



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 19 February 2014

Session 4

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Scottish Parliament

Wednesday 19 February 2014

[The Deputy Presiding Officer opened the meeting at 13:30]

Business Motion

The Deputy Presiding Officer (Elaine Smith): Good afternoon. The first item of business is consideration of business motion S4M-09071, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Children and Young People (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Children and Young People (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 and 2:	40 minutes
Groups 3 to 5:	1 hour 10 minutes
Groups 6 to 8:	1 hour 45 minutes
Groups 9 to 11:	2 hours 20 minutes
Groups 12 and 13:	3 hours 5 minutes
Groups 14 to 16:	3 hours 35 minutes
Groups 17 and 18:	4 hours 15 minutes
Groups 19 and 20:	4 hours 40 minutes.—[Joe FitzPatrick.]

Motion agreed to.

Portfolio Question Time

Education and Lifelong Learning

13:30

The Deputy Presiding Officer (Elaine Smith): The next item of business is portfolio questions. In order to get in as many members as possible, I would prefer short and succinct questions and answers to match, please.

Question 1, from Drew Smith, has been withdrawn, and an explanation has been provided.

Dumfries and Galloway Council (Meetings)

2. Alex Fergusson (Galloway and West Dumfries) (Con): To ask the Scottish Government when it last met the director of education at Dumfries and Galloway Council and what matters were discussed. (S4O-02898)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Scottish Government officials regularly meet the director of education at Dumfries and Galloway Council to discuss a wide range of education issues.

Alex Fergusson: I hope that that would include the introduction of the new higher qualifications. I ask that because I have been contacted by teachers in my constituency who are quite concerned about the timetable for the introduction of the new higher qualification and, indeed, the lack of materials and training to enable them to deliver it.

I am aware that individual schools have been given a welcome degree of flexibility over the introduction of the qualification. What steps has the Government taken to ensure that teachers have received the necessary training and development to deliver the new courses? I seek the cabinet secretary's assurance that sufficient course work and assessment materials will be available on time.

Michael Russell: I am very pleased to say that the Scottish Qualifications Authority has missed not a single deadline at any level in the programme of delivering curriculum for excellence, and I am absolutely certain that it will not miss these deadlines.

The materials are being provided, and we have provided additional training and materials whenever that has been requested or whenever we think that that is something that teachers would look for. That approach continues, and my colleague Dr Allan is constantly looking for ways in which we can carry on supporting teachers.

On the highers themselves, I indicated last November when I spoke to School Leaders Scotland that there was a view that the highers were on track for delivery but that, if any individual school—or teachers of an individual subject—doubted that, there was flexibility. Unlike the national 4 and national 5 qualifications, the highers will be dual running for at least a year, given that some young people take highers in secondary 5 and some take them in secondary 6.

There is therefore flexibility, although I do not believe that it will be widely used. The schools that I visit—I know that Dr Allan visits many schools, too—are working very hard to deliver a series of courses that are very good for young people and which are expanding their horizons and Scotland's ability to move forward.

Foreign Language Engagement Strategy

3. Colin Beattie (Midlothian North and Musselburgh) (SNP): To ask the Scottish Government whether it will provide an update on its foreign language engagement strategy. (S4O-02899)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government takes very seriously the issue of language learning and teaching. That is why we have made a commitment to create the conditions in which every child in Scottish schools will have the opportunity to learn two languages in addition to their mother tongue by 2020. That is of course the Barcelona one-plus-two model.

Engagement on that vital one-plus-two policy is progressing well. Our strategic implementation group is leading this progress, working with local authorities, Education Scotland and other bodies involved in planning and delivering enhanced language learning in schools.

Colin Beattie: As convener of the cross-party group on Germany, I have noted that the number of school pupils presented for German exams and the number of German-speaking foreign language assistants in Scottish schools have declined over the past decade. What is the Scottish Government doing to reverse that specific trend?

Dr Allan: I am aware of the member's interest in the issue and the statistics to which he refers. At the same time, it is worth saying that the overall number of foreign language assistants in schools has increased marginally—or, in fact, more than marginally—from 59 to 73 in the past two years from 2011-12 to 2013-14. However, I am aware of the specific issues around German. I have met the German consul and others to ensure that we press forward on the agenda to ensure that German is among the languages promoted in Scotland's schools.

Mary Scanlon (Highlands and Islands) (Con): Figures that the Universities and Colleges Admissions Service released last month highlight an 11 per cent reduction in the number of Scots who apply to study European languages and literature at university and a 36 per cent reduction in the number of those who apply to study non-European languages and literature. As Colin Beattie said, the number of foreign language classroom assistants has fallen—from 284 in 2005-06 to 73 today. How can we be confident that school pupils throughout Scotland are being given opportunities to learn languages at school and to continue that study at university?

Dr Allan: Although I would not read too much into a single set of UCAS figures, it does, I suppose, highlight the need for modern languages to be taught much more widely, and also much earlier, in schools. The lesson from foreign language learning in other countries is that it simply happens earlier, which is why I hope that the one-plus-two model of learning languages in primary schools will in time feed through to the number of qualifications that are taken in secondary schools and at universities.

It is also worth saying that additional qualifications such as those in languages for life and work are useful for people who may not wish to study a modern language in its own right at university but who do wish to work or study abroad.

Curriculum for Excellence (Online Safety)

4. Elaine Murray (Dumfriesshire) (Lab): To ask the Scottish Government how the curriculum for excellence addresses the threats posed to children and young people through internet access and social media. (S4O-02900)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Children and young people will learn about the safe and responsible use of different technologies, including the internet and social media, as part of their broad general education under the curriculum for excellence. Furthermore, all staff in schools share a responsibility for identifying and responding to the care and wellbeing needs of children and young people, whatever the cause.

In November 2013, the Scottish Government published guidance on developing policies to promote the safe and responsible use of mobile technologies in schools. It provides advice for local authorities and schools on how to develop appropriate policies that encourage safe and responsible use while protecting staff, children and young people from the harassment and abuse that can arise from the misuse of such technology.

Elaine Murray: The issue requires more time than can be afforded through oral questions, but given the serious threat that internet activities such as sexting and neknominate and the easy access to pornography pose to young people's wellbeing, how can our schools help to encourage young people to have the confidence to refuse to consent to unwanted activity and others to respect that decision to refuse consent?

Dr Allan: The member raises some important and troubling questions. I think that it is fair to say that bringing stakeholders together on the matter, as happened at the recent summit that Aileen Campbell and I held, is a useful way forward. It is about ensuring that the culture is such that, from an early age, schools promote among individuals a sense of wellbeing and confidence, as the member puts it, and confidence about how to use the internet safely.

Curriculum for Excellence (New Higher Examinations)

5. Alex Rowley (Cowdenbeath) (Lab): To ask the Scottish Government whether it considers that schools will be in a position to implement the new higher examinations through the curriculum for excellence in 2014-15. (S4O-02901)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Yes—schools across Scotland continue to make good progress on all aspects of the curriculum for excellence including the new national qualifications. Education Scotland, the Scottish Qualifications Authority, the Scottish Government and local authorities are delivering a wide range of support to help teachers to introduce the new highsers. We have made it clear that they provide smooth progression from the new national 5 qualifications and that we therefore consider them to be the natural option next session for young people in Scotland.

We also recognise that there needs to be some scope for local flexibility based on professional judgment whereby teachers can work closely with their senior management, their local authority and the parent body to make a decision in the best interests of their learners. We will continue to provide support wherever it is needed.

Alex Rowley: Is the minister aware that Fife Council agreed to put in £400,000 to support the introduction of the new higher after carrying out a survey of all schools in Fife that showed that there is a need for much more support and that teachers are under massive pressure? Will he agree to meet me to discuss the matter further?

Dr Allan: I should have thanked Mr Rowley for what was, I believe, his first oral question in the Parliament. I welcome him to his role—but that

leaves him under no obligation to welcome my answers.

I agree that the provision of support is important, and it is central to what we are doing. I understand from the contact between Education Scotland and Fife Council that support has been requested in five areas and has been provided, and that Education Scotland is in no doubt about the council's ability to do what is asked of it with regard to the new qualifications. I am willing to meet Alex Rowley to discuss any outstanding issues that he wishes to raise.

Universities Scotland (Meetings)

6. Siobhan McMahon (Central Scotland) (Lab): To ask the Scottish Government when the Cabinet Secretary for Education and Lifelong Learning last met representatives of Universities Scotland. (S4O-02902)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I met representatives of Universities Scotland on 3 February when I chaired a meeting of the university sector advisory forum.

Siobhan McMahon: I was recently made aware of a situation in which two pupils who attended neighbouring schools in my region wished to study medicine at the University of Glasgow. Both pupils received the same exam results, but one pupil was admitted and one was not. That was because one of the schools was targeted for the university's reach programme, and the pupil who attended that school, which has a lower higher education progression rate, was given the opportunity to participate in it.

Does the cabinet secretary agree that the current policy is discriminatory and that there should be an equal playing field so that all pupils, regardless of their school, should be permitted to participate in the reach programme if they do not achieve the required grades?

Michael Russell: That is a curious assertion, because it goes very much against the idea that we should find ways of widening access to all higher education, which I thought that Siobhan McMahon's party supported. If we were to abandon an initiative such as the reach programme, we would make it significantly harder to widen access.

It is important, however, that we recognise another issue that Siobhan McMahon correctly raises: that widening-access places in medicine are extraordinarily sought after. In those circumstances I, along with the Cabinet Secretary for Health and Wellbeing, met representatives from Scotland's five medical schools on 15 January. That was my second meeting with those representatives to discuss and consider options

for widening access and the appropriate balance of undergraduates in those schools. We will progress ideas in that regard.

National Guidance on Political Literacy (Falkirk Council)

7. Angus MacDonald (Falkirk East) (SNP): To ask the Scottish Government what discussions it has had with Falkirk Council regarding the implementation of national guidance on political literacy. (S4O-02903)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Education Scotland has produced guidance to support the teaching and learning of political literacy, and it emphasises the importance of young people receiving information in an impartial and balanced way.

The Scottish Government has had no direct discussions with Falkirk Council about implementing the national guidance. It is for schools and local authorities to decide how to progress the implementation of the curriculum, including political literacy.

Angus MacDonald: Locally I have heard fifth-year and sixth-year pupils crying out for information in their respective schools, and I am pleased to see that Falkirk Council has—albeit belatedly—recently approved plans to address issues with regard to political literacy and the referendum.

Political literacy is an important component of curriculum for excellence and is central to citizenship education. What safeguards are in place to ensure that 16 and 17-year-olds who are attending school or college receive information in a clear, accessible and impartial way?

Dr Allan: Angus MacDonald rightly highlights the need to ensure that all young people have such information, along with the skills that they need to interpret the material that they see in the press and the confidence to read about issues in the public domain. Political literacy is about giving people those life skills rather than seeking to infringe on the choices that they will make, and that will have to be done impartially.

It is important to note that local authorities, Education Scotland and organisations such as the Electoral Commission all contribute to ensuring that those ends are met.

Household Income (Childcare)

8. Stuart McMillan (West Scotland) (SNP): To ask the Scottish Government what percentage of household income people spend on childcare. (S4O-02904)

The Minister for Youth Employment (Angela Constance): Parents in the United Kingdom face some of the highest childcare costs in Europe. Although those costs are currently lower in Scotland than in England—£94.35 per week in comparison with £106.52 for two, three and four-year-olds—parents in Scotland still spend approximately 27 per cent of household income on childcare, in comparison with an Organisation for Economic Co-operation and Development average of 12 per cent.

The Government recognises that the cost of childcare imposes a substantial burden on families, which is why we have set out the childcare commitments in the Children and Young People (Scotland) Bill and in our white paper, “Scotland’s Future: Your Guide to an Independent Scotland.” Those commitments will make a significant impact on the affordability of childcare for all families with children from the age of one to school starting age.

Stuart McMillan: The minister commented on the OECD average being only 12 per cent. Given that that is the case, does the minister agree with me that only the full powers of independence will enable Scotland to have one of the best childcare systems in the world?

Angela Constance: Yes, unsurprisingly I agree with Mr McMillan. For the first time ever, via the white paper, we have a blueprint for achieving universal childcare here in Scotland. We know that increasing the participation of women in the labour market by 6 per cent will increase the tax intake by £700 million.

In short, if we want social democracy—which I do—we very much need to have the ability to pay for it. It is therefore important that the Parliament has control over both sides of the balance sheet. This is an example of how social and economic policy must go hand in hand.

School Leavers (Outcomes)

9. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): To ask the Scottish Government what it is doing to improve outcomes for school leavers. (S4O-02905)

The Minister for Youth Employment (Angela Constance): The Government is focused on improving the level of qualification of all our young people leaving school, and on ensuring access to opportunities for them to continue their education or to get a job.

The year 2013 saw record exam passes, with rates increasing for all major qualifications and a record-breaking 91 per cent of our school leavers entering an initial positive destination.

Our “opportunities for all” commitment guarantees an offer of a place in learning or training for every 16 to 19-year-old who wants one, and we work closely with schools to help young people to make a successful transition into employment, learning or training. More than 60 per cent of school leavers enter higher or further education, with institutions now offering wider access to students from the most deprived neighbourhoods.

We are also supporting young people who are opting to join the workforce. We have exceeded our ambitious target of delivering 25,000 modern apprenticeships in 2012-13 and we are improving work experience opportunities for young people through schemes such as the certificate of work readiness.

Christina McKelvie: The minister will be aware of a series of jobs fairs that I have been holding across my constituency. One of the key issues that is coming out of those from the young people who attend them is the attainment gap. What progress is being made in reducing the attainment gap between the most and least economically disadvantaged pupils, and in ensuring that more young people from disadvantaged backgrounds get access to apprenticeships, training for work, or further and higher education?

Angela Constance: I thank Christina McKelvie for the question. I put on record the efforts of Christina McKelvie and other MSPs who have run successful jobs fairs, which I believe have a positive contribution to make at local level.

There is political consensus across the chamber about addressing the attainment gap, and there is a desire to do much more. The attainment gap is of course narrowing, but we want to make faster progress. Government policies such as getting it right for every child, curriculum for excellence, opportunities for all and even the youth work framework are all important. The work that we are doing in the early years is also crucial. For example, this afternoon we will debate landmark legislation on improving the welfare and early education of Scotland's children.

On widening access, which Christina McKelvie raised, widening access agreements are important. In my portfolio area, there is work in and around the Wood commission on how we can create clearer pathways so that all young people are better apprised of the vocational, educational and training opportunities that are available to them.

Edinburgh College (Meetings)

10. Marco Biagi (Edinburgh Central) (SNP): To ask the Scottish Government when it last met

representatives of Edinburgh College and what issues were discussed. (S4O-02906)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I met several Edinburgh College representatives on the first birthday reception that the college held in the Parliament on 1 October. The reception was hosted by Colin Beattie MSP and Kezia Dugdale MSP. The topics of conversation were many and varied.

Marco Biagi: The cabinet secretary will be aware of the industrial action at Edinburgh College. Regardless of the fact that the Scottish Government has no direct locus in that, will the cabinet secretary join me in wishing for a swift resolution to the dispute—to the satisfaction in particular of the staff?

Michael Russell: I would be happy to join Mr Biagi and the whole Parliament in wishing for a speedy resolution to the dispute. I urge both sides to work constructively towards that end. It is, of course, a fact that staff pay and conditions are matters for colleges to determine. However, negotiation is the only way to conclude such disputes.

Kezia Dugdale (Lothian) (Lab): Of course, negotiations are still under way at this moment.

Can the cabinet secretary assure us that no student will be financially penalised for observing and respecting the strike action?

Some students are facing higher national diploma assessments at the moment. If, next week, the strike moves to three days a week, they will be materially affected. What additional support can the cabinet secretary provide for those students?

Michael Russell: I would not expect any student to be penalised. The best support that the students can have is resolution of the dispute, therefore the proper position of politicians with regard to this matter is, I think, to urge that the dispute be resolved; the opportunity exists to resolve it. Like Marco Biagi, I wish for a speedy resolution and I urge both sides to work constructively towards that end because it is a matter for both sides to conclude.

Mary Scanlon (Highlands and Islands) (Con): Does the cabinet secretary believe that it is reasonable to continue to expect lecturers to teach up to 24 hours a week at degree level?

Michael Russell: It would be far better if Mary Scanlon took the stance that I have taken—and which I think even Kezia Dugdale may be taking—which is to say that negotiations are under way and that it is best that the parties to the negotiations reach a conclusion that is in everybody's interests. I do not want to second

guess any aspect of the negotiations. I regret that that is what the member is trying to get me to do.

Sarah Boyack (Lothian) (Lab): I agree that we need a swift resolution to the dispute.

Is the cabinet secretary aware that more than 51 per cent of staff absences at Edinburgh College are the result of stress, depression, anxiety and fatigue, and that many of the lecturers whom I met last week said that part of the challenge is in dealing with the aftermath of the merger of the three constituent parts of Edinburgh College?

Michael Russell: I say to Sarah Boyack, as I have just said to other members, that the proper response is to urge resolution of the dispute so that both sides can move forward in a way that will ensure that students are not affected, that the valuable work of staff is recognised and that the college can move ahead.

Merger processes are always difficult, but the Edinburgh College merger has been hugely successful. It is a college of scale that has huge ambition, and whose first birthday was celebrated across this chamber. We need to ensure that the college moves on, but it will do so only if both sides resolve the dispute. I think that that is the will of every member in this chamber, whether they represent Edinburgh or simply have an interest in the college sector. I urge members to urge both sides to reconciliation and resolution of the dispute.

West of Scotland College (Meetings)

11. Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Government when the Cabinet Secretary for Education and Lifelong Learning last met the principal of West of Scotland College and what was discussed. (S4O-02907)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I met the principal of West of Scotland College, along with other principals, college sector representatives and other stakeholders at the further education strategic forum in September 2013. The forum considered a range of matters relating to learner success, and the interim report of the commission for developing Scotland's young workforce.

Duncan McNeil: Between 2007-08 and 2012-13, the number of part-time students studying at James Watt College plummeted by more than 9,000. Does the cabinet secretary share my concern that that trend impacts negatively on our economy, and on the life chances of adult learners who rely on part-time courses for second-chance learning and career development? How will the merged college sector reverse that depressing trend and increase the ability of part-time students to access and participate in college education?

Michael Russell: I recommend that Duncan McNeil go to that college, which is part of West of Scotland College, and talk to the principal and staff. That would enable him to understand the changes in the college sector as they understand them, which is that they are a positive benefit for young people and older people who want to access employment opportunities. That is what has taken place.

Duncan McNeil should really start looking at what is taking place in colleges—the opportunities that they are offering and the huge change for the better that has taken place. To hark back constantly to another era when colleges were not reformed and were not able to deliver in the way that they are now delivering helps nobody; it certainly does not help Parliament's understanding of education. We have heard yet again—

Duncan McNeil: Part-time—

The Deputy Presiding Officer: Order.

Michael Russell: Duncan McNeil is keen to shout out. Mr McNeil can shout out inaccuracies all that he wishes. The reality is that he needs to recognise the benefits of reform and to get behind that reform, in the interests of his constituents.

“UK Commission's Employer Skills Survey”

12. Bob Doris (Glasgow) (SNP): To ask the Scottish Government what lessons it can learn from the results of the recent “UK Commission's Employer Skills Survey” in relation to its youth work strategy. (S4O-02908)

The Minister for Youth Employment (Angela Constance): The results from the UK Commission's employer survey have confirmed that young people in Scotland are better prepared for work than are their counterparts elsewhere in the UK. Our all-Government, all-Scotland approach to getting young people ready for work is making a difference.

Bob Doris: The “Employer Skills Survey” stresses the importance of skills readiness for young people who leave school and go directly into the world of work. Employers in England say that four in 10 are poorly prepared when they reach the workplace. I welcome the fact that the figure in Scotland is 10 per cent better. However, what work is under way to address the three in 10 young people who go from school directly into the world of work whom employers say are still not fully work ready?

Angela Constance: It is important to recognise that the “Employer Skills Survey” is the principal source of information about employers' perceptions of the labour market. It is good news overall that employers who employ young people are satisfied with the work readiness of 65 per

cent of young people. The amount increases for young people who have been to college and university. Employer satisfaction in relation to work readiness of young people who have been to university is in excess of 80 per cent.

However, one young person who is disadvantaged in entering the workplace is one too many. The aspiration of the Government, as was recently laid out by the Cabinet Secretary for Education and Lifelong Learning, is to raise that figure from 65 per cent to more than 90 per cent. The work that we are pursuing in the curriculum for excellence and via the employment agenda recognises that young people in Scotland are better qualified than ever before; they are better prepared for work and are more work ready than their counterparts elsewhere. However, what many young people lack is work experience, which is why we are investing heavily in things such as the certificate of work readiness, activity agreements and community jobs Scotland.

Nursery Education (Edinburgh)

13. Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): To ask the Scottish Government what percentage of pupils who started primary 1 in Edinburgh schools in August 2013 had not had six terms of nursery education. (S4O-02909)

The Minister for Youth Employment (Angela Constance): I am sorry to say that the Scottish Government does not hold that information. Current policy is that children start funded early learning and childcare from the term after their third birthday. That means that children who are born between March and August will receive six terms, children who are born between September and December will receive five terms and children who are born between January and February will receive four terms. The parents of children who do not receive six terms can request that school entry be deferred for an additional year, which enables the child to start school when they are closer to five and a half years of age.

Malcolm Chisholm: Does the minister share my concerns that children who start school at four have also had the least nursery education and are therefore doubly disadvantaged when they start school? For example, a child whose birthday is in February will get four terms and start school at four and a half. Deferment is possible in Edinburgh only if the child's birthday is in January or February, not if their birthday is in November or December. Does the minister realise that, in a sense, the situation is worse in many schools in Edinburgh because the demand is so great that routinely a significant number of children have only one year of nursery education? I know that there is not an easy answer, but does she think that there is a problem there to be addressed?

Angela Constance: The situation is complex and it is important to recognise that some local authorities can and do provide beyond the statutory entitlement; West Lothian Council has children commencing nursery very soon after their third birthday. That is something that the Scottish Government certainly encourages local authorities to do if they have the capacity to do so.

It is, of course, open to parents of children of the younger age group—those whose birthdays fall in January or February—to choose to defer the school start so that the children can have an additional pre-school year.

As we expand our childcare provision—whether through the Children and Young People (Scotland) Bill that we will debate this afternoon, or the ambitions of the white paper—and increase the number of two-year-olds who will be eligible for early years and nursery provision, it is important that the number of two-year-olds who are affected as Malcolm Chisholm described decreases over time.

Childcare (Budget)

14. Sandra White (Glasgow Kelvin) (SNP): To ask the Scottish Government what impact it considers that the budget provision for extra childcare will have. (S4O-02910)

The Minister for Youth Employment (Angela Constance): The Cabinet Secretary for Finance, Employment and Sustainable Growth confirmed as part of the budget that we are providing £190 million to our partners in local government over the next two years to implement the childcare commitments that are set out in the Children and Young People (Scotland) Bill. We have committed a further £59 million over two years for a phased expansion of childcare eligibility to the most vulnerable two-year-olds. Those investments will deliver significant support for families for whom the costs of childcare can be a challenge. The Children and Young People (Scotland) Bill contains provisions to extend funded early learning and childcare to a minimum of 600 hours a year, which represents an increase of 45 per cent from the 412.5 hours that we inherited in 2007 and will save families up to £707 per child per year and benefit 120,000 children.

Sandra White: I thank the minister for that comprehensive reply. I note the mention of the childcare provision in the Children and Young People (Scotland) Bill, which we will debate shortly.

Yesterday, the minister announced a review of childcare led by Professor Iram Siraj. Will she provide more detail of what the review will consider and its expected outcomes?

Angela Constance: It is important that, as we realise our ambitions for the transformational expansion of childcare, we develop capacity in the sector. Working with children is skilled and important work. It requires qualifications and training. Therefore, it is important that we build the capacity and plan ahead to expand the workforce to match our ambitions.

Professor Iram Siraj will lead an important expert review, which will include a cross-representation of people from the private sector, local government and trade unions and will address skills and qualifications, recruitment and retention, career pathways and, which is important, the status of early years childcare workers, as well as other workforce planning issues.

The Deputy Presiding Officer: Question 15, in the name of Murdo Fraser, has been withdrawn and an explanation has been provided.

Scottish Qualifications Authority (Post-results Service)

16. Liz Smith (Mid Scotland and Fife) (Con): To ask the Scottish Government what discussions it has had with the Scottish Qualifications Authority regarding the post-results service. (S4O-02912)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): The Scottish Government is in frequent discussion with the Scottish Qualifications Authority on a range of matters relating to the national qualifications, including the new results services.

Liz Smith: Who will be expected to pay for the review process for any pupil's results? There seems to be considerable confusion as to whether that will fall on the local authority or the individual school. Will the minister clarify that?

Dr Allan: The member will be aware that we are talking about a number of different processes. First, there is the exceptional circumstances consideration service for people who were absent—perhaps for good reasons such as bereavement or illness—or who, immediately after taking the exam, wish to make the SQA aware that they were in those or similar circumstances. There will be no charge at all for that service.

The other area that we are talking about is the post-results service, in which there is the option for a clerical check or review marking. If that process results in a grade being changed, no charge will be levied.

Curriculum for Excellence (Energy Industry Pathway)

17. Dennis Robertson (Aberdeenshire West) (SNP): To ask the Scottish Government whether it

considers that the curriculum for excellence is providing an effective pathway for young people to enter a career in the energy industry. (S4O-02913)

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): I strongly agree with the member—or rather, I will strongly agree with him once I respond to his question; forgive me for my enthusiasm. The curriculum for excellence supports the development of knowledge and skills in young people that will equip them for learning, life and work, including moving into a career in the energy industry. The sciences and technology in particular provide opportunities for learners to explore different types of energy sources and their use. Education Scotland and energy skills Scotland are working together to create better links between the industry and education to support more effective learning and teaching on energy in schools and colleges, and to build young people's awareness of careers in the sector.

Dennis Robertson: Does the minister agree that the curriculum for excellence provides an opportunity and pathway for our young girls at school to go into careers that are generally orientated towards the male sector?

Dr Allan: Only today, I met Mr Russell, Mr Ewing and representatives of other organisations to look at how to promote the energy industry in schools. One issue that has come up again and again—the member has raised it before—is ensuring that there are pathways into the industry specifically for women. That, of course, comes down to the support that we all give to promoting science as a subject in schools for girls, and also to making people aware of the full range of opportunities that exist for employment in the energy sector.

Training Organisations (Clydebank and Milngavie)

18. Gil Paterson (Clydebank and Milngavie) (SNP): To ask the Scottish Government what support it provides to local training organisations in Clydebank and Milngavie. (S4O-02914)

The Minister for Youth Employment (Angela Constance): Local training organisations in Clydebank and Milngavie have access to the same Scottish Government funding support that is available to all commercial or third sector businesses. In addition, those who are registered on the Skills Development Scotland national learning objectives database can bid to support the delivery of the Scottish Government training programmes, including modern apprenticeships and the employability fund, or to become an individual learning account-approved provider. SDS local skills investment advisers, who operate out of local offices throughout Scotland, are also

able to provide support to locally based training providers on skills investment and training issues.

Gil Paterson: I thank the minister for that full answer. Can she confirm that the Scottish Government will encourage and continue local partnerships between schools and training organisations in Clydebank and Milngavie to ensure that young people have the maximum opportunities to learn new skills?

Angela Constance: Absolutely. Local training providers are very important to the local employability infrastructure. I suppose that one of the prevailing themes of the Wood commission's interim report was how we galvanise and develop further the partnerships between schools, employers and training providers. I know that there are excellent training providers in Mr Paterson's constituency. I have been out to visit the Lennox Partnership, which I had the good fortune of bumping into again today at the third sector and voluntary sector 10th annual gathering. It spoke about how it had benefited from investment in community jobs Scotland.

The Deputy Presiding Officer: Question 19, which was lodged by Margaret McCulloch, has been withdrawn. An explanation has been provided.

I call question 20, which was lodged by Annabelle Ewing. I need very brief questions and answers.

Childcare

20. Annabelle Ewing (Mid Scotland and Fife) (SNP): To ask the Scottish Government what action it is taking to expand childcare provision. (S4O-02916)

The Minister for Youth Employment (Angela Constance): It is all about the Children and Young People (Scotland) Bill today. As we know, that bill includes provisions to increase the level and flexibility of funded early learning and childcare for three and four-year-olds and our most vulnerable two-year-olds to a minimum of 600 hours a year from August 2014.

Annabelle Ewing: I very much welcome the proposed increase that the minister referred to, of course, which we will look at in considering the bill. However, can she make it quite clear that it is only by voting yes that we can bring about the transformational change in childcare provision that the women of Scotland wish to see?

Angela Constance: That is crystal clear. As I said earlier, for the first time ever, we have a blueprint to achieve universal childcare in Scotland. No other Government at the Scottish or United Kingdom levels has ever done that before.

Point of Order

14:09

Neil Bibby (West Scotland) (Lab): On a point of order, Presiding Officer. This morning, the Finance Committee considered the supplementary financial memorandum to the Children and Young People (Scotland) Bill. During the meeting, members were informed by Scottish Government officials that the Scottish Government is

"at this stage ... not in a position to be able to offer estimates"

for the capital costs of the bill. That is in direct contravention of rule 9.3.2 of the standing orders, which states that a bill shall be

"accompanied by a Financial Memorandum which shall set out the best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise, best estimates of the timescales over which such costs would be expected to arise, and an indication of the margins of uncertainty in such estimates."

I understand that the Finance Committee is very concerned about that failure and has written to the minister, asking for an urgent explanation. Presiding Officer, I would welcome your advice on the implications of what is a clear breach of the standing orders by the Scottish Government, what that means for the debate this afternoon and whether this would set a precedent whereby rule 9.3.2 of the standing orders no longer applies.

The Deputy Presiding Officer (Elaine Smith): I thank the member for prior notification of the point of order. I have given the matter consideration and it is clear that, under rule 9.12 of the standing orders of the Parliament, the financial resolution was passed by the Parliament at stage 1 of the bill and a supplementary financial memorandum was lodged, as is required under rule 9.7.8B, as a result of amendments that were agreed to at stage 2. As the member mentioned, supplementary financial memorandums must

"set out the best estimates of the administrative, compliance and other costs to which the provisions of the Bill would give rise".

I appreciate, from what the member has said, that he has concerns about the information that has been provided in the supplementary financial memorandum to the bill. It is, of course, perfectly legitimate to raise those points in debate. However, it is up to members to decide to what extent they take that into account in taking a position on amendments and the bill. The current rules do not require that the Parliament pass a resolution on a revised financial memorandum.

The member raises an interesting question with the point that he makes. He might like to write to our Standards, Procedures and Public

Appointments Committee, which—as he may know—is currently reviewing the legislative procedures of the Parliament.

That is my answer, under the standing orders at the moment, to the member's question on the financial resolution. Members may wish to raise those points as matters of debate.

Children and Young People (Scotland) Bill: Stage 3

14:14

The Deputy Presiding Officer (Elaine Smith):

We move to stage 3 proceedings on the Children and Young People (Scotland) Bill. Members should have copies of the bill as amended at stage 2, the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon, and the period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after the group is called. We are very tight for time this afternoon.

Before section 1

The Deputy Presiding Officer: Group 1 is on duties of Scottish ministers in relation to the rights of children. Amendment 116, in the name of Jean Urquhart, is grouped with amendments 117, 118, 93 and 119 to 126.

Jean Urquhart (Highlands and Islands) (Ind):

The stated policy intention behind the bill is to contribute to Scotland being the best place for children to grow up, and I applaud that intention. It is vital to the Scotland that we wish to create, which recognises not only the vital contribution that children and young people make to our society and our communities but that, in order for them to make that contribution, they deserve and require our respect, our protection and our nurturing.

I welcome the provisions in part 1 of the bill but, like many organisations and individuals working with and for children in Scotland, I am disappointed that part 1 does not go further. Accepting all the stage 3 amendments would go some way to progress our commitment to children's rights, and accepting amendment 116 would form a key part of that commitment.

14:15

My amendment seeks to place a duty on Scottish ministers to establish a body within one year of royal assent to examine the case for giving legislative effect to the United Nations Convention on the Rights of the Child. I recognise that the Government has intimated that it believes full incorporation to be unnecessary; I also recognise that the Education and Culture Committee's stage

1 report raised questions over how that could be done meaningfully.

I hear what the committee has said about incorporating children's rights, but why do we need evidence to accept that children have rights that should be upheld and promoted in law in the same way that adults do? The same arguments were not made when the case was made for the adoption of the European convention on human rights, or for extending the Human Rights Act 1998 to apply to devolved matters during the passage of the Scotland Act 1998. If we did not require evidence to apply human rights to our domestic law, why do we need evidence for children to have rights in law?

There has been strong support for such a move from the children's sector and the human rights sector. Incorporation of the UNCRC was supported by UNICEF, the Scottish Human Rights Commission, Scotland's Commissioner for Children and Young People, the NSPCC, Families Outside and Together. Amendment 116 has the support of Children 1st, Barnardo's, Together, YouthLink Scotland, Scotland's Commissioner for Children and Young People and a number of academics across the legal and sociological disciplines. For such a move to be supported by such a wide range of interested organisations surely suggests that the amendment has merit.

The bill should mark not the end of our journey in the process, but the beginning. Today, we can commit to explore how to incorporate children's rights into our legislative framework; signal our intent to make our society truly a child-centred one; and recognise children as having rights in their own regard, which all of us should be willing and devoted to pursuing.

Amendment 116 would give Scottish ministers considerable scope to determine how best to achieve that. Setting up a body such as an independent commission to examine the options would make a statement that I hope we can all support. The amendment would not require Scottish ministers or the Parliament to commit to anything other than the establishment of an appropriate body and consideration of its report. In doing that, we would send a clear signal about the importance that we attach to children's rights and provide a clear message about the seriousness of our commitment to make Scotland the best place to grow up. Therefore, I hope that Scottish ministers and all MSPs, from all political parties and none, will support amendment 116.

I move amendment 116.

Liam McArthur (Orkney Islands) (LD): The bill represents the coming together of two pieces of proposed legislation, one of which is a bill on children's rights. As Jean Urquhart identified, the

Government appears largely to have lost sight of that aspect of what we should be trying to achieve.

The Law Society of Scotland and the Faculty of Advocates said that the bill added little to what was in place and in some respects even diluted children's rights. Our committee concluded at stage 1 that the duty on ministers was

"little more than a restatement of existing obligations."

Although improvements were introduced at stage 2, the children's commissioner is clear that

"So far the opportunity has been missed to be ambitious for children's rights and to embed children's rights in Scotland's governance and public services."

My amendments are an attempt to address that position, not just with regard to the bill but with regard to future legislation.

Like others, I did not feel that the case had been made for the full incorporation of the UNCRC, but more can and should be done to incorporate key principles, most notably articles 3 and 12. Tam Baillie proposed that idea in his stage 1 evidence, and he was backed by a wide range of children's charities. Despite that, the minister and her Scottish National Party colleagues refused to support any of my stage 2 amendments.

Parliament should have a further opportunity to consider the issues and to take a view. My amendments 117 and 118 reflect what we have heard about the need to put children's rights and interests at the centre of the bill, to make sure that their voices and views are heard, and to give proper effect to the principles that should underpin the bill. I am sad to say that the minister's amendment 93 will not do that. While I have sympathy with Jean Urquhart's amendment 116, the important thing is to get substantive and meaningful changes into the bill now.

At stage 2, I sought to beef up the reporting requirements on ministers with regard to the steps taken to comply with the duties that are placed upon them. All my amendments in that regard were rejected. I am pleased that Neil Bibby has taken up the cudgels at stage 3 and I will support his efforts.

I will be interested to hear Alison Johnstone's comments about the amendments in her name. I am instinctively sympathetic, but it is perhaps unfortunate that she did not lodge amendments with such effect at stage 2, to enable more detailed consideration and, if necessary, refinement.

Amendments 125 and 126 represent an attempt to safeguard children's rights in the context of future legislation. Amendment 126 repeats an amendment that I lodged at stage 2 and would require a children's rights impact assessment to be carried out on every relevant bill that was

introduced to the Scottish Parliament. Ministers would have discretion about how widely the approach would apply. The approach would enable us to reflect the Education and Culture Committee's recommendation, follow the lead that has been taken in Wales and deliver a cultural shift in the way in which we view children's rights.

The minister has argued that undertaking CRIAs could be delivered through non-legislative means. However, although the Government committed to trialling CRIAs in its UNCRC action plan in 2009, not a single CRIA has been carried out.

Amendment 125 tries to skin the cat in another way and would place a duty on ministers to make a statement or assessment of compatibility with the UNCRC, as currently happens with regard to the Human Rights Act 1998. I understand that such an approach works well in Australia. I hope that if amendment 126 remains unpalatable to the minister, amendment 125 will be an acceptable alternative.

On children's rights, the bill remains a missed opportunity. The children's commissioner has made clear that if my amendments and others in this group are not agreed to, the bill

"will fall far short of matching the high ambition to 'make rights real', often stated by Ministers."

I urge the Parliament to vote to put that right.

The Minister for Children and Young People (Aileen Campbell): I welcome the opportunity to respond to the range of amendments that focus on part 1 of the bill. The bill will ensure that children's rights properly influence the design and delivery of policy and services, by placing new duties on ministers.

Amendment 116 proposes the establishment of a new body to look at legal implementation of the UNCRC. The proposal seems similar to the children's commissioner's suggestion at stage 1 that a parliamentary inquiry look at UNCRC incorporation. The suggestion was not pursued by the Education and Culture Committee in its report.

We have robust structures for holding ministers to account for their approach to the UNCRC. We have the Scottish Parliament and its committees, the children's commissioner and a national implementation group for children's rights. Another body is not required, and even if it were required, there would be no need to legislate for its creation.

UNCRC incorporation was the subject of a great deal of discussion at stage 1. A range of views was given by key figures with expertise in children's rights and the law. The Education and Culture Committee carefully considered the arguments and was not convinced of the merits of incorporation. Professor Ken Norrie said:

"I think that to incorporate the convention into the domestic legal system of Scotland would be bad policy, bad practice and bad law. I say that primarily because the UN convention was not drafted or worded to create directly enforceable legal rights in the domestic legal system."—[*Official Report, Education and Culture Committee*, 3 September 2013; c 2682.]

We will continue to engage with partners about how we can strengthen children's rights, through the fora that are in place, and build on the strong foundations in the bill, which are a good starting point from which to develop the UNCRC.

On amendment 117, a similar amendment was considered at stage 2. Now, as then, we have concerns about the introduction of the concept that children's interests should be "a key consideration". The UNCRC clearly recognises that children's best interests should be a primary, rather than a key, consideration. That is the standard towards which we should be working. It does not make sense to pursue such a broad-ranging principle through blanket duties on ministers, which would open up the risk of unnecessary litigation. That would serve no one's interests.

It makes sense to consider amendment 118 alongside amendment 93, in my name, as both amendments focus on the views of children. Amendment 93 stems from a suggestion from stakeholders that the Government should consider incorporating article 12 of the UNCRC, recognising a child's right to be heard. Our position remains that implementation of article 12 is not best achieved through a blanket duty. Instead, we require targeted changes, tailored to individual circumstances. Nevertheless, we remain keen to explore how our commitment to article 12 can be realised. Amendment 93 is designed to ensure that children's views feature in ministerial decision making.

Amendment 118 would go further than amendment 93, by requiring ministers actively to seek children's views in relation to all decisions. I recognise the value of consulting children and young people, but that must be done in a meaningful way. Amendment 93 addresses that point by offering flexibility around when to consult. For that reason, I encourage members to support amendment 93 as an alternative to amendment 118.

Amendments 119, 120 and 122 represent a radical departure from our current system for protecting children. They would impose on ministers a duty to take all measures to protect children from violence and ill treatment. Although I welcome the intention behind what is proposed and respect Alison Johnstone's commitment to children and young people, the proposed duty may be impractical and would be impossible to satisfy. Ministers can introduce legislation and policies to

protect children, but we cannot guarantee that a child will be safe from violence and neglect in the way that amendment 119 seems to require.

Furthermore, Alison Johnstone's amendments fail to recognise the central role that many other bodies must play if we are to protect children effectively. Our system does not provide for Scottish ministers to work directly with individual children and their families on a day-to-day basis. Instead, it is founded first and foremost on strong multi-agency working at a local level. That approach continues to deliver an ever-improving system for supporting our most vulnerable children, as is evidenced by the many inspections of children's services that have been undertaken over the years.

Amendments 119, 120 and 122 cut across all that. They fail to recognise that the people who are best placed to support children are those who have most contact with them and their families. Our focus must be on strengthening those relationships, because that is what our children need.

Getting it right for every child builds on the approach that I have described, and it is through the effective implementation of that model that we will best be able to ensure that all children—including those who are at risk of violence or ill treatment—get the help and support that they need at the time that they need it.

Amendment 121 seeks to recognise the important role that the UN Committee on the Rights of the Child plays in shaping our approach to children's rights. Although it is important to recognise the excellent work that that committee does, the bill is not the best place to do that. Furthermore, I am not sure what practical difference the amendment would achieve. Any steps taken in response to recommendations by the committee would already be captured by the existing reporting duties under our bill.

The issue with which amendments 123 and 124 deal was debated at stage 2. There is now a well-established expectation that ministers will consult stakeholders as part of the policy development process. Accordingly, there is no need to identify every instance in which consultation is necessary and with which organisations it must be carried out. I am sure that we would all recognise that, when it comes to engaging children, our practice is perhaps not as well established. That is why we took steps at stage 2 to introduce section 1(3A), which will ensure that children will be consulted on ministers' UNCRC implementation plans.

Amendment 124 would place on ministers a requirement to consult every three years on the steps that have been taken to secure "better or further effect" of the UNCRC. At stage 2, I made it

clear that I could not see the value of consulting on a list of steps that ministers had taken with a particular aim in mind. After all, that is quite different from producing a plan of future actions, in relation to which there is scope for influencing activity. That same scope simply does not exist in relation to a retrospective report.

Amendment 125 would require ministers to prepare and publish a statement of UNCRC compatibility for all future bills. There would be a huge degree of overlap between that proposal and the children's rights impact assessments that are proposed in amendment 126, and a system of unnecessary bureaucracy would be created.

As I made clear at stage 2, the Scottish Government recognises the importance of assessing our decisions against the rights of children, and we are developing a children's rights impact assessment for use across Government as a direct consequence of the duty in section 1(1). Therefore, amendments 125 and 126 are disproportionate and unnecessary.

Liam McArthur: I listened carefully to what the minister said. She seemed to be concerned that amendment 125 overlaps with amendment 126. That would make sense if she intended to accept either of them, but by the sound of things she will accept neither of them.

As I made clear, in the UNCRC action plan that was published in 2008 it was indicated that the Government was committed to trialling CRIAs, yet we have not seen one in the intervening years. When might the first CRIA be piloted under the action plan?

Aileen Campbell: As I have said, we are developing that. That is something that we will achieve in order to ensure that we make rights real for children and that the UNCRC is much more keenly felt across the Government's wider agenda.

For all the reasons that I outlined before Liam McArthur's intervention, we cannot support any of the amendments in the group except my amendment 93, for which I seek members' support.

I add that I respect the role that Liam McArthur, Alison Johnstone and Jean Urquhart have played and the way in which they have set out their arguments. I hope that we can work together to achieve more on the UNCRC and to make rights real for children in Scotland.

14:30

Alison Johnstone (Lothian) (Green): It has, at times, been difficult to articulate through this bill the potential impact of the United Nations convention on the rights of the child on children's lives. Some see the articles in the UNCRC as very

technical, but many of them relate directly and emphatically to real and practical improvements in children's lives. Article 19 of the UNCRC is one such example, requiring states to take appropriate measures to protect children from all forms of abuse, neglect and violence. Although successive Scottish Governments have made progress to be proud of, there is always much more to do. Too many children still live in fear of abuse, neglect and violence and miss out on their childhoods as a result.

I note Liam McArthur's comments about the lodging of my amendments, but I know that he agrees that we must strive to do all that we can to give children the best start in life. Amendment 119, which uses almost exactly the same language as that found in article 19, aims to ensure that Governments have to do exactly that: to strive for the best and comply with the UNCRC.

The intention is to create an overarching national approach to protecting children from abuse, neglect and violence and to modernise criminal provisions in this area that are now 76 years old. Although the obsolete parts of section 12 of the Children and Young Persons (Scotland) Act 1937 have been repealed, our authorities continue to rely on that statute to protect children from harmful, criminal acts of abuse, neglect and violence and adopting amendment 119 would provide a holistic framework within which we can work to protect children.

I note the minister's concerns about the adoption of this particular article but I hope that she will respond to my points about modernising the legislation and say how, if amendment 119 does not find support, the Government will progress the protections that protect children in Scotland.

Neil Bibby (West Scotland) (Lab): I welcome the opportunity to speak to amendments 121, 123 and 124 in my name as well as the other amendments in the group.

Although I join members of all parties in welcoming the general principle of raising awareness of children's rights, it is clear that section 1 could—and should—be improved and go further. During the Education and Culture Committee's scrutiny of the bill, a number of witnesses said that, in reality, this particular section fails to add anything new and lacks ambition. The Law Society of Scotland described the duty that is placed on ministers as a

"diluted version of ... existing obligations"

and it was noted that the bill requires ministers only to "consider" the UNCRC but not to act on or explain those considerations.

If the bill is to avoid becoming what Liam McArthur has described as a missed opportunity, members should support my amendments, which would add a requirement on ministers to demonstrate how they have responded to general comments or recommendations made directly to the United Kingdom by the UN Committee on the Rights of the Child. That would bring the reporting duty more in line with the children's scheme that is set out in the Rights of Children and Young Persons (Wales) Measure 2011, which contains a duty of "due regard" to the UNCRC and has been widely welcomed by those working with and for children in Wales. It is important that we can properly scrutinise ministers' actions if we are to ensure that the bill is having the kind of impact that we all want it to have.

On amendment 116 in the name of Jean Urquhart, during the bill's passage through Parliament there has been a great deal of discussion and debate about the extent to which the UNCRC should be incorporated into law. Amendment 116 would allow us to continue that discussion by placing on ministers a duty to establish a group to consider the merits of incorporating the UNCRC into law and to report back. Any decision on the extent to which incorporation is appropriate would, of course, be a decision for Parliament and would be informed by the best available evidence.

Finally, I am also supportive of the amendments in the name of Liam McArthur and Alison Johnstone. In particular, I draw members' attention to the importance of seeking the views of children who are likely to be affected by decisions and ensuring that children's rights impact assessments are carried out on every relevant bill. Having spoken a number of times in the chamber about the importance of listening to children and young people instead of just talking at them, I am slightly disappointed that the minister's amendment in this respect does not go as far as Liam McArthur's amendment.

Amendments 116 to 126 as well as amendment 93 would significantly strengthen what is widely regarded as a weak section in the bill. I urge members to support those amendments if the bill is to match our ambition.

Liz Smith (Mid Scotland and Fife) (Con): Over a lengthy period, I have listened very carefully to what has been the most challenging but nevertheless one of the most interesting aspects of the debate on the bill. As I said on the very first day of evidence taking at stage 1, the main difficulty all along with part 1 has been the need to assimilate very different legal perspectives on the bill, especially the need to reach a rational judgment on the need to incorporate the UNCRC into Scots law.

In turn, that meant examining whether the current duties on Scottish ministers are sufficiently strong in terms of protecting children and whether in some cases we have not done enough to enhance the rights of children. In particular, there was a need to ensure that there was a clear understanding of the duties on ministers and those that fall on local authorities and other bodies.

At the end of that process, the Scottish Conservatives do not believe that there is a sufficiently strong case for full incorporation of the UNCRC into Scots law, on account of the fact that some aspects of the UNCRC are not fully compatible with our legal traditions. However, we believe that there has to be more clarity over the rights of ministers, children and their families and, just as important, those of local authorities and other professional bodies. Following those criteria, we will support amendments 117, 118, 93, 121, 123 and 124 but not the other amendments in the group.

Joan McAlpine (South Scotland) (SNP): Like Liz Smith, I listened as part of the Education and Culture Committee to the evidence on this section of the bill. Like the rest of the committee, I came to the conclusion that there was little evidence of how full incorporation of the UNCRC would improve outcomes for children in Scotland.

Paragraph 38 of the committee's conclusions in its stage 1 report notes:

"the UNCRC is implemented in Scotland in a number of ways already".

In fact, article 42 is incorporated into the bill and it obliges ministers to promote awareness of children's rights among children as well as parents. That aspect of the bill has been welcomed by the Scottish Information Commissioner.

The committee's conclusions also state:

"We are not persuaded of the case for full incorporation of the UNCRC into Scots law ... We agree that the benefits arising from incorporation of the UNCRC could be realised from improvements in policy and practice, such as through the implementation of GIRFEC."

Liam McArthur mentioned that Neil Bibby had taken up the cudgels at stage 3. I find it quite strange that it has taken such a long time for Neil Bibby to reach that position, given that he was one of the members of the committee who signed up to those fairly fulsome conclusions.

The Deputy Presiding Officer (John Scott): Minister, would you like to respond to any of the points that were made in the debate? You do not have to by any measure.

Aileen Campbell: Joan McAlpine raised the fact that the committee did not support the full incorporation of the UNCRC, and I reflect again on

Professor Ken Norrie's comments on the bill. Technical difficulties prevent us from accepting Alison Johnstone's amendments, but there is a firm commitment to ensure that we can work with everyone who is interested, to ensure that we make rights real across Scotland. This is about making sure that we put Scotland on the path towards becoming the best place to grow up, and making rights real is a key part of that.

I will make sure that we work with others across the chamber to allow us to have the proper scrutiny, which, as I set out in my opening remarks, is already there through the Parliament, the Education and Culture Committee and the children's commissioner. By working together, we can have a bill that we are proud of, with regards to UNCRC provision.

Jean Urquhart: I return to the wording of amendment 116 and reiterate what it would do and what it would not. It would require Scottish ministers to set up a body to consider whether the UNCRC should be given legislative effect. It does not state what sort of body that should be, nor does it insist that the UNCRC should be given legislative effect. It would allow ministers and indeed MSPs to charge that body with exploring all the issues relating to this matter. The body would have to lay its report before Parliament and Scottish ministers would be expected to respond. At no point in that process would there be a burden, responsibility or even an expectation on Scottish ministers and MSPs to commit to giving legislative effect to the UNCRC.

As someone who believes passionately in creating a rights-based society for all, I hope that the option of giving legislative effect to the UNCRC would be explored fully and that the body would conclude that that would be the appropriate thing to do. I hope, too, that the body would provide advice on how and when to do so. However, committing to establishing the body would not commit future Governments or Parliaments to its recommendations. We would still be able to make that democratic decision, which is as it should be.

I have made my views clear on why I think it is important for Scotland to incorporate the UNCRC into our legislative framework, but far greater politicians than me have called on us all to do more for children. Someone said:

"Our children are our greatest treasure. They are our future."

He also said:

"History will judge us by the difference we make in the everyday lives of children."

There are many reasons to follow the teachings and words of the late, great Nelson Mandela. Throughout his presidency and his retirement, Mandela championed the cause of children. His

love for children and his appreciation of their needs, rights and interests, and of society's duty and responsibility to protect and nurture them by being child centred and furthering their rights, provide us with more and indeed compelling reasons to do as I suggest.

I uphold my amendment 116.

The Deputy Presiding Officer: I am afraid that I did not hear what you said. Are you pressing or withdrawing your amendment?

Jean Urquhart: I am upholding it—I am pressing it.

The Deputy Presiding Officer: Right. The question is, that amendment 116 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. We will have it shortly, as there will now be a five-minute gap—the word I am looking for is “suspension”.

14:40

Meeting suspended.

14:45

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 116.

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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)

Rowley, Alex (Cowdenbeath) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 36, Against 84, Abstentions 0.

Amendment 116 disagreed to.

Section 1—Duties of Scottish Ministers in relation to the rights of children

Amendment 117 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 117 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 55, Against 65, Abstentions 0.

Amendment 117 disagreed to.

Amendment 118 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 118 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)

Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 56, Against 65, Abstentions 0.

Amendment 118 disagreed to.

The Deputy Presiding Officer: Group 2 is on duties in relation to article 7 of the UN Convention on the Rights of Persons with Disabilities. Amendment 92, in the name of Siobhan McMahon, is grouped with amendments 94 to 100.

Siobhan McMahon (Central Scotland) (Lab): As I said at stage 2, the reason why we require the addition of the UN Convention on the Rights of Persons with Disabilities is to give additional assurance that disabled children's views are embedded in the bill and given due regard in all aspects of policy development.

I understand that the Government is satisfied that the UNCRC requirements are sufficient to provide that and, at stage 2, the minister stated that

"the rights set out under the UNCRC apply equally to all children, including disabled children."—[*Official Report, Education and Culture Committee*, 17 December 2013; c 3158.]

However, if that was indeed the case, I do not believe that the UN would itself have set out an additional assurance with the UNCRPD.

More emphasis should be placed on ensuring that the Children and Young People (Scotland) Bill makes adequate provision for the rights of disabled children to be realised. Embedding such a provision in primary legislation would build a strong foundation for public authorities around Scotland to adjust their practice and procedures to reflect the national intention to uphold disabled children's rights.

I also understand that the Scottish Government does not wish to highlight specific groups of children and seeks to promote the notion of universality. However, given that the bill specifically mentions looked-after children, the precedent has already been set and it would be remiss of the bill not to mention disabled children in the way that I propose.

The minister will be aware that my proposed amendments are supported by the Health and Social Care Alliance Scotland, Enable Scotland and Children 1st.

Notwithstanding the fact that there is a problem with the financial memorandum and that we in the Labour Party are concerned about the financial support that is available for the bill, I urge the minister to support amendment 92 and all other amendments in this group.

I move amendment 92.

Liz Smith: As I mentioned at stage 2, I have a great deal of sympathy for the intent of Siobhan McMahon's amendments, and by bringing them to stage 3, she has allowed us to undertake further detailed and important scrutiny of the rights issue. I am also grateful to the Health and Social Care Alliance Scotland for its helpful briefing.

Having sought other legal advice on the issue and revisited the lengthy and fairly complex debates that we had during the passage of legislation on additional support for learning, we remain nervous about identifying a specific group of young people who have special needs without addressing the concerns of others. We will therefore not support the amendments in the group, but we would like the minister to provide further reassurance beyond that which she gave at stage 2 that the rights of disabled children will not in any way be undermined or diluted when it comes to providing them with the appropriate levels of support.

Aileen Campbell: Amendments 92 and 94 to 100 seek to place requirements on Scottish ministers and public bodies to take steps with the aim of furthering the rights set out under article 7 of the United Nations Convention on the Rights of Persons with Disabilities.

The proposals mirror a series of amendments lodged by Siobhan McMahon at stage 2 and, as I was then, I am happy to welcome the sentiment behind the amendments, and I take the opportunity to thank Siobhan McMahon for bringing the matter to members' attention today.

The rights set out under the UNCRC apply to all children, including disabled children. On Siobhan McMahon's particular point, the UNCRC specifically recognises the importance of ensuring that disabled children are supported to access the

same opportunities as their peers. Article 7 of the UNCRPD restates those important principles.

We are strong advocates of the UNCRPD, but it is important to remember that part 1 of the bill seeks to promote a universal approach to protecting and promoting the rights of all children, in express recognition of our responsibilities to each and every one of our children, irrespective of their background or needs. To begin to recognise some groups of children and not others would begin to dilute that notion of universality, which echoes the points that Liz Smith made in her remarks.

I state this categorically, and I hope that it gives comfort to Siobhan McMahon and Liz Smith: the fact that we are not making explicit reference to disabled children does not in any way detract from the commitment that we are making to them. We have worked and will continue to work with all the groups that Siobhan McMahon mentioned that are supportive of the intention behind her amendments. Although I am supportive of that intention, we cannot support the amendments, but we will continue to work with the groups that have been helpful with the drafting of the amendments to ensure that we get things right for children who have disabilities.

Siobhan McMahon: I appreciate the comments made by Liz Smith and the minister. Liz Smith and I spoke earlier and at stage 2 about her concerns, so I appreciate where she is coming from. However, I suggest that we pay attention to the third sector organisations that wish for this to happen. As the minister keeps saying, the key principle of universality is about ensuring that everyone has the same rights and access to everything in education. Therefore, when a disabled child faces additional barriers, we should make provision for their needs. That is the reason for my amendments and I will press them.

The Deputy Presiding Officer: The question is, that amendment 92 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)

Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 42, Against 78, Abstentions 0.

Amendment 92 disagreed to.

Amendment 93 moved—[Aileen Campbell]—and agreed to.

Amendments 119, 94 and 120 not moved.

Amendment 121 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 121 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)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 55, Against 65, Abstentions 0.

Amendment 121 disagreed to.

Amendments 95 and 122 not moved.

Amendment 123 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 123 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)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 55, Against 65, Abstentions 0.

Amendment 123 disagreed to.

Amendment 124 moved—[Neil Bibby].

15:00

The Deputy Presiding Officer: The question is, that amendment 124 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)

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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 55, Against 65, Abstentions 0.

Amendment 124 disagreed to.

After section 1

Amendment 125 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 125 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)

Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 42, Against 79, Abstentions 0.

Amendment 125 disagreed to.

Amendment 126 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 126 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)

Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 42, Against 79, Abstentions 0.

Amendment 126 disagreed to.

Section 2—Duties of public authorities in relation to the UNCRC

Amendment 96 not moved.

Section 4—Interpretation of Part 1

Amendment 97 not moved.

Amendment 98 moved—[Siobhan McMahon].

The Deputy Presiding Officer: The question is, that amendment 98 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 42, Against 79, Abstentions 0.

Amendment 98 disagreed to.

Amendments 99 and 100 not moved.

Section 7—Introductory

The Deputy Presiding Officer: Group 3 is on the meaning of children's service: inclusion of families of children with needs of a particular type.

Amendment 127, in the name of Siobhan McMahon, is the only amendment in the group.

Siobhan McMahon: Amendment 127 aims to ensure that family support services are reflected in children's services planning in order to inform local commissioning strategies. The amendment would ensure specifically that the bill's policy aim translates into effective services that meet the needs of disabled children and young people and their families.

The amendment has come from the for Scotland's disabled children group, a banner organisation for several charities and organisations working for and with disabled children and their families. The organisation and I believe that without a clear duty in the bill that ensures that the specific needs of that vulnerable group of children and their families are reflected in joint local planning and in the local commissioning processes, there is a real danger that opportunities to deliver innovative support for that group will be missed.

I urge the chamber to support the amendment.

I move amendment 127.

Aileen Campbell: Amendment 127 from Siobhan McMahon was raised at stage 2. It has a good policy intention—to ensure that children's services planning covers support for the families of children with particular needs. As I said at stage 2, we share the belief that children's services planning should include support for families in their caring roles for children with particular needs and that kind of support is already covered by the bill as drafted.

We will ensure that guidance makes that more explicit and we will work with others who have an interest in this area to develop that very important guidance. Nevertheless, as drafted, the amendment does not make it clear which services for such families would be covered, which could undermine the focus of children's services planning. Consequently, we do not support amendment 127. I understand the intention behind it and will continue to work with groups to ensure that the guidance makes provision much more explicit.

Siobhan McMahon: I welcome the minister's comments and I appreciate that she will make that support explicit in the guidance. However, I will press my amendment.

The Deputy Presiding Officer: The question is, that amendment 127 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)

Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 37, Against 84, Abstentions 0.

Amendment 127 disagreed to.

The Deputy Presiding Officer: Group 4 is on services provided to certain young people: inclusion in children's services planning and transition from children's services. Amendment 128, in the name of Siobhan McMahon, is grouped with amendments 129 to 139, 141 to 161, 179 and 196.

Siobhan McMahon: The amendments in this group have been lodged to serve as a clear guide

to public authorities that local commissioning strategies must reflect the needs of young people transitioning into adult life, services and support.

For disabled young people, there is a further significant pressure point at the transitions planning stage, when young people are moving from one set of eligibility criteria under the additional support for learning framework to a completely different framework under social care. Many young people with less complex care needs may no longer qualify for a formal care plan and so are likely to require access to softer, community-based support services that currently might not exist or which are not accessible to disabled young people.

It is therefore crucial that the bill places a duty on local authorities to develop and implement children's and young people's services plans as opposed to children's services plans. That would support the transitions process and would be of particular benefit to those young disabled people who have less complex support needs and for whom the adult social care assessment framework may mean that they fall short of being assessed for a formal care plan as they move into adulthood and independent living.

Amendment 179 would give Scottish ministers the powers to introduce a national mentoring scheme to support children and young people with a disability during the key transition from childhood to adulthood. As we know, children and young people with a disability often face significant barriers in accessing life chances, including employment and leisure opportunities and opportunities to develop social contacts. Amendment 179 seeks to address that and could significantly improve outcomes in those key areas for children and young people with a disability across Scotland.

I urge the minister and the chamber to support the amendments in this group.

I move amendment 128.

Liam McArthur: I start by paying tribute to Siobhan McMahon not only for the amendments in this group but for those in earlier groups and for the work that she did at stage 2 to bring issues to the attention of the committee. Like her, I have been concerned about some of the problems that can arise around a young person's transition to adulthood when they reach the age of 18 and all the support suddenly disappears or starts to fragment. Although I am conscious of the need to protect the rights of adults, and adults with particular needs, I think that the issues that she raises in these amendments are extremely pertinent.

In addition, amendments 179 and 196, which seek to provide a right to mentoring support for

children and young people with a disability, are well made, and I am happy to lend my support to them.

Aileen Campbell: On amendments 128 to 139 and 142 to 161, I said in response to the similar amendments that Siobhan McMahon raised at stage 2 that we believe that widening the planning of services around children by including the needs of young people up to the age of 25 risks making such planning less meaningful. The services that children need are not necessarily the same as those that young adults require. Conflating both within the same set of plans overcomplicates planning and does not necessarily serve children and young people well.

On amendment 141, we recognise the difficulties that are associated with the transition from children's services to adult services and that good transition planning is essential for those children whose needs will require continuing support into adulthood. Planning for that absolutely should be covered by children's services plans, which is why the existing provisions in the bill allow for that. We will work with relevant stakeholders to ensure that that is clear in the guidance supporting this part of the bill.

On amendments 179 and 196, we can see the merit in a scheme that provides mentors to disabled children to help to ease their transition into adulthood and promote their wellbeing. Indeed, there is strong evidence that goal-oriented mentoring can help young people to achieve and to become more confident in expressing their views. To that end, I announced in December my intention to establish a national mentoring scheme, initially focused on the children who will benefit the most from such help—especially children looked after at home, aged from eight to 14—before being expanded to other groups of young people.

The scheme is non-statutory in nature and will allow us to test how to apply it to improve outcomes. Although it is not aimed directly at children with a disability, it will still benefit a significant number of disabled children. As the scheme develops, I am open to discussing with Siobhan McMahon and others how we can target it further to help those most in need. Consequently, I do not believe that the amendments are necessary.

It is important to remember that not every child with a disability will need—or, indeed, want—a mentoring service. However, through our mentoring scheme, we can actively explore means by which such a scheme can be made more widely available to those children who will benefit.

For those reasons, we do not support this group of amendments. We are happy to continue the dialogue around the intentions behind the amendments.

Siobhan McMahon: I thank Liam McArthur for his kind comments. I feel as if I am an honorary member of the Education and Culture Committee, I thank him for welcoming me on the days that I was there and for offering his support in relation to these amendments, which are genuinely my best attempt to deliver a better bill in relation to the transition service. I think that the minister has recognised that. However, I disagree with her to an extent. Of course not all disabled children and young people are the same but, at the moment, young adults are getting lost in the system because there is not a care plan for them, so I will be pressing the amendments.

On the mentoring scheme, I absolutely believe that the intention behind the scheme that the minister announced in December is right. Of course I will continue the dialogue to expand that. However, I do not think that that prohibits us from voting for these amendments today.

I press amendment 128.

The Deputy Presiding Officer: The question is, that amendment 128 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)

McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 56, Against 65, Abstentions 0.

Amendment 128 disagreed to.

Amendment 129 not moved.

15:15

The Deputy Presiding Officer: We move to group 5. Amendment 55, in the name of the minister, is grouped with amendments 56 to 68, 70, and 72 to 74.

Aileen Campbell: The amendments in this group are technical amendments to take into account the effect of recent legislative changes to the administrative boundaries of health board areas and ensure that the definition of “relevant health board” in section 7(1) and associated references throughout part 3 are consistent with that legislation.

The text in part 3 of the bill as introduced was drafted on the basis that local authority and health board boundaries are currently not aligned. As a result, to ensure that the joint planning duties would cover each local authority area, the original provisions required local authorities to plan jointly with each health board that operated within that local authority area. However, in light of the recent decision to introduce secondary legislation to adjust the boundaries of health board areas to ensure that they are aligned with those of local authority areas, amendments are now required to part 3 of the bill. The National Health Service (Variation of Areas of Health Boards) (Scotland) Order 2013 will make the changes to health board areas with effect from 1 April.

Amendment 55 amends the definition of “relevant health board” in section 7(1) to reflect

those changes. Consequently, associated references in part 3 should be amended from “each” or “any” relevant health board to “the relevant health board” or “the health board”. That is the effect of amendments 56 to 68, 70, and 72 to 74.

I move amendment 55 and ask Parliament to support the amendments in my name.

Amendment 55 agreed to.

Amendment 130 moved—[Siobhan McMahon].

The Deputy Presiding Officer: The question is, that amendment 130 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)

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 46, No 73, Abstentions 0.

Amendment 130 disagreed to.

Amendment 131 not moved.

Amendment 56 moved—[Aileen Campbell]—and agreed to.

Amendments 132 and 133 not moved.

Amendments 57 and 58 moved—[Aileen Campbell]—and agreed to.

Amendments 134 to 136 not moved.

Section 9—Aims of children's services plan

Amendments 137 to 139 not moved.

The Deputy Presiding Officer: Group 6 concerns the aims of children's services plans. Amendment 140, in the name of John Wilson, is the only amendment in the group.

John Wilson (Central Scotland) (SNP): I thank the Coalition of Care and Support Providers in Scotland for suggesting the amendment.

Section 9 sets out the four aims of the children's services plan. The fourth aim, which is in section 9(2)(a)(iii), says that children's services should be provided in the way that

"constitutes the most efficient use of available resources".

If the amendment is agreed to, the provision would read "constitutes the best use of available resources". The reason for lodging the amendment is that the present wording is inconsistent with the statutory duty of best value, to which all local authorities must have regard when planning and delivering services under section 1 of the Local Government in Scotland Act 2003.

Maintaining a balance between the two principles of efficiency and effectiveness is essential to the idea of best value. It is believed that including only one of those two fundamental principles in the children's services planning part of the bill is inconsistent with that Government policy and related legislation and may send a message to local authorities that might encourage an emphasis on cost to the detriment of quality and effectiveness in the provision of children's services.

Audit Scotland has repeatedly highlighted the importance of best value as the key to success for local authorities. In 2012, it said:

"Local authorities that place best value at the centre of all they do are well placed to deal with the challenges in 2012 and beyond."

Audit Scotland has also raised concerns about the possibility of local authorities taking an overzealous approach to cost cutting at the expense of service quality and provision.

Therefore, although the amendment appears to deal with a small issue in the context of the many significant issues with which the bill deals, it is no less important, given the potential positive impact of good-quality, effective children's services. This is an opportunity to improve the drafting of the bill.

I move amendment 140.

Aileen Campbell: The amendment is not likely to make a significant difference to the way that children's services plans are prepared. Local authorities remain bound by section 1 of the Local Government in Scotland Act 2003, which sets out the basic principles of best value. Local authorities would not be able to develop children's services plans without taking account of best value, and we would ensure that that principle was clearly set out in the national guidance on how to prepare children's services plans.

Nevertheless, we can see the attraction of providing greater consistency in the language of best value between different pieces of legislation. Best value remains a key principle at the heart of our children's services, and we support an amendment that further highlights its importance. Therefore, we support John Wilson's amendment.

John Wilson: The minister has clearly stated that the Government has accepted the amendment, and I press it.

The Deputy Presiding Officer: The question is, that amendment 140 be agreed to. Are we all 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)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (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)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)

Simpson, Dr Richard (Mid Scotland and Fife) (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

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)
 Goldie, Annabel (West Scotland) (Con)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Deputy Presiding Officer: The result of the division is: For 101, Against 19, Abstentions 0.

Amendment 140 agreed to.

Amendment 141 moved—[Siobhan McMahon].

The Deputy Presiding Officer: The question is, that amendment 141 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)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 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)

Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 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 44, Against 74, Abstentions 0.

Amendment 141 disagreed to.

Amendment 142 not moved.

Section 10—Children's services plan: process

Amendment 143 not moved.

Amendment 59 moved—[Aileen Campbell]—and agreed to.

Amendments 144 and 145 not moved.

Amendment 60 moved—[Aileen Campbell]—and agreed to.

Amendments 146 and 147 not moved.

Amendment 61 moved—[Aileen Campbell]—and agreed to.

Amendments 148 and 149 not moved.

Amendments 62 and 63 moved—[Aileen Campbell]—and agreed to.

Section 11—Children's services plan: review

Amendment 64 moved—[Aileen Campbell]—and agreed to.

Amendments 150 to 153 not moved.

Section 12—Implementation of children's services plan

Amendments 154 and 155 not moved.

Amendment 65 moved—[Aileen Campbell]—and agreed to.

Amendment 156 not moved.

Section 13—Reporting on children's services plan

Amendment 66 moved—[Aileen Campbell]—and agreed to.

Amendments 157 to 159 not moved.

Section 14—Assistance in relation to children's services planning

Amendment 67 moved—[Aileen Campbell]—and agreed to.

Amendment 160 not moved.

Section 15—Guidance in relation to children's services planning

Amendment 68 moved—[Aileen Campbell]—and agreed to.

15:30

The Deputy Presiding Officer: We move to group 7. Amendment 69, in the name of the minister, is grouped with amendments 71, 75, 76, 83, 85 and 88.

Aileen Campbell: Amendments 69, 71, 75, 76, 83 and 85 amend the sections on guidance and directions in parts 3, 4, and 5, which cover, respectively, children's services planning, the named person and the child's plan. The amendments make it clear that, before issuing, revising or revoking guidance or directions under those parts, Scottish ministers, in addition to consulting any person to whom the guidance or direction relates, must consult such other persons as they consider appropriate.

It has always been the Scottish Government's intention to consult as widely as is required in respect of guidance and directions that are issued under those parts of the bill, including with children, parents and third sector organisations when that is appropriate. However, we consider that it is helpful to make it clear in the bill that consideration should be given to who will be affected by the issue, revision or revocation of any set of guidance or any direction, as that will ensure that the necessary consultation is undertaken.

The amendments also achieve drafting consistency across parts 3 to 5 in respect of the provisions on guidance and directions.

Amendment 88 makes a minor drafting adjustment to section 57 to achieve drafting consistency between that section, which concerns guidance that is issued in respect of the corporate parenting duties in part 7, and the sections on guidance in parts 3 to 5.

I move amendment 69.

Amendment 69 agreed to.

Section 16—Directions in relation to children's services planning

Amendments 70 and 71 moved—[Aileen Campbell]—and agreed to.

Section 17—Children's services planning: default powers of Scottish Ministers

Amendments 72 to 74 moved—[Aileen Campbell]—and agreed to.

Section 18—Interpretation of Part 3

Amendment 161 not moved.

Section 19—Named person service

The Deputy Presiding Officer: That takes us to group 8. Amendment 1, in the name of Liz Smith, is grouped with amendments 2 to 11, 162, 162A, 12 to 24, 163, 163A, 163B, 163C, 163D, 163E, 163F, 164 and 25 to 50.

Liz Smith: From the very outset, the Conservatives have argued strongly against the introduction of a named person for all nought to 18-year-olds, and we will now do so again. We believe that the policy is wrong in principle, that it does not have conclusive supporting evidence and that it has not been properly costed—something that was unanimously agreed by the Finance Committee. In addressing the bill team, the committee's convener, Kenny Gibson, said:

"the savings that you are talking about over a short period ... are not realistic, and ... that would lead, two or three years after the bill has been passed, to significant funding shortfalls."—[*Official Report, Finance Committee*, 18 September 2013; c 2991.]

Again this afternoon, concerns have been raised about the revised financial memorandum.

Amendments 1 to 50 and 162 to 164 seek to address two of the most fundamental flaws. Amendments 1 to 50 would remove those aged 16 and above from the named person plans—a move that I know has the unqualified support of both Labour and the Liberals and, I suspect, some SNP members, too. Even the most ardent supporters of the policy do not believe that it is workable beyond 16, because it is not compatible with many other aspects of Scots law that define an adult at age 16 and because many practitioners believe there would be additional confusion over the lines of

accountability. Bill Alexander, of Highland Council, who is one of the most ardent supporters, said:

"I do not understand how my daughter, who is 17 and doing performing arts in Manchester, could have a named person; she will not need or want one."—[*Official Report, Education and Culture Committee*, 24 September 2013; c 2858.]

Professor Norrie said:

"I should have been more comfortable if the limit of childhood were set at 16".

The Scottish Government's response to those points at stage 2 was exceedingly weak, so I hope that, in the intervening time, it has had a change of heart. We are talking about young adults—16 and 17-year-olds who are allowed to marry, free to leave school and able to enlist—who are being told by this Government that they are old enough to vote in the upcoming referendum but not old enough to go about their business without being assigned a named person. That inherent contradiction speaks for itself.

The second set of amendments—amendments 162 to 164—seeks to limit the function of the named person and create a route for parents to contest any decision that a named person is necessary. The reasoning behind that combines the substantial concerns raised by several groups and by Aidan O'Neill QC, that there would be scope for a legal challenge against the Scottish Government's proposals, particularly with regard to article 8 of the European convention on human rights which safeguards the right to "private and family life".

Since stage 2, we have listened very carefully to the concerns that a general opt-out could undermine efforts to safeguard the welfare of our most vulnerable children. Consequently, amendment 162 proposes limiting the functions of the named person policy to instances where there is a safety, legal, wellbeing or rights concern.

Similarly, amendments 163 and 164 place a duty on the service provider to inform parents, children and young people of a decision to appoint a named person and create a provision for that judgment to be subject to appeal. Taken together, the amendments will ensure that the policy is based on need rather than imposed across the board. That point has been raised by a number of organisations, including several churches and parents groups, many of which have written to MSPs in the past few weeks to ask them to reconsider the matter. Time after time, they are pointing out that the named person policy fails the criteria of what makes good law, that it tips the balance away from parental and family responsibilities towards the state, that it is not properly costed and that it will be open to legal challenge. For all those reasons, and for the sake

of common sense, I ask the chamber to support the amendments in my name.

I move amendment 1.

The Deputy Presiding Officer (Elaine Smith):

I have a number of members who want to contribute to this group of amendments, so I ask that they be as brief as possible.

Fiona McLeod (Strathkelvin and Bearsden)

(SNP): It is difficult to be brief on the topic of the named person, given the amount of misinformation that has been going out.

First, I make clear to members that I speak as someone who was once a chair of a children's panel advisory committee and who was, many years ago, a researcher for the former Royal Scottish Society for Prevention of Cruelty to Children. What is so important about the named person provision is that we are trying to provide a universal safety net for all young people. The point about universal access to the safety net is that that would proactively support young people, rather than reacting when things go bad in their lives.

The amount of misinformation that we have had has been appalling. Liz Smith mentioned the emails that members have received. Some of the emails that I have received have bordered on the offensive. Indeed, some of them talked about "state surveillance", "1930s Nazi Germany", and "Big Brother". I have to wonder whether some of those emails have been orchestrated.

Given my child protection background, I know that it is most important that the named person is a universal service for all young people. As parents, most of us will bring up our children well, but we never can know or foretell when we or our children may suffer through, for example, bereavement, family break-up or illness, or when we might need instant access to a named person who knows our child well and can provide access to all the relevant services at the time of need.

As with our children's hearings service and GIRFEC, Scotland is, with the named person, introducing groundbreaking legislation and child protection work. I urge every member to support the named person provisions.

Neil Bibby: There is no doubt that this is the most controversial aspect of the bill. The measure must be properly debated and discussed, as it has been at some length on the Labour benches. There are strong feelings about it. Some people believe that it is absolutely necessary if we are to identify and protect vulnerable children; some people believe that it is not required and will potentially interfere in family life.

As I have said, in principle I have no objection to provision for a named person being in the bill. However, I do not believe that it is the state's role

or job to bring up all children—I hope that all members agree. I would welcome reassurances from the minister on the concerns that parents have raised in recent weeks.

Like many members, I want us to have the best possible protection and support system for our children. However, there are two critical tests for the named person provision: the system must work in practice; and it must be properly resourced. The minister and the Government have completely failed to address those two key concerns.

Labour cannot support all the amendments in this group, but we will support Liz Smith's amendments on reducing the age limit for having a named person from 18 to 16. We supported similar amendments at stage 2. Liz Smith referred to Bill Alexander, the director of health and social care at Highland Council. When he gave evidence to the committee, I was concerned when he questioned why a named person would be needed for most children who have left school. He said:

"I do not understand how my daughter, who is 17 and doing performing arts in Manchester, could have a named person; she will not need or want one."—[*Official Report, Education and Culture Committee*, 24 September 2013; c 2858.]

There is no doubt that some young people will require additional support after leaving school. However, the vast majority of young people will neither need nor want a named person. As members know, Highland Council was the national pathfinder for implementing GIRFEC, so Bill Alexander is highly respected by the Parliament. During the stage 1 debate, a member said:

"Bill Alexander knows more about the subject than almost anybody else, and I have found what he says to be true".—[*Official Report*, 21 November 2013; c 24832.]

That member was the cabinet secretary, Mike Russell. It is therefore astonishing that the Scottish Government intends to proceed without listening to what people such as Bill Alexander and Opposition parties say about the issue.

My position on resources is the same as that of the child protection charity the NSPCC, which said:

"NSPCC Scotland supports the intention behind the Named Person approach which, if properly resourced, could increase the likelihood of early intervention for children and young people; thus improving their outcomes."

The key phrase is "if properly resourced." During the stage 1 debate, I raised concerns about resourcing on behalf of the Royal College of Nursing. The RCN said:

"Using the Scottish Government's own estimate of health visiting hours required to deliver the Named Person role specifically—on top of the rest of the health visiting workload—the RCN estimates it would necessitate around

an additional 450 health visitors to be recruited and trained."

The matter was raised at stage 1 and the minister said that she was listening, but no action was taken. It was raised at stage 2 and the minister said that she was listening, but no action was taken.

Aileen Campbell: Has the member had a chance to read what the City of Edinburgh Council said? It said:

"The Council believes that the costs for Children's Rights, GIRFEC, Early Learning/Childcare and Other Proposals are accurately reflected based on our understanding of the requirements of the legislation."

Does he agree with the City of Edinburgh Council? Does he agree that we have been listening to others, to ensure that the estimates in our financial memorandum are the best that they can be, to finance the approach thoroughly?

Neil Bibby: With respect, I say that the minister listens to the people to whom she wants to listen. She says that she is listening, but she is not hearing the concerns of the RCN. The issue was raised at stages 1 and 2. If she is serious about the policy, where are the extra health visitors?

I have not even mentioned the resources that local authorities and teachers will require if they are to meet their named person responsibilities and provide on-going, rather than one-off, training. It is also still not clear how the named person role will be properly resourced or how it will work during 12 weeks of school holidays. It is no wonder that the Finance Committee said, in its damning report on the bill:

"The Committee has a number of concerns in relation to some of the costings within this FM and notes that there is a lack of evidence to support the figures provided for some aspects of the Bill."

The Scottish Government has failed properly to address the resource issues. The policy will not achieve its intended purpose unless it is properly resourced.

The minister has said consistently that she has listened, but I do not think that she has been hearing. She has not listened to Opposition parties, to people such as Bill Alexander or to organisations such as the RCN.

Like many other members, I can support the policy in principle, but the minister and the Scottish Government have failed the two key tests in relation to the practical and resource issues. By failing those key tests, the Scottish Government risks failing Scotland's children.

15:45

Gil Paterson (Clydebank and Milngavie) (SNP): I will restrict my comments to the named person in a school setting.

What is proposed will normalise what takes place in any well-run school. It will give people confidence to approach a person whom a child trusts—the headteacher. We should not forget that the named person can be for the whole school complement. That person will be there to listen and to advise. The first port of call, I assume, would be the family. The named person will have no powers in bringing up a child, but sometimes extremely serious incidents happen in the home. We know about such situations—they are graphic, worrying and detrimental to children. In such circumstances, society does not simply expect us to intervene; it demands that we intervene. There is an expectation that intervention should take place swiftly. As a result of the named person being well connected with the different authorities involved, it will be possible to act swiftly for the sake of the child.

The evidence and experience from the Highlands, where no person or family has raised any issues in regard to the named person, is there for all to see.

Liam McArthur: As Neil Bibby indicated, part 4 of the bill, on named persons, has attracted the most attention, controversy and opposition since stage 1.

After some initial misgivings, through the process I have been persuaded of the benefit that a named person arrangement can deliver. That said, I was concerned—as were a number of witnesses—about the practical implications of the way in which resources would be allocated and about the circumstances in which information would be shared. We will come to that issue in a later group.

On the former, it is still not clear whether the focus on the wellbeing of a child as opposed to the narrower definition of their welfare will have the effect—in some cases—of diverting resources and attention, with the risk that cases of genuine welfare concern will not be picked up, or will be picked up later than would otherwise have been the case. The serious criticisms that the Parliament's Finance Committee—whose convener and deputy convener are Government back benchers—made of the bill's financial memorandum did nothing to allay those concerns.

In addition, I am not convinced that the task of implementation has been made any easier by the insistence of the Scottish Government on making the named person provisions apply universally in relation to young people all the way up to the age of 18. At stage 1, we were told that applying the

named person provisions through the teenage years becomes increasingly problematic. That will come as no surprise to any of us who have or have had teenagers. Even Highland Council—the exemplar in the delivery of GIRFEC and a pioneer of the named person approach—appears to have been unable to make that aspect of the named person approach work. Neil Bibby and Liz Smith were quite right to cite what Bill Alexander said in evidence about his own experience, and we know the high regard in which his views are held by the education secretary.

I question whether insisting on a named person for young people up to the age of 18 is necessary or achievable. That being the case, why risk spending scarce resources trying to do what even the convener of the Education and Culture Committee, from his personal experience, acknowledged would be a formidable challenge? Therefore, I support Liz Smith's amendments that are aimed at limiting the universal application of the named person provisions to children and young people up to the age of 16.

This is an area that is crying out for post-legislative scrutiny. Although Highland Council's experience has been persuasive, it should be recalled that the named person arrangements were implemented on a non-statutory basis. How named person provisions will operate on a statutory footing remains to be seen, but Parliament will want to be reassured that what the bill proposes remains proportionate, and we may need to return to the issue in the coming years.

Joan McAlpine: Labour's front benchers say that they support the named person in principle, but Neil Bibby used the phrase that it is not

"the state's ... job to bring up ... children".

That is not just speaking with forked tongue; it is pandering to the most hysterical misinterpretation of the proposal and, as such, it is profoundly irresponsible.

Neil Bibby rose—

Joan McAlpine: We know that all the children's charities support the universal principle universally, but so—interestingly—do parents charities. In committee, when my colleague Colin Beattie asked Clare Simpson of parenting across Scotland whether she agreed with opponents of the named person that the proposal would usurp the role of the parent, she said:

"I do not feel that that is accurate at all. Parents' rights and responsibilities are firmly enshrined in law."—[*Official Report, Education and Culture Committee*, 10 September 2013; c 2746.]

She went on to talk about a MORI poll that her organisation carried out in which parents across Scotland were asked whether they knew where to

turn when they felt that they needed help and support in their parenting. According to that survey, 72 per cent of parents across Scotland and 84 per cent of parents in deprived areas did not know where to turn. I think that I will listen to Clare Simpson before I listen to some of the rather hysterical arguments against the named person provision which, through the application of the universal principle, is intended to protect the most vulnerable children in our society.

Kezia Dugdale (Lothian) (Lab): Honestly, I think that Joan McAlpine could pick a fight with the Labour Party in an empty room. That was ridiculous. [*Interruption.*]

The Deputy Presiding Officer: Order, please.

Kezia Dugdale: Liz Smith has lodged two different sets of amendments: those that reduce the maximum age at which people will have a named person from 18 to 16, which we can support, and those that seek to diminish the universality of the named person, which we cannot.

That said, it has not been easy for us to come to this conclusion. We have always said that, although the principle is sound, resourcing is an issue. Concerns about resourcing are as strong as ever and, indeed, are being expressed by those such as the RCN and the Educational Institute of Scotland that actually support the named person principle. I say to Fiona McLeod that any misconception about what the named person is and does has arisen because her Government's front bench has failed to stand up and explain the principle in a way that parents find meaningful.

I ask the minister, first, to specifically reassure Parliament in her closing speech that no resources will be moved away from children who are in need to those who do not need support. Secondly, if this is not state interference in family life—and the minister needs to listen to such concerns, which parents are raising; after all, it is our duty as parliamentarians to give voice to them—can she tell us why parents who feel that their child is healthy, happy and succeeding should need a named person? That simple and legitimate question is being asked by thousands of parents across the country and if the minister wants their support, she has to answer it.

We support what the Government is doing, but the minister needs to do a much better job of explaining exactly what this provision means to people across the country.

Clare Adamson (Central Scotland) (SNP): Mr Bibby mentioned Bill Alexander's evidence to the committee. I remember that and, indeed, the discussion that we had about it after the meeting. He had mentioned a daughter who had left school to go on to university and I challenge anyone in

the chamber to say that those who are at university or college are not supported. There are student welfare associations, universities provide pastoral care and so on—those young people are in supported places.

However, not all young school leavers have such an outcome, and some 16-year-olds leaving school will be denied access to a named person simply because they are leaving earlier. My own son is 16; if he stays on until sixth year, he will be in school until a month before his 18th birthday. However, a 16-year-old who leaves the school system might go on to a difficult working situation, might experience financial problems that they were not expecting or might have a different type of lifestyle from what they had expected when they left school. Those young people should not be denied access to a named person because of that.

Finally, in the excellent chamber debate that we had on the Public Petitions Committee's report on child sexual exploitation, there was unanimous support for a named person for any victim of child sexual exploitation who was going through the court process. I would suggest, however, that the court process should not be the beginning and the end of that support. If a named person were universally available to all young people, any victim of child sexual exploitation would be able to go to that person at the very beginning of the process.

Aileen Campbell: The debate about the named person provisions has attracted a lot of comment, information and—as Fiona McLeod made clear in her remarks—misinformation. As a result, before I turn to the specifics of Liz Smith's amendments, I want to make absolutely clear our intentions and how the provisions will help us to achieve them.

We want to ensure that our children have the best start and outcomes, that children and families have somewhere to go if they need an extra bit of help and that no one is left without support.

We want to promote an early intervention and prevention approach that is co-ordinated and prevents problems from escalating into crises. We want to ensure, as far as possible, that no child slips through that net. A named person for every child will help us to achieve all that. It has to be for every child because we do not know when that extra bit of help is needed. It is a universal service, as Fiona McLeod stated; a public good. As Martin Crewe, director of Barnardo's Scotland, said:

"if we're to try and create a system where children don't fall through the gaps, it has to be a universal system. Unfortunately children aren't born with an 'at risk' sign on their heads, so we have to have a system that does its very best not to allow children to slip through the gaps."

Following the serious case review of the tragic death of Daniel Pelka, Anne Houston, the chief executive of Children 1st, said:

"Deaths like Daniel's remind us why the principle behind the named person ... in the Children and Young People Bill is a sound one as it aims to prevent children slipping through the net."

The named person also provides parents, families and children with a familiar person to whom they can go if they want a bit of advice or help navigating other services. In Highland, where the role has been implemented, Bill Alexander, who has already been mentioned, said:

"It operates effectively, and enables agencies to respond more quickly to parents who raise concerns about their child's wellbeing."

Mr Alexander also said:

"We do not get complaints about the named person role being deployed; we get complaints when parents believe it has not been deployed."

We have consulted widely on the bill's provisions and we have listened to parents and other groups. The bill has been shaped and honed by what people told us was needed—that includes parents and families as well as charities and other organisations.

It was after listening to views and concerns, including those of parent groups, that we strengthened the information sharing provisions at stage 2. Fundamentally, parents told us that they wanted a single point of contact and were fed up with repeating the same stories to a number of different services. We listened to parents and we will continue to listen to them, because, as I have consistently said, they are almost always the best people to support and protect their children.

I clarify that ministers will use powers under the bill to issue guidance in relation to the named person service prior to the commencement of the duties. The majority of children get all the love, support and encouragement that they need from their parents and wider family, but it is impossible to say which children or families may at some stage need extra support.

If the named person can spot early signs that a child is experiencing difficulty they can work with the parents and family to put in place the right support where required. Parents will still have the right not to accept the advice. The only circumstances in which parents would not be fully involved would be where to involve them could place the child at risk of harm or danger, or adversely affect the wellbeing of the child or young person. That will be the exception. Our guidance will be absolutely clear on those principles and I will continue to work with parent and family groups when developing the statutory guidance.

To undo this part of the bill, as the amendments in this group would do, and as Neil Bibby seems to want to do, would be wrong and ill thought out, as it would remove the universal framework that will support early intervention and the better outcomes and wellbeing for our children that we all want to see.

Amendments 1-50 specifically seek to remove support from young people and their families at the very time when they may be facing the challenges of transition to adult services and post-school services. As Jim Sweeney, chief executive officer of YouthLink Scotland, said:

"It is vitally important to support young people through this key transitional stage. Unfortunately, not all young people have parents who are willing or able to provide them with the support that they need at this difficult time – a period when they are making choices that will affect their future lives."

Indeed, during its inquiry into decision making on whether to take children into care, the Education and Culture Committee heard from many children and young people, including those over the age of 16 who reported their desire to have access to support services and to be able to go and speak to somebody.

Ms Smith's amendments fail to acknowledge that, or to—

Liam McArthur: Will the minister take an intervention?

Aileen Campbell: I will take an intervention from Liam McArthur.

Liam McArthur: I have listened to what the minister said and I think that she is right about the evidence that we heard about the benefits of the named person. However, as Liz Smith and Neil Bibby indicated, Bill Alexander's evidence varied. He specifically highlighted the problem of having a named person for those in later teenage years. I am not saying that a named person should not be available to those aged 16, 17 or 18, but the universality of that provision risks diverting resources away from and undermining the very things that she is intent on achieving.

The Deputy Presiding Officer: Before I call you back, minister, I say that as we are nearing the agreed time limit for the debate on this group, I will exercise my power under rule 9.8.4A(c) to allow the debate on the group to continue beyond the time limit, in order to avoid its being unreasonably curtailed.

16:00

Aileen Campbell: Thank you, Presiding Officer.

I will go on to make more points on the issue, but if providing co-ordinated and targeted support to children from their earliest years up to the age

of 16 is effective—as we know it is—the same principle holds true for young people aged 16 and 17. Liz Smith's amendments fail to acknowledge that, or that a young person needs to be able to access support if they have personal challenges, which might be related to addiction, mental health issues, unemployment or homelessness.

Liz Smith: What prevents young people and their families from accessing that important support now?

Aileen Campbell: The measure is about ensuring that support is co-ordinated in an effective way and that there is a single point of contact, so that people know where to go if they do not get support from their family, friends or whatever. That is why the approach has worked well in the Highlands and why there have been fewer inappropriate referrals to the children's reporters and to children's panels. We have been able to better target support at those who are the most vulnerable.

Jim Sweeney—someone whom we should listen to—has pointed out:

"Even if young people who leave school before they are 18 succeed in accessing a positive opportunity such as a job or a Further Education place, they may need support to sustain these opportunities, as many young people drop out of courses or have difficulties in finding and keeping a job. Failing to find or keep a first job can have a 'scarring' effect on the rest of young people's lives, leading to negative outcomes such as poor health and reduced life expectancy, and can also contribute to generational cycles of worklessness and poverty".

Our aim through the bill is to provide better and slicker support for those who need it or where significant concerns emerge. We all recognise that young people aged 16 or over have varying degrees of need, skill and maturity and that the majority of them will be able to reach their own decisions on the issues that affect them. Many will not need to use the named person service and guidance. The role should be delivered with flexibility and with a light-touch approach when required. However, no one knows what might happen in the coming days, weeks or months. People might look to family and friends but, when they turn to public services for help, we should not remove the support of their named person just because they have reached their 16th birthday, which is what Liz Smith's amendments would do and what Labour seems to want to support.

Liz Smith has referred a number of times to the situation in which a young couple who are aged 17 could be parents and could have contact with three named persons. What has not been acknowledged is the fact that many young parents struggle to cope and can benefit from having a professional to turn to who can help them to access the support that they need. Liz Smith

suggests that the way to streamline support for such young people is to take it away altogether.

More generally, Liz Smith's amendments 162 to 164 would fundamentally undermine the named person role and restrict the ability to encourage the early intervention and prevention approach that is needed if we are to prevent crises.

Amendment 163 would add unnecessary bureaucracy to the named person role. In respect of the proposed right of appeal to a sheriff, procedures are already in place at local level to deal with complaints about the exercise of the named person functions. We have lodged Scottish Government amendments, which we will debate later, to ensure that there is a clear and accessible route for parents and families to take for independent consideration of complaints and determination of the issues, if those local procedures are unsuccessful.

Amendments 162A and 163A to 163F are dependent on amendments 162 and 163 being agreed to. Similarly to amendments 1 to 50, they would remove references to "young person". Liz Smith's suggestion does not support a responsive, preventative and early intervention approach, but rather is overly bureaucratic, resource intensive, unnecessary and, ultimately, not in the best interests of our children and young people.

In response to Neil Bibby's point about finance, we have costed the measure and we are financing it. Health visitor numbers have increased by more than 14 per cent since 2007. As Joan McAlpine stated, we have to wonder about Labour's full commitment to the policy, which has proven to be a success and has allowed services to be better and more effectively targeted at our most vulnerable young people and children.

I do not support the amendments in Liz Smith's name.

Liz Smith: I repeat that we have two fundamental objections to this part of the bill. We thoroughly object to the assertion that all children between nought and 18 need a named person. I will go back to some of the evidence. It has been cited time and again that Highland Council has been highly successful because of its named person policy. I do not doubt that Highland has been highly successful, but I can see no evidence whatever that that is to do with the named person policy, rather than other highly efficient aspects of GIRFEC, the council's good leadership and the way in which social services are organised. The council has had a particular success rate on that, but I cannot find the evidence that it is to do with the named person.

A further point was brought to the Parliament's attention by the Finance Committee. The minister has alleged that the policy is fully costed and

funded. I simply do not accept that, nor did every single member of the Finance Committee, which in effect said that the minister's plans on this policy looked as though they had been written on the back of an envelope.

It is very clear to me that the lack of costing and funding for the policy has serious implications. We have teachers and perhaps health visitors who are very concerned about the accountability that they will have under the policy and where the resources will come from. I ask the minister to think about that very carefully before we come to the vote.

Some members referred to all the evidence from parents and said that it has always been the case that parents have supported the named person policy. That is simply not true. The Scottish Parent Teacher Council's extensive survey showed that 83 per cent of the parents surveyed did not accept the policy. I therefore think that we have to be very careful about how we balance that evidence.

I will press amendment 1 because we have a fundamental objection to this part of the bill.

The Deputy Presiding Officer: The question is, that amendment 1 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (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)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 51, Against 69, Abstentions 0.

Amendment 1 disagreed to.

Amendment 2 not moved.

Liz Smith: Presiding Officer, in order to save time, I ask your permission to not move consequential amendments 3 to 50 all together.

The Deputy Presiding Officer: As the Parliament has heard, Liz Smith does not intend to move amendments 3 to 50. However, we must proceed in order through the marshalled list, because any member may move any amendment on the marshalled list. To speed things up, where amendments that Liz Smith has indicated that she will not move appear consecutively, I will simply read out the numbers in order. If anyone wishes to move one of the amendments they should shout loudly, because I will take silence to mean that the amendment is not moved.

Amendments 3 to 11 not moved.

Amendment 162 moved—[Liz Smith].

Amendment 162A moved—[Liz Smith].

The Deputy Presiding Officer: The question is, that amendment 162A 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)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 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)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 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)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)

Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 79, Abstentions 0.

Amendment 162A disagreed to.

The Deputy Presiding Officer: The question is, that amendment 162 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)
 Goldie, Annabel (West Scotland) (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)

Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 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)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Dumfries and Galloway) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (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)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (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 15, Against 106, Abstentions 0.

Amendment 162 disagreed to.

Section 21—Named person service in relation to children not falling within section 20

Amendments 12 to 15 not moved.

Section 22—Continuation of named person service in relation to certain young people

Amendment 16 not moved.

Section 23—Communication in relation to movement of children and young people

Amendments 17 to 24 not moved.

After section 23

Amendment 163 not moved.

The Deputy Presiding Officer: As Liz Smith has not moved amendment 163, I cannot call amendments 163A to 163F, all in the name of Liz

Smith, and all previously debated with amendment 1.

Section 24—Duty to communicate information about role of named persons

Amendments 164 and 25 to 29 not moved.

Section 25—Duty to help named person

Amendments 30 to 31 not moved.

Section 26—Information sharing

Amendments 32 to 36 not moved.

The Deputy Presiding Officer: Group 9 is on information sharing and the requirement to obtain informed consent when the information concerned is confidential. Amendment 165, in the name of Liam McArthur, is grouped with amendments 166 to 171.

16:15

Liam McArthur: The minister and committee colleagues will be aware that I have been pursuing this issue since stage 1. I recognise that progress has been made since then—notably through a series of amendments that the minister lodged at stage 2.

Sections 26 and 27 came in for fairly pointed criticism, not least from Professor Norrie, whom the minister quoted earlier and who gave the committee every encouragement to dump over the side sections 26 and 27 lock, stock and barrel. However tempting that might have been, we opted for a different approach, and as a result sharing of information about a child or young person can take place only when it is proportionate and relevant. Moreover, it can happen only with regard having been had to the views of the child.

Welcome although that is—I acknowledge the steps that the minister took at stage 2—evidence that the committee received makes it clear that information being shared will not require the child's consent. As a result, there is a risk that the child's right to privacy under article 16 of the UNCRC or article 8 of the ECHR could be compromised.

The minister will point to advice from the Information Commissioner's Office that suggests that data protection rules are not breached where information is shared about a child about whom there are wellbeing concerns even if consent has not been sought. However, as Clan Childlaw and the BMA have pointed out, if no attempt is made to seek a child's or the parent's consent before confidential information is shared,

"there is a significant risk that children and young people will be reluctant to access and engage with confidential services".

They go on to confirm that a child or young person's right to privacy

"is not respected in the absence of a requirement to seek consent".

My amendments acknowledge the need for exceptions to be made where

"the information holder considers that to seek ... consent would be likely to adversely affect the wellbeing of the child or young person."

The amendments would require that guidance be drawn up on how confidential information could be shared in such circumstances. I understand that the amendments reflect the approach that is already taken in the health service. The absence of a more explicit reference to a need to seek informed and explicit consent weakens the bill and opens it up to justified criticism.

I look forward to hearing comments from the minister and other colleagues.

I move amendment 165.

Stewart Maxwell (West Scotland) (SNP):

Information sharing was discussed extensively in evidence taking at stage 1 by the Education and Culture Committee. Concerns were raised by some witnesses, as Liam McArthur fairly said, and the committee raised the matter in its stage 1 report. The committee had the chance to discuss and debate information sharing again at stage 2, and we did so extensively.

In my view, this provision was improved by amendments that were passed at stage 2, so the bill is now robust and balanced in this respect. In addition, the minister committed to publishing full guidance on implementation of the information-sharing provisions.

I turn directly to Liam McArthur's amendments on confidentiality. Of course confidentiality should be respected at all times. However, Liam McArthur must recognise—I think that he does, because he was careful in how he spoke—that there is an expectation that there will be discussions with the child and that their views will be taken into account before a decision is made to share information. A decision to breach confidentiality would never be taken lightly, but sometimes such a decision is necessary in order to promote, support or safeguard a child's wellbeing.

I am concerned that, if Liam McArthur's amendments were to be agreed to, they would interfere with the bill's intention regarding safeguarding a child's wellbeing. I know that that is not Liam McArthur's intention and that he is doing his best to strike a difficult balance. However, I am sure that he is aware that in many of the most tragic cases of recent years lack of information sharing has been identified as one of the key factors in the tragedy. I therefore cannot support

amendments that could in any way result in appropriate information sharing being either confused or slowed down.

Kezia Dugdale: I support Liam McArthur's amendments for two reasons. First, they seek to increase the amount of rights that children have. That is important given that, a long time ago, two bills were proposed, one of which was a rights of children and young people bill. To involve them wherever possible in consent to access their data is absolutely the correct approach.

The other reason is that Liam McArthur's amendments would give parents the right to be consulted where organisations propose to share information about the child that is not specifically about the parents. That is sensible, and it is why Labour members will support Liam McArthur's amendments.

Liz Smith: I, too, am grateful to Liam McArthur for lodging the amendments in group 9, which strike at the heart of the concerns about the data-sharing aspect of the bill. Notwithstanding Stewart Maxwell's well-intentioned comments, there is no doubt that data sharing remains a controversial element of the bill and that there is, as things stand, still scope for data sharing to be misused or abused, and not only in relation to the named person policy.

Many professionals are concerned about where their responsibilities lie and, therefore, about where accountability will lie, especially in a dispute or even a general disagreement between them, the family and the named person. We will support the amendments.

Joan McAlpine: As Stewart Maxwell does, I respect how Liam McArthur has put his argument across. He will know that I raised concerns in committee about some of the bill's provisions, including the concerns of LGBT Youth Scotland with regard to the privacy of young gay teenagers. However, I am confident that the guidance will address those concerns and that, given the amount of attention that we have paid to data sharing, professionals will act appropriately.

There is also the issue of confidentiality for parents. Again, I had concerns about how proportionate the provisions are with regard to sharing information about children whose wellbeing is not threatened. However, we must balance such considerations and consider what is best for vulnerable children.

In the wider context, it is important that every inquiry into a child's death has concluded that information sharing was not robust. I believe that, on balance, I and others should put our concerns aside and trust that professionals will make the correct judgments and protect the most vulnerable

children. I will therefore not support the amendments in group 9.

Aileen Campbell: We have listened carefully to the arguments in support of the amendments in group 9, and we share many of the sentiments that have been expressed. We must ensure that appropriate information is shared when there is a reason to do so, and that we seek to respect the views of the child and their right to privacy with regard to data protection and ECHR legislation as well as seeking to promote, support and safeguard their wellbeing.

In that context, the amendments seek to strike a careful balance in what are complex provisions. However, I will set out why we believe that the provisions in the bill as amended at stage 2 best reflect—as Joan McAlpine and Stewart Maxwell pointed out—an appropriate balance in terms of sharing information, promoting good practice and meeting the important aims that Liam McArthur has set out.

Amendments 165, 166 and 168 seek to ensure that informed and explicit consent is obtained prior to the sharing of confidential information under section 26. They would also provide that the information holder take account of the child's age and maturity when seeking consent. An exception to the duty to seek consent would be made if the information holder considered that it would adversely affect the child or young person's wellbeing to do so.

The amendments in the group rightly recognise that confidential information should not routinely be shared, that the child's views about the information being shared are important, and that sharing or not sharing information can have a serious effect on a child. The information sharing provisions in the bill as amended at stage 2 already provide that careful consideration be given to issues of confidentiality, the views of the child or young person and the impact of information sharing on their wellbeing. The amendments are more limited in scope than the current bill provisions in that they do not extend to sections 23 and 38, which also require information sharing.

Amendments 169 and 171 seek to remove sections 26(8) and 38(3). They would therefore remove the protection that we introduced at stage 2 to make it explicit that where there is a legal prohibition or restriction on sharing information, that prohibition or restriction cannot be ignored. The amendments do not include an amendment to the corresponding provision in section 23, which we included in our stage 2 amendments. Although the bill's provisions refer to a duty of confidentiality, the amendments refer simply to "confidential" information without any definition, which leaves room for potential confusion.

Amendments 167 and 170 seek to ensure that guidance that is to be published on part 4 of the bill contains advice on how to proceed when consent to sharing of confidential information cannot be obtained, and that information holders must proceed in accordance with that guidance. Section 28 of the bill already allows for guidance to be issued in relation to the exercise of all functions that will be conferred by part 4, including the information-sharing duties, and it also already requires all persons exercising those functions to have regard to the guidance. The amendments are therefore unnecessary. The bill is clear that practitioners need to consider carefully what information must be shared, when and with whom.

The bill's provisions support early intervention; that is why it is crucial for the named person to be aware of all concerns about a child's wellbeing. We have listened to the views of stakeholders—specifically in the health sector—who have experienced confusion and, at times, conflict when operating under a duty of confidentiality, even when they knew that it would be in the best interests of the child to share information. Section 26(8), as amended, therefore permits them to share information, but only after consideration of all the other tests in section 26. Sections 23(7) and 26(8) also make it clear that the bill does not permit a breach of any other legal restrictions on disclosure of information.

Of course we know that the child's views are important—that is why at stage 2 we lodged amendments to all the information-sharing provisions to ensure that the child's views are obtained wherever possible. As stipulated in section 28, guidance will reinforce those important principles, which recognise the importance of taking the child's views into account, and recognise that sharing information about a child's wellbeing can do harm as well as good. The amendment to further specify that guidance should be followed is not required and will add nothing to the existing provisions.

Amendments 165 to 171 seek to go too far when a child's wellbeing is at risk and would potentially prevent information from being shared appropriately. Stewart Maxwell has already pointed out that every inquiry into a child's death in the past few decades has shown that lack of information sharing has been a key factor. What is proposed in the amendments would complicate—and potentially confuse—the intention behind the bill, which is to ensure that appropriate and proportionate information gets to the named person well before crisis point is reached.

We therefore strongly oppose all the amendments in group 9, not because we do not respect the principles that they seek to promote—as outlined by Liam McArthur—but because we

strongly believe that the bill already provides for the important principles that Liam McArthur laid out to be respected.

Liam McArthur: I thank Kezia Dugdale and Liz Smith for their comments and support. I also thank Joan McAlpine for her interest in and pursuit of the issue throughout stage 2, in particular in relation to the concerns that were raised by LGBT Youth Scotland. I was very sympathetic to those concerns. I thank Stewart Maxwell for what I thought was a fairly accurate explanation of the journey that the committee went through and the evidence that we took. He is right to highlight the concern that we do not want to do anything that would either create confusion or slow down the process.

However, as I said earlier, there is equally a risk that we will slow down the process through children and young people and their parents and guardians not engaging with confidential services because of concerns about lack of explicit consent. The presumption of consent—with the exemption that consent would not be sought when it was likely to affect adversely the wellbeing of the child or the young person—would strike the right balance. To pick up on the point that the minister—and, I think, Joan McAlpine—made, it would also leave scope for the professional judgment of the people who are tasked with making enormously difficult decisions about the circumstances under which they should share confidential information.

I think that the amendments in group 9 are important in that they would give more confidence to children and young people and their parents and guardians that what will be put in place is proportionate and robust and will allow latitude for the exchange of information in the correct circumstances.

On that basis, and notwithstanding the comments that have been made by the minister and other colleagues, I press amendment 165.

The Presiding Officer (Tricia Marwick): The question is, that amendment 165 be agreed to. Are we agreed?

Members: No.

The 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)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 55, Against 65, Abstentions 0.

Amendment 165 disagreed to.

16:30

Amendment 37 not moved.

Amendment 166 moved—[Liam McArthur].

The Presiding Officer: The question is, that amendment 166 be agreed to. Are we agreed?

Members: No.

The 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)

Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)

Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scott, John (Ayr) (Con)
 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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 44, Against 76, Abstentions 0.

Amendment 166 disagreed to.

Amendment 167 moved—[Liam McArthur].

The Presiding Officer: The question is, that amendment 167 be agreed to. Are we agreed?

Members: No.

The 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 42, Against 78, Abstentions 0.

Amendment 167 disagreed to.

The Presiding Officer: Amendment 168, in the name of Liam McArthur, has already been debated with amendment 165.

Liam McArthur: On the basis that I am losing support with each amendment, I will not move amendment 168.

Amendment 168 not moved.

Amendments 38 and 39 not moved.

Amendment 169 not moved.

Section 28—Guidance in relation to named person service

Amendment 170 not moved.

Amendment 75 moved—[Aileen Campbell]—and agreed to.

Section 29—Directions in relation to named person service

Amendment 76 moved—[Aileen Campbell]—and agreed to.

The Presiding Officer: Before we move to the next group, which is group 10, I invite any member to move a motion without notice under rule 9.8.5A of standing orders to extend the next time limit by up to 30 minutes, in order to allow proceedings on amendments to be concluded, and to allow discussion.

Motion moved,

That the next time limit be extended by up to 30 minutes.—[Joe FitzPatrick.]

Motion agreed to.

After section 29

The Presiding Officer: We move to group 10. Amendment 101, in the name of the minister, is grouped with amendments 102, 112 and 113.

Aileen Campbell: The Scottish Government is committed to clear, quick and accessible routes for consideration of complaints if there are disagreements about the exercise of the named person or child's plan functions. We are also committed to ensuring that a mechanism for that is in place in advance of the commencement of the GIRFEC duties, which are currently scheduled for 2016, as set out in the financial memorandum.

However, we do not want to add unnecessary complexity to the complaints landscape, where there are existing mechanisms to enable people to challenge decisions or roles in public services. In evidence to the committee the Scottish Public Services Ombudsman—the independent body that handles complaints about devolved public services in Scotland—highlighted the difficulties that are sometimes caused by the complexity of complaints processes.

Amendment 101 will enable ministers to propose provisions for dealing with complaints in respect of the named person duties in part 4. It will also enable ministers to propose changes to other legislation, if required, in order to provide as accessible and consistent an avenue as possible for complaints handling in relation to the named person duties. Amendment 102 will allow the Scottish ministers to make equivalent provision in respect of the child's plan duties in part 5.

Amendments 112 and 113 propose that the order-making powers will be subject to affirmative procedure. That is considered appropriate so that Parliament has the opportunity to scrutinise, to debate and, if satisfied, to affirm the detailed proposals before they can come into force.

I am grateful to Liz Smith for her help and her input into discussions on the amendments, and for the useful meeting that we had following the stage 2 committee meetings. I hope that we can continue working together as we develop the detail of the proposals. Processes already exist for consideration of complaints at local level; we expect that disagreements about the duties in parts 4 and 5 will be resolved at that level, where possible.

If that is not possible, we want to ensure that there is a clear and accessible route for parents and families to go for independent consideration of complaints and determination on issues. The order-making powers will enable us to ensure that all matters that should be subject to a complaint and independent investigation are covered. That will be a key focus of our planned consultation, as we take into account stakeholder views on the detail of what is required. We will also continue our discussions and work with the SPSO to ensure that we avoid duplication and do not add unnecessary complexity to the complaints landscape.

As we develop the detail, we also need to take into account the current wider consideration of complaints in social work, where we are keen that the system should meet the needs of service users. We do not want to pre-empt the outcome of that work by putting detail for the GIRFEC provisions in the bill now.

We are therefore proposing the order-making powers to give the flexibility that is required to take into account related developments elsewhere. That will also enable us to engage further with stakeholders—especially parents and families—which will inform the development of our proposals.

As I said previously, we are committed to having in place a clear and accessible system for consideration of complaints in advance of commencement of the GIRFEC duties. The proposed order-making power will enable us to achieve that. Therefore, we ask Parliament to support the amendments in my name.

I move amendment 101.

Liz Smith: As the minister has indicated, at stage 2 I lodged three amendments that sought to introduce provisions for resolution of disputes regarding the need, content and management of a child's plan. After hearing the responses from the minister, I decided not to press the amendments on the ground that she was similarly committed to introducing a clear route of redress for families, parents and children.

I appreciated that sentiment and I was grateful to the minister for some engagement. She knows from my email of 5 February that although I am

content with the spirit of the Scottish Government amendments 101, 102, 112 and 113, I still have some concerns about whether there will be a sufficiently robust appeals process, as distinct from just a complaints process. Before I accept the amendments in full, I would be grateful if she would guarantee that she will consider the matter further and engage with the Muir Maxwell Trust, which has been extremely diligent in addressing the issue.

Likewise, it would be very helpful if the minister would indicate the timeframe for consultation on the new mechanism and say how its independence will be assured.

Liam McArthur: As I said earlier, after initial misgivings I have been persuaded by the case for the development of a system of “named persons”. That said, it does not require a crystal ball to see that there are likely to be points at which how that operates in practice will not be acceptable to those involved, including children, young people and their parents or guardians.

I raised similar concerns about the lack of an appeals process with regard to the child’s plan provisions that are set out in part 5 of the bill. However, it was the efforts of Liz Smith at stage 2 that secured the concession from the minister in relation to part 4. I congratulate her on that not inconsiderable achievement, given the fate of every other Opposition amendment at stage 2.

Nevertheless, I can give only a cautious welcome at this stage to the minister’s move in amendments 101 and 102 to take order-making powers that would allow a complaints procedure to be introduced for parts 4 and 5. As Liz Smith suggested, the Muir Maxwell Trust has made some interesting observations in that respect. It suggests that what is set out looks a little like a tick-box exercise, with the cards stacked against the child and/or their parents. It also questions the need or justification for time limits. I have some sympathy with that, because any case would, I presume, be dealt with on its merits.

The minister will have seen the Muir Maxwell Trust briefing and the call for a firm commitment to continue working with the trust and others to create an appeals system that is fair and which genuinely works for all—especially children and young people with profound learning disabilities. I assume that she will confirm that she is happy to do that.

Stewart Maxwell: I thank the minister for taking on board the discussion that took place in the Education and Culture Committee, particularly at stage 2 on the amendments that Liz Smith mentioned earlier. I am delighted that the minister has moved on the matter and has lodged the amendments in group 10, which are welcome. We

all look forward to the consultation process to ensure that we get in place a transparent and speedy complaints procedure as soon as possible.

Aileen Campbell: I am grateful to Liz Smith for her engagement on the matter and for not pressing her amendments at stage 2 in order to allow us to work together on what we have proposed at stage 3. I am also grateful to Liam McArthur and Stewart Maxwell for their comments.

I have said that GIRFEC will not be implemented until 2016, so we will be able to work until then to ensure that robust complaints procedures are in place before it is implemented. We will commit to working with the Muir Maxwell Trust to ensure that we have managed to capture all views, not least those of parents and families, as we develop the approach to raising complaints. We will also ensure that we can use affirmative procedure to allow Parliament to scrutinise the provisions more widely.

I hope that the spirit in which we have approached the matter and our continued commitment to engage with parliamentarians and other interest groups will ensure that we will, by the point at which GIRFEC comes into action, have a robust process by which families can raise any concerns they have.

Amendment 101 agreed to.

The Presiding Officer: I suspend the meeting for 10 minutes to allow a short comfort break.

16:42

Meeting suspended.

16:52

On resuming—

The Presiding Officer: We move to group 11, on the meaning of relevant and listed authorities et cetera. Amendment 77, in the name of the minister, is grouped with amendments 77A, 78 to 82, 84, 86, 86A, 87, 176, 90, 91 and 198 to 200.

Aileen Campbell: Amendments 77 and 86 specify that the Commissioner for Children and Young People in Scotland and post-16 education bodies are not relevant authorities for the purposes of section 29 in relation to directions on the named person functions and section 40 in relation to directions on child’s plan functions. The amendments remove those bodies from being subject to ministerial direction because that conflicts with their established status of being independent from ministers, the Scottish Government and Parliament.

It is conceivable that bodies that are to be added to schedules 2 and 2A in the future may

have similar concerns about their independent status and being subject to ministerial direction. Therefore, the changes that are proposed by amendments 77 and 86 allow the duty to comply with ministerial directions to be disapplied in relation to those bodies should that be appropriate. Amendments 90 and 91 provide that those order-making powers should be subject to the affirmative procedure.

Amendments 78 to 82 and 84 are minor technical amendments that are made in consequence of amendments 77 and 86.

Amendment 87 is a minor technical amendment to section 50(1) to provide that the definition of corporate parents for the purposes of part 7 is made subject to subsection (3A) as well as subsection (3). That change is made in consequence of the addition of subsection (3A) at stage 2 to provide that the children's commissioner and post-16 education bodies are not corporate parents for the purposes of section 58, thereby exempting them from ministerial direction under the powers set out in that section. Those bodies are, however, corporate parents for all other purposes in part 7.

Amendments 198 to 200 would have the effect of removing the children's commissioner from schedules 2, 2A and 3—effectively, they remove the requirement for him to provide information and assistance with regard to the named person and child's plan functions and to take on corporate parenting responsibilities.

Amendments 77A, 86A and 176, in Liam McArthur's name, seek to remove the references to the children's commissioner in the provisions on directions in parts 4, 5 and 7 in consequence of amendments 198 to 200, also in Liam McArthur's name. We do not support these amendments in Liam McArthur's name, and I will explain why.

At stage 2, we lodged an amendment to remove the requirement that the children's commissioner and his officers must comply with ministerial directions relating to part 7, on corporate parenting responsibilities, on the ground that that conflicted with their established independence from ministers and the Parliament. For similar reasons, we have lodged stage 3 amendments to disapply ministerial direction-making powers in respect of the children's commissioner in parts 4 and 5. However, the removal of the children's commissioner from schedules 2, 2A and 3 completely goes too far.

If the children's commissioner holds relevant information about a child that meets the tests introduced in section 26 at stage 2, and that information is not known to the named person, our policy intention is that that information should be shared. The provisions are designed to promote,

support and safeguard children's wellbeing. Sharing relevant and proportionate information relating to wellbeing concerns with the named person need not compromise the commissioner's ability to exercise his functions, including any investigatory function.

The duties to help the named person with regard to section 25, and to provide information, advice or assistance in relation to a child's plan under section 38, do not apply where that would be incompatible with any of the children's commissioner's duties or unduly prejudice the exercise of any of his functions. That would give the commissioner a safeguard if he felt that his position would be compromised in providing the requested information, advice or assistance.

On amendments 176 and 200, I acknowledge Liam McArthur's concerns about the role of the children's commissioner and his proposal to remove the commissioner as a corporate parent. Our stage 2 amendment to disapply the section 58 ministerial direction-making power met the substance of the commissioner's concerns at that time but importantly retained the commissioner as a corporate parent with the same broad duties as the wider public sector.

The children's commissioner is a leading advocate of children's rights and plays a key role in improving outcomes for looked-after children. It therefore sits uncomfortably that we should consider giving the commissioner a special exemption when his role in meeting that aim is so important.

In summary, we cannot support Mr McArthur's amendments. I ask the Parliament to support my amendments in the group.

I move amendment 77.

Liam McArthur: In speaking to the amendments in her name in the group, the minister has set out the steps that the Government is taking to remove the children's commissioner from the lists of relevant and listed authorities, effectively, as she said, thereby lifting the threat of the commissioner being subject to ministerial powers of direction. I very much welcome that move, following on from the earlier steps that the minister took at stage 2.

However, concerns remain, arising from the continued inclusion of the commissioner's office in schedules 2, 2A and 3. According to the commissioner, that could result in

“unprecedented executive interference with the model that Parliament chose and reaffirmed for bodies such as the Commissioner.”

As a result of the schedules, the commissioner would be inevitably involved in a network of close institutional relationships with statutory children's

services providers. On the face of it, that appears desirable, but there is the chance that such providers could be the subject of investigation by the commissioner, in which case the perception of independence could be compromised. The problem would be all the more acute where the commissioner owed a duty to share information about individual children with statutory services acting as named persons, as the minister acknowledged. The commissioner explains:

"It is only a question of time until the Commissioner will be required under this duty to disclose sensitive information about a child complainant to the service provider under investigation, which also provides the named person service to the child, thereby giving the service provider a degree of power over the Commissioner in terms of the investigation—precisely what Parliament sought to avoid by choosing the institutional setup of the 2003 Act."

In addition, it has been pointed out that its inclusion in schedules 2A and 3 of the bill would appear to require the commissioner's office to actively participate in care planning for individual children—something that quite demonstrably would be inappropriate, not least given the importance of the commissioner maintaining, and being seen to maintain, a level of independence.

Without my amendments 198 to 200—and the other consequential changes—we could end up needlessly limiting the effectiveness of the commissioner and his office. In so doing, we risk closing off avenues of complaint and appeal that are open to some of the most vulnerable children and young people in our society. That is not the intention, but I fear that it could be the effect. Therefore, I urge Parliament to support my amendments.

17:00

Aileen Campbell: The amendments in my name in the group strike a good balance between respecting the role of the children's commissioner and understanding his position in relation to maintaining the independence that he requires.

I explained why we need to retain the commissioner in the lists in schedules 2 and 2A. If we are to achieve our policy of getting it right for every child, we need to ensure that everyone who holds relevant information about children's wellbeing can share that information. I am confident that the safeguards to which I referred, which recognise circumstances in which it would not be appropriate to share information, will give the commissioner the reassurance that he requires that his independence and investigations will not be compromised.

On schedule 3, we do not consider that a special exemption from the corporate parenting duty would be appropriate, given the commissioner's key role in achieving the aims of

part 7. The disapplication of the duty to comply with directions, which we have achieved in respect of part 7 and which we are proposing in respect of parts 4 and 5, enables us to strike the right balance between protecting the commissioner's independence and ensuring that the bill's important policy aims in respect of promoting, supporting and safeguarding children's wellbeing are met.

We hope that the children's commissioner, in recognition of the unique position that he holds, will want to engage with other services to address issues that relate to children's wellbeing, wherever they arise. We hope that the commissioner is keen to play a part in improving outcomes for looked-after children. That seems to be in the best interests of the child. The bill as drafted and as we are proposing to amend it will not require the commissioner to act in a way that is inconsistent with the proper exercise of his functions.

I therefore ask members to support the amendments in my name and not to support the amendments in Liam McArthur's name. We think that we have struck the right balance and protected the commissioner's role in respect of his functions.

The Presiding Officer: I call Liam McArthur to wind up.

Liam McArthur: Oh, am I winding up on this group, Presiding Officer?

I heard what the minister said about the amendments in my name. I still think that there is an issue to do with, if not the compromising of the commissioner's independence, a perception that his independence will be compromised. I intend to move the amendments in my name.

I move amendment 77A.

The Presiding Officer: The question is, that amendment 77A be agreed to. Are we agreed?

Members: No.

The 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)

Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 52, Against 64, Abstentions 0.

Amendment 77A disagreed to.

Amendment 77 agreed to.

Section 30—Interpretation of Part 4

Amendments 40 to 43 not moved.

Amendment 78 moved—[Aileen Campbell]—and agreed to.

Amendments 44 to 48 not moved.

Amendment 79 moved—[Aileen Campbell]—and agreed to.

Section 38—Assistance in relation to child's plan

Amendment 80 moved—[Aileen Campbell]—and agreed to.

Amendment 171 not moved.

Amendment 81 moved—[Aileen Campbell]—and agreed to.

Section 39—Guidance on child's plans

Amendments 82 and 83 moved—[Aileen Campbell]—and agreed to.

Section 40—Directions in relation to child's plans

Amendments 84 and 85 moved—[Aileen Campbell]—and agreed to.

After section 40

Amendment 102 moved—[Aileen Campbell]—and agreed to.

Amendment 86 moved—[Aileen Campbell].

Amendment 86A moved—[Liam McArthur].

The Presiding Officer: The question is, that amendment 86A be agreed to. Are we agreed?

Members: No.

The 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
Yousaf, Humza (Glasgow) (SNP)

The Presiding Officer: The result of the division is: For 53, Against 63, Abstentions 0.

Amendment 86A disagreed to.

Amendment 86 agreed to.

Section 43—Duty to secure provision of early learning and childcare

The Presiding Officer: Group 12 is on the provision of early learning and childcare.

Kezia Dugdale: Presiding Officer, I raise a point of order under rule 9.3.2 of standing orders. I do so as section 43 is the first part of the bill that involves capital costs.

I ask you to look again at rule 9.3.2. This issue was first raised by the distinguished convener of the Finance Committee and I draw your attention to the letter that he sent to the minister earlier today, in which he said:

“The Committee is very concerned that a best estimate has not been provided for the capital costs as required by Rule 9.3.2 of the Parliament’s Standing Orders.”

Furthermore, I draw your attention to the childcare section of the supplementary financial memorandum to the bill, which states clearly, in paragraph 13, on page 5:

“Capital costs have not been explicitly estimated. It is not possible to provide an accurate estimate of the level of infrastructure investment required at this stage. Further work will be required to explore the need for any additional capital funding.”

Given that, essentially, we are being asked to sign a blank cheque, do standing orders provide scope for business to be suspended until the Government can offer an explanation and, indeed, an apology? We believe that for it to proceed without giving an explanation is discourteous to Parliament and will impact on our duty as parliamentarians to scrutinise and vote on what is before us.

The Presiding Officer: Thank you, Ms Dugdale, and thank you for giving me prior notice of your point of order.

As was said earlier when a similar point of order was raised, under rule 9.12, a financial resolution was passed by the Parliament at stage 1. A supplementary financial memorandum was lodged, as is required under rule 9.7.8B, as a result of amendments that were agreed to at stage 2.

I am aware that the Finance Committee and its distinguished convener took advice on the supplementary financial memorandum this morning and that, in the light of that scrutiny, the committee’s convener has written to the minister

to raise concerns about the information in the supplementary financial memorandum. The convener has also invited the minister to give further evidence to the committee.

As the Deputy Presiding Officer said earlier, standing orders make it clear that a financial resolution must be passed, which has happened, and a supplementary financial memorandum has been put forward in relation to the amendments in question.

I understand the point that the member has made. It is, of course, open to any member to write to the Standards, Procedures and Public Appointments Committee to ask whether the issue might be looked at in future. For the moment, however, a financial resolution has been passed and the Parliament’s standing orders have been met.

Amendment 51, in the name of Liz Smith, is grouped with amendments 103, 172, 104, 173, 105, 174, 52 to 54, 114, 115, 115A and 197.

Liz Smith: Just before I speak to amendment 51, Presiding Officer, I seek clarification of whether you are indicating that further evidence will be taken prior to our voting on these particular amendments.

The Presiding Officer: That is entirely a matter for the Finance Committee and the minister.

Liz Smith: At stage 2, I lodged amendments that were designed to end the practice of birthday discrimination in our nurseries, as a result of which children born between 1 September and 29 February receive significantly less provision than those born at other times of the year. Indeed, that anomaly was acknowledged by Angela Constance in her response to, I think, question 13 from Malcolm Chisholm at this afternoon’s education question time. The anomaly itself derives from the Scottish Government’s practice of funding nursery provision from the term after a child turns three. As Reform Scotland has shown, that means that nursery provision can vary by up to 317 hours or by more than £1,000 within the cost of nursery partnership provision.

A child born between 1 March and 31 August is entitled to the full two years’ nursery provision before beginning school, but a child born between 1 September and 31 December will get only 18 months’ provision and a child born between 1 January and 28 February receives just 15 months. Evidently, the situation is grossly unfair and amendments 51 to 54 would rectify it by introducing a fixed start point for all children, as is common practice in primary schools. That would end the present shortcoming and would place nursery provision on an equal basis. Although the plans were supported by the Liberal Democrats and Labour at stage 2, Scottish National Party

members seem, for some reason, intent on blocking the measures, despite their commitment to what they describe as transformational policies to support young children.

At stage 2, Colin Beattie talked about

“30,000 additional two-year-olds entering the system.”—*[Official Report, Education and Culture Committee, 14 January; c 3287.]*

That is wrong. Amendments 51 to 54 would not extend childcare to new groups; instead, they would ensure equality of access across the board by accelerating uptake. We are very well aware that that would incur a cost. The Conservatives have not shied away from that fact but we would prefer to see this policy in place rather than, for example, the universal free school meals policy.

Furthermore, the minister argued at stage 2 that the amendments were “unnecessary” because commencement dates can be set via secondary legislation. However, she made no commitment to make such a change; indeed, the SNP has said on the record that it has no plans to make such changes. That is why amendments 51 to 54 are necessary—the status quo is simply unacceptable.

By removing an unwelcome anomaly from the nursery system, amendments 51 to 54 would place all children on an equal footing. The suggestion is entirely reasonable and I hope that the Scottish Government will accept the amendments.

I move amendment 51.

Aileen Campbell: By proposing a move to a system in which all children would receive two years of funded early learning and childcare, amendments 51 to 53 would result in significant numbers of children taking up their entitlement, some from the age of two and a half. Amendment 54 would make the order-making power in amendment 51 subject to the affirmative parliamentary procedure.

Although we accept the need to build on the bill’s provisions, the priority at this stage must be to build additional hours and flexibility into our high-quality universal provision, increasing the entitlement to around 16 hours a week, and, as we expand, focusing on our more vulnerable two-year-olds. We have demonstrated our commitment to do that with the announcement on additional two-year-olds by the First Minister on 7 January.

17:15

Amendments 51 to 54 are unnecessary, as any further expansion of or changes to the commencement dates for entitlement to early learning and childcare for two or three-year-olds can be achieved through secondary legislation made under the bill.

On the start date for three-year-olds to take up the funded entitlement, local authorities can and do deliver provision beyond the minimum number of hours and the minimum eligible children. A number of local authorities already start children from their third birthday, or the month after their third birthday, where they have capacity to do so.

The youngest children—those born in January or February—who may get less provision when they are three, will continue to be entitled to an additional year after they are four, where parents wish. In addition, increasing entitlements to two-year-olds will result in a significant decrease in the number of children who are impacted by the issue of third birthday start dates.

We share the ambitions within amendments 172, 173 and 174 to deliver early learning and childcare to significantly more two-year-olds in greater need. We know that children from more disadvantaged backgrounds benefit most from high-quality early learning and childcare and we were absolutely delighted when the First Minister announced on 7 January that from August 2015 we will increase the entitlement to those two-year-olds set out in amendments 172, 173 and 174. I am pleased that Neil Bibby agrees with our timescales, but we do not need amendments to the bill to do that.

I have said that the bill is a starting point and that we will expand entitlement through secondary legislation where it is affordable. We have demonstrated our commitment to that approach by allocating consequential funding that was confirmed to us in December 2013.

Amendments 115A and 197 seek to ensure that those two-year-olds who would be eligible by virtue of meeting free school lunches criteria, whom Neil Bibby wants added on the face of the bill, are commenced separately in or by August 2015.

Amendments 172, 173, 174, 115A and 197 are all unnecessary, as we have made clear our commitment to commence children by virtue of meeting the free school lunch criteria through secondary legislation, for implementation from August 2015. Those amendments would overcomplicate the issue by introducing additional children and dates on the face of the bill. There are clear advantages to defining children through secondary legislation, as we always set out to do, especially through the affirmative procedure agreed at stage 2, affording an appropriate level of parliamentary scrutiny and discussion—indeed, more discussion than would be possible through an amendment at stage 2 or 3.

The purpose of amendments 103, 105 and 114 is to ensure that the arrangements for stopping early learning and childcare to start school are the

same for all children. Currently, children whose fifth birthdays are in September to December, and so who are not quite five in August when they are eligible to start school, can be deferred for a year by their parents so that they are over five when they start school. However, they are not automatically entitled to an additional year of early learning and childcare. Children whose birthdays are in January and February, who would only be around four and a half if they started school the August before, when first eligible, can be deferred by their parents for a year so that they are over five when they start school. They are also entitled to an additional year of early learning and childcare. Those starting and stopping arrangements are all set out in secondary legislation, which will be replaced by new secondary legislation enabled by the bill at section 43(2)(c)(ii).

The children who are defined on the face of the bill—two-year-olds who are looked after, are under a kinship care order or have a parent-appointed guardian—have their start dates set out on the face of the bill. However, they are not currently covered by the secondary legislation enabled by section 43(2)(c)(ii) and therefore have no stopping dates.

For all children born in September to December, regardless of whether they are specified on the face of the bill or through secondary legislation, whose parents or carers decide to defer entry to school for a year until after they are five, there is scope for an additional year of early learning and childcare at the discretion of the local authority. That is based on the needs of the child and informed by appropriate professional assessment, which could be by educational psychologists, early years staff or teachers.

Amendments 103, 105 and 114 are technical amendments to enable the same end dates to be specified by secondary legislation made under the bill for those children specified on the face of the bill as for all other children specified by secondary legislation under the bill. That will ensure consistent arrangements for all children and is important in determining eligibility for an additional year of early learning and childcare before starting school.

Amendment 104 will provide that children who have guardians appointed under section 7 of the Children (Scotland) Act 1995—guardians appointed as such in a parent's will or similar—are also eligible for funded early learning and childcare provision from the age of two. That is to bring them in line with children who have guardians appointed by the court under section 11 of the 1995 act. Those children were deemed at stage 2 to be subject to a kinship care order and therefore eligible for funded early learning and

childcare from the age of two. The amendment will ensure that two-year-old children who have a guardian, no matter how that guardian was appointed, will be eligible for funded early learning and childcare.

The purpose of amendment 115 is to provide for the commencement of the non-substantive provisions in sections 43(2) to 43(4), which define the children who are eligible for early learning and childcare provision, and of the power to make secondary legislation to describe further eligible children, including when their entitlement starts and stops.

We have worked closely with our key delivery partners on our policy intentions as regards defining eligible children and we have used the opportunity of the consequential funding that was confirmed in December to announce further eligible children to be defined through secondary legislation. I am pleased that my amendment to make the order-making power subject to the affirmative procedure, which was recommended by the Delegated Powers and Law Reform Committee, was agreed, as that will allow greater parliamentary scrutiny. It is essential that we set out at the earliest possible opportunity who the eligible pre-school children are, to enable local authorities to plan and work towards implementation.

We share the ambitions of local authorities and key stakeholders to contribute to Scotland's social and economic development, improve attainment, support parents to find or sustain employment and, first and foremost, see our young children happy and benefiting from early learning and childcare. I am grateful to local authorities and all our delivery partners for the tremendous amount of work that is under way to plan and prepare for the delivery of the early learning and childcare provisions. I want to continue the pace and engagement on the aspects of provision that are subject to secondary legislation. The bill is the first step in achieving our ambition to transform childcare and to do more for children in the earliest years. In the white paper "Scotland's Future", we set out our ambitions to do even more and to help families to balance work and life more ably.

I ask the Parliament to support my amendments in the group and not to support Liz Smith's and Neil Bibby's amendments.

Neil Bibby: I welcome the opportunity to speak to my amendments 172 to 174, 115A and 197, which are quite simple. They would put the Scottish Government's recent commitments on early learning and childcare for two-year-olds in the bill, and are supported by Children in Scotland, Save the Children and many other organisations. We all know the importance of providing quality childcare. It helps a child's learning and

development and helps to put money in the pockets of families. When targeted at the poorest, it helps to reduce child poverty and it is good for the economy generally.

As members will know, Labour and other Opposition parties have pushed for an extension of early learning and childcare for two-year-olds. We welcome the fact that, from next year, 15,000 vulnerable two-year-olds will get early years provision who were not going to get it previously. That is not as many as we would like, but it is welcome all the same. However, members will forgive me for being a bit sceptical. I want to ensure that the Scottish Government cannot go back on its word and cut back that commitment at a later date. Members might ask why the Government would do that. Well, let us not forget that Fiona Hyslop and the SNP Government cut nursery provision for vulnerable two-year-olds when the SNP first came to power in 2007, so the SNP has form on the issue. That is why I want the entitlement to be in the bill.

The original childcare entitlement for 3 per cent of two-year-olds is in the bill, so why not go further and put the additional two-year-olds in it, too? I am not sure why the Government does not support its own policy and put its recently stated childcare commitments in the bill. If the minister refuses to do so, will she therefore confirm that, as it stands, other than the commitment on looked-after two-year-olds, there will be no commitment to childcare in the bill?

Aileen Campbell: We have made it clear from the start of the bill process that we will subsequently extend and expand childcare through secondary legislation.

Neil Bibby: As I said, I am concerned because that comes from the Government that cut nursery provision for two-year-olds when it first came to power.

So far, Labour and other Opposition parties have lodged dozens of amendments to the bill but, unfortunately, not one of them has been supported by a single SNP member of the Education and Culture Committee or by the Scottish Government. I am surprised that the SNP Government will not support the inclusion of its own childcare policy in the bill, as I propose should happen. However, perhaps that should not be surprising as, at stage 2, the SNP members of the committee voted against their own childcare policy in the white paper of 600 hours of early learning and childcare for half of Scotland's two-year-olds. We said that the bill was unambitious on childcare, and it still is.

Despite the partial U-turn of last month, as of September this year, 40 per cent of two-year-olds in England will get the nursery provision while only 15 per cent of two-year-olds in Scotland will get it,

and even when the figure goes up to 27 per cent the SNP Government will still be lagging behind England. The SNP keeps saying that we need independence to improve childcare, despite having done next to nothing on it over the past seven years.

Labour has supported, does support and will continue to support more childcare under devolution. The SNP could go further now on childcare, but it has chosen not to this year and in every other year that it has been in power. The bill really is a missed opportunity. It is the childcare bill with next to no childcare commitments written in it. The least that the SNP Government could do is to put its recent stated commitments on the face of the bill.

The Deputy Presiding Officer (Elaine Smith): Several members wish to speak. I call Christian Allard, to be followed by Liam McArthur.

Christian Allard (North East Scotland) (SNP): I speak in support of the minister's amendments. I listened carefully to the minister and found what she said a very welcome clarification of what children are entitled to. I wish that it had been as clear when I was a single working parent many years ago.

On Friday, the Equal Opportunities Committee will visit Dads Care Aberdeen, a fathers support group. I will explain to them the minister's welcome clarification through her amendments and that we need them to make sure that the bill's provisions are as clear as possible.

On Liz Smith's and Neil Bibby's amendments, I note that the minister said that we would be using secondary legislation. I share Neil Bibby's ambition in his amendments, but I disagree with his point. I think that we are going in the right direction and I think that the Scottish Government and the Parliament have been at the forefront of childcare. This morning, I was at a committee that was talking about Scotland's future, but we heard only about the currency. It is refreshing that we are spending all afternoon—and even the evening—in the Parliament speaking about Scotland's future through the childcare that the Parliament and Government will pursue. That is why I support the minister's amendments.

Liam McArthur: For nearly two years, my esteemed colleague Willie Rennie has repeatedly and consistently made the case for a major expansion of free nursery and childcare provision for two-year-olds in this country, starting with those from the poorest backgrounds. Initially, those calls were rejected by ministers, who said that that was not the Government's priority. We were then told that any such expansion would require the powers of independence. Finally, last month, we had a change of tack from the First

minister—let us call it a plan B—which was confirmed in the budget a fortnight ago. Again, I put on record my welcome and that of my party for that move.

Although 27 per cent of two-year-olds stand to benefit from this extension in provision by the summer of next year, that figure falls short of the figure of 40 per cent for those who will be covered south of the border this summer. It is nevertheless a major advance on what was originally proposed and could bring real benefits to some of the most disadvantaged two-year-olds in our country. However, that will be the case only if adequate capital funding is put in place. The minister has regularly questioned what is being delivered now in England and Wales, where adequate capital funding has been allocated. However, given the events in the Finance Committee meeting earlier today, she may be better advised to focus more attention on what is being delivered in Scotland and how.

Understandably, there is a desire and ambition among all of us to go further, which is reflected in the amendments in this group. Liz Smith's amendments seek to address an anomaly, which was first highlighted by Reform Scotland, in the way in which the additional early learning and childcare provisions in the bill would benefit some children but not others. At stage 2, similar amendments were rejected by the Government, though not, it must be said, on the basis of any point of principle. In the absence of any principled objection, I urge the minister to think again, accept the proposed changes and provide a more level playing field.

Neil Bibby's amendments seek to go considerably further. Obviously, the Government has so far insisted that that is not possible and, in some cases, not desirable. However, given recent dramatic changes in the Government's policy on provision for two-year-olds, it is perhaps worth all of us keeping the minister's feet to the fire.

We all accept that the bill is simply a step along the way to delivering our longer-term ambitions in relation to early learning and childcare. We all wish to go further, although only some of us recognise that that does not require us to break away from the rest of the UK but requires us rather to learn, if and where appropriate, from where they are doing things rather better.

George Adam (Paisley) (SNP): This is an aspirational and ambitious bill. In particular, the provision of 600 hours of nursery care will make a difference in young people's lives. It offers flexibility for families and will affect initially 120,000 young people. As the minister has noted, in January the First Minister said that nursery care would be extended to two-year-olds in workless

households, which will benefit another 8,800 children—15 per cent of all two-year-olds.

17:30

As the minister rightly said, the bill is a starting point and, if we are to make a difference through transformational change, we must have the powers of independence to gain the 1,140 hours of childcare that families will need. The bill will release people and enable more of them to get back to work, which will help families to make a difference in their own lives, particularly for women who are in a family situation, although I take on board what Christian Allard said as well. Those are some of the reasons why I am backing the bill. It is ambitious and aspirational for the people of Scotland.

It has already been mentioned that Mr Bibby's amendments 115A, 172, 173, 174 and 197 could be covered by secondary legislation. Mr Bibby's contribution would therefore have more credibility if the Labour Party had not voted for the budget a couple of weeks ago, because it covers the issue. When he comes to the chamber at this stage and starts talking about the issues that were covered in the budget, he shows that he is completely lost with nowhere to go. However, that is not unusual for that particular individual.

These amendments are in a very important part of the bill. The bill is ambitious and it is building the foundations of the type of Scotland that we all want by ensuring that Scotland can be the best place in the world for children to grow up in.

Joan McAlpine: I will be brief, but I felt that it would be wrong to let this part of the bill pass without talking about the quality of childcare, particularly the quality of the training of childcare workers. We should be very pleased that Professor Iram Siraj is leading the Scottish childcare review of the training of early learning teachers. The legislation that will be passed today is ambitious and will increase the amount of free childcare for three-year-olds and four-year-olds and vulnerable two-year-olds, and the review will ensure also that that care is of the very best quality. We should all be pleased about that.

Liz Smith: I add the Conservatives' very strong support for the improvements in childcare. There is no doubt that there is substantial evidence about the benefits of providing childcare for health and wellbeing as well as education, and we are very supportive of that. However, it is deeply regrettable that it has formed part of the referendum debate, because it is quite clear that the Scottish Government has these powers already.

If the Scottish Government is truly aspirational and if it wants to have a transformational policy, I

hope that it will agree to the amendments that will end the birthday discrimination when it comes to nursery provision. I will press amendment 51.

The Deputy Presiding Officer: The question is, that amendment 51 be agreed to. Are we all 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)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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 52, Against 65, Abstentions 0.

Amendment 51 disagreed to.

Amendment 103 moved—[Aileen Campbell]—and agreed to.

Amendment 172 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 172 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfrieshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 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)
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 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-

shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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 37, Against 80, Abstentions 0.

Amendment 172 disagreed to.

Amendment 104 moved—[Aileen Campbell]—and agreed to.

Amendment 173 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 173 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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 36, Against 79, Abstentions 0.

Amendment 173 disagreed to.

Amendment 105 moved—[Aileen Campbell]—and agreed to.

Amendment 174 moved—[Neil Bibby].

The Deputy Presiding Officer: The question is, that amendment 174 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 37, Against 78, Abstentions 0.

Amendment 174 disagreed to.

Amendments 52 and 53 not moved.

Before section 49

The Deputy Presiding Officer: Group 13 is on duty to provide a mandatory amount of out-of-school care. Amendment 175, in the name of Neil Bibby, is the only amendment in the group.

Neil Bibby: I have already spoken this afternoon about some areas of the bill that need to be strengthened. Amendment 175 seeks to address an area that was initially altogether absent from the bill. To improve access to and the availability and affordability of out-of-school care is crucial if we are to develop a model of childcare that supports children and helps parents. My Labour colleagues and I have consistently raised that issue in the chamber and the Education and Culture Committee.

Amendment 175 is important because it seeks to address the issue by enabling ministers to specify a minimum amount of out-of-school care when resources allow, in a way that is similar to the bill's current provisions for pre-school care.

We all know that councils are suffering significantly as a result of budget cuts. Although councils want to improve childcare, they need the funds to do so, and there is increasing concern that out-of-school care and holiday care are vulnerable to those budget pressures.

Scottish children are already at a disadvantage in comparison with English children with regard to out-of-school care. There is an existing duty on local authorities in England to secure for working parents sufficient childcare for children up to the age of 14. There is therefore a strong case for putting the provision of childcare for school-age children on a statutory footing in Scotland. There is no doubting the importance of childcare for the early years, but working parents, who may be working from 9 to 5—or in some cases until 8 o'clock—need help with care for school-age children.

Amendment 175, which has support from a number of children's organisations, would allow the current Government—or future Governments, which may place a greater priority on out-of-school childcare than the current Administration does—to introduce a minimum amount of out-of-school care and increase its availability when resources allow.

Ed Miliband and the UK Labour Party have already proposed to introduce a primary school guarantee of childcare from 8 am to 6 pm. I ask the SNP Government to consider seriously what its policies and plans are on childcare for children of primary school age.

George Adam: Will the member take an intervention?

Neil Bibby: I am just closing.

George Adam: Will the member give way?

The Deputy Presiding Officer: Mr Adam, the member said no.

Neil Bibby: Clare Adamson's amendment at stage 2 was welcome in that it at least ensured that the bill finally mentioned out-of-school care. However, it did not provide anything new, as I suspect that local authorities already plan and consult alongside parents. It did not change the fact that the bill, although it may at least now mention out-of-school care, will do very little to improve such care.

I urge members to support amendment 175 to ensure that the bill has sufficient ambition to allow us to improve out-of-school care for families throughout Scotland, and is not regarded as a missed opportunity.

I move amendment 175.

Cara Hilton (Dunfermline) (Lab): I support amendment 175, in the name of Neil Bibby, on out-of-school care. We all welcome the commitment in the bill to deliver—finally—600 hours of early education and childcare; it is welcome news for mums, dads and carers throughout Scotland.

However, the reality is that parents' childcare issues do not end when their pre-schooler starts school—in fact, things become more complicated when a child starts school. I have three young children, two of whom are now at primary school. I am thankful that most schools in my constituency—*[Interruption.]*

The Deputy Presiding Officer: Order, please.

Cara Hilton: Most schools in my constituency in Dunfermline have the benefit of an out-of-school club that provides wraparound care during term time and school holidays. Without that fantastic facility, which is run by Fife Council, I cannot imagine how I would organise my childcare.

However, many parents simply do not have the option of wraparound childcare, and it is extremely disappointing that the bill does not address an issue that is crucial for parents of school-age children. The reality is that not every local authority views out-of-school care as a priority—*[Interruption.]*

The Deputy Presiding Officer: Order, please.

Cara Hilton: Many schools do not have out-of-school provision at all, and even where they do the hours are too restrictive or there are long waiting lists—*[Interruption.]*

Some members may laugh, but for mums and dads throughout Scotland the challenge of juggling working hours with the school day is a full-time job in itself. It is a daily obstacle course for many

parents, and for many it is just too full of hurdles and they have no choice but to stay at home.

The issue is not just fitting in working hours and the school day—members should try fitting 12 weeks' school holiday a year into an average five weeks' annual leave entitlement. Some employers have gone out of their way to offer more family-friendly hours and school-run contracts, but jobs that would allow parents to fit work around the school day, never mind around the school term, are just not out there. It is vital that we remember that childcare is not just about babies, toddlers and pre-schoolers—

Bruce Crawford (Stirling) (SNP): Will the member give way?

Cara Hilton: No.

Childcare is about schoolchildren too. At UK level, as Neil Bibby mentioned, Ed Miliband has pledged to guarantee wraparound childcare for primary school children if Labour should win next year.

Here in Scotland, the Scottish Government has promised parents a childcare revolution if Scotland should vote yes, and yet it is making no promises to deliver a better deal for parents of schoolchildren either now or after the referendum. Whether the result is yes or no, the Scottish Parliament has the power to lead the way and give mums and dads the right to out-of-school childcare now.

Stewart Maxwell: Will the member take an intervention?

Cara Hilton: No—I have no time now. *[Interruption.]*

The Deputy Presiding Officer: Order, please.

Cara Hilton: Amendment 175 would ensure that mums and dads in Scotland were better able to combine work and family life—*[Interruption.]*

Stewart Maxwell *rose*—

The Deputy Presiding Officer: Mr Maxwell, the member has said no.

Cara Hilton: That would be a boost to families, to our economy and to equality—*[Interruption.]*

The Deputy Presiding Officer: Order in the chamber, please.

Cara Hilton: It would make life less of a juggling act for working parents. I urge members to support amendment 175.

17:45

Bruce Crawford: I want to follow up on that contribution, in terms of where we are. I find it quite astonishing that we have just had that

speech from Cara Hilton—delivered with passion, I concede—just a week after the member voted to close Pitcorthie primary school in her constituency, despite the fact that she campaigned for that school all the way through the Dunfermline by-election—*[Interruption.]*

The Deputy Presiding Officer: Order, please.

Bruce Crawford: It is absolute hypocrisy.

Cara Hilton: I ask the member to withdraw his remarks.

The Deputy Presiding Officer: Order, please.

Cara Hilton: I ask the member to withdraw his remarks.

The Deputy Presiding Officer: Order, Ms Hilton. Please resume your seat.

Aileen Campbell: The Scottish Government has consistently indicated that the provisions in the bill are a first—but significant—step towards developing a system of childcare that meets the needs of all children, parents and families. *[Interruption.]*

The Deputy Presiding Officer: Order in the chamber, please. We cannot hear the minister's response on the amendment.

Aileen Campbell: Out-of-school care and holiday care are essential to the wellbeing of our children, as well as providing support for families to work and provide economic security for their children.

The resource implications of introducing statutory requirements for the provision of out-of-school care are hugely significant. The priority at this stage is to build additional hours and flexibility into our high-quality universal early learning and childcare provision—increasing the entitlement to about 16 hours a week—and to focus initial expansion on our most vulnerable two-year-olds.

However, I am aware that the need for high-quality childcare does not end when a child hits primary school age. That is why the Government is also driving forward a range of measures to improve our out-of-school care: I announced that our early years task force would review our out-of-school care provision and recommend what more could be done; I supported amendments at stage 2 to broaden the requirement on local authorities to consult on their duties and power to deliver and support out-of-school care. That will contribute to those longer-term aims to develop comprehensive systems of early learning and childcare and out-of-school care. It will also enable local authorities to co-ordinate consultation and planning of all mandatory provision of early learning and childcare, alongside non-mandatory provision, which local authorities have the powers to deliver or support. That will inform delivery, expansion or

support for delivery of out-of-school care by local authorities. We have also provided funding to—and regularly engage with—key organisations that can support or deliver out-of-school care, in particular the Scottish Out of School Care Network and the Scottish Childminding Association.

Given the range of actions that I have outlined, which the Scottish Government is driving forward to increase and improve early learning and childcare, the steps that we are taking in relation to out-of-school care, and the need to prioritise resources to make the biggest impact, we are taking action now to ensure that we can do our best to support families.

On whether we need independence to achieve our transformational aim for childcare, we have no access to the increased revenues that will be generated by enabling more parents to get back into work. We do not get that tax increase. If we were to emulate what they do in Sweden, it would generate £700 million-worth of revenue that we could then reinvest back into childcare. We cannot do that because we have one arm tied behind our back. That is why we need independence and that is why our aspirations are set out in the white paper.

Ken Macintosh (Eastwood) (Lab): On a point of order, Presiding Officer. Is it in order, after a member has made one of the most powerful, passionate and eloquent contributions to the debate—[*Interruption.*]

The Deputy Presiding Officer: Order, please. I must hear the point of order.

Ken Macintosh: Is it in order for another member, particularly a former Minister for Parliamentary Business, to make a rebuttal that has nothing to do with the amendment but is a personal and entirely inaccurate attack on that member? [*Interruption.*]

The Deputy Presiding Officer: Order. I chose to call Mr Crawford to make a contribution on that point in the debate. He made his contribution. I did not thereafter hear any point of order from Cara Hilton. I cannot call a member back to make any point in the chamber. I therefore asked Ms Hilton to resume her seat at that point. It is not a point of order, Mr Macintosh. It may well be a debating point but you know that it is not a point of order.

Neil Bibby: As I said in my opening remarks, out-of-school care is important to families. It is clearly not that important to Bruce Crawford, because he completely neglected to mention it in his contribution.

We have consistently said that, despite the obvious importance of childcare in the early years, childcare should not just be about that age group. It is regrettable that the white paper says

absolutely nothing about out-of-school childcare and that, until recently, the bill said nothing either. That is a gaping hole and a clear omission in the SNP's childcare policies. Labour gets that this is a real issue for families. Cara Hilton gets that this is a real issue for working families—that is why she won the Dunfermline by-election by 3,000 votes in October. That is why we continue to raise out-of-school care as an issue. That is why we want to do something about it, and that is why I will press the amendment.

The Deputy Presiding Officer: The question is, that amendment 175 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)

Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)

Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

Abstentions

Finnie, John (Highlands and Islands) (Ind)

The Deputy Presiding Officer: The result of the division is: For 37, Against 78, Abstentions 1.

Amendment 175 disagreed to.

Section 50—Corporate parents

Amendment 87 moved—[Aileen Campbell]—and agreed to.

Amendment 176 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 176 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)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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)

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 53, Against 63, Abstentions 0.

Amendment 176 disagreed to.

Section 57—Guidance on corporate parenting

Amendment 88 moved—[Aileen Campbell]—and agreed to.

After section 59

The Deputy Presiding Officer: Group 14 is on sibling contact: duty on local authority in relation to looked-after children. Amendment 177, in the name of Jayne Baxter, is the only amendment in the group.

Jayne Baxter (Mid Scotland and Fife) (Lab):

As the minister knows, I raised the issue of sibling contact at stage 2. Unfortunately, too many looked-after children are separated from their siblings and accommodated outwith the parental home. If sibling contact is not prioritised by the local authority, siblings can lose contact with each other entirely, leading to the loss of a crucial close family relationship.

Section 17 of the Children (Scotland) Act 1995 places a duty on local authorities with regard to promoting contact between looked-after children and those adults with parental responsibilities. Amendment 177 would extend that to cover contact between looked-after children and their separated siblings. Unfortunately, at present, if a local authority does not choose to prioritise such contact between looked-after children and their siblings, there is little or no way in which that can be challenged by those looked-after children.

I am grateful to Clan Childlaw—the community law advice network, which exists to provide specialist legal advice to children and young people—for drawing to my attention this omission in our existing provisions for some of our most vulnerable young people. I hope that amendment 177 will be supported, as we have tried to take on board the minister's comments in relation to sibling contact and the duties on corporate parents by narrowing the focus of the amendment to just local authorities.

I move amendment 177 and look forward to hearing from the minister.

The Deputy Presiding Officer: There has been one request to speak. Can I ascertain whether the

member wishes to contribute to this part of the debate?

Cara Hilton: No.

The Deputy Presiding Officer: In which case, I call the minister.

Aileen Campbell: I genuinely thank Jayne Baxter for bringing this important issue to stage 3. I recognise that promoting and facilitating sibling contact is a good idea in principle but only where it is in the best interests of the children involved. We need to remember that in such scenarios, we are dealing with the interests of two children: the looked-after child and the sibling. That raises two concerns about how this measure could work in practice.

First, amendment 177 seems to focus only on the assumed best interests of the looked-after child. We need to recognise that the sibling may have good reasons for not wanting to maintain contact with the looked-after child. It seems wrong in principle to impose a duty to promote contact in circumstances in which that contact may not be wanted. Further, where siblings are not resident together there may be good reasons for that, in particular on welfare grounds. It would seem to contradict such professional decision making to use the law to force a local authority to facilitate such contact when that might not be in the best interests of one or both of the children.

Secondly, the amendment seems incomplete. For the amendment to work effectively, someone needs to be under an obligation to keep the local authority informed of any changes of address for the sibling. That would require section 18 of the 1995 act to be amended.

Nevertheless, the intention behind amendment 177 is laudable. Looked-after children should usually have the opportunity to maintain contact with their siblings. I suggest that local authorities should be encouraged to facilitate that, where the children concerned want it and it is appropriate. I would be happy to consider how we can further improve our guidance and good practice on what can be done to ensure appropriate and good-quality contact between siblings, in the interests of all the children that we have in question.

Finally, it is important to note that there has been little consultation on this proposal. Many stakeholders would have views on it, so it would be good to embrace those views, including those that have been expressed consistently by Jayne Baxter, to ensure that we have good-quality guidance on enabling contact between siblings that is beneficial for the looked-after child and the sibling.

Jayne Baxter: I am disappointed that the minister has indicated that she does not support

the amendment. However, I am grateful to her for taking the time to provide the reasoning behind that difficult decision. I welcome her comments and hope that she will look into the matter further. I urge her to meet Clan Childlaw and other experts in this area to consider ways in which sibling contact between looked-after children can be secured. I will not press amendment 177.

Amendment 177, by agreement, withdrawn.

Section 60—Provision of aftercare to young people

The Deputy Presiding Officer: Group 15 is on aftercare and continuing care: minor amendments. Amendment 89, in the name of the minister, is grouped with amendment 178.

Aileen Campbell: Amendment 89 is a minor technical amendment to repeal the opening words of section 30(2) of the 1995 act, which are now redundant given the provision to repeal subsection (3) of section 30 that is made at section 60(3)(b).

Amendment 178 was lodged in response to a recommendation by the Delegated Powers and Law Reform Committee in its report on the bill as amended at stage 2. It seeks to amend new section 26A of the Children (Scotland) Act 1995 as inserted by new section 60A of the bill, which relates to the duty of local authorities to provide continuing care. That section was added to the bill at stage 2 with the full support of the Education and Culture Committee. The amendment seeks to require ministers to consult each local authority and such other persons as they consider appropriate before making an order under the various powers in that section.

18:00

We fully agree with the Delegated Powers and Law Reform Committee's comments after stage 2 that the subject matter is of such importance that prior consultation with affected persons should be required before the powers in section 26A are exercised. In that regard, ministers have already committed to setting up a working group consisting of sectoral representatives, service providers, young people, local authorities and other relevant stakeholders to develop the detail of the policy of continuing care and how the new duty will roll out over the coming years.

In addition to that commitment, we are content to include an explicit requirement for ministers to consult local authorities and such other persons as they consider appropriate before they exercise the delegated powers. In addition to the planned working group to develop the proposals in detail, the consultation requirement will ensure that all those with an interest are formally consulted before any order is made.

Therefore, I ask members to support both of my amendments in this group. In the provisions in the bill for Scotland's looked-after care leavers more generally, we have created—with the support of the Parliament, I hope—an approach that will have long-lasting benefits for that group of young people, who need our support. The bill is a product of young care leavers' courage and diligence in articulating how it should deliver for them and I am proud that we have worked across the chamber to enable us to deliver it today.

I move amendment 89.

Kezia Dugdale: I said at stage 1 that there had been 17 reports in the existence of the Parliament about the experiences of kids in care and that a care leaver called Ashley had told me that each and every one of them read like an apology note—an apology for the lack of action.

We have made significant progress throughout the passage of the bill and it is vastly better for care leavers as a consequence. I pay tribute to all the care leavers who have been actively involved in the political process over the weeks and months that we have been through. For many of them, we have lit a political fire that will mean that they ensure that no child will have the life experience that they did.

Although the minister has already done so, I draw attention to amendment 178, which concerns the duty to consult. That is critical if we are to build on the work that she has done today with regard to kids in care because, ultimately, care leavers are looking for a right to return to care until the age of 25. If that is ever to be realised in Scotland, we have to do it in conjunction with local authorities, which are at the forefront of service delivery and the transition in and out of care.

I thank the minister for amendment 178, recognise that, although we have made significant progress, there is a long way to go yet and hope that she will commit to further action around kids who live in care throughout Scotland.

Liam McArthur: I simply echo Kezia Dugdale's comments. At stage 1, the bill reflected a real advance in aftercare for those going through the care system but, in the stage 1 debate, there was a feeling across the chamber that more could, and should, be done.

The evidence that the committee took from Who Cares? Scotland, the Aberlour Child Care Trust, Barnardo's and—as Kezia Dugdale rightly identified—those with direct experience of the care system provided compelling evidence and the basis on which the minister has been able to act. It is an aspect of the bill of which the Parliament and, in particular, the Education and Culture Committee, which has dedicated the best part of

two years to considering issues in the policy area, can feel justifiably proud.

Aileen Campbell: I appreciate the comments that Kezia Dugdale and Liam McArthur made. We can be proud of what the bill delivers for our looked-after young care leavers. Others, not necessarily in the Government—I think that it was Who Cares?—described the provision as having the potential to make the way that Scotland looks after its young looked-after care leavers world leading.

There will be a working group to ensure that we can extend the support for young looked-after care leavers. It will include young looked-after children themselves. I particularly echo what Kezia said about the role that looked-after care leavers have played in developing the provision in the bill. They have left a lasting legacy for future generations of looked-after children and should feel proud of what they have achieved in the bill. They are absolutely our bairns and we need to do what we can for that group of young children and young care leavers. We are proud that we are able to help them and future generations to have better outcomes in life.

The Deputy Presiding Officer: I remind all members to use full names.

Amendment 89 agreed to.

Section 60A—Continuing care: looked after children

Amendment 178 moved—[Aileen Campbell]—and agreed to.

Section 64—Assistance in relation to kinship care orders

The Deputy Presiding Officer (Elaine Smith): Group 16 is on the eligibility for kinship care and the assistance to be provided. Amendment 180, in the name of Jayne Baxter, is grouped with amendments 180A, 180B, 181, 202, 202A, 182, 183, 203, 203A, 184, 185, 204, 204A, 186, 205, 187 to 190, 206 and 195.

Jayne Baxter: There is no doubt that the kinship care landscape in Scotland has changed significantly since 2007. We have seen legislation introduced to provide support for kinship care families, but it is clear that we need to do more.

It is probably helpful to highlight that the amendments in the group follow three main strands. The intention behind amendments 180 and 206 is to end the postcode lottery of funding that kinship carers face across the country. There can be no justification for the extent and degree of variance in kinship care allowances that local authorities pay across Scotland. As anyone who went out at lunch time to speak with kinship carers will know, the system of funding that is available to

people to support them in their vital role of supporting, caring for and nurturing many of our children and young people is hugely complicated, confusing and variable. I put on record my thanks to the Scottish kinship care alliance and Children 1st for the huge amount of work that they have put in throughout the passage of the bill to try to improve the situation for kinship carers in Scotland.

Amendment 180B and amendments 202 to 205 seek to extend the availability of financial support for kinship carers to those who still care for a young person who is over the age of 16 but has not yet reached 18. The other amendments in the group seek to change the eligibility criteria as defined in section 64(4), as we are concerned that they present too restricted a definition of the eligibility of the children who end up being looked after by kinship carers.

Finally, amendment 206 seeks to address the concerns of those who continue to care for looked-after children. The minister has powers to set the levels of kinship care allowances for those carers but currently does not choose to do so. The amendment seeks to end the postcode lottery of funding and ensure that there is a minimum rate of financial support for formal kinship carers, no matter where they live.

The costs of supporting children in foster care, residential care, and formal and informal kinship care vary enormously. Kinship carers often see themselves as the poor relations as a result of the funding and support that are available to them in their crucial role of caring for children in our society.

It is worth noting that it is extremely disappointing that the Scottish Government's financial review of kinship care has not been published in time for the bill. The Scottish Government promised to bring before the Parliament the outcome of its financial review of kinship care during the passage of the bill, but it has failed to do so. I sincerely hope that, when it is published and the minister is drawing up the regulations, there will be significant and careful consultation with kinship carers and organisations with an interest in the area.

I look forward to hearing the minister's response to the amendments and would welcome any commitments that she can give to supporting kinship carers in the future.

I move amendments 180 and 180A.

Bob Doris (Glasgow) (SNP): I consistently see the outstanding work that kinship carers do on a long-term and enduring basis across Glasgow, which I represent. I have always sought to work across parties to advance their rights and entitlements. Indeed, I acknowledge that Glasgow

City Council, which previously had no kinship care allowance, began to provide one following constructive representations from me. However, the allowance can be subject to a postcode lottery across Scotland, and that is wrong.

Amendment 206 and associated amendments seek to address that problem in relation to looked-after children. However, given that, as previously mentioned, an independent financial review intends to build consistency and fairness into the system, I am unsure why, at this time, amendment 206 should be included in the bill. I hope that the minister can give us an update on that financial review and very much hope that it will specify minimum rates and be age related.

I will also comment on amendment 180 and related amendments. Amendment 180 seeks to specify minimum payments for those on a kinship care order. I will make three brief points, if I may.

First, kinship care orders are progress, because some local authorities offer no support at all when a child loses looked-after status. That will be changed. Those children will be given a statutory footing for the first time in the system.

Secondly, young people on kinship care orders will have varying levels of need, some of which will be more informal than others. Some will have moved from the looked-after process on to a kinship care order. Therefore, I remain unconvinced that, as a rule, there should be exactly the same levels of support and a national rate.

Although I cannot accept amendment 180 today, my third point is to ask the Scottish Government to ensure that there are no unintended consequences from kinship care orders, particularly in relation to those who currently get payments under section 11 orders or guardianship under section 7 of the 1995 act. Perhaps it is for the minister to examine that matter another day.

As a result of my experience of working with the minister on the issue, I know that none of this has been intended to cut support for kinship carers—if that impression has been given, it is completely and fundamentally wrong. The bill improves support for kinship carers, putting it on a further statutory footing. The Parliament cannot do this just now but, in the future, kinship care payments should be a benefit that is integrated with the wider social security and benefits system. The Parliament does not have the power to do that today, but I hope that, after September, that situation will change.

Liz Smith: I add the Scottish Conservatives' strong support for many of the amendments that Jayne Baxter has lodged. There are several issues around kinship care, and we have

previously let kinship carers down by not providing the care and support that they require.

Bob Doris sensibly made the point that there is a need to get rid of the postcode lottery, particularly when it comes to the minimum rate of support. However, I entirely accept that we do not want to pay everybody exactly the same, as that would raise issues about the effectiveness of the support.

Broadly speaking, we will support Jayne Baxter's amendments but not those that seek to change the eligibility definition, as we think that that might have some unintended consequences.

Aileen Campbell: Amendment 180, as amended by amendment 180B, seeks to provide that kinship care assistance is the provision of financial assistance at a minimum rate and

"additional assistance of such description"

as ministers specify by order. That assistance would be payable to those who apply for or who have a kinship care order and to guardians who have been appointed under section 7 of the Children (Scotland) Act 1995 in relation to children who have not yet attained the age of 16, as well as those who have attained the age of 16 but not the age of 18. The amendment also introduces an order-making power that would require ministers to specify

"the minimum rate of financial support"

payable and that would require

"the rate to be the same"

across all authorities in Scotland. Such an order could also allow for rate rises, depending on the age of the child.

We think that amendment 206 seeks to achieve a similar effect to amendment 180 by amending the Adoption and Children (Scotland) Act 2007 to require the Scottish ministers to make regulations specifying a

"minimum rate of financial support"

to be provided across all local authorities in relation to looked-after children in formal kinship care arrangements who are placed by authorities with "qualifying persons", as defined in part 10 of the bill.

We accept that there is concern among stakeholders that there is a wide variation in the allowances that are paid to formal kinship carers across the 32 local authorities. Some people feel that a similar situation may arise for families with a kinship care order or for those who seek to obtain one. We are sympathetic to those concerns and agree that there is merit in providing financial assistance to holders of a kinship care order when it is required. Indeed, the bill already provides for

that. Kinship care assistance will cover a wide range of support, reflecting the fact that financial assistance is not the only type of assistance needed by kinship carers and the children whom they care for. Subsections (1)(b) and (3)(a) of section 66 of the bill provide the Scottish ministers with an order-making power to allow provision to be made regarding the payment of financial support and "when or how" such assistance is to be provided. We therefore do not consider that any additional powers are required over and above the provisions in the bill.

Kezia Dugdale: I acknowledge that it is a very complicated area. Given that fact, it was important that the minister promised that a financial review of kinship care would be published during the bill process. That has not happened. Can the minister explain why she has not kept her promise and published that review during the bill process?

Aileen Campbell: The reason why we have the financial review is that we absolutely understand and have sympathy with the concerns that have been expressed to us about the 32 different varieties of financial assistance packages that kinship carers get. It is a complex and very time-consuming piece of work and its complexity is added to by the interaction with benefits. We are currently reviewing the support that is available to both formal and informal kinship carers with a view to reducing those inconsistencies and improving fairness across Scotland. I will ensure that the Parliament is made aware of the review's publication.

Kezia Dugdale: I do not mean to labour the point, but the minister promised that we would have the information as we considered the issues. The minister has not kept that promise and we deserve an explanation as to why that is the case.

18:15

Aileen Campbell: I have explained that we intend to publish the kinship care financial review because we are absolutely determined to ensure that the inconsistencies expressed by kinship carers are not felt and that we deal properly and adequately with them. I have explained the complexities around the issue and the need to get the policy absolutely right, because doing so is in the best interests of kinship carers.

Amendments 180A, 180B, 181 to 187 and 190 all seek to ensure that kinship care assistance should be provided to qualifying persons with regard to all children and not just those who would be eligible in terms of the test provided for in section 64(4). However, the circumstances of those children who are looked after by kinship carers and guardians will vary widely and we believe that kinship care assistance should only be

targeted at, and available for, those children in informal kinship care arrangements who are at risk of becoming looked after if kinship care assistance is not provided by the local authority.

The remaining amendments seek to extend the requirement on local authorities to provide kinship care assistance to qualifying persons in relation to children who have attained the age of 16 but not the age of 18. Kinship care orders subsist only until the child reaches the age of 16 and, at that point, it is possible that the child who was formerly the subject of the kinship care order may leave the carer's home and their care. Given that and the fact that a child who was subject to a kinship care order or who has a guardian is still eligible to receive assistance until they are 18, we do not consider it to be appropriate or necessary to extend the entitlements in that way.

We will work with all those advocating on behalf of kinship carers as implementation progresses. We are grateful to all who have had an input into the bill, including the Health and Social Care Alliance Scotland, Children 1st, Citizens Advice Scotland, Mentor UK and the many others that have articulated very strongly the need for us to ensure that we get support for kinship carers absolutely right.

Today, the Cabinet Secretary for Education and Lifelong Learning met the Scottish kinship care alliance. We have consistently valued the work of kinship carers, which is why the kinship care order provides additional assistance to kinship carers who may never have received such support before. Indeed, the bill improves the supports available to them and I hope that that commitment gives comfort to Bob Doris on the points that he made eloquently and consistently through the course of not just this parliamentary session but the previous one.

Jayne Baxter: I am disappointed that the minister will not support the amendments in group 16. As she will be aware, there is considerable concern among many kinship carers about the changes to section 64 of the bill. Should my amendments not be agreed to, I repeat my hope that there will be thorough engagement with kinship carers and their representative organisations when the Scottish Government draws up the regulations.

I am also keen to see the outcome of the financial review of kinship care. I once again record my disappointment that it has not been published in time for the bill's final stage. I press amendment 180A.

The Deputy Presiding Officer: The question is, that amendment 180A 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 41, Against 78, Abstentions 0.

Amendment 180A disagreed to.

Amendment 180B moved—[Jayne Baxter].

The Deputy Presiding Officer: The question is, that amendment 180B 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)
 Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 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 56, Against 63, Abstentions 0.

Amendment 180B disagreed to.

The Deputy Presiding Officer: Ms Baxter, are you pressing amendment 180?

Jayne Baxter: Yes.

The Deputy Presiding Officer: The question is, that amendment 180 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)
 Finnie, John (Highlands and Islands) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 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)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 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 56, Against 63, Abstentions 0.

Amendment 180 disagreed to.

Amendment 181 moved—[Jayne Baxter].

The Deputy Presiding Officer: The question is, that amendment 181 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)

Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 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)
 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 41, Against 78, Abstentions 0.

Amendment 181 disagreed to.

Amendment 202 moved—[Jayne Baxter].

Amendment 202A not moved.

The Deputy Presiding Officer: The question is, that amendment 202 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 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 46, Against 72, Abstentions 0.

Amendment 202 disagreed to.

Amendments 182 and 183 not moved.

Amendment 203 moved—[Jayne Baxter].

Amendment 203A not moved.

The Deputy Presiding Officer: The question is, that amendment 203 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 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)
 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 46, Against 73, Abstentions 0.

Amendment 203 disagreed to.

Amendments 184, 185, 204, 186, 205 and 187 not moved.

Section 66—Kinship care assistance: further provision

Amendments 188 to 190 not moved.

After section 66

Amendment 206 moved—[Jayne Baxter].

The Deputy Presiding Officer: The question is, that amendment 206 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Urquhart, Jean (Highlands and Islands) (Ind)

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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)

Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 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)
 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 46, Against 73, Abstentions 0.

Amendment 206 disagreed to.

After section 68C

The Deputy Presiding Officer: Group 17 is on school closures. Amendment 191, in the name of Liam McArthur, is grouped with amendments 106 to 111.

18:30

Liam McArthur: As I have done previously when we have debated this issue, I declare an interest as the father of a son at a primary school that was identified for closure in the recent past. The experience graphically brought home to me the impact that even the threat of a school closure can have on pupils, staff, parents and, indeed, the wider community. It can, of course, bring communities closer together, but it is not a strategy that I would recommend.

I also acknowledge the evidence that we received from a wide variety of sources, not least the redoubtable Sandy Longmuir and, of course, the Sutherland commission, all of which I think has helped to identify areas where current legislation, policy and practice can and need to be improved. Some of those improvements were introduced at stage 2, but the amendments in this group, all of which I support, make further important changes that I believe will prove beneficial and address some of the key outstanding concerns. Furthermore, I acknowledge the Cabinet Secretary for Education and Lifelong Learning's approach to this part of the bill and observe that it is the only section where the Government has not just accepted but actively sought Opposition amendments.

Amendment 191, in my name, addresses long-standing concerns that section 5 of the Schools (Consultation) (Scotland) Act 2010 is ineffective in requiring an education authority to act to correct inaccuracies or omissions that are discovered in its proposal paper for a school closure. The amendment requires an education authority to be more transparent in its consideration of allegations of inaccuracy or omission and, if there is any such inaccuracy or omission, requires the authority to take action where it relates to a material consideration relevant to the decision. If nothing else, such a provision should help to remove the perception that authorities can dismiss legitimate concerns and makes it clearer that all allegations of inaccuracy or omission must be investigated and reported on. I hope that, as a result, communities' confidence in the process might be more readily safeguarded.

If communities continue to be dissatisfied with the authority's response under section 5, they can make further representations to the authority, which must be included in the consultation report that the authority prepares. Amendment 191

therefore makes the whole process more transparent with regard to how an authority deals with allegations of omissions and inaccuracies and makes it easier for those who have made allegations that are not ultimately corrected by the authority to raise their concerns with ministers in seeking to have a proposal called in for consideration by a school closure review panel. Although I still have some reservations about how the call-in process and referral to the panel will operate, I recognise that that battle was perhaps fought and lost at stage 2.

I do not think that any of us will pretend that these and earlier changes will remove the controversy or anxiety that is created by the threat of a rural school closure. However, I think that if we improve the process and make it more transparent and balanced while providing appropriate support at key stages, we should be confident that we can keep that upheaval to a minimum and limit the number of cases that are ultimately required to be called in for review. That would certainly seem to be a measure of success.

I am happy to move amendment 191.

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): Like Liam McArthur, I have a long-standing involvement in this issue. It has not been without its difficulties—and, sometimes, controversy—but my very strong view is that the health of rural communities is, to a greater or lesser extent, closely attached to the health of the services that are provided and that one core service is a rural school.

Those of us who know rural Scotland well and represent rural communities know the great importance of rural schools and the many benefits that they bring to pupils. I am not arguing, I have never argued and the chamber would never argue that rural schools do not have to close sometimes. Often rural schools close themselves as a result of population changes. However, if there is to be community confidence in the school closure process, the process has to be transparent and open and provide a level playing field for all the partners.

The 2010 act, which was passed unanimously by the chamber, was a big step forward, but it has not operated quite how this Parliament intended. The commission on the delivery of rural education did sterling work, and I pay tribute to the Convention of Scottish Local Authorities for the partnership that resulted in its establishment. All the commission's members worked very hard to look at the issue in the round and I pay tribute to them and to the commission's chair, Sheriff David Sutherland. It is a tribute to their work that the Scottish Government accepted and is implementing 37 out of the 38 recommendations.

That is a pretty good—in fact, remarkably good—average for any commission.

I say at the outset that this has been a contentious area in which, after a difficult period, we might be moving towards completing Parliament's role. I hope that our amendments will be treated in that manner and supported across the chamber.

As well as Government amendments 106, 107 and 109 to 111, I welcome and, as Liam McArthur has suggested, actively support amendment 191 from Liam McArthur and amendment 108 from Liz Smith. It is important that we join together to finish the job that we started when Parliament passed unanimously the Schools (Consultation) (Scotland) Act 2010.

Government amendments 106 and 107 are minor drafting changes to the amendments made to the 2010 act at stage 2.

Government amendments 109 and 110 address a similar issue to that of amendment 108, in the name of Liz Smith. All three amendments seek to improve the transparency of local authorities' decision making. First, amendment 109 will require an authority, when explaining in its proposal paper why it considers, in the light of its assessments, that implementation of the proposal to close the rural school is the most appropriate response to the reasons for the proposal, to give the reasons why that is the case. That transparency will help ensure that parents and communities can better understand why the authority considers that closure is the most appropriate way to proceed.

Secondly, amendment 110 will impose an additional requirement on authorities to explain in consultation reports on rural school closure proposals why it considers implementation of the proposal to be the most appropriate response to the reasons for the proposal. The authority will also have to set out its reasons in the consultation report. That will ensure that councillors have a clear understanding of the recommendation that they are receiving and the reasons for that recommendation.

I welcome amendment 108, which addresses the third and critical point at which it is right to require an authority to set out its reasons for proceeding with a rural school closure. Section 11A of the Schools (Consultation) (Scotland) Act 2010, which the Government brought forward at stage 2, sets out the clear test that we expect authorities to meet before they can decide to implement a closure proposal in relation to a rural school. It will ensure that authorities will not be able to proceed with a closure proposal unless they have complied with the additional statutory requirements imposed on them and there is no

more appropriate means of addressing whatever problem a rural school is experiencing. Section 11A of the 2010 act will be further strengthened by amendment 108, which will require an authority to publish the reasons why it is satisfied that closure is the most appropriate response to the problems that the school has been facing.

Amendment 111 will require that that information is supplied to the Scottish ministers and will require the authority to publish on its website notice of the fact that it has notified ministers of the decision and of the opportunity for consultees to make representations to ministers in relation to the decision. That will ensure that the reasons given in the authority's notice are made public, which is clearly desirable, are published within six days of the decision being taken and are able to be taken into account by those making representations to ministers, and by ministers themselves when considering whether to call in the decision.

Those requirements will help to increase the overall transparency of the decision-making process, which can only serve to increase the confidence of the communities that are affected by the decisions reached. That transparency and clarity is already successfully delivered by many authorities—that is to be welcomed; I commend them for it. Unfortunately, however, we have found that, since 2010, consultation has not always reached the high standards that communities deserve. That is why the provisions are necessary.

No one should be asked to support a decision—least of all one that affects the education of their children—on the basis of poor, incomplete or, in some cases, plain wrong information. That is why I support amendment 191, which will require an authority to correct an inaccuracy or omission that it has confirmed when it relates to a material consideration relating to the proposal. All allegations of inaccuracy and omission must be determined by the authority, with reasons given to the person who raised the issue, if it is proposed that no action is going to be taken in relation to the allegations. The person who raised the issue will then be entitled to make further representations to the authority and the authority will then be able to make a new determination on the matter. Finally, the authority will be required to include in its consultation report information on all allegations of inaccuracies and what action is taken in relation to those allegations.

We all know that school consultations are highly charged and it is essential that a fair debate is promoted, based on reliable information. Errors do occur, for a variety of reasons, and amendment 191 provides a clear process to address and resolve them in as transparent a way as possible. That has to be welcomed.

Scotland's schools and the school estate are not set in stone and a policy that no school should ever close is divorced from reality. Schools, in both urban and rural communities, must change and develop to respond to the needs of the 21st century and provide our young people with the best opportunities. A great deal of that change is very much for the better, for example the delivery of impressive buildings and the bringing together of communities around sustainable, high-achieving schools. However, it does no one any good to rush into those decisions on false premises.

We need to start with the problem in order to find the solution, rather than the other way round. Therefore, communities need and deserve authorities to be subject to robust and comprehensive processes to ensure that proposals can pass scrutiny. Only in that way will we ensure that higher standards in decision making are reached and maintained.

In summary, I ask the Parliament to support amendments 191 and 106 to 111.

Liz Smith: I begin by thanking the cabinet secretary for his constructive and helpful approach when formulating the amendments relating to rural school closures, which is an issue on which I believe it is essential that we secure cross-party support. I also acknowledge the unstinting efforts of Sandy Longmuir, who has campaigned passionately on behalf of the Scottish rural schools network to change the 2010 act for the better. His diligence and advice have been much appreciated.

Over the years, we have had far too many instances of a failure to provide the necessary information that is an essential part of making a judgment about whether a school should close. As the cabinet secretary rightly said, no parent should be put in that position. In some cases, there has been a failure to provide complete information, in others, there has been a failure to provide fully accurate information and, in others again, there have been allegations of deliberate attempts to mislead interested parties or relevant committees. None of those situations is acceptable, so it is essential that we do everything possible to ensure that they cannot happen again.

Amendment 108 will strengthen the duties that are placed on local authorities so that a council must publish on its website the notice of its decision and the reasons why it is satisfied that such action is the most appropriate way forward. Councils will no longer be able to say that they are simply satisfied. That goes significantly beyond the initial proposals and will introduce much tighter language that is designed to furnish communities with fuller knowledge of the decision-making process and, crucially, the logic behind it.

Given the sensitivities that are at play, it is paramount that stringent checks are in place to ensure that all relevant information is disclosed and is presented in a clear and neutral manner. A school closure proposal can often be a fraught and controversial process, so it is important that high standards of transparency are adhered to throughout. Amendment 108 will strengthen the duties on local authorities to secure just that and will give parents, pupils and staff much greater confidence in the process through which decisions are reached. I hope that the Parliament will support amendment 108 and all the other amendments in the group.

Neil Bibby: The amendments on the issue appear to be minimal and do not fundamentally add to or detract from the current proposals. They appear to improve the process that must be followed when a school closure is considered and the transparency of the decision, and they make the process more accessible to parents. Those are positive steps. I agree with the cabinet secretary that proposals should come with complete information, but perhaps he could have ensured that the financial memorandum had complete information.

Members might be aware that, at stage 2, I raised concerns about Mike Russell's proposals on this issue. There are still a number of points of concern, particularly on the new unelected quango that will decide on rural school closures. For example, who will the members be accountable and responsible to, who will pay them and how much will the new quango cost?

It is regrettable but, unfortunately, far too typical that the Scottish Government ignored the views of local government and COSLA on recommendation 20 from the commission on the delivery of rural education. I recognise that we should try to get cross-party support on such issues, but surely it is also important to have agreement between national and local government, as local authorities are responsible for running primary and secondary education. Members should not just take my word for it; they should take the word of SNP councillor Douglas Chapman, the COSLA education spokesperson, who said:

"By not implementing recommendation 20 the Government has altered the balance brought in by the Commission, and we are now concerned it will be actually far harder for local authorities to take necessary decisions on the school estate."

He also said that he had written to the cabinet secretary to express concern that

"This is the impact that amended legislation could have on improving educational outcomes"

and

"because of this local government's job will be made all the harder".

Mark McDonald (Aberdeen Donside) (SNP): Surely the member accepts that, for example, the case in my constituency of Bramble Brae and Middleton Park primary schools, where the educational benefit statements and the response to them by Education Scotland proved that the process was a complete guddle, shows the need to measure against educational benefit to avoid schools being closed for purely spurious reasons.

Neil Bibby: I am not aware of the case that Mr McDonald raises, but the process needs to proceed by consensus with local authorities.

I turn to the key issue, which I hope Mr McDonald agrees on. Of course nobody wants to close schools, whether they are rural or urban. If Mike Russell wants to keep schools open not just in his own constituency but in the other 72 constituencies in Scotland whose schools he is responsible for as education secretary, then he needs to ensure that our education system and local authorities are properly resourced. However, rather than changing council budgets, he has chosen to change the law. The only new budget that has been created is a limitless one for a new, unelected quango that will let him abdicate from the responsibility for making difficult decisions on school closures.

18:45

Fiona McLeod: Some members may be surprised that, as the MSP for Strathkelvin and Bearsden, I rise to talk about rural schools, but I actually have three rural schools in my constituency. However, I believe that the debate is also important because we can learn from the standards that we are going to apply for rural school closures and use them for urban school closures. The cabinet secretary used words such as "clarity" and "transparency" with regard to the process in the future. I know that that will be welcomed by campaigners but, given my experience in my constituency, I wonder whether it will be welcomed by local authorities.

The cabinet secretary talked about having higher standards for decision making, but he also said that no false premises must be used when decisions are made about school closures. Liz Smith talked about there perhaps being sometimes deliberate attempts to mislead. I am not making such a charge against East Dunbartonshire Council in the current, divisive campaign that we are going through in closing and merging local primary schools, but I know that local campaigners have had to dig deep and spend long hours forensically going through documents from the council. They have had to use freedom of information requests to try to get

behind what the council called facts and find out whether they were really the case.

That closure process has resulted in a ministerial call-in. Local people await the decision on that with bated breath. However, the local council does not await the decision with bated breath because, just last week, East Dunbartonshire Council at its budget meeting pre-empted the decision of the ministerial call-in by changing the parameters of how it will make decisions on closing and merging schools.

I absolutely welcome Liam McArthur's amendments and all the other amendments in this area and I hope that they mean that no other local school campaigners have to go through what the campaigners in my constituency have had to go through.

Liam McArthur: I thank Fiona McLeod, Liz Smith, Neil Bibby and the education secretary for their comments on the amendments. The cabinet secretary was right to set the scene by talking about the importance that rural schools play in the wider community. I know that the argument will be made in much the same way by those in urban communities, but I think that, as I am a member from Orkney, members would not expect me to do anything other than acknowledge the specific status that schools in rural communities play.

As the cabinet secretary said, the 2010 act was unanimously supported, but it quickly became evident that it was being applied inconsistently, which gave rise to concerns that it was having unintended consequences or that local authorities were applying it inappropriately. Liz Smith made some excellent points in that regard.

The responsibility for school closures must lie with local authorities, which are best placed to act in the best interests of the communities that they represent. I do not believe that any council does or should enter the process of consulting on a school closure lightly. Nevertheless, I think that there is sufficient evidence that there are inadequacies in the way in which the current legislation is being interpreted. I think that we all acknowledge that this is not about saying that no rural school should ever or will ever close, but a school should certainly not close on what Fiona McLeod referred to as a false premise or on the basis of inaccurate or incomplete information.

What we will have as a result of the amendments passed at stage 2 and the group of amendments that we are considering is an opportunity to make the process more transparent, better balanced and subject to proper, effective and well-informed consultation. I share some of Neil Bibby's concerns about the review panel, but I think that that battle was fought and lost at stage 2. Nevertheless, the stage 2 amendments and the

amendments in the group that we are considering will make a good bill better and clearer. I encourage the Parliament to support all the amendments in the group. I will press amendment 191.

Amendment 191 agreed to.

Section 68D—Special provision for rural school closure proposals

Amendments 106 and 107 moved—[Michael Russell]—and agreed to.

Amendment 108 moved—[Liz Smith]—and agreed to.

Amendments 109 and 110 moved—[Michael Russell]—and agreed to.

Section 68E—Call-in of closure proposals

Amendment 111 moved—[Michael Russell]—and agreed to.

After Section 71A

The Deputy Presiding Officer: Amendment 192, in the name of Adam Ingram, is grouped with amendment 201.

Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP): There was a warm welcome last month for the First Minister's announcement of the extension of free school lunches to all primary 1 to 3 children in Scotland from January 2015. That welcome came not least from long-time campaigners for free school meals such as the Child Poverty Action Group. The Children and Young People (Scotland) Bill is an opportunity for us to make sure that we have a fit-for-purpose legislative foundation for the provision of free school lunches, so that we can deliver on that commitment. The amendments that I propose reach a compromise between the wishes of some to use primary legislation to compel local authorities to honour the First Minister's commitment and the desire of ministers to work with COSLA to negotiate implementation of the commitment.

Amendment 192 has two purposes. First, it gives education authorities the power to provide school lunches free of charge to pupils who satisfy such conditions as the authority thinks fit to choose; and secondly, it imposes a duty on education authorities to provide certain pupils, as prescribed through regulations, with school lunches free of charge.

The first purpose removes the anomalous duty on education authorities in most circumstances to charge for school lunches. They will be able to choose conditions, as they see fit, in which they will provide free school lunches. It also allows

flexibility and is consistent with other legislative provisions on food or drink in schools.

The second purpose—the enabling power—will allow Government to ensure that local authorities provide free school lunches to children in primaries 1 to 3. It goes beyond but complements the existing benefit-centric enabling powers that allow ministers to prescribe what benefits a parent or carer, or a pupil themselves, must receive to be eligible for a free school lunch. It gives ministers the required powers to prescribe circumstances in which a free school lunch must be provided.

Amendment 201 primarily amends two important duties on education authorities, as introduced by the Schools (Health Promotion and Nutrition) (Scotland) Act 2007. The first is the duty, set out in section 53A(2) of the Education (Scotland) Act 1980, on authorities to take reasonable steps to ensure that every pupil who is entitled to receive school lunches free of charge receives them. The second is the duty, set out in section 53B of the 1980 act, on authorities to take reasonable steps to protect the identity of a pupil who receives school lunches free of charge.

It is right that those provisions extend to free school lunches that are provided under the changes that are proposed in amendment 192. However, the effect of the amendments may be that free school lunches will be provided to more than those pupils who receive, or whose parents receive, certain benefits. For example, with the implementation of free school lunches for all primary 1 to 3 pupils, the potential stigma that can be associated with free school lunches will not arise. In such cases, it will be neither necessary nor possible to protect the identity of pupils who receive free school lunches, so it would be inappropriate for the duty to continue to apply to education authorities. I therefore propose that ministers have the power to prescribe through regulations the circumstances in which the duty in section 53B of the 1980 act to protect pupils' identity will not apply.

I move amendment 192.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I will be very brief because of the time.

I make it clear that I and, I know, my colleagues warmly welcome and support the amendments that we are discussing, as indeed we support the bill. I know that nobody in the chamber today is going to misrepresent our position on the matter, although a few weeks ago, our position was misrepresented because of our passion for childcare for two-year-olds. Clearly, we thought that that was a higher priority, but I am sure that every member in the chamber can grasp the concepts of “good” and “better”. We thought that

that would have been a better policy, but we certainly think that this is a good policy.

I will make two points. First, I have raised with the cabinet secretary in other contexts that there is a bit of an issue about capital provision for the policy, because some schools—I can think of at least one in my constituency—will not be able to accommodate the increased numbers in existing dining room facilities. That issue will have to be looked at, and according to John Swinney it is being discussed with COSLA.

Secondly, I note that the main discussion on the policy has been about the financial relief that it will give parents, but it is potentially an important health policy, and I believe that an even greater focus on nutritional guidelines would make this good policy even better.

Bob Doris: I support the amendments in the name of my colleague Adam Ingram. I am delighted to note the political conversion by some in the chamber to free nutritious school meals. This is a pro-health, anti-poverty and pro-social-equality measure.

I put on the record my firm personal view that the end point in the medium term should be to extend provision to primary 7. I have said over the years that there are no rich children or poor children—there are just children, and every child should be guaranteed a free nutritious school meal, regardless of parental income. That is the right thing, no matter what others have said in the past.

Although there are no rich children or poor children, there can be poor political commitment, and that is why we must entrench in the bill the power to compel local authorities, should they choose the flout the Parliament's will.

I finish by saying that the Labour Glasgow City Council has been calling for free school meals for P1 to P3. The SNP opposition group on the council has found the money to deliver those free nutritious school meals early, from August this year. I hope that, in the spirit of unity and that political conversion, the Labour Glasgow City Council will now support the SNP in Glasgow and deliver early on our important and significant free school meals commitment.

I urge members to support Adam Ingram's two amendments.

19:00

Kezia Dugdale: Consensus breaks out and then Bob Doris speaks. [*Laughter.*]

We are happy to support Adam Ingram's amendments. The points that he made about flexibility are important.

However, I remind members that we have seen no capital assessment of the cost of providing free school meals. The Government's inability to produce the correct financial memorandum for us to assess matters not only in the context of today's debate, but in relation to the reality of how the policy is delivered.

That point is important for two reasons. First, I know from schools in Edinburgh that—as Malcolm Chisholm pointed out—there will be capacity issues with seating all children at one time to have a school meal. Even getting close to giving 75 per cent of children a free school meal would be incredibly difficult.

Secondly, the capacity issue affects not just school halls and assembly rooms, but kitchens. We know that kitchens in schools throughout Scotland cannot accommodate the facilities required to cook so many meals from scratch. If the meals are not to be cooked from scratch, we will simply end up contracting out the production of free school meals to private companies, which thrive in a low-wage economy and would produce poor food that would only just meet the nutritional standards for free school meals. We would then have to ask ourselves what we had actually achieved during the bill process.

Legitimate concerns remain with regard to the degree to which the policy is resourced, particularly in terms of capital investment. Having said that, we are pleased and happy to support Adam Ingram's amendments 192 and 201.

Liam McArthur: I welcome the Scottish Government's decision to follow the lead that the UK coalition Government has set in delivering what Bob Doris described as a progressive, anti-poverty and pro-health measure.

It is unfortunate that the committee had no opportunity to scrutinise the proposals in detail, but I understand the reasons for that, which are considerably more justified than those that applied to the substantive changes to the childcare provisions that arrived well past the 11th hour.

Nevertheless, as with the extension of childcare for two-year-olds, the Parliament and the Education and Culture Committee will want to keep a close eye on how the proposals are rolled out in order to ensure that they are properly funded, as Kezia Dugdale and others have said, and delivered to children in P1 to P3 throughout the country.

In that respect, Adam Ingram was very fair in setting out the issues and choices that we face as a Parliament, and his amendments in group 18 offer a pragmatic and flexible way of proceeding. On that basis, we are happy to support the amendments.

Michael Russell: I welcome the sensible position that the Labour Party is now taking. It was nice to hear Malcolm Chisholm on form; I always think that he is at his most convincing when he is arguing for what he believes in; unfortunately, he has not been doing that very often in recent days. It is clear that he believes in the policy, so it is good to see that today.

Malcolm Chisholm raised the issue of capital provision—which he did pleasantly; Kezia Dugdale was not quite so constructive. There is a great deal of experience in relation to the capital provision that is required. The SNP pilot that took place in 2007-08, along with its subsequent report, offers an interesting indication of how the policy can be implemented. Together with COSLA, we will work our way through to ensure that that can be done.

Neil Bibby rose—

Michael Russell: No. I would like to make some progress on this point; I heard the point that the member made. *[Interruption.]*

It has been a long day, and although Duncan McNeil is still shouting, Presiding Officer, the rest of us would like to finish debating the bill and make it happen. Labour has already tried to stop the bill today—why do we not just complete it?

I thank Adam Ingram—*[Interruption.]*

It is a pity that the outbreak of goodwill is finished so soon, but there we are.

The Deputy Presiding Officer: A little bit of calm, please. Calm down everyone.

Michael Russell: Thank you, Presiding Officer.

I thank Adam Ingram for his amendments, which follow and support the First Minister's recent announcement on extending entitlement to free school lunches to children in P1 to P3 in Scotland from January 2015. There are—

Kezia Dugdale: Will the cabinet secretary give way?

Michael Russell: No, thank you—I would like to make some progress.

There are many benefits of extending the provision of a healthy school lunch free of charge—

Neil Bibby: Go home—put your feet up.

Michael Russell: Do not tempt me, Mr Bibby.

The policy will not only save families throughout Scotland approximately £330 a year for each child who takes up their entitlement to a free lunch every day, but remove any possibility of free school lunches being a source of stigma and encourage healthy eating habits.

As Adam Ingram outlined, his amendment 192 would do two things. First, it would give Scottish ministers the power to place local authorities under a duty to provide school lunches free of charge to certain pupils as prescribed in regulations, whether that is by reference to their yearly stage of education or to another description.

With regard to the First Minister's announcement, I made it clear from the start that I fully intend to implement the extended eligibility to free school lunches in partnership with local government. Provided that agreement can be reached to ensure full implementation, there will be no need to call on the power that the amendment would provide, and I can happily say that I have no intention of invoking it if we can get a clear partnership agreement to progress the policy's implementation within the timescale that we are talking about.

Dialogue is taking place with COSLA to agree on how the commitment can be delivered without having to put a duty on local authorities. Although it is both sensible and timely to put the power in place, I am quite sure, given that the Labour Party is showing such strong backing for the policy now, that an outbreak of sense will also take place in COSLA.

The amendment also gives education authorities the power to provide school lunches free of charge to pupils who satisfy such conditions as the authority sees fit. Although the provisions would replace existing powers to meet the commitment to provide free school lunches to children in primaries 1 to 3 through the Provision of School Lunches (Disapplication of the Requirement to Charge) (Scotland) Order 2008, they also go further—they allow education authorities the flexibility that they do not currently have to provide free school lunches to children whom they identify as those who would benefit from free school lunches.

Consequential amendment 201, which relates to the duties to ensure that every pupil who is entitled to school lunches free of charge receives those lunches and to protect the identity of pupils who receive free school lunches, is appropriate. To get the full benefit, it is important that schools promote free school lunches and take reasonable steps to ensure that those who are entitled to them take them. That is particularly important when the reasons for entitlement arise from a circumstance that may disadvantage the child. Equally, it is important—where appropriate—to reduce the burden on local authorities. I welcome the amendment, which will allow ministers to disapply the education authority duty to protect the identity of those receiving school lunches when there is no benefit in doing so.

The amendments future proof the legislative framework. They allow local authorities the freedom to meet the needs of the children and young people for whom they are responsible through the provision of a healthy lunch at school, and they allow the Government to amend or extend—I note that point—entitlement to a healthy free school lunch.

I repeat that the purpose of amendment 192 is to provide a power, but there is neither a requirement nor a need to use that power provided that we can work together in partnership. That is what I wish to do with local authorities and—to be fair—the indication from local authorities is that that is what they wish to do with the Government, in which case we will all be happy. Even the Labour Party is happy now—what more could be called for?

The Deputy Presiding Officer: Many thanks. I now call Adam Ingram to wind up—briefly, if you can, Mr Ingram, please.

Adam Ingram: There seems to be an outbreak of consensus—there are repentant sinners everywhere—so I am quite happy to leave the debate there and urge members to support the amendments.

The Deputy Presiding Officer: The question is, that amendment 192 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)
 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)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 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)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (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

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)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGregor, 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)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

The Deputy Presiding Officer: The result of the division is: For 98, Against 15, Abstentions 0.

Amendment 192 agreed to.

After section 71B

The Deputy Presiding Officer: Group 19 is on the functions of the education authority in relation to pre-school children with additional support needs. Amendment 193, in the name of Liam McArthur, is the only amendment in the group.

Liam McArthur: At stage 2, I moved various amendments prompted by recommendations from “Putting the Baby in the Bath Water”, an excellent report that was prepared by a wide-ranging group of expert organisations and individuals.

All the amendments had one thing in common—over and above the fact that not one of them was accepted by the Government—which was the need for a ruthless focus on preventative action and the earliest possible identification of support needs. That again is the rationale behind amendment 193.

As I made clear at stage 2, I firmly believe that the Education (Additional Support for Learning) (Scotland) Act 2004 is an act of which this Parliament and all the parties within it can feel rightly proud. However, 10 years ago, our understanding of the crucial importance of the earliest years to later success at school and more generally was less robust. Prevention was only starting to guide Scottish public policy.

As the authors of the “Putting the Baby in the Bath Water” report identified, there now appears to be a case for addressing shortcomings in the ASL act that would not be picked up through revisions to the ASL code of practice. Although children are officially covered by that legislation from birth, its implementation has not equally benefited children below the age of three. That is both unwise and unfair.

Two things make the ASL act stand out. One is that children who need extra help “for whatever reason” have a legal right to receive it. The other is its broad definition of the types of extra help that can be provided. Both of those excellent features of the act apply to all children and young people across Scotland—unless they are under school age. The ASL act can help our youngest children only if they qualify under the Disability Discrimination Act 1995. Why deny access to assessment and additional support during the first 1,001 days of life, which is when young children—and their parents—could be most effectively and inexpensively helped by genuinely early intervention? Why make them wait until they reach school age to become eligible?

Amendment 193, therefore, would remove the subsection that has proven to be a major obstacle to some very young children getting the help that they need and to which they would be entitled if they were older.

Let us not forget that many ASL needs, such as those associated with communications difficulties, autism and foetal alcohol harm, emerge between the age of two months, when universal health visiting usually ends, and 27 to 30 months, when the new universal health checks will start. A waiting period of more than two years is a long time in the life of an under-school-age child. As a result, some preventable problems are not being prevented, and some ASL needs that could have been identified—and met through early intervention—instead are overlooked and grow worse.

Given the fate of my earlier amendments on behalf of the “Putting the Baby in the Bath Water” coalition, I am realistic about the prospects for amendment 193. However, although the minister rejected the amendments at stage 2, she offered some assurances that their policy intentions would be incorporated into secondary legislation, regulation or statutory guidance. I hope that that is the case and that the minister will reaffirm her intention to engage directly with this diverse coalition to assist in the development of all relevant guidance. The devil is in the detail, and the input of this group of experts can help to translate good intentions into detailed policy implementation.

For now, I look forward to the comments from the minister and other colleagues.

I move amendment 193.

Aileen Campbell: I thank Liam McArthur for the points that he has raised, and I thank the “Putting the Baby in the Bath Water” campaign for the amendment. However, we believe that the proposed amendment to the Education (Additional Support for Learning) (Scotland) Act 2004 is

unnecessary. I will outline why before closing my remarks by providing the comfort that Liam McArthur indicated that he would like to hear.

Amendment 193 seeks to extend the current duties on education authorities under the ASL act to apply to all children under school age and not receiving school education.

As I indicated at stage 2, the Scottish Government absolutely supports the principle of prevention and early intervention, especially where it might prevent an additional support need from developing or worsening. That is why the bill already contains a number of provisions that focus on early intervention and prevention. A child’s wellbeing is assessed from birth during the contacts that are set out in the child health programme, which now includes a 27 to 30-month universal health review. Where a child’s wellbeing needs require it, their named person will initiate a child’s plan in partnership with the child, their family and relevant professionals. That child’s plan will take account of learning needs. That will ensure that the learning needs of children under school age are met alongside any other needs that might affect their wellbeing. Indeed, a crucial part of the named person’s role is to promote, support and safeguard children’s wellbeing.

As a result of those provisions in the bill, it is not necessary to extend the ASL act in the way that has been proposed. The provisions in the bill provide the necessary protection for those vulnerable children.

As I said at stage 2, the advisory group for additional support for learning has agreed that prevention and early intervention through the early years are very important issues. I indicated that the revision of the statutory code of practice for additional support for learning is already under way, and committed to the code of practice specifically including a focus on prevention and early intervention and to including representatives of the “Putting the Baby in the Bath Water” campaign in the process.

As I also said then, the revised code of practice will be subject to full consultation and parliamentary scrutiny, as required by section 27 of the ASL act. The code of practice will also be closely aligned with statutory guidance on the child’s plan and on early learning and childcare to ensure that all related guidance is clear and consistent.

I believe that amendment 193 is unnecessary and that the provisions in the bill already take account of the issues that it seeks to address. Therefore, we do not support the amendment. However, in this, the penultimate group of amendments, I reiterate my thanks to the coalition responsible for “Putting the Baby in the Bath

Water” for its work, not just on this set of amendments but more generally throughout the bill’s progress. Its experience, knowledge and expertise will enable us to get guidance right.

I also thank Liam McArthur for allowing the committee and Parliament to discuss what is a very important issue.

19:15

Liam McArthur: I thank the minister for her comments and for the assurances at the end of her contribution. I welcome the restated commitment to prevention and, indeed, the confirmation that the coalition behind the “Putting the Baby in the Bath Water” report will be involved in the on-going review.

I was intrigued by earlier comments that the minister made in response to Siobhan McMahon’s amendments on the rights of children and young people with disabilities. The point that was being made, I think, was that we should not make a distinction between different types of children and young people. The anomalies that the coalition has highlighted in the operation of the ASL act appear to suggest that a distinction is made between the treatment of those of school age and the treatment of those in the first 1,000 days of life. I acknowledge the point about the universal health review at 27 to 30 months, but it appears to me as if that gap remains. I am sure that the review group will return to that as part of its work. However, for the time being, I thank the minister for her commitment and will not press amendment 193.

Amendment 193, by agreement, withdrawn.

Amendment 179 moved—[Siobhan McMahon].

The Deputy Presiding Officer: The question is, that amendment 179 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)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)

Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 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, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (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)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 39, Against 75, Abstentions 0.

Amendment 179 disagreed to.

The Deputy Presiding Officer: Group 20 is on the national speech, language and communication strategy. Amendment 194, in the name of Siobhan McMahon, is the only amendment in the group.

Siobhan McMahon: The minister's commitments at stage 2 to

"ensuring that the distinctive needs of children with speech, language and communication issues will be addressed by guidance"—[*Official Report, Education and Culture Committee*, 17 December 2013; c 3199.]

and to "work with appropriate organisations" are welcome. In making those commitments, the Scottish Government has, it seems, already accepted the irrefutable link between speech, language and communication and improving outcomes for all of Scotland's children and young people.

Indeed, key policies and initiatives such as the early years collaborative and GIRFEC identify speech, language and communication development and capacity as fundamental to ensuring that Scotland is the best place to grow up for all children and young people.

The Children and Young People (Scotland) Bill aims to secure equality of outcomes for all children and young people, regardless of where they live or their home circumstances. Optimising the speech,

language and communication development of every child in Scotland must be at the heart of that process.

Significantly, although many Scottish Government policies and initiatives recognise the fundamental importance of speech, language and communication development and capacity, Scotland, unlike other parts of the UK, has no comprehensive strategy that focuses local authorities, health boards and other key agencies on ensuring that SLC development and capacity are optimised for all children and young people.

A national speech, language and communication strategy would provide clear direction, cohesion and focus for all responsible authorities on how to optimise speech, language and communication development and capacity for Scotland's children and young people.

Currently, local authorities and health boards throughout Scotland pursue different approaches to speech, language and communication development. For example, in some parts of Scotland, health, education and other professionals—from prenatal services to secondary school—work effectively together to optimise speech, language and communication development and capacity. However, in other parts of the country, that evidence-based approach is less apparent. A national speech, language and communication strategy would drive consistent, quality-assured, evidence-based approaches to speech, language and communication development and capacity, and would help to improve outcomes for all children and young people in Scotland.

Linked to that inconsistent approach are significant variations in the levels of shared ownership of, and investment in, speech, language and communication development throughout Scotland. For example, some local authorities have withdrawn funding for speech and language therapy provision, arguing that investment in those key areas of children's and young people's development represents additional or is simply unaffordable.

A national speech, language and communication strategy would also help to drive multi-agency ownership of and investment in this fundamental life skill. Independent evidence tells us that such effective investment partnerships would be able to enjoy their share of the estimated annual £58 million preventative spend savings that arise out of quality speech, language and communication services.

The bill aspires to equality of outcomes for all children and young people. A national speech, language and communication strategy would act

as a key foundation for the realisation of that aspiration.

I call on the minister to make a commitment to developing a national speech, language and communication strategy or to enter into a dialogue with interested parties as soon as possible about the need for, and benefit of, such a strategy and how it can be taken forward.

I move amendment 194.

Mark McDonald: The commitment that the minister made at stage 2 on guidance followed on from amendments on speech, language and communication that I and Jayne Baxter lodged. Amendment 194 reproduces one of them. At stage 2, I said that I had sympathy with the thrust of the amendment but did not feel that the bill was the place for it to be.

As somebody who has personal experience of the role that speech, language and communication assistance can play in a family's life, I recognise the points that Siobhan McMahon has made and agree entirely on the importance of effective speech, language and communication therapy where possible and necessary.

We need to have further discussion—possibly on a cross-party basis—about the issue. I made that point at stage 2 and it still stands at stage 3. I am more than happy to sit down with Siobhan McMahon, Jayne Baxter and others from parties across the chamber to talk about what the best way to proceed is.

We have had success with, for example, the national autism strategy, which has perhaps formed some of the thinking on amendment 194. However, perhaps other means could be pursued. Some of what we want to do could be captured in guidance and some of it could be pursued through other methods. Perhaps a broader cross-party discussion among interested parties would yield more than would including the amendment in the bill at this stage.

I am interested to hear the minister's views, but I see indications that members find that suggestion broadly agreeable.

Liam McArthur: I congratulate Mark McDonald, Jayne Baxter and Siobhan McMahon on their efforts on the issue at stages 2 and 3. I hope that those efforts will be rewarded with a firm commitment from the minister to produce either a strategy encompassing speech, language and communication or, at least, as Mark McDonald indicated, a process for taking the issues forward.

I recognise that amendment 194 is intended to probe and is not necessary for incorporation in the bill. However, it is relevant to some of the issues that were highlighted in discussion about earlier amendments.

As I said at the outset, the bill should be about putting children's rights front and centre and making children's voices heard. Self-evidently, that is influenced by a child or young person's capacity to communicate—to understand information and to express views. Moreover, that ability can also have a bearing on assessments of maturity and capacity, which are key to the amendments that I moved on information sharing. Therefore, although the issues that Siobhan McMahon, Jayne Baxter and Mark McDonald have raised are not appropriate for the face of the bill, they are highly relevant to it, and I look forward to seeing a proper strategy being developed and emerging in the near future.

Malcolm Chisholm: I will be brief.

It would be very helpful if the minister made a statement of intent. If that is done, I am sure that members will not mind if the proposal is not on the face of the bill.

As Siobhan McMahon said, there has been a lot of mention in policy of the matter, but there is no strategy. I do not need to remind the minister that the stretch aim of the early years collaborative is that all children reach their developmental milestones, including age-appropriate communication skills, by 27 to 30 months. In fact, communication and language needs are the most common developmental difficulty that children and young people experience. The issue is therefore central to the agenda that we are discussing. It is also very much a social justice and inequality issue, because those speech and language difficulties are often related to current social disadvantage and disadvantages in later life. Therefore, I hope that there will be a statement of intent today.

Aileen Campbell: My comments on Siobhan McMahon's amendment 194 are similar to those on Jayne Baxter's amendment 254 at stage 2. The bill has been drafted to ensure that the needs of any particular group of children will be supported by the different sets of provisions. Those include speech, language and communication needs. The creation of additional specific statutory duties and provisions for communication is not, as Mark McDonald and others have suggested, for the face of the bill. In this context, the specific needs of different groups of children are best addressed through guidance, and we have committed to ensuring that the distinctive needs of children with speech, language and communication issues are addressed by guidance as appropriate.

We have taken on board the important points that Siobhan McMahon has raised around consistency and other issues. I certainly remember her talking about consistency.

In constructing the guidance, we will draw on the expertise and experience of the Royal College of Speech and Language Therapists, for instance, and will ensure that others can contribute. We can also draw on the expertise that has been articulated in the debate so far by Mark McDonald, Jayne Baxter, Malcolm Chisholm, Liam McArthur and others to ensure that we get the guidance absolutely right.

I make a commitment that we will speak to others to ensure that the guidance can be influenced on a cross-party basis given others' clear desire to get things right in speech and language support.

Siobhan McMahon: I thank the members who have supported my probing amendment.

I agree with Mark McDonald that, if we can get cross-party support for the strategy going forward and for discussion not only across the parties but with the organisations that asked for the amendment, that will benefit all young children. That is all that we want, of course. I welcome the minister's assurance and therefore seek to withdraw my amendment 194.

Amendment 194, by agreement, withdrawn.

Section 75—Interpretation

Amendment 49 not moved.

Section 77—Subordinate legislation

Amendment 195 not moved.

Amendments 112, 90, 113 and 91 moved—[Aileen Campbell]—and agreed to.

Amendment 54 not moved.

Amendment 114 moved—[Aileen Campbell]—and agreed to.

Amendment 196 not moved.

Section 79—Commencement

Amendment 115 moved—[Aileen Campbell].

Amendment 115A not moved.

Amendment 115 agreed to.

Amendment 197 not moved.

Schedule 2—Relevant authorities

Amendments 50 and 198 not moved.

Schedule 2A—Persons listed for the purposes of section 38

Amendment 199 not moved.

Schedule 3—Corporate parents

Amendment 200 not moved.

Schedule 4—Modification of enactments

Amendment 201 moved—[Adam Ingram].

19:30

The Deputy Presiding Officer: The question is, that amendment 201 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)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 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)
 Davidson, Ruth (Glasgow) (Con)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (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)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (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 115, Against 0, Abstentions 0.

Amendment 201 agreed to.

The Deputy Presiding Officer: That ends consideration of amendments. The other piece of good news is that the Scottish men's curling team are through to the Olympic final. [*Applause.*]

Before we start the next item of business, I advise Parliament that, as a consequence of the earlier decision to extend the debate on amendments by 30 minutes, decision time will be moved by 30 minutes and will now be at 8.30.

Malcolm Chisholm: On a point of order, Presiding Officer. A point of order has already been raised concerning rule 9.3.2 of the standing orders, but I think that it is important that, before the end of stage 3, we have a statement from the cabinet secretary on the issue that was raised by the convener of the Finance Committee this morning. Under rule 9.3.2, the best estimates of the capital costs of the bill should have been provided, but they have not been provided. I hope that we can get from the cabinet secretary, in his speech in the next debate, at least some indication of why that information has not been provided and when it will be provided.

The Deputy Presiding Officer: I thank Mr Chisholm for his point of order, but I refer him to what was said previously. Parliament passed a financial resolution on the bill on 21 November 2013, which stated:

"That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Children and Young People (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act."

Children and Young People (Scotland) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-09050, in the name of Aileen Campbell, on the Children and Young People (Scotland) Bill.

19:34

The Minister for Children and Young People (Aileen Campbell): Presiding Officer, thank you for the update on the curling—that was welcome news.

I am pleased to open this stage 3 debate. I start by thanking everyone who has been involved in the development and scrutiny of this landmark piece of legislation. In particular, I thank the three parliamentary committees for their detailed examination of the bill—not least, the Education and Culture Committee, following four three-hour stage 2 meetings and a five-hour stage 3 meeting. Its careful and balanced consideration of the proposals has resulted in a bill that captures better the principles that Parliament endorsed at stage 1. I am genuinely appreciative of committee members' work.

I also thank everyone who responded to our consultation and all who have been involved in the bill's development—especially the 2,400 children and young people and the 1,500 parents who shared their views. I also record my thanks and gratitude to all the Government officials who have worked absolutely tirelessly and with dedication on the bill. I sincerely appreciate their very hard and fine work.

We have listened carefully to all that has been said. Since day 1, that collaborative approach has allowed the bill to evolve into an extraordinary piece of legislation that will convey our aspirations to improve the wellbeing of our children and to help make Scotland the best place to grow up.

The legislation will place our commitment to the early years on a statutory basis. It will do that as much through our proposals to transform early learning and childcare as it will through requiring children's services plans to demonstrate early intervention and primary prevention.

Through the named person provision, the bill will put in place a universal approach to promoting, supporting and safeguarding every child's wellbeing by working with families. The named person—albeit that the provision is not supported by everyone—will be the single point of contact that parents told us they wanted, and whose job will be to ensure that children, young people and their families get the support they need when they need it.

The bill will, through our care and aftercare provisions, change how our most vulnerable children and young people make the very difficult transition through and out of care when the time is right for them, by ensuring that there is appropriate support at every stage on the way.

We are placing a duty on local authorities to provide services to families where there is a risk that a child will become looked after. We are also supporting the invaluable work of kinship carers by requiring authorities to provide assistance to carers of a child who is at risk of becoming looked after. We are strengthening the impact that corporate parenting can make and we are helping the children who need to proceed to adoption by making use of the national adoption register compulsory. The bill puts children's rights at the heart of the public sector and government for the first time. It will ensure that ministers assess all future decisions against the rights of children, and will require public bodies to embed rights in the front-line services that our children and families rely on day in, day out.

Those overall intentions have not changed during the bill's progress; what has changed is how the bill can achieve the intentions. We welcomed and put forward many suggestions for improvement at stage 2; that was the result of a shared recognition of the importance of the legislation and our common ambitions.

As I have always said, the bill is a starting point for the expansion of early learning and childcare. This is the first time that flexibility and choice have been put on a statutory footing. The bill sets the stage for our longer-term aim to develop high quality flexible early learning and childcare that are accessible and affordable for all children, parents and families.

We have always intended, through secondary legislation, to open out entitlement where it is affordable to do so. Therefore, I was absolutely delighted that the First Minister announced on 7 January that we will from August this year increase the entitlement of free early learning and childcare to two-year-olds in families that are workless or seeking work, which is 15 per cent of that age group. That will be followed in August 2015 by extension to two-year-olds who meet the free school meals criteria, which is 27 per cent of two-year-olds, or more than 15,000 children. That is a phased sustainable expansion of early learning and childcare to more vulnerable two-year-olds. We are focusing first on families who are most in need and who will benefit most from the expansion of funded hours. That will not only improve the life chances of children, but will provide opportunities for parents and families to benefit from support into training or sustainable employment.

In the Scottish Government's white paper, "Scotland's Future: Your Guide to an Independent Scotland", we have set out phased plans to achieve 1,140 hours a year for all children aged between one and five, starting with an increase to half of all two-year-olds. The expansion that is set out in the bill will be a significant step towards realising that vision.

In addition, on 7 January the First Minister announced that all schoolchildren in primary 1 to primary 3 will from January 2015 receive free school meals. The benefits to children and families will be significant and have been commented on.

Gil Paterson (Clydebank and Milngavie) (SNP): I congratulate the minister and Parliament on coming to a sensible decision on free school meals—in particular, on the decision to make provision universal. I can talk from experience about how that will benefit children. A child whose family cannot afford school meals but who receives a meal anonymously will eat the meal, rather than withdrawing and going away because they are likely to get bullied. Children who really need good square meals will get them, and they will be healthy for the rest of their lives, because of Parliament's decision to act in this way.

Aileen Campbell: I thank Gil Paterson for his intervention. The benefits to children and families are significant, not least because the approach will tackle issues to do with stigmatisation of children who access free school meals, as he said. It will improve the health and wellbeing of children and it will mean a saving of around £330 a year per child for the families who will benefit. Through today's amendments in the name of Adam Ingram, who has been committed to the policy, we intend to give ministers the power to place a duty on local authorities to provide free school lunches.

The bill's positive impact on young people who are or who have been in care has grown. We were mindful of the Education and Culture Committee's request that we give further consideration to aftercare. We worked closely with key organisations—in particular Who Cares? Scotland, the Aberlour Child Care Trust and Barnardo's Scotland—and we introduced a suite of new measures in support of continuing care.

Members will be aware that on 6 January I announced that, starting in 2015, 16-year-olds in foster care, kinship care or residential care will have the right to stay in care up to the age of 21, before receiving aftercare. The changes will give young people in care the same opportunities that their non-looked-after peers enjoy. We have been delighted with the positive feedback that we have received since I announced the package of measures. Duncan Dunlop, the chief executive of Who Cares? Scotland said that the number of

"young care leavers who will benefit from these changes is significant and I don't know of any other country in the world that has made a commitment like this".

It is good to hear that we are in the vanguard when it comes to improving the life chances of young care leavers.

I pay tribute to the looked-after care leavers who, from the start, articulated their desire to make things better for future generations of care leavers. Their positive mark has been left on the bill for ever and they should feel incredibly proud of what they have achieved.

Some amendments to the bill have helped us to realise our goals more effectively, not least as we place on statute key elements of the getting it right for every child approach. Working closely with key stakeholders, we listened and gave careful consideration to concerns around the provisions on the named person and information sharing. On the basis of feedback from a wide range of stakeholders, the provisions have been amended so that professionals will be clearer about when and how to share information in a way that will always put the child's best interests at heart, working with parents. The Law Society of Scotland and the Information Commissioner's Office wrote to the Education and Culture Committee to give broad support to the amendments in my name.

New measures have also been introduced to reflect needs that have arisen since the bill was introduced. Existing legislation on school closures has been strengthened through a number of amendments to the school closure proposals consultation process under the Schools (Consultation) (Scotland) Act 2010. A school closure can be significant and incredibly disruptive for the children, parents and communities who are affected. It is clear that the 2010 act has not been operating satisfactorily for the people who have been affected or for education authorities. For that reason, and in response to recommendations from the commission on the delivery of rural education, amendments were agreed to that will benefit all who are involved in and affected by school closures.

Fundamentally, the bill will bring about transformational change for Scotland's children and young people. We should be proud that we will today pass legislation that will improve the lives of our children.

Beyond the individual elements of the bill, perhaps its most important achievement lies in its title: it is a bill for the children and young people of Scotland. Over the past year, Parliament has given the whole wellbeing of children and young people its full intense consideration. We have demonstrated that we are not complacent when it comes to finding ways of improving the lives of all children and young people, and that we will

continue to put their rights and wellbeing at the centre of Scottish political life.

We may not agree on all aspects of how best to promote, support and safeguard the wellbeing of children and young people, but in a year in which the people of Scotland are being asked to consider the nation's future, it is a mark of our national maturity that we place such a high priority on the next generation. For those reasons, it gives me enormous pleasure to move the motion.

I move,

That the Parliament agrees that the Children and Young People (Scotland) Bill be passed.

The Deputy Presiding Officer: Unsurprisingly, we are extraordinarily tight for time, so less would be more.

19:45

Kezia Dugdale (Lothian) (Lab): I was struck by the fact that Aileen Campbell said that the bill would bring about

"transformational change for Scotland's children".

Her back benchers have been telling us for weeks and months that we need independence if we are to deliver transformational change.

Aileen Campbell: Aw!

Kezia Dugdale: Those are the words that the minister used. She admitted that devolution can bring about such change.

At the beginning of the process, Labour set out to improve the bill in three key areas. We believe that we have worked positively and constructively throughout the process. We said that we wanted to improve the provisions on care leavers, on childcare and on kinship care.

I will start with the good stuff. I have been profoundly moved by the experiences of care leavers whom I have met during the bill's passage. I have been moved not only by the stories of their lives, what they have had to live through and what they have seen with eyes so young, but by their resolute determination to ensure that no child will ever again have a life like the one that they have had. The Government has moved quite considerably on aftercare and support for care leavers, and we have taken many steps towards providing a more equal Scotland for care leavers.

However, as I said during consideration of amendments, more needs to be done. The minister talked about a working group, but I would like an independent cross-party commission to be set up. I believe that it could look at the root causes of children ending up in care and at why doing nothing costs the state. It could examine how much doing nothing costs our criminal justice

system and our health service. It could look specifically at the mental health, drug and alcohol problems that care leavers suffer from, and it could investigate the number of premature deaths in the care-leaver population.

Such a commission could also investigate education—more specifically, the educational attainment of care leavers and their progress into tertiary education. It could consider wider economic issues, such as the percentage of the more choices, more chances group who are care leavers and the number of care leavers who are economically inactive.

I mention all that with the support of the whole of the care-leaver sector. I am referring to all the organisations that have an active interest in the issue, which include Barnardo's, the Aberlour Child Care Trust and Who Cares? Scotland. The children whom we are talking about are Scotland's children—our children. There are no politics in this; we need a cultural shift and a national debate about the scandal of the life expectancy and the life chances of care leavers in Scotland today.

Regardless of who is in power and what the constitutional settlement is, the problems remain. We should unite across Parliament and commit to addressing the issue together. I would welcome it if the minister did not respond to my request now. I ask her to think about it, and I will write to her to outline exactly what could be involved in the process that I have proposed. I will provide her with details of the support that exists across the sector for such work.

I turn to childcare. We welcome the increased support that is to be provided for two-year-olds. We also welcome the provision for three and four-year-olds, although we simply cannot forget the fact that the Scottish National Party first promised such provision back in 2007. There are thousands of children who were not born when the SNP first made its promise and who are now too old to benefit from it.

That takes me to after-school care. Labour pushed its amendment because we understand the challenges that families face in accessing good-quality affordable childcare outside of school hours. That problem has been worsened by the SNP Government's failure to fully fund local authorities, which has led to non-statutory services such as breakfast clubs and after-school clubs being the first services to go.

All those points were made by Cara Hilton in excellent remarks at the amendment stage. Cara Hilton is still counting the weeks for which she has been a member of the Parliament; she is still learning and is still familiarising herself with the standing orders, while Bruce Crawford has years of experience at the highest level of parliamentary

business. I therefore took great exception to what he said. He knows better than anyone that he was expected to address the amendment in question. To make such a direct and personal attack on Cara Hilton for merely speaking the truth was ugly and a real low point in this afternoon's debate.

Stewart Maxwell (West Scotland) (SNP): That was the real low point right there—slagging off someone who is not in the chamber.

Kezia Dugdale: I hear a sedentary comment that I am

“slagging off someone who is not in the chamber.”

I am afraid that it is Mr Crawford's choice not to be here just now, and I have to say that I really took exception to the point that he made.

Today dozens of people were outside Parliament, very angry because seven years on from when the UK Government gave the Scottish Government money to address the disparity in the kinship care system, they are still waiting. There is undoubtedly a postcode lottery with regard to kinship care in Scotland. There are different definitions of what it means to be a kinship carer, different eligibility criteria and different systems of recompense and financial support for people who are looking after children whose parents are simply unable to look them themselves. Those people are doing a great act of public service every single day and all they are asking for is the money to make ends meet. I really do not think that that is too much to ask. I regret that we have not been able to address the issue today, but I am sure that we will return to it in the future.

Although the Labour Party supported the named person principle at stages 1 and 2, we were not uncritical of it and raised serious points that people in the sector had made about the degree to which it will be resourced. I believe very strongly that the Scottish National Party Government has failed to advocate its own policy effectively enough; it could have done a much better job in that respect. It has failed to justify the policy in the months up to today, and I am afraid to say that today it has failed again to do so, which is a real shame. It means that the guidance on implementation of the named person provisions will really matter, so I urge the Government in the strongest terms to take considerable care over that.

In the minute that I have left, I want to say that this has been a day of promises unkept, with a real failure to tell us the bill's true costs. Despite its promises to do so, the Government has failed to provide details of the financial review of kinship care. The Government has so far had seven years to deliver on its promise of 600 hours of childcare; we are still waiting for it to happen.

The Government has also failed to say what all of the bill's provisions will cost. There has been no attempt to quantify the costs of expanding nurseries to deliver on the childcare commitments, or the costs of free school meals and what that will mean for the policy's delivery in schools. There is an arrogance and incompetence about the Government this afternoon. It has been arrogant in its justification or explanation for what it is doing with regard to the named person provisions. After all, it has the votes, so why should it tell the people about what it is trying to do? It has been incompetent in its failure to detail what all this will cost. If the Government cannot provide the figures for what it plans to do now, how can we expect any of its figures for an independent Scotland to balance or add up?

In my remaining seconds, I want to thank all the organisations, in particular Children in Scotland and Barnardo's, for everything that they have done to support Labour members in preparing for this process. After the robust discussions that we have had today, I am very glad to support the bill.

19:52

Liz Smith (Mid Scotland and Fife) (Con): I think that the chamber is very well versed on the Scottish Conservatives' approach to the bill.

From the outset, we have been very supportive of the majority of intentions in the bill, most especially those that will improve care for our most vulnerable children, those that will expand childcare and kinship care, and those that address the failings within the existing school closures legislation. We have been very happy to ensure—and, I hope, very diligent in ensuring—that those aspects of the bill have been improved and, as such, will deliver better opportunities and support for our young people. We were particularly supportive of measures to expand a collaborative approach across most aspects of children's services and measures to ensure more effective delivery.

We have been very methodical and consistent in our approach to the bill, critically examining each aspect against important criteria: the likely practical changes on the ground when it comes to the best way of improving the chances of young people across Scotland; cost; and what we see as the most important priorities in an economic environment in which resources are constrained. I will come back to those criteria in a minute.

Our judgments have been part of a process made lengthy and difficult by the complexities of a bill that covers so many related but nonetheless very diverse topics and the fact that, as with the Post-16 Education (Scotland) Bill, we have

sometimes had to cope with less than perfect drafting, which has held us up at times.

From the very first evidence session, key sections of the bill were given a very tough time by legal experts, stakeholders concerned about some of the bill's practicalities and those, such as the Scottish Conservatives, who objected to a certain centralising approach in some key sections. It is clear even now that, as far as the practical application of some aspects of the bill are concerned, there is still uncertainty about its provisions, most especially about its costs. Indeed, that is one reason why we could not accept a number of amendments earlier this afternoon.

Let me deal with the three sets of criteria against which we have judged the bill. First, when it comes to making a real, practical difference on the ground that we can be sure will improve the chances of young people, we were very conscious of the desire to look at the main principles of the bill under the term "wellbeing" rather than "welfare", which is the usual terminology in law. The expectation was that that would bring a more holistic meaning to policy making, which I think has been accepted in theory, but I remain a little concerned as to how that will work in practice.

Several witnesses made the valid point that to really change the way that we operate we require a change of culture, not overly burdensome legislation. A few worries remain about some of the bill's implications for professionals who work on the ground. Liam McArthur's amendments on data sharing were designed to tackle that issue, as were some of Neil Bibby's amendments and most certainly the Conservative ones on the named person.

Secondly, there was an important issue relating to cost. It is our firm belief that some of the costs inherent in the bill are sizeable and, as the Finance Committee observed, are not as the Government would intend. I will cite some comments from the Finance Committee.

I referred earlier to Kenny Gibson's point that beyond year 1 the bill's provisions have not been properly costed. The implication is that there will be some funding shortfalls. Gavin Brown said that it seems counterintuitive that the training can just be squeezed into existing training with absolutely no cost, including materials or other expense. He also made the very good point that, although the Education and Culture Committee took evidence from Highland region, we cannot necessarily compare that to areas of Glasgow or other parts that perhaps have a higher incidence of deprivation. Michael McMahon also said:

"From the evidence that we have received, the best estimates from NHS boards, children's charities, local government bodies and foster care organisations all say

that your best estimates are wrong."—[*Official Report, Finance Committee*, 18 September 2013; c 2994.]

It therefore seems to me that some serious questions remain about the funding of the bill and that we still have some problems to resolve regarding the revised financial memorandum.

Thirdly, and not unrelated to the cost issue, there is the matter of priorities. Everyone accepts that tough choices have to be made and that it is impossible to do everything that we might like. Instead, we must weigh up the costs and benefits of different options and, indeed, the opportunity costs of not pursuing something. We have seen party lines split on that issue.

I will not go back over all our arguments about our two fundamental objections regarding the named person policy and the fact that the Government seems very unwilling to address the anomalies in the provision of nursery care.

The Children and Young People (Scotland) Bill will do many good things, but it has some seriously misplaced priorities. The Scottish Conservatives have been frustrated and disappointed that the Scottish Government has made no efforts to address those concerns. It has not engaged particularly well with some of the stakeholders and Opposition parties.

As a result of that, our considered approach is that we will not give the bill our whole-hearted support. We will make a principled abstention this afternoon. We do not want the bill to fall, but nonetheless we cannot support a bill that includes the named person and does not address the issue of nursery provision.

The Presiding Officer (Tricia Marwick): We now move to open debate. Time is extremely tight and speeches should be no more than four minutes.

19:58

Stewart Maxwell (West Scotland) (SNP): This is a good bill and a positive contribution to Scottish society. It is positive for families and particularly positive for children and young people, so I am rather disappointed by some of the contributions so far.

I thank all those who gave evidence to the Education and Culture Committee, particularly the young people who did so, and I thank my fellow committee members for their efforts and the clerking team and the Scottish Parliament information centre for their very able assistance during the passage of the bill.

The Children and Young People (Scotland) Bill is comprehensive, and I would like to focus on several important parts of it in my short speech. Like many MSPs, I have had a number of people

contact me about the named person provision. I am disappointed that the provision has been somewhat misrepresented and misunderstood, and I am grateful to the minister for taking the time to write to MSPs to clarify what the Scottish Government hopes to achieve through the bill.

The named person provision will ensure that vulnerable children are better protected and that families and carers are given greater support if required. I strongly refute any suggestion that the provision will result in a snooper's charter that undermines the role of parents. In fact, the majority of evidence that the committee received showed support for the measure, which will provide a clear point of contact for parents and carers. The named person provision builds on the getting it right for every child approach, which was introduced by the previous Executive and which has already been implemented in some parts of the country.

Evidence from the Highland Council pathfinder model shows that the named person approach can work well. More than a dozen children's charities and organisations back the proposals. The fact that so many charities that are committed to improving the lives of children strongly support the introduction of the named person approach suggests to me that it is the right thing to do. The proposal does not mean having a social worker for every child, and it is in no way intended to usurp the role of parents and carers. If it was usurping the role of parents and carers, I believe that nobody in the chamber would support it, and I certainly would not. That is not what is happening; instead, the named person will provide support when needed by a family and will assist with early recognition of where children are at risk in order to prevent them from coming to harm.

The fact is that most children will never need the named person, and the majority of families will be unaffected by the change. However, the measure will ensure that a point of contact is available to provide support to families that need it. I welcome the minister's assurances that parents who do not want to engage with the named person will be under no obligation to do so. I believe that the Scottish Government has worked well with stakeholders and has struck the right balance in the bill between protecting privacy and ensuring a child's safety and wellbeing. It is clear to me that the implementation of GIRFEC across Scotland is a positive step forward that will help to ensure that child welfare continues to be prioritised and that no child who needs support is left without it.

I want to talk a little about data sharing. Highland Council's written evidence highlighted that the named person role has put in place a clear process by which information about a child is passed to the right person. Improved information

sharing between health, education, justice and social work services for vulnerable youngsters is to be welcomed. Better co-ordination of public services will help to ensure that relevant information is shared in a more targeted way and only under the right circumstances, when an appropriate need is identified. Because of that, it is expected that less information will be passed around, rather than more, as has been demonstrated by the pathfinder in Highland. The minister has also clarified that, contrary to what has been reported, there is no plan to introduce a national database of children's personal information—that is yet another scare story that has been spread about the bill.

I am delighted that the bill will deliver a positive change for care leavers by allowing young people in care to receive support for longer. Martin Crewe, the director of Barnardo's, has said that the changes represent "the biggest shake-up" in the sector for two decades and will help to "transform the lives" of some of Scotland's most vulnerable young people.

I am delighted that we will pass the bill today, as it will have a positive impact on Scotland's children and young people. All members really should support the bill at decision time.

The Presiding Officer: I call Alex Rowley, to be followed by Liam McArthur. Members will wish to note that this is Mr Rowley's first speech in the chamber.

20:02

Alex Rowley (Cowdenbeath) (Lab): Thank you, Presiding Officer.

This is my first speech since being elected to the Scottish Parliament. I begin it by saying that it is with great sadness that I am here today, for it was the untimely death of Helen Eadie MSP that caused the by-election in the Cowdenbeath constituency. During that by-election, it was clear in all the towns and villages that make up the constituency that Helen was held in the highest regard and that everyone knew someone whom Helen had helped. Helen spent her life fighting injustice and inequality, and I make it my aim to continue that work.

I speak in this debate on the Children and Young People (Scotland) Bill because I am convinced that, in the Cowdenbeath area and across the country, we must focus more support and resources on the early years of a child's life if we want that child to have the best chance of good health, prosperity and success throughout their life.

The bill includes provision on free school meals. In my constituency, free school meals entitlement

is used as a robust indicator of poverty and deprivation. Under the current entitlement, which is based on low income, it is stark that at one end of the Cowdenbeath constituency we have Aberdour, where 1 per cent of primary 1 to 3 pupils qualify for free school meals, while at the other end we have Ballingry, where more than 50 per cent of such children qualify. Since 2007, across the constituency, there has been an increase of 7 per cent in the number of children of that age group who are entitled to free school meals.

Although I support free school meals, what I really believe is more important for the health and wellbeing of children in Cowdenbeath and elsewhere is to tackle the underlying causes of poverty, social inequality and deprivation. One key way out of poverty is employment, and a key barrier to employment for many families is a lack of affordable childcare.

Although the bill makes progress with an additional 125 hours of nursery education, which in the Cowdenbeath constituency amounts to half an hour a day extra for each child, it is far short of a comprehensive childcare strategy that will meet the needs of children and families. However, that is what we need to put in place.

In Fife, we have seen an increase in the number of looked-after children in the care of the council, which went from 626 in 2006 to 855 in 2012—a 38 per cent increase. Today, the figure is over 900. It is a fact that there is a clear correlation between deprivation and children being taken into the care of the council. Last year, Fife Council set aside £7.8 million to focus on early years and family support for those families in the greatest need of that support. I am told that educationists, health visitors and social workers can identify children at an early age who are most likely to end up in the care system and in the most difficulty.

I support the bill because there are good things in it, but I am not sure that it will go far enough to address the major issues that I have outlined. Therefore, the message today must be that we need to be more ambitious for every child and to tackle at root the problems that hold back too many children and families across Scotland.

20:06

Liam McArthur (Orkney Islands) (LD): I have put on record my admiration for Helen Eadie and said how the Parliament is the poorer for her absence, but that should not be taken as a reflection on Alex Rowley's obvious talents. I am sure that he will be an effective and assiduous advocate for his Fife constituents. I congratulate him on a very forceful maiden speech.

Like the convener, I put on record my thanks to the witnesses who gave evidence, provided briefings and supported the preparation of amendments to the bill. I thank the clerks and SPICe for their support and thank my colleagues on the Education and Culture Committee who, as the minister alluded to, put in a pretty herculean effort over the past few months.

The bill is wide ranging, and I have supported its principles from the outset, albeit that, like probably most members, I had concerns at the outset. Many of those have been addressed, but some perhaps less so. There have been considerable advances since stage 1, particularly in the provisions relating to aftercare for care leavers; the expansion of childcare for two-year-olds, which proves that we do not have to await the outcome of the vote on 18 September; and a more transparent and balanced system for dealing with possible rural school closures. Those are positive developments since stage 1.

An element of the process has felt somewhat unsatisfactory though. The minister talked of a collaborative approach, but at times it has been difficult to see the evidence for that, given that Opposition amendment after Opposition amendment was rejected. That was disappointing for those of us moving the amendments, but I think that it also struck many third sector organisations as somewhat surprising. I think that that has given rise to concerns about certain aspects of the bill, and I will touch on a couple of those.

I said earlier this afternoon that I still do not feel that we have made the advances in children's rights that we should have made. The Law Society of Scotland and the Faculty of Advocates have pointed to that and even to the suggestion that there has been a dilution of children's rights. The rejection of the incorporation of specific rights under articles 3 and 12 of the United Nations Convention on the Rights of the Child, the rejection of any reporting duties and the rejection of children's rights impact assessments have not helped in that respect and probably help explain the view of Scotland's Commissioner for Children and Young People that the bill represents a missed opportunity for children's rights.

As I said earlier, I was initially sceptical about the named person policy, but the evidence that we received in committee, not least that on the Highland pathfinder experience, persuaded me of the benefits of the approach. However, concerns remain about resources. Education unions, the Royal College of Nursing and, indeed, the Finance Committee have expressed concerns about that. The named person policy has practical implications as well, and I pointed to those when moving amendments earlier in stage 3, particularly in relation to the exchange of information and the

lack of explicit consent. The Government rejected amendments on the limiting of universality of the named person provision to those aged 16 and under and on the presumption in favour of explicit consent for information sharing, so we do not have the bill that we could have had, and I think that it has suffered as a result.

Notwithstanding those concerns, and despite an unduly dismissive attitude to any amendment that was not of Government origin, I firmly believe that the legislation will help to deliver real and significant benefits.

I will dwell on a couple of those benefits now. In relation to aftercare, during the stage 1 debate I welcomed the bill's provisions on the support that will be available to those leaving the care system, but I emphasised where I felt that the Government could go further in extending aspects of aftercare and improving ways in which—

The Presiding Officer: I need to ask you to close Mr McArthur.

Liam McArthur: —the eligibility for access to that would be determined. This is the area in which I feel most justifiably proud of what the bill has achieved. The committee can take justifiable pride in that, as can Parliament.

I cannot speak about the early years, but I think that that is another significant achievement of the bill, which we will support at decision time.

The Presiding Officer: We move to the last two speakers in the open debate. I say to Joan McAlpine and George Adam that I cannot give them any more than three minutes.

20:10

Joan McAlpine (South Scotland) (SNP): I congratulate Alex Rowley on his maiden speech. I did not agree with everything that he said, but I welcome the tone in which he said it, and I share his commitment to comprehensive childcare. I suggest that the bill is only the start and that we need independence to cross the finishing line.

The bill has been widely praised for its ambition and commitment to improving the lives of children and families in Scotland. The briefing from Children 1st alone singles out seven key measures in the bill that it wanted to highlight and commend: the definition of wellbeing; the furthering of the UNCRC; the named person service as a universal service; the legislative entitlement to free childcare for three-year-olds, four-year-olds and vulnerable two-year-olds; continuing care for care leavers after 16; the duty on early intervention in the lives of vulnerable children to prevent them from becoming looked-after children; and the measures to help kinship carers and the children for whom they care.

If our foremost children's welfare charity can single out seven key measures in the bill for praise and commendation, the bill is far from being a missed opportunity. In fact, Children 1st describe it as a significant milestone, and it is in that context that I wish to single out one of those significant measures that Children 1st praised, which is the creation of the named person as a universal service for all our children. We have all had emails from a vociferous lobby who oppose that. I said earlier that the point about usurping parents' rights was put directly in committee to Clare Simpson of parenting across Scotland when she gave evidence to the committee, and she flatly denied it and said that the measure was necessary, not to usurp the rights of parents and families but to support them and to protect children.

Those who have written to us about their fears of some kind of Orwellian dystopia should read the bill, not the hysterical hyperbole of the *Daily Mail*. Better still, they should read the evidence that was given by dozens of child welfare charities that support the universal service. I will quote one of those. Alex Cole-Hamilton of the Aberlour Child Care Trust said:

"In the vast majority of cases, there will be very little interface between the child and the named person, or between the family and the named person."

He went on to say that anxiety

"is fuelled by some unhelpful tabloid headlines about there being a social worker for every child. That is not what we are talking about here."

When Liz Smith asked Jackie Brock from Children in Scotland why a formalisation of the existing policy was needed, she replied:

"Having the duties in statute will ensure that it is the responsibility of universal services to respond and take action where necessary, where it is in the child's best interest that they do so."—[*Official Report, Education and Culture Committee*, 10 September 2013; c 2722, 2724, 2720.]

The Presiding Officer: You must wind up.

Joan McAlpine: Far from the named person being a state guardian who undermines the family, the universal provision of a named person will strengthen and underpin the family and most crucially of all—

The Presiding Officer: I call George Adam. No more than three minutes.

20:14

George Adam (Paisley) (SNP): Like Stewart Maxwell, I believe that this is a good bill, not just because it is bold and ambitious and is paving the way to making the type of Scotland that we all want for our children but because it will make a difference to the lives of children and young people, and that is what we are all here for. That is

the reason why we all get involved in politics in the first place.

I would also like to talk about the named person provision. The idea can make such a difference to a lot of children and young people, including the tragic cases that we have heard about in the past. It will provide support to the young men and women who are involved, and their families.

Towards the end of last year, I visited Barnardo's outside in project, which works in Polmont and Cornton Vale. The young men and women I met there told me about some of the situations that they had got themselves into. Would a named person have helped the young man whose pregnant girlfriend was abused, who believed that violence was the only way to deal with the situation, or the young woman whose mother had died, who ended up feeling that she had to be violent to someone else when they gave her a difficult time at school? I believe that a named person would help in such situations, and the support may ensure that such young people do not end up in places such as Cornton Vale or Polmont. I saw how the young people I met have developed through being given support and opportunities through the outside in project. I believe that the named person can make that difference.

I am also pleased that care leavers will be supported until the age of 21. The Education and Culture Committee has held two inquiries into looked-after children and young people, and we heard from young people about how they have been affected and what has happened to them. That had a dramatic effect on every single member of the committee. We heard how being looked after made a difference in their lives and how they felt when they left care and were left out in the cruel adult world. That measure alone shows—after a year and a half of evidence taking as part of the committee's work programme—that the committee system works. We managed to influence the bill and ensure that we make a difference for young people. That will be those young people's legacy.

I close by saying that I believe in the bill and that this is about making a difference to young people's lives.

The Presiding Officer: I call Mary Scanlon. Ms Scanlon, you have three minutes.

20:16

Mary Scanlon (Highlands and Islands) (Con): In the three minutes that I have, I first congratulate Alex Rowley on his maiden speech. I sat beside Helen Eadie on the Health and Sport Committee for four years—2007 to 2011—and from what I

knew of her, I think that she would be very proud of the speech that Alex Rowley made today.

I turn to an issue that Kezia Dugdale mentioned when she spoke passionately about care leavers. I am not a member of the Education and Culture Committee so I did not hear all the information, but I add that many families cry out for support at early stages of their problems with children; in some cases, adequate and appropriate support that is given at the right time could prevent children from going into care. Perhaps that has been looked at, but it is something for the future. I met Bill Alexander last week with a parent of a child in care to discuss that.

Many good speeches have been made today. I congratulate my colleague Liz Smith and indeed all the other members of the Education and Culture Committee on their extensive work on the bill. I welcome many of its provisions, particularly the extension of the support that is provided to kinship carers. Jayne Baxter spoke very well and in a measured and considered way about that. It is a significant step forward, as is the extension to the upper age limit for aftercare support from 21 to 26.

It is a shame that so much of the media coverage of the bill has been about the named person. I was not totally aware of the excellent amendments and provisions in the bill in relation to rural schools. The fact that a school closure proposal may not be revisited for five years will enable many parents, pupils and staff to commit to a school with much greater enthusiasm, safe in the knowledge that they are not facing another closure.

I move quickly on to Highland, which has been mentioned quite a few times in the debate. I remind members that in Highland, uniquely, we have a lead agency of the council looking after children and NHS Highland looking after adults, so to use that example and assume that it applies to the rest of Scotland is not appropriate.

I see that I have about 20 seconds left. I very much welcome the extension of childcare as well. However, as I said at stage 1, I would like to know what consultation has been carried out with colleges—

The Presiding Officer: You need to close, please.

Mary Scanlon: —in relation to lecturers being named persons.

20:19

Neil Bibby (West Scotland) (Lab): It is customary when stage 3 of a bill reaches its conclusion to thank the legislation team, the committee clerks and anyone else who has been

involved in drafting the bill, and I certainly thank them all today. However, I also thank all the organisations and charities for the evidence and briefings that they have submitted throughout the bill process.

I pay tribute to my newly elected colleague for Cowdenbeath, Alex Rowley, for his powerful and insightful maiden speech and his eloquent tribute to the late Helen Eadie. I am sure that his vast experience and expertise in the area will lead him to be a great asset in the chamber.

Cara Hilton, as Labour's new MSP for Dunfermline, also made a passionate and committed speech on the bill during the stage 1 debate in the chamber. The fact that both new Labour MSPs chose to speak on this particular bill in two chamber debates ably demonstrates the importance and commitment that the Labour Party and its representatives place on improving life chances for our children and young people.

Labour will vote for the bill at decision time because there are some positive elements to it. However, as Labour members have said, the bill is good only as far as it goes. We on the Labour side of the chamber are certainly not blind to its many failings, and we believe that it will be viewed as a missed opportunity in a number of respects.

We, and a number of organisations, have serious concerns about the resource and practical issues that the Government has not addressed—none more so than the incompetent financial memorandum—and we still believe that the bill lacks ambition.

As my new Labour colleagues and I have said throughout the bill process, we share the SNP Government's ambition to make Scotland the best place for our children to grow up, and we want to make that ambition a reality. The Scottish Government has often said—too many times to count—that it wants to fulfil that ambition, and at stage 1 the minister said that it was the first principle that guided the bill.

My Labour colleagues and I enthusiastically share that ambition, but the minister and the Scottish Government need to match all their rhetoric with a bit more reality. The Children and Young People (Scotland) Bill will not do that—if I am being honest, it will not even come close. I am not saying that it could not do that, but—as Alex Rowley said—big challenges still lie ahead for the Government and the Parliament, and I do not believe that the bill will provide the transformational change that Aileen Campbell suggests that it will.

There are welcome measures in the bill. I very much welcome the extension of support for care leavers, and I thank Who Cares? Scotland and the care leavers themselves for advocating those

changes forcefully and powerfully. It is clear that we have more to do to help looked-after children in the months and years ahead, and there are big challenges with regard to implementing the named person role. We all acknowledge that the named person role was the most controversial part of the bill, and I hope that the Government is right about the improvements that such a statutory role will bring, but it cannot say that it has not been warned about the practical and resource issues, which we discussed earlier.

If the named person role has been misrepresented or misunderstood, as Stewart Maxwell said, the Scottish Government should look at itself and reflect on the reason: it failed to make a proper and coherent case for the policy.

On kinship care, there are big challenges ahead. Kinship carers have been sceptical about the proposals, and they await the outcome of the financial review.

We are pleased that the Scottish Government has finally got around to implementing its 2007 commitment to provide 600 hours of childcare, but—as I said at the outset—it will not solve the childcare problems of 2014 with a seven-year-old policy.

The Presiding Officer: You need to bring your remarks to a close, Mr Bibby.

Neil Bibby: On early learning and childcare, and on out-of-school care, the bill is a missed opportunity. It will be regarded not as a landmark piece of legislation, but as a landmark opportunity missed. Labour looks forward, in the years ahead, to progressing the issues that the SNP Government has not addressed in the bill.

20:24

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I start with some traditional, and some slightly untraditional, thanks. I certainly thank the bill team, the committee and the members who have been in the chamber today, but I also thank all those organisations and individuals—some of whom are in the public gallery today—who have been most influential in shaping this landmark piece of legislation.

The Government has engaged with 2,400 young people, 1,500 parents and 150 organisations. I say to them that this is a good bill—it is a very good bill—and we should commend everybody who has taken part in the process of shaping it.

What we should not do is run down the work that those organisations and individuals have done. We should work together and celebrate, because that is traditionally what we do at the end of a bill process—we celebrate the progress that

has been made. Liz Smith said, quite correctly, that not everything is perfect, but when I hear that a bill has taken so much time and so much effort—including from my colleague Aileen Campbell, whom I really want to commend—I want to celebrate that.

Aileen Campbell has been formidable in shaping the bill. She has argued and fought for the bill with everybody, including me, and she has produced a wonderful piece of work. [*Interruption.*] It is very sad that Labour members want to laugh at that work, because I want to commend Alex Rowley's maiden speech. I thought that he got the tone right. I do not want to embarrass Alex Rowley but he and I have form. We worked together—sometimes against each other—when he was Labour general secretary and I was SNP chief executive. We proved, despite our differences, that we could on occasion work together for Scotland.

That is what this bill has been: a process of working together for Scotland. Neither Alex Rowley nor I want to demonise our opponents but, alas, that is what we have heard this afternoon. That is a very sad thing because when it happens, we do not make progress. However, we have made progress today.

What have we achieved? From 2015, teenagers in residential, foster or kinship care who turn 16 gain new rights. They have worked hard to get those and the Parliament has listened. New duties have been placed on ministers and on the wider public sector to promote children's rights—something that I have argued for since I came into this Parliament in 1999.

Kinship carers are getting enhanced legal entitlements and involvement in the process. I met kinship carers this morning to talk to them about it. Scotland's national adoption register is being placed in statute and counselling and other support is being provided for vulnerable children and their families. There is improved provision of advice and help when needed, strengthened legislation on school closures and the school meals provision. Those are all significant achievements and we should say well done to everybody who is involved in them. What we should not do is demonise our opponents.

When I first came into this chamber in 2009, I learned a lot of lessons. One lesson I learned is from the man who is now First Minister. During a debate, he said to me that there was an old maxim at Westminster—the vote follows the voice. That means that if someone believes in something and they think that it is right, they speak for it and then they vote for it.

I believe that the named person provision is right. I did not originally believe that; I needed

some persuading by others, including Aileen Campbell. Then I went to that hotbed of revolution, Forfar, and saw the provision in operation there. It was profoundly moving to speak to a young man who had been enormously helped by having a named person. I therefore want to say, "Well done," to those who have supported and argued for the named person legislation. When I listened to Neil Bibby this afternoon, I could not decide whether he was for it or against it. The vote follows the voice: have some courage to speak up for what you believe in.

I know that Liz Smith profoundly disagrees with the provision, and I am sorry about that. If I had time, I would repeat the commitments that Aileen Campbell has made, because I believe that the provision will be helpful and useful. I do not for a second believe that it will interfere with family life or subordinate the rights of parents, otherwise I would not have supported it. With respect, I think that the Tories are wrong about it. If they could nudge their way from a principled abstention to support, they would be helping the young people of Scotland.

This has been an important step forward for Scotland and for this chamber. It has been particularly important for all those organisations and individuals who have engaged with the Parliament, helping to build a piece of legislation and make it even better than it was when it started. We should say thank you to them. What we should not do is take the dismal, negative approach that we have heard, alas, from Mr Bibby and Kezia Dugdale. That approach does not demean the chamber; it demeans them.

Business Motions

20:29

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-09067, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for Thursday 10 February.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Thursday 20 February 2014—

delete

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 1 Debate: Procurement Reform (Scotland) Bill

and insert

2.00 pm Parliamentary Bureau Motions

2.00 pm Members' Business

followed by Stage 1 Debate: Procurement Reform (Scotland) Bill

followed by Financial Resolution: Procurement Reform (Scotland) Bill—[Joe FitzPatrick.]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-09062, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 25 February 2014

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Stage 3 Proceedings: Public Bodies (Joint Working) (Scotland) Bill

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 26 February 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Finance, Employment and Sustainable Growth

followed by Scottish Labour Party Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Thursday 27 February 2014

11.40 am

Parliamentary Bureau Motions

11.40 am

General Questions

12.00 pm

First Minister's Questions

12.30 pm

Members' Business

2.30 pm

Parliamentary Bureau Motions

2.30 pm

Stage 1 Debate: Criminal Justice (Scotland) Bill

followed by

Financial Resolution: Criminal Justice (Scotland) Bill

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

Tuesday 4 March 2014

2.00 pm

Time for Reflection

followed by

Parliamentary Bureau Motions

followed by

Topical Questions (if selected)

followed by

Scottish Government Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Wednesday 5 March 2014

2.00 pm

Parliamentary Bureau Motions

2.00 pm

Portfolio Questions
Rural Affairs and the Environment;
Justice and the Law Officers

followed by

Scottish Government Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm

Decision Time

followed by

Members' Business

Thursday 6 March 2014

11.40 am

Parliamentary Bureau Motions

11.40 am

General Questions

12.00 pm

First Minister's Questions

12.30 pm

Members' Business

2.30 pm

Parliamentary Bureau Motions

2.30 pm

Scottish Government Business

followed by

Business Motions

followed by

Parliamentary Bureau Motions

5.00 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

Parliamentary Bureau Motion

20:30

The Presiding Officer (Tricia Marwick): The next item of business is consideration of a Parliamentary Bureau motion, S4M-09064, on the approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Amendment Order 2014 [draft] be approved.—[*Joe FitzPatrick.*]

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

Decision Time

20:30

The Presiding Officer (Tricia Marwick): The first question is, that motion S4M-09064, in the name of Joe FitzPatrick, on the approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Proceeds of Crime Act 2002 (Disclosure of Information to and by Lord Advocate and Scottish Ministers) Amendment Order 2014 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-09050, in the name of Aileen Campbell, on the Children and Young People (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The 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)
 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)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 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)

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)
 Goldie, Annabel (West Scotland) (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)
Scott, John (Ayr) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 103, Against 0, Abstentions 15.

Motion agreed to,

That the Parliament agrees that the Children and Young People (Scotland) Bill be passed.

[Applause.]

Meeting closed at 20:32.

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e-format first available
ISBN 978-1-78392-752-4

Revised e-format available
ISBN 978-1-78392-769-2

Printed in Scotland by APS Group Scotland
