asylum seekers and refugees in Scotland?

**Alison McInnes:** I despair of the constant negativity from the SNP, which is always looking at what we cannot do instead of at what we can do. There is plenty of scope to improve the system within devolved responsibilities.

At the most recent general election, the Liberal Democrats were the only party to campaign to end child detention. More than 7,000 children were locked up in the last five years of Labour's Administration, which is an average of almost four children a day. We committed to ending that course of action and we have delivered on that commitment.

The new pre-departure accommodation at Cedars, in Gatwick, was designed and is operating in conjunction with Barnardo's. It is used only as a last resort, on the advice of an independent panel of child welfare experts, after all voluntary return options have failed. At the most, it can accommodate only nine families at a time in self-contained apartments. It offers the maximum freedom of movement and privacy within an unobtrusive, secure perimeter and with welfare services provided by Barnardo's. The name

Cedars stands for the principles that staff work to, which we could all sign up to: compassion, empathy, dignity, approachability, respect and support.

**Humza Yousaf:** I ask Alison McInnes the same question that I asked Jamie McGrigor. Does she have an opinion on whether Yarl's Wood—later on, I plan to read a testimony that describes it as horrendous and not as a detention centre but as a persecution centre—is a suitable place for the children of asylum seekers from Scotland to be detained, as they currently are?

**Alison McInnes:** Wherever they come from, children ought not to be detained unless as a very last resort. We have seen a significant change in the whole procedure, and it is as a very last resort, under an ensured return process, that children will be held at Cedars for no longer than 72 hours. In look and feel, Cedars could not be further from an immigration removal centre such as existed there in the past. Also, the use of Cedars is the exception; the aim is to encourage and support families to leave voluntarily without the need for enforcement actions.

We have made progress, but undoubtedly there is more work to do both at a UK level and within Scotland. It still takes too long to reach a decision on asylum in many cases and too many people face homelessness. We must continue our proud tradition of providing safe haven to those fleeing war and terror. We must have a system that recognises the trauma that individuals have faced and that is resolute that their future will be brighter. However, getting there requires a journey and a constant evolution of policy and practice to meet new challenges.

I move amendment S4M-10347.2, to leave out from “, and believes that” to “exacerbates” and insert:

“; welcomes the ending of child detention for immigration purposes at Dungavel, and believes that all that can be done should be done to ensure that the system for asylum seekers does not exacerbate”.

15:45

**Graeme Pearson (South Scotland) (Lab):** In his opening speech, the minister alluded to the terror, the tragedy and the fear that are faced by many people who cross the globe to seek asylum in a foreign country. It has been acknowledged across the chamber that the United Kingdom and Scotland have played their part in ensuring that those who seek solace are granted respite in our country.

On a human level, individuals in our communities and communities themselves have often shown by example the support that they can offer to those who arrive on our doorstep in dire

need. We have seen some great examples of the support that has been offered. Unfortunately, as I go round doorsteps in the south of Scotland, I meet resistance to that approach. Some people say that they fear that asylum seekers and refugees get better treatment, and some allege that they have been used as cheap labour, which has resulted in unemployment in an area or a fall in wage rates. That is the type of misinformation that some political parties utilise to create fear and jealousy in our communities.

The major task that the minister and his Government face is that of ensuring that accurate information is provided to our communities so that the kind of information that passes as fact and which, for some people, eventually becomes accepted wisdom is rejected. Such misinformation does no service to Scotland, and it makes much harder the task of ensuring that those who seek asylum in our country or to be acknowledged as refugees are able to do so. It also makes it difficult for the authorities and others to deliver on behalf of those people, who need so much from us.

**Dennis Robertson (Aberdeenshire West) (SNP):** Does the member believe that the media have an important role to play in putting across factual information rather than the misinformation that, in some areas, fuels some of the hatred—I think that that is the appropriate word to use—towards asylum seekers and refugees?

**Graeme Pearson:** I am grateful to Dennis Robertson for that intervention. I acknowledge the part that the media can play, but that only strengthens my argument that the Government needs to ensure that the facts are put into the public domain repeatedly—ad nauseam—so that we understand exactly what is happening in our various communities.

In that context, I commend the work of the Scottish Refugee Council, COSLA, the third sector, individuals across our communities and communities themselves for the work that they are doing to improve the nature of the reception that we offer asylum seekers and refugees in our country and the assistance that they receive on the stages that will lead, one would hope, to productive residence.

The “New Scots” report is to be welcomed and, in that regard, Scottish Labour supports the Government’s motion. We also support the amendment from the Lib Dems.

On an institutional basis, it has been indicated that successive Scottish Governments have provided £13.5 million to aid the integration of asylum seekers and refugees into our communities. In all truth, that is a modest sum of money over a 13-year period. No doubt the award of £2 million from the Big Lottery Fund to the

Scottish Refugee Council will be a welcome benefit that will enable it to do the work that it delivers on our behalf.

It is well recognised that, as the minister said in his speech, generations of asylum seekers have benefited Scotland throughout the ages. There is no doubt that there are still great difficulties for asylum seekers coming here to attain refugee status, from the 28-day timeframe to move asylum seekers into mainstream accommodation and from the ability of the universal credit system to deliver financial support.

There are a number of questions for the minister. Can he assure us that some clarity of information will be forthcoming? Will he obtain accurate numbers, which are absent from the “New Scots” report, in terms of asylum seekers and those who are refugees in our country in order that we know what we are dealing with? Will he commit to ensuring that none of those categories of people will be taken advantage of by unscrupulous employers who would seek to take advantage of those people’s weakness?

The minister referred to the card system that is utilised. That system was brought into disrepute many decades ago when it was used for social security. It placed those who needed to use the cards in a very weak situation at a point when they were vulnerable, and the cards’ value was often discounted by unscrupulous shopkeepers who would not offer what was necessary. Evidence of that should be produced and utilised in order that we can get rid of the cards.

It would be helpful to know the numbers of employers who have been reported for taking advantage of those in the asylum and refugee community and the number of gangmasters who have been convicted in Scotland in that connection. I would support any commitment that the Government offers to local authorities, particularly Glasgow City Council, which we need to acknowledge has led the way in offering support in some very difficult circumstances.

I support the motion and the Lib Dems’ amendment.

**The Deputy Presiding Officer (John Scott):** We move to the open debate; speeches should be of five minutes or thereabouts, please.

15:52

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** It is not often that we take part in a debate that has the words “asylum seekers and refugees” and “humane system” in the same sentence. I want to focus on the issue of showing humanity and what that means.

About 13 years ago, when I was a Unison steward, I had a briefing from Margaret Wood of the Glasgow campaign to welcome refugees, and from that moment on I was involved in the campaign. At the same time, the Scottish Refugee Council started raising awareness, and I am very proud of this Parliament and this nation for marking refugee week every year.

One thing that was drawn to my attention when I worked in social work in Glasgow was the checks that young refugees were put through to determine their age. I do not mean to be totally alarmist, but the checks would have put Nazi Germany to shame, because wrists were measured, X-rays were taken and dental work was checked in order to determine a young person's age—instead of just speaking to them and treating them as human.

Then we had the group who were fondly known as the Glasgow girls, whom we should all be very proud of, and their campaign against dawn raids. We witnessed on our tellies almost every night the people of Drumchapel, Castlemilk, Springburn and Sighthill standing up to UK Border Agency detention vans. Women in those areas were presented with Scottish women of the year awards. That shows a different Glasgow that is humane. Was the treatment of the refugees humane? That is the question.

I turn to the issue of Dungavel. For many years I have attended vigils at Dungavel run by justice and peace organisations from Lanarkshire and Ayrshire. The detention of innocent kids in Dungavel was brought to my attention because they were put next to some of the most notorious child traffickers in the world, who were awaiting deportation. Is that humane? I do not think so.

We should remember that those children are not criminals. I say to Alison McInnes that, although the Lib Dems ended the detention of children at Dungavel, the children just get shipped to Yarl's Wood, Colnbrook or another centre. That is not a last resort. If members just listen to the testimony of people I know, they will hear that that is not a last resort.

UK Governments of all colours have been playing top trumps to see who is the hardest on immigrants, who is the hardest on asylum seekers and who is the hardest on refugees. Some of the things that I have seen over the years make me sick to my stomach.

Successive UK Governments have refused to sign up to EU directives to protect people, whether they are on asylum, men's violence against women and children or trafficking. We have had go home vans and adverts. How disgusting.

The UKBA determines asylum status along with trafficked status and can deny a person protection

all in the one envelope. That is disgusting and is not humane.

We have people who have been forced into destitution. We had the obscene pictures on our telly of Jacqui Smith chartering a plane, rounding up women and children at Brand Street in Govan, sending them back to the war-torn Democratic Republic of Congo and telling them, "There, there—it'll be all right once you're home."

We have the situation of young women from Moldova. Last week, we in the Parliament viewed the film "Nefarious: Merchant of Souls". A young woman who was trafficked across Europe in horrific circumstances was brought to London. She was saved by the Poppy project, but she was denied refugee status and trafficked status and was sent back to Moldova. The decision was that she was not at risk. When she got there, the traffickers caught up with her. They abused her, beat her and did horrific things to her. A few months later, where was she? She was trafficked back to London. Is that humane? No.

Having an independent Scotland is one way to change that. We can have a humane system—a new asylum model that separates immigration from people who seek sanctuary. One of the most disgusting things about the process is the fact that people conflate those things, which dehumanises the individuals who are involved.

I want a system that provides protection, shows compassion and gives people dignity and support. I want a Scottish asylum agency that is underpinned by all those values and based on human rights. That is humane. That is the kind of Scotland that I want to live in.

15:57

**Sandra White (Glasgow Kelvin) (SNP):** I, too, welcome refugee week Scotland and the events that are taking place across Scotland to mark it. I congratulate all at the Scottish Refugee Council on the work that they have done to prepare the programme for what is the 14th refugee week. As it says, the aim is to celebrate the warm welcome that Scots give refugees from around the globe who seek sanctuary, and the contribution, which we must remember, that refugees make to our communities. I thank the many groups and individuals, such as Margaret Wood and others, who have given asylum seekers help and support for many years.

Like Christina McKelvie and others, I have campaigned for many years for asylum seekers' rights, because I truly believe—as I think most members do—that we should stand up for some of the most vulnerable people in our society, be they refugees, asylum seekers or anyone else who needs our help. I repeat the plea that I and many

others have made to the minister before for the Home Office to give MSPs the right to stand up for and serve our constituents—that is what the people involved are. The Home Office continually denies us that right.

Like others, I have stood outside Dungavel and attended rallies. I have visited people who have been held in Dungavel and I have even had my fingerprints taken there, although I have not had them back yet. That is what goes on when a visit is made to anyone in Dungavel. I visited a family and gave a child a chocolate biscuit, but the biscuit was taken off the child because of its wrapper. Drinks and other items cannot be given, either. Dungavel is a detention camp. I have always called it that and I still call it that. It is a detention camp in Scotland, but it is outwith our control.

Some truly shocking stories have come out of Dungavel. The Catholic church has said:

“It is almost inconceivable that conditions such as we are now hearing about can exist in 21st-century democratic Scotland.

They display an alarming disregard of any consideration for human dignity. Immigration is a reserved power, but maybe the time has come for a Scottish solution for a humanitarian scandal on our soil.”

Despite outrage from the church, politicians and other organisations across Scotland, little has changed under the UK system, which is clearly not fit for purpose. That is why I am a little bit concerned about the amendments, which I will take in order.

The Conservative amendment includes the line

“supports the work being done by the UK Government to improve the asylum system”,

but that is really a kick in the teeth for the many people who suffer under that system. The Liberal Democrat and Conservative amendments mention ending the detention of children at Dungavel. Other members have mentioned that and I will go on to talk about it.

The UK Government’s infamous “go home” vans, with their clearly racist slogan, were the brainchild of the Liberals and Tories in coalition.

Let us not forget the posters in Brand Street in Glasgow that said

“Is life here hard? Going home is simple”.

That was another brainchild of the UK Government.

Here is where I turn to the Liberal Democrats. For the Liberal Democrats to claim that they ended child detention at Dungavel is ridiculous.

**Alison McInnes:** Will the member take an intervention?

**Sandra White:** I will finish my point and then take an intervention.

Many groups and individuals have fought for many years to end that practice, but it has not ended.

**Alison McInnes:** I back the member’s remarks on the “go home” vans, but not her suggestion that they were anything to do with the Liberal Democrats. She knows that the scheme was roundly condemned by my colleagues Nick Clegg and Vince Cable, and that I also signed the Scottish Parliament motion condemning them.

**Sandra White:** I thank Alison McInnes, but she knows what they say, and if you get into bed with someone, you have to take the consequences. Her Liberal Democrat colleagues went into coalition with the Conservatives and Westminster and that is what they got. They could have stood up for themselves in other ways.

The Liberal Democrats’ pledge on children in Dungavel unravelled as quickly as their pledge to support free education. As we learned, children were simply transferred to other detention centres. In some cases—and this is absolutely true—children are still being detained at Dungavel.

Jamie McGrigor said that his party supports the work that is being done by the UK Government. Does he mean the racist slogans on the vans that I mentioned? Does he mean his party’s drive to appear to be more racist and xenophobic than the UK Independence Party to appeal to voters? That is what it seems like to me and many others. I am not sure, but to say that the system is working is untrue.

We know that the Home Office is not fit for purpose and that refugees and asylum seekers are treated badly while being used as scapegoats for any of society’s ills. Rather than hiding from that, we need to look at how we can promote a fairer system, and how we can foster trust and respect rather than mutual distrust. “New Scots: Integrating Refugees in Scotland’s Communities” is a good starting place, but we must recognise that the Home Office and UKBA are not fit for purpose, and that we will be able to create a fairer and more inclusive refugee and asylum system only through independence and control of immigration.

16:03

**Margaret McCulloch (Central Scotland) (Lab):** The debate about this country’s relationship with refugees and asylum seekers is too often distorted, too unfair and misleading, and many of the most common assumptions about asylum seekers and refugees are unrecognisable to those of us who have first-hand experience of working

with them. The Scottish Refugee Council has tried to challenge those assumptions by setting out simple and clearly referenced facts about the realities of asylum. I want to put some of those facts on the record today.

Eighty per cent of the world's refugees live in the developing world, many of them in refugee camps having been forcibly displaced. Africa, Asia and the Middle East host three quarters of the world's refugees, Europe hosts 16 per cent and the United Kingdom hosts just over 1 per cent.

It is true that asylum applications peaked in 2002 but by 2010 they were down to a record low. In 2012 in the UK, less than a third of refugees who applied for asylum were successful. We are no soft touch.

Asylum seekers are not automatically entitled to council homes. There are asylum seekers in "dispersed accommodation" but that is allocated by the Home Office; it is nearly always in hard-to-let properties and the number of asylum seekers in dispersed accommodation is equivalent to just 0.05 per cent of the population of Scotland.

Home Office rules prevent asylum seekers from working, so they are dependent on state support, which can be as little as £5 per day. According to Refugee Council research, asylum seekers do not come to the UK to claim benefits. In fact, most know nothing about our welfare system and have no expectation of receiving any financial support when they arrive.

I worked with asylum seekers before coming to the Parliament. I helped them to get into training, once their applications had been granted and they were able to look for work. They were not scroungers or chancers, and they were not here to take advantage of or abuse our hospitality. They were child soldiers who escaped African war lords, and people who were looking for a home because their own home had been taken from them.

They were grateful for the assistance that they received in Scotland, and they were thankful for the opportunities that they found in a country where they were safe and could make a new life for themselves, and where they could put destitution and persecution behind them. Those are the stories that the public need to hear, and those are the facts that the *Official Report* must record.

I draw members' attention to the position of lesbian, gay, bisexual and transgender refugees and asylum seekers. The Kaleidoscope Trust's recent report reminded us that homosexuality is illegal in 41 of the Commonwealth's 53 member states, and documented just how pernicious and malign the inequalities in some of those countries really are.

Next month, athletes and visitors from around the world—including from those 41 countries—will come to Glasgow to celebrate the Commonwealth games. We can send out a powerful message of hope by showing that gay athletes and LGBT people are welcome here in Scotland. We can also make a practical difference by ensuring that our asylum system treats LGBT people with dignity and respect. The review into the intrusive questioning of gay asylum seekers is welcome, but we must ask searching questions about a system in which LGBT people have been deported back to countries in which they face persecution.

The aspiration that the Scottish Government sets out in its motion—the desire for a more humane asylum system—is one that my Labour colleagues and I share. However, we must be clear about the fact that, to build support for a humane and dignified asylum system, we will have to take on all-too-common misconceptions, let people hear the facts and make the case for a more tolerant, welcoming and understanding society.

16:07

**Bob Doris (Glasgow) (SNP):** I am delighted to follow an excellent speech from Margaret McCulloch, in which she mentioned some of the common misconceptions with which I was going to begin my speech.

I think that society is a lot more tolerant towards immigrants to these shores than is suggested by attitude surveys, and I will explain what I mean by that. People may use generic terms and describe floods of immigrants coming to the country but, if one breaks it down and engages with people on the basics, the view is different. If one talks about international students, who are keeping our higher education system afloat by paying huge fees to come to this country, people tend to say, "Well, of course that is okay."

If one explains that many Scottish people and people from across the UK are taking benefits in other European countries, because they are staying there and have made a life for themselves, and when one outlines the facts about Scottish people going to other European countries and other people coming to Scotland, people tend to say, "Actually, that seems to be okay."

When one explains to people, as members have mentioned today, that asylum seekers are fleeing war-torn countries—I have had direct experience of dealing with constituents in that situation—they tend to say, "Yes, that's okay."

However, those views are not what we tend to read in the mainstream press. If the narrative is correct and deals with the facts about immigration to these shores, the people of Scotland—and, I

believe, of the United Kingdom—are far more tolerant and inclusive than certain attitude surveys let on. We, as politicians, all have an opportunity to show leadership in putting the facts about the situation on the record.

I will share a brief story about a constituent of mine called Ako, who was in my office the other day. People would see him and say, “Oh, there’s another immigrant coming to my country.” I will not get into the personal details of his story, but he was looking to be returned to Mosul. I do not think that he will be going there any time soon.

I represent a swathe of constituents in relation to asylum and refugee cases. Quite a lot of them are Kurds, because of the connection that I have with the Kurdish community in Glasgow. They are dependent on the court ruling in the case of Bakhtear Rashid—apologies to Kurds and the legal profession for my pronunciation—which I believe refers to when someone came to the UK, whether they came to it from the Kurdish region or from the rest of Iraq and whether Saddam Hussein was in power when they came. All of that is used to determine whether people are allowed to stay. The people whom I meet have been here for a long time and, frankly, this is their home. They make an incredible contribution to our country. That gives a flavour of the kind of refugees and asylum seekers whom I meet, and of immigrants to our shores more generally.

Politicians often talk about the good work that other people do rather than the work that we do, so I put on record the work of the police in relation to asylum seekers. I remember when I became an MSP in 2007 meeting Constable Harry Faulds, a community police officer in Sighthill in Glasgow who has since retired. He did exceptional work to bring communities together. I also mention the Maryhill Integration Network, which my colleague Patricia Ferguson will know well and which does fine work on inclusiveness and integration in Glasgow, the area that I represent.

The Scottish Government strategy is called “New Scots: Integrating Refugees in Scotland’s Communities”. Members could speak in support of that strategy irrespective of their position on the constitution and an independent Scotland, as it makes no attempt to raise the issue of independence. It contains a set of principles on integrating people in our communities that we would all like to see in society. That is the tone in which I make my remarks.

On the needs of dispersed asylum seekers—I hate the term “dispersed”, but there we are—the strategy states:

“The long-term strategic planning of the dispersal of asylum seekers in Scotland is informed by the needs of asylum seekers and local communities leading to an increase in integration”.

When that is done well, it benefits a community, but it has not always been done particularly well. Initially, there were difficult and challenging situations at Sighthill and Red Road, but things have improved since then. I pay tribute to everyone who has been on board in relation to that.

My intervention on Alison McInnes was on housing, so I should refer to that issue in my remaining time. Significant concerns have been raised by the Scottish Refugee Council and a number of my constituents about the housing contract that UKBA has in relation to asylum seekers and refugees in Glasgow with Serco and Orchard & Shipman. We have been working on a cross-party basis to deal with that. I made representations to Margaret Burgess on what the Scottish Government could do through housing standards and regulation. It can do almost nothing, but I will continue to press on the issue to encourage constructive dialogue.

Some of the social tensions in relation to housing for asylum seekers and refugees are exactly the same as those relating to homeless people. There are a series of supported tenancies across the city of Glasgow with a high turnover of individuals, which is not good for sustainable communities. We must turn some of those tenancies into permanent ones so that we embed people in the heart of their communities, but that is not how the system works.

Presiding Officer, thank you for indulging me, as always, in sneaking an extra half minute into my speech. I thoroughly support the Government motion.

16:13

**Clare Adamson (Central Scotland) (SNP):** I am often asked by some of the many young visitors to the Parliament what I think is the best thing the Parliament has delivered for the people of Scotland. I am sure that MSPs from across the Parliament give many answers to that but, for me, it is the 2007 decision to extend the education rights that are enjoyed by Scotland-domiciled students to the children of asylum seekers.

A Government press release from the time stated:

“Children of asylum families are to have the same access to full time further and higher education as Scottish children under plans announced today.”

The then education secretary, Fiona Hyslop, said that the changes would give

“asylum children who have spent at least three years in Scottish schools the same access as Scottish children to full time further and higher education”,

and that the Government would work with councils

“to implement HMIE recommendations on providing nursery places for 3 and 4 year-old children of asylum families.”

She also said:

“This government believes that regardless of where they come from and why any child living in Scotland should receive care, protection and education.

We recognise our responsibility for all children in Scotland”

and

“our obligations under the UN Convention on the rights of the child”.

I choose that commitment because it was important as it established Scotland as a country of compassion, of fairness and that takes its international obligations to asylum seekers and refugees very seriously indeed.

In the debate about independence, we often say that Scotland has a unique set of values, one that distinguishes our choices from those made elsewhere in the UK. No area more easily demonstrates that than immigration and asylum.

From those values, campaigns like the Glasgow girls' flourished. That campaign against dawn raids was an inspiration to our country. Those young women took their protest to the door of the Home Office to say that dawn raids were not wanted and not expected in Scotland.

Our values have developed policies such as the Scottish guardianship service, which is highly important for unaccompanied young people, many of whom have been trafficked. It is held up as a model of excellence to the rest of the UK, as the BBC reported in 2013.

However, independence can make a huge change in the policy area. Evidence given to the European and External Relations Committee on 15 May, when we discussed independence, citizenship and immigration, is informative in the debate. Gary Christie of the Scottish Refugee Council said, talking about the proposals in the white paper:

“We welcomed the proposal in the white paper to create a separate asylum agency; it is what we suggested should happen if Scotland voted yes. The rationale behind the proposal was about creating specialism and expertise and trying to move away from the culture of disbelief in respect of which we would criticise quite a lot of Home Office decision making, to a culture of protection.”—[*Official Report, European and External Relations Committee*, 15 May 2014; c 2036.]

What a great ambition and what a damning indictment of the current UK settlement that that is how asylum seekers are treated in our country.

It was welcome that the minister mentioned that asylum seekers could contribute much more to our communities if some of the legislation that

prevents them from working and taking a full part in our economy could be removed.

I was taught in my degree course by a refugee. I have fond memories of Dr Jose Menoz, who was a Chilean refugee. He was a fantastic lecturer and a world expert on data modelling and databases.

With great interest and pride, I read the reports last year about the Chileans giving thanks to Scotland for the welcome that they received when they came to this country. I read the stories of the Cowdenbeath miners band piping the refugees into the town—a town that had fundraised to help to bring the refugees from across the Atlantic to Scotland. The Chilean community gave thanks to Scotland for that warm welcome into the communities and for the homes.

That is the Scotland that I recognise. It is not one that is driven by *Daily Mail* or tabloid journalism, fear or some of the other damaging opinions that come from elsewhere in the UK. It is the Scotland to which we must all aspire.

Many members have mentioned Dungavel. People often sing Hamish Henderson's “Freedom Come All Ye”, and I hope that Scotland will be a hoose where

“a' the bairns o' Adam”

will

“find breid, barley-bree and painted room.”

**The Deputy Presiding Officer:** I call Dr Elaine Murray. Members now have up to five minutes.

16:19

**Elaine Murray (Dumfriesshire) (Lab):** Following on from Clare Adamson's speech, my tangential knowledge of the experience of a refugee relates to Hector Fuentes, who came to the UK in 1976 having been expelled from Pinochet's Chile after three years of imprisonment during which he was tortured physically and psychologically. He was told on more than one occasion that he was to face a firing squad purely for having left-wing political opinions.

Amnesty International campaigned for many Chilean prisoners to be released, and Hector thought that he was going to go to Paris. However, one grey morning, he found himself in Sheffield instead, with very little English. Clare Adamson has just described how the miners in Scotland supported and welcomed the Chileans, and Hector and his comrades were supported and welcomed by the people of Sheffield. He lived there for a period of time and eventually married my younger sister. He has lived in the United Kingdom for almost 40 years now, contributing to our economy. His is a success story. The only thing that he still finds difficult is the British winter weather.

In advance of the debate, I read through the contributions of Lord Roberts and Baroness Lister to the debate on the Immigration Bill in the House of Lords on 17 March, and I had great sympathy with some of the points that they made. For example, Baroness Lister argued that the time limit debarring asylum seekers from accessing the labour market should be reduced from 12 to six months—she did not say that it would go altogether—in order to reduce the danger of asylum seekers being forced into the illegal shadow labour market and being subject to totally unregulated exploitation and exposure to criminal elements involving trafficking and other horrendous abuses. She also pointed out that the report of the Joint Committee on Human Rights on its inquiry into the treatment of asylum seekers considered that, in a number of cases, their treatment breached the threshold in article 3 of the European convention on human rights for inhuman and degrading treatment. The report stated that the policy of enforced destitution should cease, that the system of asylum seeker support was a confusing mess and that a coherent, unified, simplified and accessible system of support for asylum seekers should be introduced. That ought to have happened but it has not.

Yesterday, Jack McConnell argued that the UK could have a regionally flexible immigration policy that would recognise that the issues are different in different parts of the country. We know that he piloted a form of that when he was First Minister, through the fresh talent initiative. I do not know the detail of his proposals and whether he also imagined the approach extending to asylum, but I am attracted to the idea of a flexible UK policy, because I think that it would avoid some of the difficulties that could present themselves if an independent Scotland had a very different immigration policy.

**Humza Yousaf:** I accept Dr Murray's point about Jack McConnell and his sincerity in trying to change the situation. I have a great amount of respect for Mr McConnell. However, does that example not show why the current devolution system simply does not work? We had a Labour Government in the UK and a Labour Scottish Executive, yet a Labour First Minister could not, for example, prevent dawn raids from happening or the fresh talent initiative from being withdrawn.

**Elaine Murray:** My argument is that we can achieve some of what we are talking about through devolution. I think that that is also Jack McConnell's argument. As far as I can see, the problem for an independent Scotland is that, if it had a very different asylum and immigration policy from that in the rest of the UK, and if there was a more right-wing UK Government—one that might involve the UK Independence Party—Scotland could be seen to be a back door into the rest of

the UK, and the rest of the UK could set up border controls. That worries me. We need to look more widely at the issue. Political instability, war, climate change and natural disasters are forcing people out of their own lands across the globe, and I think that we need an international response to the issue of asylum seekers, rather than having a response as a small nation.

I want to touch on public attitudes to asylum and immigration. Sometimes, we are a little complacent about views in Scotland. I was shocked when more than 13 per cent of the voters in Dumfries and Galloway voted for UKIP. I believe that the average UKIP vote across the south of Scotland was 11 per cent. If that were replicated in 2016—I hope that it will not be—it could mean that we had people from UKIP in this Parliament.

I heard what Bob Doris said about social attitudes, but a recent social attitudes survey said that 60 per cent of Scottish residents thought that immigration should be reduced. It worries me that those views still exist.

I am supportive of the Government's motion today, but I think that there is a lot more that we can and must do to counter the negative stories that are perpetrated by certain sections of the national media. We all know who they are. They are poisonous, and we should all be doing what we can to counteract the view of asylum seekers that they are promulgating.

16:24

**James Dornan (Glasgow Cathcart) (SNP):** Glasgow, Scotland's greatest city, is a city built on immigrants. Many folk from Ireland, Italy, the Indian subcontinent, countries across Africa, the rest of Europe and everywhere in between chose to call Glasgow home and helped shape the city across many generations.

My constituency of Glasgow Cathcart is one of the most diverse, multifaith and multi-ethnic parts of Scotland and it is a better place for that. We see that through the setting up of a range of networks that bring people together, such as the Greater Pollok Integration Network, which is based in my constituency and which helps ensure that asylum seekers are housed adequately, represented properly and able to feed and clothe their families and defend their inalienable human rights, as well as becoming an important part of the local community.

That is highlighted by the many voices who shared my dismay at the Home Office rhetoric in its go home campaigns, including the poster campaigns that were mentioned earlier, which were piloted in UKBA centres in Glasgow and London. As Sandra White said, using such phrases as



"Is life here hard? Going home is simple"

and

"This plane can take you home. We can book the tickets"

is not the action of a humane organisation.

A central truth seems to have been forgotten by the Home Office throughout those campaigns: for many people who have to visit UKBA centres regularly, going home is simply not an option, regardless of how hard life might be for them here. That lack of thought or care about the wellbeing of people who have lost everything and had to seek refuge in a safer place is, in my view, the worst part of the campaigns. I do not think that the impact of the word "home" on people who equate home with unimaginable pain and suffering was ever a concern for the Home Office, which appears to know the cost of everything and the value of nothing. Thankfully, the weight of public opinion forced the Home Office into not extending the pilot, for which we should all be grateful.

Listening to the rhetoric from the Westminster parties, people might think that the system is creaking under the vast weight of asylum seekers. That is just not so. The UK receives 8.4 per cent of people who apply for asylum in the EU. Germany gets 23.2 per cent, which is the highest, followed by France, which gets 18.3 per cent. Sweden, which has the same population as Scotland, gets 13.1 per cent, followed by Belgium, which has one sixth of the UK population and gets 8.5 per cent, followed by the UK.

Asylum seekers make up less than 0.5 per cent of the population of Glasgow, where the vast majority of asylum seekers in Scotland live. If all the refugees and asylum seekers in Scotland gathered at Hampden park stadium in my constituency, it would be less than 40 per cent full.

One of the few motions that the SNP group and the Labour group on Glasgow City Council have ever agreed on was the one put forward by my predecessor as group leader and councillor for Langside, Councillor Susan Aitken, which condemned the forced destitution of asylum seekers in Glasgow through changes to the provision of housing, which Bob Doris mentioned. The motion noted the restrictions that had been placed on local authorities, hampering their ability to provide help and assistance to failed asylum seekers, and it called on the UKBA to change its policy to allow Glasgow to assist refugees in danger of destitution. To date, that cross-party call has not been heeded.

That perfectly encapsulates all that is wrong with the UKBA and our asylum system. Even when the UKBA is given the opportunity to make life better for people and when local authorities want the power and responsibility to help, it

refuses to delegate that power. The UK system would rather keep asylum seekers and refugees in a state of destitution than give the power to those who would use it to help, because that would not fit into the narrative that it is creating, whereby we need to be strong on asylum and immigration, whatever the human cost.

I suspect that I speak for the majority of people in Scotland when I say that I do not want to encourage people to go home without any thought for the consequences. I do not want any truck with such a xenophobic, regressive campaign. I want an asylum system that is fair, just and humane and which takes each case on its merits. I want a system that works for people and which says, "For as long as you are here, we will treat you with respect and dignity." Given the record and rhetoric of both Labour and coalition Governments over the past few generations, that is not going to happen under a Westminster Government.

When the people of Scotland vote yes in three months, we can work to ensure that the Scottish asylum agency that we will create to oversee asylum applications will be robust, fair and socially responsible and will clearly adhere to human rights, equality principles and the rule of law.

I greatly look forward to the day when our hopes for a Scottish asylum system that is fit for Scotland's needs and the needs of those who need our support come to fruition.

16:29

**Dennis Robertson (Aberdeenshire West) (SNP):** I associate myself with Margaret McCulloch, whose speech stuck to the facts and put in context the problem, which is sometimes overstated—perhaps not in the chamber but certainly in the press and in the wider context of Scottish society.

In his opening remarks, the minister said, "Welcome." We should be a country that opens its doors, and we should open our hearts to asylum seekers and people who seek refugee status in our country.

My Aberdeenshire West constituency is in the north-east of Scotland, which probably does not see the same numbers of people who seek asylum or refugee status as other places in Scotland do. That was not always the case, of course. In the past, because Aberdeen is a harbour port, many merchant seamen used to jump ship and seek asylum, certainly back in the 80s and 90s.

Aberdeen has always welcomed people from all nations and migrants from all parts of the world. I remember my very first encounter with someone from a different country. My aunt's husband came

from Lagos in Nigeria. Unfortunately, when he returned to Nigeria, he died as a reporter in the wars there. My nephews were deemed to be different at that time, but not because of a sense of annoyance or hatred; they were just seen as different. In the early 60s, there were very few people from a black ethnic minority in the very small place where I lived.

Before the debate, I wondered what the process is for someone who wants to seek asylum, who perhaps underwent horrendous difficulties in getting to these shores. When they get here, who do they turn to? What is their first thought? Where do they go? When they want to seek asylum, what is the process? I applaud the wonderful strategy put forward by the Scottish Government, COSLA and the third sector, and I thought that if I was an asylum seeker fleeing a country where I was in fear of not just the military but the police, would I want to go to a police station to ask for asylum? Perhaps not.

Would I use modern technology to find out what the process was? I might have access to the internet if I had just arrived in Glasgow, Edinburgh or Aberdeen. However, I looked at the websites of Aberdeen City Council and Aberdeenshire Council, which make absolutely no reference to asylum seekers or people seeking refuge. I contacted one of the councils, pointed that out and asked it to investigate. It came back to me and said, "You're right. There's nothing on our website."

If I was someone coming to this country who was in fear of going to the police because of past experience, who would I turn to? I ask the minister, in all sincerity, whether we have thought about how people who seek asylum and refuge in this country embark on that first step. It might be that we do something as simple as putting something on the internet—Google or whatever—but we need to ensure that people have access to the first step of the process.

I condemn the Azure card system, which is absolutely dreadful. We moved away from the voucher system because that removed people's dignity and stigmatised them. The card system does exactly the same—it does nothing other than stigmatise people. It does not give them the freedom to go into a shop and buy what they need, when they need it, and it does not give them the freedom to use public transport, because it is not accepted on public transport.

I believe that the strategy that has been put forward by the Scottish Government in collaboration with COSLA and the third sector is the right way to go, and I commend the Government's motion.

**The Deputy Presiding Officer:** We move to closing speeches. I remind members who have taken part in the debate that they might wish to return to the chamber.

16:34

**Alison McInnes:** It is clear that every member who has contributed to the debate is driven by a strong desire to see a more compassionate, sensitive and fair system. We have all acknowledged the terrible events that drive people to flee their country and seek sanctuary in Scotland, and we have condemned the increasingly negative and hostile attitudes that some—particularly some of the media—display towards asylum seekers and refugees.

Members have referred to the Home Office's pilot go home campaign. I do not blame them. I share the view that that scheme was offensive and discriminatory, and I am glad that voices around the United Kingdom—not only in Scotland—including those of my senior colleagues Nick Clegg and Vince Cable, halted that utterly disgraceful episode.

We have also heard broad agreement on the kind of system that we want to see in Scotland and, indeed, across the UK. That is a system that is focused on individuals and characterised by empathy and compassion. However, some members would have us believe that that can be achieved in one swift, decisive move through a yes vote on 18 September. I whole-heartedly reject that. The solutions are not as simple as constitutional change.

Building a system that is transparent and accessible to those in genuine need while ensuring that it is robust enough to deter abuse is not simple, but I believe that, over the past four years, the UK Government has made progress towards building the kind of system that we want to see. We have ended child detention at Dungavel, ensured that there is more support for families that are seeking asylum, and tried to reassure communities and the public that the system is compassionate towards genuine cases but that those who seek to abuse the system will be detected.

Meeting the needs of those who are seeking a fresh start is not simple. It has consequences for all the different policy areas—health, education, housing, culture and the economy. We need to recognise that that means that systems must constantly evolve and that support services need to be ready and flexible enough to meet ever-shifting needs and demands.

The "New Scots" report is a welcome step in the right direction in advocating multi-agency working and on-going evaluation of what works to help to

integrate refugees in Scotland. Its focus on housing, education, employment and welfare will help to ensure the integration of the broad range of services that are necessary for those who want to build a new life in Scotland.

The theme for refugee week Scotland this year is "Welcome". We should not underestimate the significance of local communities and the importance of a warm welcome. I know that communities across Scotland recognise the benefits that those who are seeking refuge bring. Other members have spoken about that. Those who are seeking refuge bring new skills, new cultural norms, customs that we adopt and practices that we welcome in our multicultural society.

We should be proud of our willingness to welcome refugees and we should continue to celebrate our joint future. That is true of communities across the United Kingdom. Together, we have a proud history of accepting friends from countries in which they would face persecution on the ground of race, religion, political beliefs or sexuality, and we have a proud history of supporting refugees who have sought safety from countries ravaged by war, famine and drought.

There is no doubt that we can and should do more to ensure that those who are seeking safety and protection get a warm welcome and the opportunity to get on in life. I believe that the best chance of achieving progress is as part of something bigger—as part of the United Kingdom. That does not mean that we should not celebrate and recognise achievements and challenges in Scotland, as we have done today. However, as part of the UK, we can seek solutions to the challenges together and build a system of which we can all be proud—a system that is built on fairness, openness, compassion, mutual trust and respect.

16:38

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

The debate has been simplistic and polarised at times; at other times, it has shed some light on a difficult situation that we all want to concern ourselves about. The truth is that, for many, the debate has simply been an opportunity to campaign once again for an independent Scotland. That has often been put forward by members who, as ever, have confused the opinions of the Scottish National Party with those of the Scottish people. Let us try not to do that during the debate.

We in the United Kingdom have an enormously successful record of providing asylum for those who have required it. Over much of the last

century, there have been examples of this country providing asylum for those fleeing from regimes in central Europe and from other parts of the world. We should be proud of that record and we should take into account that history when we consider our future engagement with the asylum system. However, we do no service to anyone who relies on that system if we seek to confuse the process of seeking asylum with that of economic migration. Too many people confuse the two processes, not least those who seek to exploit the asylum system to achieve their goal of economic migration.

It is the case, of course, that the current system is an evolution of previous systems. It is ironic that some of the strongest speeches that have been given in the debate were given by speakers from the Labour back benches; nevertheless, the record of the Labour Government on asylum is not one that they can be proud of. A process that contained delays so long that people were essentially growing up in this country awaiting decisions, only to be faced with that knock on the door and deportation after having received the hospitality of this country for so long, is not a system that we should be proud of. In fact, it would be described by many as cruel and unusual treatment.

It is therefore the case that the asylum system in this country must pass some key tests. It must be able to distinguish between those who are entitled to asylum and those who are not. After all, we have recent experience of those who are guilty of persecution in their own countries changing their identities, losing their identities and attempting to hide as asylum seekers in this and in other countries. We have a duty to root such people out and make sure that they are not allowed to do that.

We have a duty to ensure that those who seek asylum in this country are given our support while the decision is made. If the decision is made that they are entitled to refugee status here in Britain, they should be given the full support of our Government, our economy and our people. If, however, they are not entitled to refugee status, they are entitled to a quick decision and a quick return from whence they came. That is reasonable treatment.

However, the debate has deteriorated into the usual mudslinging. Sandra White asked us to foster a relationship of trust and respect but we also heard comparisons drawn with Nazi Germany, which was contradictory. At other times, we saw opportunities taken to throw in the usual digs at the UK Government. The suggestion that the universal credit system is somehow disadvantaging asylum seekers is, I suspect, well ahead of any evidence to support such a conclusion.

There has also been the usual attempt by many members, especially Government back benchers, to cast suspicions on the motives of anyone who questions or disagrees with the Scottish Government's position.

We have also heard concern about the press. There is a serious problem with the expression of opinion on asylum seekers and on immigration in certain parts of the press.

**Bob Doris:** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is in his final seconds.

**Alex Johnstone:** It is unfortunate that such opinions are expressed as often as they are, but to suggest that the press is wrong and the Scottish National Party is right is to fail to understand the critical and desperately important balance that we must achieve with regards to asylum seekers.

I support the amendment in Jamie McGrigor's name.

16:44

**Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab):** As we celebrate refugee week Scotland 2014 and its theme of welcome, I am pleased to have the opportunity to close this important debate on behalf of the Scottish Labour Party.

Labour acknowledges the positive contribution made by the Scottish Refugee Council to the lives of asylum seekers and refugees. As well as the important support afforded by local authorities and other third sector organisations to those who have fled violence and oppression, my party also recognises the significant work that has been carried out in this policy area by Governments of all political complexions at Holyrood.

The particular focus of this debate is signalled in the motion's title, which refers to

"The Need to Create a More Humane System".

The aim, of course, is the swift integration of refugees as productive members of our society. As colleagues are well aware, I am a native of the city of Glasgow and I am immensely privileged to represent the Springburn and Maryhill constituency, where so many asylum seekers have settled and now live.

I am extremely proud of the fact that at the turn of the last century Glasgow City Council's Labour administration decided to welcome asylum seeker families and offer them refuge in my home city. I am also privileged to have been part of the Labour-led Executive in the first two parliamentary diets that, in co-operation with council colleagues,

had a good record in accommodating asylum seekers, assisting them in the process of integration, investing money in integration projects and language classes and ensuring that expert legal advice and representation was available. Again, the establishment of the Scottish refugee integration forum, the introduction of measures to integrate asylum seekers' children in schools and the core funding of the Scottish Refugee Council are practical policy decisions in which we can all take a measure of pride. I also readily acknowledge that, since 2007, the Scottish Government has followed the same fundamentally progressive direction of travel.

With regard to the Scottish Refugee Council, however, I put on record my regret that it no longer has the contract to offer advice to asylum seekers and refugees. That was a retrograde step, because it had built up a great deal of expertise and the sort of trust that is fundamental to this issue. Similarly, I regret the decision to take away from YPeople the contract for accommodating people, many of whom are in my constituency.

In my constituency, asylum seekers have played a very important role and are involved in much of the activity that goes on. I want to single out the Maryhill Integration Network, which was established in 2001 and has been led so ably by Remzije Sherifi, who was once a refugee herself. Her determination and compassion shine through, and the network does a truly astounding amount of work, ranging from gardening to dance and from photography to food preparation. It is a joy to be involved with such an organisation and, even more important, it makes a tremendous difference to the lives of all it touches, whether they be new or old Scots. To those who might have had to leave their families behind, the organisation offers a surrogate family with support, assistance and entertainment, and its work is typical of the work carried out by many other organisations.

However, none of us can be proud of the manner in which a number of families were forcibly evicted from their homes by immigration snatch squads in the so-called dawn raids. They caused justifiable public revulsion and led to the then minister Malcolm Chisholm condemning the practice as "absolutely appalling" in a debate in September 2005. My colleague Mr Chisholm was right to characterise that unacceptable practice in that way, and the protocol agreed in March 2006 between the then First Minister Jack McConnell and the UK Government showed the direction of travel that needed to be taken in a sensitive area in which devolved and reserved responsibilities overlap and in which constructive co-operation between Holyrood and Westminster is paramount.

**Dennis Robertson:** Would the member welcome it if the asylum seeker process for those

in Scotland were to be carried out in Glasgow instead of their having to go down to Croydon?

**Patricia Ferguson:** I certainly would, and it was a source of great regret to many of us that no other local authority stepped up to the plate and offered to take part in that particular scheme. Perhaps if it were to be recreated, which unfortunately does not look likely, others might join in.

A great deal remains to be done. As the minister has pointed out, we still have the unacceptable situation in which asylum seekers awaiting a decision on their asylum claim are deprived of the ability to work. There is no evidence to suggest that granting asylum seekers permission to work during that period leads to more asylum applications.

Additionally, there is evidence to suggest that there is public support for allowing that to happen, and it would surely better aid the smooth integration of those who are allowed to stay. I believe that there is an unanswerable case to be made in favour of such a development, particularly if we look at the skill sets of many of the refugees who come to our country. They could make a productive contribution, as they so desperately want to, to the country that they have come to be involved with.

Intergovernmental co-operation must be the approach that is adopted if we are to be able to build the more humane, fair and holistic system that the motion mentions. Margaret McCulloch was absolutely right to identify the intrusive and appalling investigation of LGBT people coming to our country. It shows at best a lack of understanding, but perhaps at worst outright hostility to their concerns and their problems. I am pleased that Labour is committed to treating immigration and asylum separately and is calling on the UK Government to remove refugees from the net migration target. I very much welcome the fact that a Labour Government would make that policy pledge a reality in parallel with its commitments to combat exploitation in the field of immigration policy. I look forward to seeing that come to fruition.

In a debate about asylum seekers and refugees, it would be remiss of me not to mention Syria. Margaret McCulloch rightly identified that many other countries do much more than we do, and Syria is a case in point.

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

**Patricia Ferguson:** Thank you, Presiding Officer.

Lebanon has seen a 25 per cent increase in its population because of asylum seekers from Syria. We could surely do more.

Asylum seekers and refugees have proved themselves to be an asset and not a liability. Scottish Labour believes, with members across the Parliament, that they are our friends and not our enemies. They are our brothers and our sisters and they are welcome here.

16:51

**Humza Yousaf:** The tone of most of the speeches in the debate has been fantastic and exemplary. It was exactly the dignified tone that we want in a debate on such an important area of concern. All of us rightly started by saying how proud we are of Scotland's history of protecting and giving sanctuary to those who have sought asylum, from the days of the great hunger in Ireland right through to the modern day and age, and even to difficult conflicts that are continuing, such as the one in Syria that Patricia Ferguson mentioned.

The issue is clearly close to many members' hearts; it is close to mine. My mother came here as an Asian who had been living in east Africa—in Kenya—at the time of the rise of a narrow ethnic nationalism, through Idi Amin in Uganda and Kenya in the time of Jomo Kenyatta. She had to leave, and she came here, as many Asians from east Africa did.

I will turn to points that were made in the debate. We cannot accept Jamie McGrigor's amendment. Although I accept that the system that was inherited was—to be polite—a bit of a shambles, the system is not becoming any more efficient. The United Kingdom Parliament's Home Affairs Committee suggests that there is still a backlog of 32,000 cases from the period to 2011. Jamie McGrigor's amendment also suggests that the system is becoming fairer. I will return to that point later.

I, too, pay tribute to the many third sector organisations that members have mentioned. The Scottish Refugee Council is an exemplary organisation, but there are many others too, including uniting nations in Scotland, which is a new organisation; the refugee women's strategy group; the Glasgow girls, who were mentioned; and Police Scotland, which Bob Doris mentioned. Members may have seen the article featuring police officer Dario D'Andrea, who got a well-deserved award yesterday at a Scottish Refugee Council launch for the work that he has done.

Many members mentioned the media and the role that they play in stigmatising refugees and asylum seekers. I associate myself with all those remarks and with the people who reject such

practices. We have to speak up about the good stories from our communities about the contribution that asylum seekers and refugees have made. Just a couple of days ago, I did an interview with STV on the positive impact of refugees and asylum seekers—there are some good media, as there are some bad.

Politicians, too, have an important responsibility to ensure that the tone is dignified and responsible but also positive, much as it has been today. That is a challenge for my colleagues, particularly those who are members of Parliament in the House of Commons. All of us need to speak positively and to challenge misconceptions. James Dornan said that if all the asylum seekers in Scotland gathered in the national stadium, which is in his constituency, it would not be even 40 per cent full. If those who are currently seeking asylum gathered in Hampden stadium, it would not be even a tenth full.

However, as Graeme Pearson said, we have to be frank about the fact that there are tensions. We knock on enough doors to know that there are tensions and that there is racism in Scotland—let us not shy away from that. I have felt the brunt of it, as have many others. However, I am awfully proud for Scotland and the Scottish people because for every idiot or bigot who says to an asylum seeker or refugee, “This is not your home,” there are 1,000 others who say, “This is your home.” We are proud of that.

The proposals that we have put forward on asylum and refugees, and how we propose to treat asylum seekers positively, more humanely and more compassionately, are not a huge vote winner. People do not necessarily vote for Governments because they are progressive in respect of asylum seekers. We are acting that way because we believe that it is the right thing to do. I am proud of the proposals that we have included in “Scotland’s Future”, the white paper. The fact that we will separate asylum and immigration has been welcomed by the Opposition. I am proud of the fact that we say that housing should be provided either by charities and the third sector or by local authorities, and I give credit to Glasgow City Council for the work that it has done over the past 13 or 14 years.

Alison McInnes said that we have a devolved responsibility for housing, but the problems with housing in the asylum system arise because a private contractor—Serco—is involved. That contract does not belong to the Scottish Government and we cannot put it out to tender; it belongs to the UK Government. There are some areas in which we have responsibility but, by and large, the responsibility lies with the UK Government.

We want to give asylum seekers the right to work. That will not encourage more economic migration—asylum seekers could do that right now—but it will take asylum seekers out of the black market. More than that, it will humanise them by giving them the dignity of work that they deserve. It will also tackle the misconception that asylum seekers are scrounging off the system or taking our benefits, when they are actually working and contributing to our society.

I am especially proud of our proposal to end dawn raids. The Glasgow girls, who have been mentioned throughout the debate, are the best of our country. Successive Governments have tried to end the practice of dawn raids, with Jack McConnell providing an example of that. I do not for a minute doubt Jack McConnell’s sincerity—I very much respect it—in trying to end the practice of dawn raids, but it showed the absolute failure of devolution. A Labour First Minister appealed to a Labour UK Government and a Labour Prime Minister to end dawn raids, but was humiliated by a member of his own party and sent back from London to Scotland saying that dawn raids would continue, regardless. That is an absolute failure of devolution, not a success of devolution.

The proposal to close down Dungavel is one of the proposals in the white paper of which I am most proud; that pride is shared by all SNP members. Alison McInnes said that child detention should be the very last resort, but I think that it should be no resort; it should not be the first resort or the last. We can never justify the detention of children, who have committed no crime, so it will be a proud moment when we close down Dungavel.

We have talked about the fact that this year’s refugee week theme is “Welcome”. I am proud that that is the theme, but I take issue with Jamie McGrigor’s amendment, which talks about the system becoming fairer. I do not agree with that; we cannot say that the system is becoming fairer when UKBA officers are busting down somebody’s door at 4.30 in the morning during a dawn raid. We cannot say that the system is becoming fairer when we are detaining people in Dungavel and detaining children down in Yarl’s Wood. We cannot say that the system is becoming fairer when asylum seekers are being left destitute and when they are inhumanely given a plastic card because they are not trusted with money. I do not think that the system is becoming fairer when asylum seekers are being refused the right to work. It will be with immense pleasure that, when we have the full powers of independence in Scotland, we will create a compassionate and fair system.

As MSPs, many of us have managed, with difficulty, to get a victory for people from the

asylum-seeking community by getting them the status that they rightly deserve. We often get thanks for that, but politicians often do not do what would be right: we do not thank those who have come to make Scotland their new home. On behalf of the Scottish Government, I thank every refugee for the culture, the art and the music that they have brought to Scotland, and for their children, who have helped to increase educational attainment in our schools. I thank them for making Scotland their home. This is their home—they are the first and the last citizens of Scotland, and they should be treated equally with everyone else.

## Decision Time

17:00

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

The next item of business is decision time. There are five questions to be put as a result of today's business.

The first question is, that motion S4M-10268, in the name of Kenneth Gibson, on a written agreement on the budget process, be agreed to.

*Motion agreed to,*

That the Parliament notes the revised written agreement on the budget process between the Scottish Government and the Finance Committee (SP Paper 554).

**The Deputy Presiding Officer:** The next question is, that motion S4M-10312, in the name of Stewart Stevenson, on standing order rule changes: budget process, be agreed to.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 3rd Report 2014 (Session 4), Standing Order Rule Changes - Budget Process (SP Paper 512), and agrees that the changes to Standing Orders set out in Annexe A of the report be made with effect from 27 June 2014.

**The Deputy Presiding Officer:** In relation to the debate on asylum seekers and refugees, I remind members that, if the amendment in the name of Jamie McGrigor is agreed to, the amendment in the name of Alison McInnes will fall.

The third question is, that amendment S4M-10347.1, in the name of Jamie McGrigor, which seeks to amend motion S4M-10347, in the name of Humza Yousaf, on asylum seekers and refugees, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### For

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

### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMahan, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 13, Against 100, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that amendment S4M-10347.2, in the name of Alison McInnes, which seeks to amend motion S4M-10347, in the name of Humza Yousaf, on asylum seekers and refugees, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Davidson, Ruth (Glasgow) (Con)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)



Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 50, Against 63, Abstentions 0.

*Amendment disagreed to.*

**The Deputy Presiding Officer:** The next question is, that motion S4M-10347, in the name of Humza Yousaf, on asylum seekers and refugees, be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Baxter, Jayne (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McCulloch, Margaret (Central Scotland) (Lab)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (SNP)  
 Yousaf, Humza (Glasgow) (SNP)

### Against

Brodie, Chic (South Scotland) (SNP)  
 Hume, Jim (South Scotland) (LD)  
 McInnes, Alison (North East Scotland) (LD)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scott, Tavish (Shetland Islands) (LD)

### Abstentions

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

**The Deputy Presiding Officer:** The result of the division is: For 94, Against 5, Abstentions 13.

### *Motion agreed to,*

That the Parliament welcomes the celebration of Refugee Week Scotland 2014 from 16 to 22 June, co-ordinated by the Scottish Refugee Council; notes that the events highlight the vibrancy and dynamism of Scotland's many cultures; understands that refugees, many of whom have been victims of violence and ill-treatment, are seeking a place of safety to rebuild their lives; believes that asylum seekers and refugees should be integrated into Scotland's communities from day one, as set out in *New Scots: Integrating Refugees in Scotland's Communities*, developed in partnership by the Scottish Government, COSLA and the Scottish Refugee Council; recognises the excellent work of local authorities and third sector organisations in supporting asylum seekers and refugees; believes that more must be done to ensure that the asylum system treats people in the most humane, fairest and holistic way possible, consistent with the aspirations of the New Scots report and respecting human rights, and believes that, for many asylum seekers, the current system exacerbates the traumas that they have already suffered.

## Strategic Planning (Lothians)

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

The final item of business is a members' business debate on motion S4M-10226, in the name of Cameron Buchanan, on strategic planning in the Lothians. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament notes that the initial consultation period for the Main Issues Report for SESplan 2 has now closed and welcomes the opportunity for engagement with a wide cross-section of groups and individuals, including community councils and other representative bodies in the Lothians, and considers that there may be lessons and issues arising from the implementation of the existing SESplan and associated local development plans, which may be worth considering as part of this process.

17:06

**Cameron Buchanan (Lothian) (Con):** I am grateful for the opportunity to discuss strategic planning in the Lothians this evening, and I extend my thanks to those members who added their support to the motion and allowed this issue to be debated.

I realise that strategic planning is not exactly a subject that sets the heather alight; indeed, I have seen eyes roll when I have mentioned it to my colleagues. However, when we begin to understand the planning system and the significance of the strategic city-based plans within that, the importance of strategic planning is obvious. It profoundly affects how our communities and towns, including Edinburgh, will physically grow in future.

When I discuss planning with people, I come back to the point that was well made at the Local Government and Regeneration Committee by John Wilson, who noted that most people view the planning system through the prism of their own individual experience with it. Specifically, they become aware of the wider planning system when a development is proposed in their community. The questions that they invariably ask themselves are about who planned the development and who approved it. That is the crux of the planning system, because those questions must be answered relatively straightforwardly and that requires a transparent planning system in which those who make the key decisions can be held to account.

The importance of the strategic plan is that it answers many of those questions, although perhaps not in a straightforward or transparent manner, along with those for our local development plans, which it also shapes. The housing developments, retail parks and other changes to our communities have their origins

rooted in those documents, so their importance can hardly be overstated.

As we have just finished the consultation exercise on the main issues that will be contained in SESplan 2 and many local authorities are in the midst of drawing up a new local plan, now would be an opportune moment to review how strategic planning is working. As my motion suggests, the bedrock of a healthy system is community and grass-roots participation in the process. We cannot encourage enough our community councils and other representative bodies to come forward and make themselves heard. However, that in itself is not enough.

I have introduced today's debate to air some of the issues and, frankly, the frustrations that I have heard repeatedly from community councils and local authority councillors across the Lothians and further afield. One of those strikes at the heart of the transparency and accountability agenda, namely the development of the housing land requirement by the strategic planning authority and the use of the housing needs and demand assessment.

The most recent supplementary guidance has seen a reduction in the housing required for Edinburgh in the short term. Furthermore, I note with interest that reviewed guidance for the conduct of the HNDA was issued earlier this month. However, for many communities that is a small step, given that persistent doubts have been raised about the integrity of the assessment and that people have myriad questions about the process. That is a huge cause of controversy because of the significant pressure that it places on our greenfield sites and, indeed, the green belt. With brownfield sites in the Lothians that were identified in previous local development plans still lying undeveloped and with a significantly lower population than estimated, leading to reduced local government and health board funding in the area, it is easy to see where the frustration and doubts come from.

I understand that, only last week, representatives from the highly regarded Cockburn Association, which was established to promote conservation in Edinburgh, called into question some of the figures with planners from the City of Edinburgh Council. Those planners appeared to concede that the figures might be awry.

We must have full confidence in the demand for housing land supply, particularly as communities are being asked to give up valuable green space. I ask the minister to commit this evening to reviewing the targets and their methodology and—above all—to ensuring that the process is transparent. He has until only tomorrow to comment on the updated land supply guidance

and he should take the opportunity to demand improvements.

One site that is threatened is Curriemuir park; almost 500 people have objected to the proposed development there. Plans to invest in facilities for locals have been shelved in anticipation of the site's development for housing.

That raises the question of who locals hold responsible for housing supply figures. They are struggling to find anyone who will take responsibility. When councillors are challenged about the decisions in the local development plan, they point to the Government. When the public raise the matter with their MSP, they are told that the fault lies with the all-powerful strategic plan. I suggest that there is a strong feeling that such plans allow politicians to avoid responsibility for tough decisions.

It is perhaps time for such significant decisions, particularly on housing, to be formally debated in the Parliament, so that we are clear about where we all stand on them and so that the public can see who is taking the decisions and—above all—hold those people to account accordingly. To put it simply, we must stop the blame game and stop politicians running away from their responsibilities.

That brings me to approval of our local plans. In Edinburgh, serious concerns about the infrastructure implications of several housing developments have been raised. Anyone who knows the level of congestion in the west of the city will understand the plight of residents in Cammo, who have taken the extraordinary step of threatening legal action against the city council.

More extraordinary still is the response of the city's planning convener, Councillor Ian Perry, who suggests that any delay to the development plan would put in danger all of Edinburgh's green belt and greenfield sites, which is plainly nonsense. The residents of Cammo and Edinburgh overall deserve a better choice than either a dud plan or uncontrolled and unfettered development of the green belt.

There are profound questions about the suitability of the local development plan's implications for infrastructure. Given that, we should have time to step back and reflect on whether it can be improved but, instead, we face the prospect of its being forced through despite the concerns. I ask the minister to clarify whether he thinks that such advice is appropriate in the circumstances.

Accountability and transparency are the key aspects of an effective planning system. In the development of SESplan 2, those two areas must be improved. In the more immediate term, urgent action is needed. I ask the minister again to undertake to reject the housing land

supplementary guidance until we have confidence in its figures. I look forward to his comments on the situation in Edinburgh and I hope that he will agree that forcing through approval of a local development plan in such circumstances is in no way appropriate.

17:13

**Sarah Boyack (Lothian) (Lab):** I congratulate Cameron Buchanan on getting us to debate strategic planning. He mentioned issues that concern many people. I was so concerned about housing land, development priority and the order in which development takes place that I asked the city council to give all the relevant MPs and MSPs in the Lothians a briefing on that. We had that meeting in January, which was useful.

One key challenge that was presented to us was that, when the previous local plan was put in place, it allocated 18,000 houses to Forth Ports land. When Forth Ports removed that, that created a challenge for the city. A difficult issue lies at the heart of the agenda. We need more houses in Edinburgh. We need more affordable housing for rent and for housing associations and council housing and we need more affordable housing to buy. The lack of new provision and the fact that many houses have been taken out of general residential use to provide short-term lets in the tourism industry mean that we have phenomenal pressure on housing. For those reasons, I am glad to have the debate.

One challenge is that we might see increasing social polarisation as people who are on low, modest or even relatively good incomes cannot afford to buy property in the city. As they do not qualify for social rented housing, they face the relatively high cost of rented accommodation or they have to leave the city. That is not good for us. Having lived in London previously, I worry about Edinburgh going in the same direction. More investment in social rented properties, particularly on brownfield sites, is crucial. That must be a priority in SESplan 2.

I support the council's policy of having 25 per cent social rented housing on major developments. That is important, because housing is in short supply. We also need to focus on the different types of house that are needed. It is about the cost and the availability of the right kind of housing. In my casework, I see a lot of families and older people who are looking for housing and cannot afford the housing that is available at the moment.

I will finish on the issue of the challenge that faces house builders. The costs of development have increased, as has the cost of finance, and that is a real challenge that runs through SESplan.

It is referred to in the reporter's findings on the spatial strategy in SESplan, in which he says that there will be challenges to the delivery of housing in the short term because of the limited resources that are available for development and supporting infrastructure. It is partly a challenge of development infrastructure from the council and the lack of capital investment that the council has for new houses and infrastructure, particularly transport infrastructure. It is also an issue of finance for the development industry.

The housing land audit that was carried out last year shows that a key part of the story is the number of sites that were identified in the local plans but which are not being implemented. There were 12 sites for which consent has expired. The plans were in the development plan and given planning permission, but the development was not taken forward. There were 16 local planned sites with no consent or activity on them. Consent was given for those sites and they were in the local plan, but they were not taken forward. There were 10 sites where the developer or the company went into administration. All that is a key part of the story that needs to be part of tonight's debate. Sites have been identified for development but they are no longer being taken forward. Questions must be asked about those sites and the capacity to develop them. They were the top priorities for the council the last time. There are massive implications from the loss of the Leith port sites, and the council now faces a difficult situation.

When the minister sums up, I hope that he will show that he has listened to representations from the council and those of us here tonight who are concerned about the lack of progress on brownfield and approved sites in the latest development plan.

17:17

**Colin Keir (Edinburgh Western) (SNP):** I congratulate Cameron Buchanan on bringing this debate to the chamber.

Nothing comes to my inbox more often than the strategic plan and the effects of the proposed local development plan. It is the thing that we have to deal with in the constituency office. I find myself in agreement with Cameron Buchanan's speech; there is also much to what Sarah Boyack said.

In my constituency, consultation by the City of Edinburgh Council has been nothing short of abysmal. There is also a feeling that deals have been done. Local people, particularly in Cammo and Maybury, have no faith in the process, simply because of the dismal way in which the City of Edinburgh Council has handled their objections.

In a recent *Evening News* article, John McLellan mentioned that something like one quarter of the

total number of objections to the local development plan deal with the western part of Edinburgh. That is because the traffic and environmental situation in that area is dire. The Queensferry Road corridor, particularly Barnton, and the Corstorphine Road corridor, particularly Maybury, and St John's Road, are some of the most polluted areas in the United Kingdom. Despite that, some planner has decided that, although there are fields available and plenty of space for development, the main issues report need propose absolutely no plans to show how the infrastructure will support development, both in those areas and along the corridors of two of the busiest roads in Edinburgh.

I feel that I have to support my constituents. For many years, there has been talk about the transport and pollution problems in those areas, yet despite various questions there are still plans that cover transport from Newbridge to Maybury but no further. A common response is, "Don't worry about it; the tram will deal with that." The tram will not deal with that.

The transport assessments are, quite frankly, unbelievable, on the ground that they say that they can mitigate against future growth in traffic, when in fact the problem is here, right now. I hope that the minister listens to what is being said. I know that the City of Edinburgh Council has a difficult decision to make. Nobody is denying that there is a housing shortage in the area, but we cannot just dump houses down and hope that the roads will support the amount of traffic that goes along them. Maybury and Cammo have serious problems and East Craigs is in a shocking position, as it has only one road out, on to Maybury Road, which has two of the busiest junctions, at Barnton and Maybury.

The City of Edinburgh Council has done nothing to discuss the problems with people and come up with solutions. We have held public meetings, but nobody believes what is being said about strategic planning, because they feel that the information that has come back to them is way off the mark. I make a plea to the City of Edinburgh Council to start getting its act together to do the work that it must do to convince people that the houses that are required can go into those areas.

Queensferry is another area that has just been told that 1,000 more houses will be thrown down there. There has been no consultation. It is absolutely abysmal. Before I carry on and get into greater degrees of problems with my council colleagues, I will simply reiterate that there are difficulties, as Cameron Buchanan said. I appreciate Sarah Boyack's efforts in arranging the meeting that took place but, as has been pointed out and as people saw at the meeting, the convener did not have any real answers. That is the difficulty that we face.

17:22

**Anne McTaggart (Glasgow) (Lab):** I am delighted to contribute to tonight's debate on the importance of local development plans, and I sincerely congratulate Cameron Buchanan on securing time in the chamber to consider the important issues raised by the second south-east Scotland strategic development plan.

As a Glasgow MSP, I have no direct association with the work of the south-east Scotland plan or its associated local authority areas, but I understand the importance of a coherent planning system across the regions of Scotland, and I have previously enjoyed learning about the work of the Glasgow and Clyde Valley strategic development plan area at the Local Government and Regeneration Committee, of which Cameron Buchanan and I are both members.

Although those regional bodies and the work that they carry out might initially appear far removed from our everyday lives, the effect of the decisions that they take cannot be underestimated. Strategic development plans will inform future planning applications and will be instrumental in creating the kind of town and city centres that we all want to live in.

Although the context of each regional plan will vary, the existence of a strategic approach to planning will help to move forward a number of shared aims. For example, we share a common commitment to increasing the availability of affordable housing, which Colin Keir mentioned, particularly around our largest cities. The plan will allow that aspiration to be realised, by designating the geographical zones that each local authority should allocate for future building projects. That will fight against the continuing price rises in urban and city centre areas and will allow families on lower incomes to live nearer the places where they work.

The plans also allow key public bodies to work together at the earliest stages of town planning. Our transport, waste, water and energy infrastructure will also be covered by the strategic plans, as will the promotion of green belts and networks.

We must ensure that our local community groups are consulted alongside local and national public bodies at the early stage of the planning process. I am confident that, through meaningful engagement in all our planning areas, we can create the kind of Scotland that we all want.

17:25

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** I, too, thank Cameron Buchanan for securing the debate. There are lessons arising from the development of the local development

plans and SESplan, but we need to remember that they arise because Edinburgh is one of the economic powerhouses of not only Scotland but the United Kingdom. People are attracted here because of employment opportunities and the quality of life. As a result, there is an unmet demand for housing in and around the Edinburgh area. Indeed, that is a result of not just an increasing population but growth in the number of single adult households.

Local authorities throughout the Lothians have a responsibility to calculate the demand for housing in their areas. They then have a duty to allocate sufficient land to meet the demand that they have identified. That then forms the local development plan, which in turn feeds into SESplan. The problem lies in identifying sufficient and suitable land within the city boundary to meet the demand for housing.

A number of issues for Edinburgh in general and for the west of the city in particular should be considered by councillors and local authority officials before allocating land. Traffic congestion at peak times is a major issue, particularly in the west of the city. Data supplied by a leading satellite navigation company places Edinburgh as the third most congested city in the UK. During the morning rush hour, estimated journey times are on average 34 per cent longer than usual, with the figure rising to 60 per cent. The situation will only get worse as the thousands of new homes that are already approved are built in areas in West Lothian and Fife, all of which are commutable into Edinburgh. Councillors need to say how the road network will cope with further increases in traffic before deciding whether to build in the west of the city.

We have poor air quality in and around the four main arterial routes into the west of the city. Of the four routes, Queensferry Road, Glasgow Road and Gorgie Road regularly fail the European Union air quality standard, with Lanark Road recording increasing levels of pollutants. I have raised the issue before and I continue to believe that, if Edinburgh councillors accept the revised LDP that the officials propose, they could be adding to the problem, with a resultant reduction in quality of life for residents who live close to those roads.

If Edinburgh councillors are looking after the best interests of residents in the west of the city, they should comply with Scottish planning policy by ensuring that housing is built on brownfield land first and greenbelt land last, if at all. In my constituency of Edinburgh Pentlands, some of the land that is identified in the Edinburgh LDP is agricultural land. Scotland is rightly proud of being one of the few countries that is able to feed itself. We cannot continue to lose good-quality arable land to developers when brownfield sites exist.

Sarah Boyack read out a list of all the brownfield sites that have not been developed. It suits developers to build on greenfield sites, as the costs of development are lower and there is a price premium because the sites are in nice leafy suburbs.

The council must deal with the issue of empty homes in the capital, the number of which was recently estimated to be 4,300. The council recently announced the employment of an empty homes officer, who needs to help owners to bring those properties back into use as a matter of urgency.

The Scottish Government has invested heavily in the Airdrie to Bathgate railway line and the new Borders railway. Should not planning policy encourage councils outwith the SESplan area to build new homes to take advantage of those commuter routes rather than replicating the problems in our other capital city?

17:29

**Alison Johnstone (Lothian) (Green):** Our towns and cities are where we live, and the way that they are designed and built has a profound effect on our lives. People want to live in nice places that provide a community with good-quality housing and connections to local shops, green spaces, libraries and other amenities. One person's idea of a good place to live will be different from another's but those are some basic, entry-level things that planning should deliver.

Land-use planning is a profession for a reason. To balance all the demands on our land is a difficult art, particularly when we are not in control of the building itself. However, just because it is a profession does not mean that the experts have all the answers—far from it. Land-use planning should be done by people who live on the land. We should not be frightened of opening up such decision making. Of course architects and developers have an important role in that, but so do the people who will live in and alongside the houses that they build.

What holds us back from a step change in public engagement? The Involve Foundation and the Royal Society for the Encouragement of the Arts, Manufactures and Commerce tell us in "From Fairy Tale to Reality: Dispelling the Myths around Citizen Engagement" that those myths trap us in a way of thinking that says that public engagement is too expensive and too difficult and that people are not up for it. The report has myth-busting examples of engagement that works from around the world.

Land-use planning will always be political and contested, so we should not run away from that. I congratulate Cameron Buchanan on bringing the

debate to the chamber. He has identified the most contested part of the current SESplan, and things are moving very fast in the City of Edinburgh Council as a result.

Does anyone genuinely believe that 107,000 new homes are required in south-east Scotland over the next 10 years? It has taken 300 years to reach the 500,000 or so households that we have at present, and those unrealistic housing targets have come up time after time in community meetings throughout my region.

People see land that is already zoned for housing in the hands of developers but left untouched. Housing targets in the plan mean that more land is to be zoned, but the targets are bloated by a 10 per cent generosity margin. Take away the fat and the generosity, and the need to sacrifice the green belt at Cammo and Curriemurend vanishes. People are understandably incredulous and often angry that their views are ignored and that estimated housing numbers from a desktop study are given precedence.

Edinburgh needs more homes, but the spread of the suburbs and executive housing will not meet that need. How many homeless people or people in housing need will get new homes in David Murray's garden district?

The local authority blames the Government, while the Government pins the blame on the local authority. On 12 December last year, I asked the Minister for Local Government and Planning during oral questions

"what role local authorities have in determining appropriate housing land supply."—[*Official Report*, 12 December 2013; c 25663.]

He replied that the numbers are set by the local authority. That is true to an extent, but the housing forecasts are done with a Government tool and signed off as credible by the Government.

The Government has the last word and is enforcing it, but that creates a local development plan that meets developers' needs, not real people's housing needs—that is the issue.

I am sure that the minister understands that the argument that more new supply will reduce house prices is nonsense, because new supply is only a fraction of overall supply and makes very little difference to price. Indeed, the evidence is the opposite over the most recent cycle: when supply was at its highest, prices were greatest.

SESplan 2 needs to deliver housing that meets the needs of people, not developers. As Gordon MacDonald pointed out, there are thousands of long-term empty homes in the capital. That needs to change, and the City of Edinburgh Council lags behind other councils on that.

Brownfield sites that are earmarked for housing need to be used for housing. Examples such as those at Chesser and Oxfangs, where housing land has been given over to large-scale retail, should not happen, given the housing need.

The Government should recognise that any forecast comes with a health warning. It should not be set in stone. We need to be guided by reality and aim to build the kind of homes that work for people in the greatest housing need: those that build on existing social networks, where services such as shops, schools, surgeries, community centres and public transport are more viable.

17:34

**Chic Brodie (South Scotland) (SNP):** As a member for South Scotland, which includes East Lothian, I add my thanks to Cameron Buchanan for bringing the debate to the chamber.

**The Deputy Presiding Officer:** Mr Brodie, could you lift your microphone up, please?

**Chic Brodie:** I beg your pardon. I am sorry, Presiding Officer.

The population in the south-east of Scotland is approximately 1.2 million and is forecast to grow to around 1.4 million by 2031. The constituent authorities recently set out their vision for the south-east of Scotland as

“the main growth area and the key driver of the Scottish economy.”

Edinburgh, a leading European city, is, at its heart, a capital city that is the hub of the regional economy.

The SESplan vision to 2032 sets an objective for the Edinburgh city region to become a

“healthier, more prosperous and sustainable place”

of outstanding international recognition. The plan considers housing, transport, employment, land supply, strategic employment sites and, of course, our town centres. It is a plan to accommodate a growing population: there is demand for 107,000 houses to be built across the area by 2024, and an additional 48,000 to be built between 2024 and 2032

Although Edinburgh is the hub and the heart—congested though it may be—the energy comes and will come from local communities for which a sense of place and identity are paramount, such as those in East Lothian. Maintaining community identity is key while each community develops opportunities and strengths brought by new communication and social links with neighbouring communities.

Investment in transport links, in the Borders railway and in local rail links—again, as in East

Lothian—creates a moveable social network that helps to connect a growing population with places of work.

Passenger growth in the plan area continues to grow and we need to ensure that our transport system can accommodate that growth, while, of course, embracing our climate change targets. Strategic employment sites of around 1,000 hectares and the deployment of the same have to go hand in hand with land for housing if the objective is to be achieved.

Growth in the region—strategic growth—will be achieved by an even spread of development. The constituent authorities around the region must share in the stated aim of the plan that the area be

“internationally recognised as an outstanding area in which to live, work and do business.”

The plan is an opportunity to create viable business opportunities close to populations. It is an opportunity for universities and colleges to work with local communities and employers.

The commission for developing Scotland's young workforce was tasked with making recommendations to ensure that Scotland produces better qualified, work-ready and motivated young people with skills that are relevant to modern employment opportunities— young people who are the employees and entrepreneurs of the future. That is a challenge to our education system and to business and industry, which must become much more actively engaged in youth employment and education and provide quality employment opportunities in the area to a lot more young people.

In developing new communities and growing others, we might want to ensure that there are opportunities for mixed-use development to bring job opportunities closer to home and to the communities.

The strategic development plan supports the development of a range of marketable sites of sufficient size and quality to meet the requirements of business and industry within the area. One such opportunity has arisen in East Lothian. Cockenzie power station closed in March 2013 after 45 years of producing power for Scotland. I believe that plans for developing the site are proceeding and that they embrace all interested parties.

The options for the potential re-development of the decommissioned Cockenzie power station site are many. It is envisaged that there might be an energy park, which might become a major hub within the wider Forth/Tay renewable energy cluster that relates to other locations to serve the needs of the offshore wind market in particular. The site also has the potential to serve the freight



and leisure markets by accommodating Scotland's fast growing export markets and its tourism activities.

Such a development, properly developed with local consultation, provides a real opportunity to create sustainable employment in East Lothian and to bring highly skilled jobs in engineering and hospitality, for example, that are backed by the excellence of our schools, college and universities.

Opportunities such as Cockenzie—it is not the only such opportunity—allow for the development of a fully integrated regional community working as a team, travelling as a team, learning as a team and winning as a team.

17:39

**The Minister for Local Government and Planning (Derek Mackay):** It is appropriate that I, as planning minister, respond on behalf of the Government, but I hope that members will also appreciate that there are some constraints on what I can say because of live and current planning matters. In some respects, I will speak in general terms.

I believe that it is important that the planning system is, indeed, plan-led. In January, when I presented to Parliament the proposed national planning framework and a position statement on the review of Scottish planning policy, I emphasised the four priorities for the planning system, which I said were performance, simplicity, a plan-led system, and delivery on the ground.

A third national planning framework and revised SPP are coming to fruition after a period of active engagement across a wide range of interests. I will launch both documents next week. NPF 3 and the SPP will provide a clear national vision; I want development plans also to provide vision, and to provide clarity and confidence to developers and communities at strategic and local levels.

For the four city regions and their strategic development plans, the challenges are increased by the need to work across local authority boundaries. That does not mean that the challenges are unresolvable, but there are some very challenging issues.

I was very keen, once the first round of the new SDPs were in place, to review the effectiveness of the arrangements and to ensure that the plans were fit for purpose: the strategic development plan review that was carried out by Kevin Murray Associates and the University of Glasgow is now complete. I will announce our next steps on that review next week.

The review has found that the arrangements are not broken, but nor are they fully optimised. With the second largest projection of population and

household growth in Scotland, related infrastructure constraints and a sensitive landscape within which to find new locations for developments, there are clearly and undoubtedly pressures in the circumstances that are presented in the Edinburgh and south-east Scotland strategic development plan authority's area. However, other areas have shown that the arrangements can and do work. SESplan and the other strategic development planning authorities were created to take the lead on planning for the growth and development of each city region. That means delivering and making a difference for communities on the difficult strategic issues in a timely way. If that does not happen, the SDPs lose their relevance and create additional problems within the planning system.

Delivering effective plans can be achieved only through effective engagement as early as possible—the sooner, the better—to identify and prioritise the issues and to work closely with the delivery bodies to resolve them.

So, what is SESplan planning for? Let us be clear that it is not planning for a centrally imposed housing figure. As the other authorities were, SESplan was required by SPP to prepare a housing need and demand assessment and to agree its own housing supply target through working with the relevant housing and planning interests. The HNDA forms part of the evidence base for the housing supply target—which is sometimes referred to as the housing requirement plan—but, importantly, it should also take into account wider economic, social and environmental factors in order to arrive at the amount of land that will be required for new homes. Of course, identification of sites, with early community engagement, is to be encouraged.

Unfortunately, when SESplan's report was submitted to ministers for examination, although it set out an overall housing requirement, it did not show how that requirement would be distributed across the six constituent authorities. Without that, it would not have been clear what the individual authorities would be planning for. Would it be an equal split or would it be planned on the basis of need, capacity and other considerations, which is surely the basis of proper strategic planning?

When I approved SESplan's plan last summer, I therefore accepted the reporter's recommendations that within 12 months supplementary guidance must be prepared setting out how the requirement would be distributed. That guidance is now with me and I hope to issue a decision on it shortly. That will provide clarity for planning authorities in taking forward their own local development plans, which will give communities the opportunity to engage fully on where needed development should be located.

Development plans are at the heart of an effective planning system. Strategic development plans provide the steer for more than half of all Scotland's local development plans. In the case of the Lothians—and not forgetting Fife and Scottish Borders—SESplan must engage effectively with its interests in the broadest sense and produce a plan in which all parties can have faith. It needs to provide clarity and confidence around the resolution of key challenges that are facing the area and, crucially, it needs to add value and to make a difference to the local development plans that follow and to the communities for which it is planning.

*Meeting closed at 17:44.*

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