



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 5 November 2014

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# Scottish Parliament

Wednesday 5 November 2014

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

## Portfolio Question Time

### Finance, Employment and Sustainable Growth

#### Local Government Taxation

**1. Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what plans it has to meet the Opposition parties to discuss the reform of local government taxation. (S4O-03631)

**The Minister for Local Government and Planning (Derek Mackay):** The Scottish Government is committed to consulting others later in this parliamentary session, to develop a fairer, more progressive local tax based on the ability to pay.

**Alison Johnstone:** The minister is aware that councils across Scotland are being forced to make severe cuts. The City of Edinburgh Council alone must find savings of £67 million by 2018.

The Government has consistently argued for greater powers, but at the same time it has disempowered our local authorities. Parents who were taking part in a radio phone-in this morning on the need to fundraise for basic school equipment were not convinced that the council tax freeze has been fully funded. As we all engage in the debate—

**The Presiding Officer (Tricia Marwick):** Can we have a question, please?

**Alison Johnstone:** I have a question, Presiding Officer.

As we all engage in the debate on new powers for this Parliament, is it time to empower our local authorities properly, with a fair tax that raises a greater proportion of their income?

**Derek Mackay:** As I said, the Scottish Government will work with others to fulfil the manifesto commitment that we put to the people. To help to inform our thinking, we have the recommendations of the Local Government and Regeneration Committee, including on empowerment, and the deliberations of the commission on strengthening local democracy in Scotland.

I do not agree that we have disempowered local authorities. The council tax freeze was supported

by a majority at the Scottish Parliament elections, which gave us the mandate to commit to it, and resources have been put into the local government settlement to ensure that local authorities can freeze the council tax and have been compensated for doing so.

In addition, de-ring fencing has been very empowering of local authorities, which have far more flexibility in their financial decision making than they had before.

**Stuart McMillan (West Scotland) (SNP):** I am grateful for the minister's comments. How many people have benefited from the council tax freeze? Will the Scottish Government urge all councils to deliver it again?

**Derek Mackay:** We encourage all local authorities to continue the council tax freeze. All council tax payers—around 2 million households—have benefited from the freeze, which is welcome, given the pressures that households have faced over the past few years.

The council tax freeze has been fully funded and will be fully funded again in financial year 2015-16, if councils choose to take advantage of that.

**Kenneth Gibson (Cunninghame North) (SNP):** What tax options, other than a local income tax, might be considered for local government between now and May 2016?

**Derek Mackay:** Our manifesto commitment is to consult others later in the parliamentary session, to develop options for a fairer and more progressive local tax, based on the ability to pay. It would not be appropriate to prejudge the results of such an exercise at this stage. However, all alternative proposals that meet those criteria can be considered.

#### Draft Budget 2015-16 (Carbon Assessment)

**2. Claudia Beamish (South Scotland) (Lab):** To ask the Scottish Government what discussions the Cabinet Secretary for Finance, Employment and Sustainable Growth had with the Cabinet Secretary for Rural Affairs, Food and the Environment regarding the carbon assessment of the 2015-16 draft budget. (S4O-03632)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** I have had discussions with all members of the Cabinet, including the Cabinet Secretary for Rural Affairs, Food and the Environment, during the development of the 2015-16 draft budget. The carbon assessment sets out the impacts on greenhouse gas emissions of the spending proposals in the draft budget and is one of a range of resources available to inform

ministerial discussions on our climate change agenda and financial choices.

**Claudia Beamish:** The cabinet secretary will be aware that the Scottish Government's carbon assessment of the draft budget highlights imported emissions, which are a cause for particular concern in sectors such as health and local government. The proportion of emissions that is accounted for by imported greenhouse gases is quite substantial. Can the cabinet secretary provide details—from his portfolio or other portfolios—of schemes that might be put in place to address the extent of imported emissions?

**John Swinney:** The measures that we take to improve the energy efficiency of the Government estate and the wider range of public buildings are examples of how we address those particular issues. Of course, energy factors are significant in underpinning the particular emissions to which Claudia Beamish refers, so the Government's approach to its energy efficiency policy for housing stock and our approach to new house development are designed to address the very issues that the member raises.

Carbon assessment is a new tool that the Government has introduced to focus on the choices that have to be made by ministers about financial issues and wider implications for the environment as a consequence. Ministers will continue to pay close attention to the output of the carbon assessment tool in making our financial choices.

### Energy Efficiency (Funding)

**3. Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what communication it has received from the United Kingdom Government regarding the extra £100 million of funding to be available for household energy efficiency. (S4O-03633)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** We were informed of the proposed measure on the morning of the holding of a Liberal Democrat party conference at which the announcement was made, and only after the press was informed in a release. No further information has been received from the UK Government since 7 October, despite officials' attempts to seek such clarity on five separate occasions. Perhaps stimulated by the publication of Mr Stevenson's question, high-level details of the amounts of proposed funding were eventually received yesterday from the Department of Energy and Climate Change.

**Stewart Stevenson:** I thank the minister and congratulate myself on my success.

Is the minister aware of WWF's report "The Economics of Climate Change Policy in the UK",

which shows that the installation of energy efficiency measures in the UK dropped in 2011 and 2012? Does he accept that that drop and the current incoherence of UK policy makes it more difficult for us to meet our insulation and fuel poverty targets?

**Fergus Ewing:** I do. It does not make it any easier to efficiently administer a good scheme, because we do not know what the budget is and what the conditions are. At the moment, the scheme is reserved to Westminster. Were we to have had power in this Parliament to administer the scheme ourselves, we would have been able to make a start. Now that we have the information, we will get on with it. I am pleased that we have paid out on 19,670 vouchers for households in Scotland; indeed, we spend almost 10 times as much on energy efficiency per household in Scotland as they do in England.

### Business Improvement Districts

**4. George Adam (Paisley) (SNP):** To ask the Scottish Government how many active business improvement districts there are. (S4O-03634)

**The Minister for Local Government and Planning (Derek Mackay):** As at 31 October 2014, there were 27 operational business improvement districts in Scotland. Proposals to establish a number of other BIDs are in various stages of development.

**George Adam:** The deadline for voting for Paisley First in our BID is drawing close. What benefits does the minister think that a business improvement district could have for the great town of Paisley?

**Derek Mackay:** I was delighted that Paisley was a yes town, and I hope that the people vote yes again as the ballot on the BID closes on 13 November. Seedcorn funding of £20,000 has been given to support the BID. I am convinced that the partnership that it will create will put in place a range of projects that will greatly benefit Paisley, including retail support and outlets and the promotion of arts and cultural, historical, social, recreational and educational opportunities, as well as more events in the town centre and further work to locate Paisley as a serious visitor destination. All that shows how positive we can be about Paisley, as George Adam suggests, and encourages people to vote yes in Paisley once again.

### Scottish Enterprise (Meetings)

**5. Gavin Brown (Lothian) (Con):** To ask the Scottish Government when it last met Scottish Enterprise. (S4O-03635)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John**

**Swinney):** Scottish Government ministers regularly meet Scottish Enterprise on a range of issues.

**Gavin Brown:** I thank the cabinet secretary for that comprehensive answer. According to the draft budget, £56 million of financial transactions was removed from the enterprise bodies budget line for other initiatives. What initiatives was that initially planned for?

**John Swinney:** The Government considered putting additional financial transaction capability into the work of the Scottish Investment Bank through a prospective allocation to the enterprise budget. When I evaluated the necessity of that investment against the necessity to improve investment in housing expenditure, my judgment was that the housing propositions that had been put forward to me were more compelling than those for additional finance for the Scottish Investment Bank. That is why I decided to reallocate the resources, as I indicated to Gavin Brown in the budget statement on 9 October.

**Iain Gray (East Lothian) (Lab):** The cabinet secretary will be aware of significant and growing local opposition to the Cockenzie energy park, as proposed by Scottish Enterprise. A local petition has gathered around 5,000 signatures already. Part of that opposition is driven by a feeling that Scottish Enterprise has not engaged with the local community on its own aspirations for the site. Will the cabinet secretary instruct Scottish Enterprise to do that, as a matter of urgency?

**John Swinney:** I hear Iain Gray's points and I am familiar with the issue, which he raised in a meeting with me and the leadership of East Lothian Council, which I was delighted to host.

We must get our arrangements properly in place and it is important that people understand exactly where we are with the Cockenzie site. The site is not in the ownership of Scottish Enterprise, so Scottish Enterprise has no site plan to disclose or advance. The site remains in the ownership of Scottish Power, to the best of my knowledge.

I assure Iain Gray, and through him his constituents, that should Scottish Enterprise end up acquiring the Cockenzie site there will be full and active dialogue with the local community before any developments are considered or undertaken. We would be delighted to arrange that directly with the local community. We will involve the local authority and any other interested parties in that process. I am delighted for those issues to be discussed with Iain Gray and anyone else whom he wishes them to be discussed with.

I stress that there is no active proposition in place, because Scottish Enterprise does not own the site. I assure the Parliament that if it takes ownership of the site there will be full and wide

consultation about any uses to which the Cockenzie site is put.

**Joan McAlpine (South Scotland) (SNP):** Will the cabinet secretary outline the measures that the Scottish Government takes to strengthen and support Scotland's economic links with overseas markets?

**John Swinney:** International business activity is central to the Government's economic strategy. As I set out our thinking in due course, I expect that our focus on expanding Scottish companies' international connections and business activity will grow ever more significantly.

We are encouraging more Scottish companies to become active exporters through a wide variety of mechanisms, including the account management activities of Scottish Enterprise and Highlands and Islands Enterprise, working directly with companies to encourage them to export. We utilise a range of Scottish Development International offices around the globe: 28 offices in 18 countries. The globalscot network has connected with more than 1,000 Scottish companies to offer support and advice from individuals who are located in international markets about how companies can best enter those markets. Scottish Development International is working with partners to support 8,000 to 10,000 businesses to develop the skills to go international by 2015. That will be the focus of much of our activity in that respect.

#### **Non-profit Distributing Model (Expenditure)**

**6. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Government how much has been spent under the non-profit distributing model and on how many projects. (S4O-03636)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Information on the capital value of investment in the non-profit distributing programme is included in the recently published draft budget 2015-16.

**Elaine Murray:** The draft budget refers to a £2.5 billion NPD pipeline and says that £750 million-worth of projects is under construction. How many projects funded under the NPD financing model have been completed since its introduction?

**John Swinney:** A number of projects have been completed since the NPD programme got under way. I do not have the complete list, so I will not give Dr Murray a definitive answer at this stage. She is absolutely correct that more than £750 million-worth of activity is under construction. There is also £1.4 billion-worth of projects currently in procurement.

At the weekend, the Deputy First Minister set out further information on a proportion of the £1 billion expansion of the NPD programme, which will take forward a range of projects around the country that invest in the school estate, the health sector and the college sector. That further reinforces the previous announcements that I made on the £2.5 billion NPD programme.

**Jim Eadie (Edinburgh Southern) (SNP):** Is the cabinet secretary able to set out what steps will be taken to inform and update the local community on the redevelopment of the Royal Edinburgh hospital in Morningside, in my constituency? It is the single biggest beneficiary in the latest tranche of projects, with £120 million being invested in new state-of-the-art facilities so that people with mental health problems can be cared for in an appropriate clinical and therapeutic environment.

**John Swinney:** I reassure Mr Eadie that there will be extensive dialogue with the community as the project is prepared for further development. One of the necessary elements of the NPD programme is that we embark on early consultation about the details of projects to avoid running into project management and development issues later.

That early dialogue and consultation with communities is essential to ensure that we embark on projects on the best possible basis and that they are well founded on views in the community. Crucially, that approach ensures that the issues that Mr Eadie raises about the creation of the appropriate settings for us to support individuals to address their mental health problems are well understood in the design and delivery of such projects, which can have a significant therapeutic benefit for the individuals who face such challenges.

### **Electricity Transmission Surcharge (Highlands and Islands)**

**7. Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** To ask the Scottish Government what its position is on people in the Highlands and Islands having to pay a 2p-per-unit electricity transmission surcharge. (S4O-03637)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** The Scottish Government is aware that customers in the Highlands and Islands face some of the highest electricity prices in the country. That is due to a combination of factors, which include the higher costs that are associated with delivering electricity in remote areas.

We are discussing the current arrangements for electricity customers in the north of Scotland with the regulator—the Office of Gas and Electricity Markets—and the United Kingdom Government,

as the matter is currently reserved. We engage regularly with energy companies on a range of issues, and consumer energy bills are frequently discussed.

**Dave Thompson:** Even SSE plc now backs national pricing throughout the UK for transmission charges. Given the scale of fuel poverty in my constituency and its link with fuel costs, what more can be done to alleviate the detrimental effect that the surcharge has on the wider goal of eradicating fuel poverty in the Highlands?

**Fergus Ewing:** We are concerned about the level of energy bills throughout the country but especially in the north of Scotland. Mr Thompson is correct that his constituents in places such as Skye and Lochaber face some of the highest costs in the country.

We are doing everything that we can with the powers that we have to alleviate fuel poverty and invest in energy efficiency. For example, figures from Energy Action Scotland show that, on average, £3.52 is invested in energy efficiency measures for low-income households in England, compared with £36.48 in Scotland.

The fact that the figure in Scotland is 10 times more than that in England shows that we are doing what we can, but we do not have the powers in the Parliament to ensure proper regulation to address the fact that Mr Thompson's constituents and others who live on our islands suffer not only the worst weather but the greatest fuel poverty and highest bills. That has been a complete failure of the regulatory regime in the UK.

**David Stewart (Highlands and Islands) (Lab):** Is the minister aware of the work of the Western Isles poverty action group, which has called for an end to the 2p electricity surcharge in the Highlands and Islands? As he well knows, many consumers in the north face fuel poverty and higher fuel and transport costs. With a bleak and Dickensian winter in prospect, will the minister write to Ofgem and to the energy secretary, Ed Davey, to urge them to get rid of the unfair charges in the Highlands and Islands and instead introduce the sharing of all network costs equally among all GB consumers?

**Fergus Ewing:** Mr Stewart's remarks are absolutely correct and I appreciate his sentiments. We absolutely believe that, in the UK, Scottish householders should not be penalised in this way, but they are, through a total failure of regulation under successive Governments. The position is exacerbated because one of the longer-term solutions is to connect the islands to the grid, which would generate such additional benefit through community benefit and community ownership of schemes that the funding generated in places such as Shetland, Orkney and the



Western Isles would be sufficient to banish fuel poverty if the island leaders so chose.

I hope that Mr Stewart and his colleagues will join us in making representations to the Smith commission and will use the opportunity to empower Scotland to cut our bills rather than continue with a somewhat touching faith and belief in the good will of the Tory Government—their former better together ally.

**Jamie McGrigor (Highlands and Islands) (Con):** I agree with the minister's point that, because of the colder weather, constituents in the Highlands and Islands face greater fuel poverty. They are understandably concerned about the transmission charge. SSE has indicated that it wants a national price. Has the minister raised that point with the Competition and Markets Authority as well as the UK Government? If so, what was the response?

**Fergus Ewing:** Expecting action from the CMA on the matter would be akin to expecting a chocolate fireguard to operate effectively. We have the regulatory authorities—we have Ofgem—but they do not work. That is the problem.

Another problem, which—sadly—Mr McGrigor's colleagues and masters down in London have not dealt with, is that we in Scotland have 35 per cent of the costs of transmitting electricity in the whole UK but we have only 12 per cent of the generators. Therefore, the electricity supplier is paying three times as much for transmitting electricity, and of course it passes that on to its consumers in the Western Isles, in Skye, in Lochaber, in Shetland and in Orkney. I urge Mr McGrigor to look at other options to solve the problem, not least powers in this Parliament.

**Liam McArthur (Orkney Islands) (LD):** The minister started off rather well in his initial response to David Thompson but things have degenerated ever since. The Scottish Renewables submission to the Smith commission has emphasised the need to retain a single energy market across the UK—the only way of spreading the cost.

The minister will be aware that, yesterday in Westminster, my colleague Sir Robert Smith MP raised the issue with Dermot Nolan, the Ofgem chief executive officer, whereupon Mr Nolan indicated that the idea of a single national tariff—as we have for the Royal Mail—would be possible, although complex. From the discussions that the minister has had with Ofgem and the UK Government, can he indicate what progress has been made on that?

**Fergus Ewing:** We have been discussing these matters with the UK Government and Ofgem for as long as I can remember and for far longer than I have had the honour of holding my current

position. The First Minister has led the campaign on the issue and has called for fair electricity costs throughout the UK.

Project transmit was supposed to be the solution, but that solution is not expected to deliver any amelioration of the unfairness to Scotland until 2016. That is what the regulators are doing at the moment. The regulators are responsible to the UK Government and, sadly, they have not delivered.

## Manufactured Exports

**8. Fiona McLeod (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what its response is to the latest figures on manufactured exports in Scotland. (S4O-03638)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** We welcome the index of manufactured exports increase of nearly 3 per cent during the second quarter of this year and we continue to work as team Scotland to promote exports further.

**Fiona McLeod:** I thank the minister for that response. Am I right in thinking that this trend could be continued and ever strengthened if the Smith commission was to recommend that responsibility for all business taxation and employment law should be with the Scottish Parliament?

**Fergus Ewing:** Yes—Fiona McLeod is absolutely correct. I pay tribute to Scottish exporters, who are doing extraordinarily well through their efforts and the quality of their goods and products, and through the good offices of Scottish Development International, Scottish Enterprise and Highlands and Islands Enterprise.

It is of course vital that we have access to all the levers of taxation. For example, if we were possessed of powers in respect of air passenger duty, we would, according to the leaders of most of Scotland's airports, be in a position to increase travel further, thereby helping to promote and stimulate trade and exports and to welcome more people to Scotland. Fiona McLeod is correct in calling for more powers to come to this Parliament in that respect.

## European Union (Membership)

**9. Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** To ask the Scottish Government what impact exiting the EU would have on the Scottish economy. (S4O-03639)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government firmly believes that exiting the European Union would have a deeply damaging impact on Scotland's economy.

Europe is a vital market for Scottish businesses: it accounts for 45 per cent of Scotland's international exports, which are worth £11.7 billion to our economy.

An analysis published by the Centre for Economics and Business Research in March 2014 estimated that, in 2011, approximately 336,000 jobs in Scotland were associated with exports to the EU. Such jobs and economic activity in Scotland would be at risk if the United Kingdom was to leave the EU.

**Christina McKelvie:** I thank the cabinet secretary for explaining those risks. He will be aware that recent polling shows that, although people in Scotland would vote to stay in the EU in a referendum, people across the UK would vote for an exit.

Does the cabinet secretary agree with me—and now Carwyn Jones, the Labour First Minister of Wales—that it is essential that a UK exit from the EU must require a vote for exit in each of the UK's constituent nations, thereby ensuring that the economic interests of all the nations in the UK family are represented?

**John Swinney:** Christina McKelvie makes the argument that has been advanced by the Deputy First Minister. It is a strong argument and indicates the importance of ensuring that Scotland's position, as part of the family of nations that we were told existed in the United Kingdom, is properly represented. Now that that view has been amplified by the comments from the First Minister of Wales yesterday, it is important that the whole debate is taken forward as part of the consideration of what I think would be a foolish move by the United Kingdom to leave the European Union.

#### **“Empowering Scotland's Island Communities”**

**10. Mike MacKenzie (Highlands and Islands) (SNP):** To ask the Scottish Government how it is taking forward the proposals in “Empowering Scotland's Island Communities”. (S4O-03640)

**The Minister for Local Government and Planning (Derek Mackay):** We are already working with the island councils and other key stakeholders to implement the parts of our prospectus for the islands that we can implement, given our existing powers. Those include, for example, proposals in relation to aquaculture, the rural development programme and island beef producers.

With a further transfer of powers—for example, over the Crown estate—we will be able to deliver more of the aspirations of the islands.

**Mike MacKenzie:** The minister will have seen the publication today of the submission to the

Smith commission from three island authorities. It calls for, among other things, local control of the Crown estate; devolution of 100 per cent of Crown estate revenues; powers to ensure that islands can benefit from renewable energy; powers to ensure lower electricity and fuel costs in order to tackle fuel poverty; direct representation for the Scottish Government in Europe; and devolution of welfare to the Scottish Government.

Does the Scottish Government support that position? Would the minister urge all those in the Smith commission to take account of the views of the islands in their deliberations?

**Derek Mackay:** Yes, I concur with those comments. I have seen the document, “Our Islands: Our Future”, which was submitted to the Smith commission. I have not read it in detail, but it seems to me that there is much in it that aligns with the Scottish Government's position.

If consensus can be reached in the Parliament—if Labour is true to its word on empowering the islands and what it wants to do with those areas, and if the same is true of the Liberal Democrats and others—there might be enough members of the Smith commission to produce a robust package for the islands and to enable powers to be transferred to the Parliament, which would, in turn, allow us to transfer powers to the islands and implement further decentralisation through the subsidiarity principle.

There is a great opportunity for members of all parties to support the vision that we offer to island communities in our “Empowering Scotland's Island Communities” prospectus.

#### **Employment (West of Scotland)**

**11. Stuart McMillan (West Scotland) (SNP):** To ask the Scottish Government what action it is taking to increase employment opportunities in the west of Scotland. (S4O-03641)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** Scotland offers the most competitive business tax regime in the United Kingdom, and the Scottish Government is delivering a range of initiatives to create jobs and attract inward investment. Business gateway and enterprise agency support to start-up and expanding businesses encourages job creation, into the bargain. That includes regional selective assistance awards, which, in West Scotland, totalled £29.6 million in 2013-14 and £22.5 million in the first two quarters of this year. With half the 2014-15 year remaining, the anticipated jobs that have been created or safeguarded by those RSA awards represent 82 per cent of the 2013-14 total of 4,131 jobs.

**Stuart McMillan:** The cabinet secretary will be aware that Inverclyde and West Dunbartonshire have seen a dramatic loss of manufacturing jobs over the past three decades, in the main as a result of UK Government policies. The Scottish Government undertook a vital role in stepping in to help to save Ferguson shipbuilders in Port Glasgow, which demonstrated that areas in West Scotland actually have a manufacturing future. Therefore, what further assistance can the Scottish Government provide to encourage manufacturing opportunities, through existing companies or through further inward investment, in places such as Inverclyde and West Dunbartonshire?

**John Swinney:** Mr McMillan rightly refers to the important news over the summer about the rescuing of the Ferguson shipyard. It was a source of significant joy to me that we were able to bring about a resumption of manufacturing activity in that yard and to protect shipbuilding on the lower Clyde. That was one example of the Government working collaboratively with our enterprise agencies, a local authority and other interested parties to ensure that we achieved a result. That approach will be deployed on any other occasions on which we feel it necessary to do so.

The Scottish manufacturing advisory service offers a specific amount of support to individual companies that wish to develop their manufacturing activity, and it is available to companies in West Dunbartonshire and Inverclyde, to meet their requirements.

### **Tax Debt (Local Authorities)**

**12. Marco Biagi (Edinburgh Central) (SNP):** To ask the Scottish Government whether it considers that local authorities should have the power to begin pursuit of tax debt up to 20 years after the liability arose. (S4O-03642)

**The Minister for Local Government and Planning (Derek Mackay):** Under the legislation governing local taxation, responsibility for the administration and collection of local taxes lies with local authorities. It is for each local authority to interpret and apply the relevant legislation when seeking to recover local tax debts, and to decide how best to seek payment of outstanding local taxes.

However, the Scottish Government is aware of concerns about on-going pursuit of historic debt, and therefore intends to bring forward legislation that will mean that local authorities no longer have the ability to collect debts from the defunct community charge. In doing so, it will ensure that local authorities are compensated in line with current collection rates in respect of outstanding amounts of community charge—poll tax—that would have been collected.

**Marco Biagi:** A constituent of mine has shown me what appears to be a tax demand for council tax from 12 years before the date of issue. It concerns me that, under the current powers, councils can do that and that, in essence, individuals have to be able to prepare and provide records stretching back for more than a decade on receipt of a tax demand. Can the minister give an indication of whether, as well as the community charge issue, the wider question of the duration of time for which tax demands can be made will be considered in the process of the proposed legislation?

**Derek Mackay:** I should be clear that the First Minister's intention, as outlined at First Minister's question time, is what the Government will legislate for. We will carry out what we have committed to publicly. However, I am happy to see whether Government officials can assist Mr Biagi on the specific points about burdens. There are burdens in terms of the Prescription and Limitation (Scotland) Act 1973, which sets out clear timescales within which debts can be pursued. There is a difference between the poll tax liabilities, most of which are now technically out of reach, anyway, and council tax debt, of which, fortunately, there is far less in proportion to poll tax debt. That is because of the nature of the two forms of taxation. However, I am more than happy to provide further guidance to local authorities to ensure clarity on both, as we proceed with the proposed legislation.

### **Air Passenger Duty (Impact on Tourism)**

**13. Graeme Dey (Angus South) (SNP):** To ask the Scottish Government what impact air passenger duty is having on Scotland's tourism sector. (S4O-03643)

**The Minister for Energy, Enterprise and Tourism (Fergus Ewing):** We believe that air passenger duty is one of the most damaging of taxes to Scottish tourism, as it makes it much more expensive to visit Scotland than to visit competitor destinations. We welcome the submission that was made by Edinburgh, Glasgow and Aberdeen airports, which supports the transfer of power over that tax to this Parliament.

**Graeme Dey:** Does the minister agree that APD is contributing to London airports being logjammed with flights, rather than facilitating direct flights to Scotland?

**Fergus Ewing:** We do not have a United Kingdom aviation policy; we have an aviation policy that is designed for the needs of London. It has long been thus. The difficulty is that in order to boost tourism we need to make it easy and affordable for people from foreign countries to get here. Air travel is the gate to Scotland. Since air passenger duty in the UK is by far the highest of

any major country in the world, the UK has effectively placed a padlock on that gate.

#### **Land and Buildings Transaction Tax (Scottish Borders)**

**14. John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what analysis it has carried out of the impact of the recently announced land and buildings transaction tax on domestic and non-domestic property sales in the Scottish Borders. (S4O-03644)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government's proposed progressive rates and bands for the land and buildings transaction tax will ensure that the tax charge on 90 per cent of residential transactions and 95 per cent of non-residential transactions will be lower than, or no higher than, the current stamp duty land tax charge.

The average price of a residential property sale in every local authority area in Scotland is significantly below £325,000, which is the value below which the tax charge under the land and buildings transaction tax is lower than or the same as the SDLT charge. That redistribution of the tax burden will support the majority of first-time buyers and complement this Government's commitment to supporting home ownership in a balanced and sustainable way.

In the most recent quarter, the LBTT charge on the sale of the average residential property in the Scottish Borders would have been £1,055 lower than the current United Kingdom tax charge.

**John Lamont:** The cabinet secretary will be aware that, last week, Registers of Scotland published data that show that the average price of a detached house in the Scottish Borders is more than £250,000, meaning that many properties in the Borders will be caught by the Government's new 10 per cent tax rate. What analysis has been carried out of whether the housing market will be skewed before and after the new tax is introduced, as sellers desperately try to avoid this extra 10 per cent tax rate, and is the cabinet secretary concerned that that will result in lower tax receipts in the long-term?

**John Swinney:** The first thing to say is that I do not think that the Conservatives are in a strong position to complain to me about any factors that will happen in the market between the time of my announcement and the start of the financial year, given that they were arguing that I should have announced the tax rates much earlier than I set them out to Parliament, several months in advance of the start of the financial year.

Mr Lamont highlighted the average price of a detached property in the Scottish Borders, which is still below the £325,000 level. That means that, in relation to a substantial number of detached properties that are sold in the area, the cost of the tax charge will be lower than it is currently.

Of course, according to the most recent information that is available to me—the figures for April to June 2014—the average house price in the Scottish Borders is £165,762. That is significantly lower than £325,000. John Lamont needs to think about encouragement of the property market in the Scottish Borders. All the evidence that I have heard suggests that the property market in the area and throughout Scotland will be strengthened by the fact that I have substantially reduced the cost of acquiring a property for first-time buyers and for people moving up the next stage of the housing ladder. That will be welcomed the length and breadth of Scotland.

## Tackling Sectarianism

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-11395, in the name of Elaine Murray, on tackling sectarianism. I will allow a few moments for members, particularly on the front benches, to change position.

I call Elaine Murray to speak to and move the motion. Ms Murray, you have 10 minutes.

14:40

**Elaine Murray (Dumfriesshire) (Lab):** When, on 14 December 2011, the Scottish Government used its majority to railroad through the Parliament the controversial Offensive Behaviour at Football and Threatening Communications (Scotland) Bill, the Minister for Community Safety and Legal Affairs stated:

“Once the legislation is in place, we can get down to the difficult and long-term work of tackling sectarianism.”

She said that she wanted

“to begin the process of healing the divide and then celebrating this nation’s differences and diversity.”—  
[*Official Report*, 14 December 2011; c 4676.]

I am sure that we all agree that the work of the advisory group on tackling sectarianism in Scotland is an important contribution to that difficult and long-term work. The group, which is chaired by Dr Duncan Morrow, published its independent advice to the Scottish ministers and its report on activity in December last year. That was 70 pages detailing the history of sectarianism in Scotland; how it is manifested in today’s Scotland, including a working definition; and recommendations on how the attitudes and actions of a range of institutions could help to counter sectarianism. It is the most substantial piece of work that has been carried out on the issue.

The Scottish Government published its response to the independent advice in February, and a number of other agencies such as the Convention of Scottish Local Authorities have discussed their responses to the report. However, despite the Scottish Government’s professed concern about sectarianism in Scotland, it has not found time to present even a statement to the Parliament, still less a debate on the report or its response. I am aware that the minister has asked the advisory group to continue until March next year, but that is not a valid reason to postpone discussion of the independent advice by Parliament for more than 15 months. Moreover, that is when the funding of the 44 core projects is due to run out.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Does the member accept that—

**The Presiding Officer:** Can we have Christine Grahame’s microphone on, please?

**Christine Grahame:** My card is in, Presiding Officer.

**The Presiding Officer:** It is working now.

**Christine Grahame:** I know that I have a big voice, but I will obey the rules.

Does the member accept that, on 4 March this year, the Justice Committee took substantial evidence on the report from the Minister for Community Safety and Legal Affairs and from Scottish Government officials? The member took part in that meeting herself and asked a couple of questions.

**Elaine Murray:** Indeed, but I am talking about an in-depth investigation by committees and, in particular, discussion by the Parliament given its interest in the legislation. Moreover, the Justice Committee took evidence on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, not the report. It is the report that I want to discuss.

**Christian Allard (North East Scotland) (SNP):** Will the member take an intervention?

**Elaine Murray:** Sorry, but I had better press on.

The frustration of the anti-sectarianism campaigners Nil by Mouth has built up to such a stage that, before the October recess, they requested that members of the Scottish Parliament find time to debate the report—not the act. Dr Morrow has stated that

“it is vital that the report and its implications are considered.”

*The Herald*, a publication that is normally fairly sympathetic to the Scottish Government, ran an editorial on 6 October that reminded the Minister for Community Safety and Legal Affairs that she had welcomed the findings of the Morrow report and, in response, had stated that the Government

“will change Scotland for the better and build sectarian-free communities to benefit all of our people”.

The editorial stated:

“It is bizarre that this report ... has not been debated in the Scottish Parliament.”

It asked:

“How is the work progressing? Are the outcomes being monitored? Is the spending appropriate? What will happen when funding runs out next year?”

Those are good questions. Many of us would be interested to learn the answers, and I hope that the minister may be able to provide them today.

The advisory group recognised that Scotland was at the start of a journey and called for political leadership. Indeed, that was its first recommendation, so it is disappointing that, to date, the Scottish Government seems to have been reluctant to show that leadership—certainly, in Parliament.

The Government's response to the advisory group's report appeared, in some ways, to be an abdication of responsibility, as it pointed out that some of the recommendations did not relate directly to the Government. That is not the point. We need to know whether the Government is taking matters forward, how it is doing so and which recommendations apply to it.

The Scottish Government's response to the report states:

"The Scottish Government recognises the need for a broad and holistic approach".

We agree with that. It also states that the Government has

"written to key organisations inviting them to respond to the recommendations"

that apply to them by the end of June 2014.

In a way, that makes it even more surprising that four months on from that deadline the Scottish Parliament itself still has to discuss the recommendations. In the absence of the Government being prepared to use its time to initiate debate on this important report, Scottish Labour has offered some of its time to start the process.

The report highlighted some key aspects of sectarianism in today's Scotland: that it varies significantly by geography, class, age, gender, occupation and community; that the impact varies from community to community and is affected by historical religious antagonisms, class, political association and commercial interests; that the people involved are not necessarily still actively participating in a faith community but have cultural affiliations that can lead to an us-versus-them mentality; and that sectarianism is not just overtly aggressive bigotry or anti-Catholic or anti-Irish prejudice.

In terms of addressing sectarianism, the report recommended, as I have already indicated, the importance of leadership at all levels. The advisory group did not consider that new legislation was required and felt that existing legislation on human rights, equalities and hate crime should be applied. Members might recall that Opposition members in Parliament made that very point when the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill was being discussed.

The advisory group also recognised that to learn more about sectarian attitudes further research was needed on, for example, the role of gender victimisation and social media; the impact of potentially divisive events such as parades or, indeed, football matches; employment discrimination; and other forms of tension within sections of the Christian faith. Crucially, the report found that organisations and institutions at all levels must take responsibility for sectarianism, which of course includes the Scottish Parliament and the Scottish Government, taking a cross-party approach.

The Government amendment refers to scrutiny by the Equal Opportunities Committee, but that was one session with Dr Morrow and Dr Rosie, and there was no questioning of the minister or of stakeholders. That is not scrutiny, nor indeed was the session in the Justice Committee, which was about the 2012 act. The issue is the report and the responses to it.

**John Mason (Glasgow Shettleston) (SNP):**

The Equal Opportunities Committee did look at the report and agreed that, because the advisory group was carrying on, it would look at it again in future—which we will do before Christmas, I think. We did not feel that there was any point in duplicating the work of the advisory group, because we want to build on it. Does the member accept that?

**Elaine Murray:** I have seen the letter from the convener of the committee. As a member of the Justice Committee, which could also look at the report, I accept that parliamentary committees have a very heavy workload. However, my point is that the Parliament should be considering and discussing the report. Given how important the sectarianism issue was considered to be when the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill was being rushed through Parliament, why are we not considering the report in the Parliament?

I thank the minister for facilitating meetings with representatives from the advisory group for myself and other party spokespeople. I found the meetings very useful. The Government states in its response to the report that there has been a great deal of cross-party support for the need to tackle sectarianism and that it wants to build on that constructive and positive engagement: so do we.

Dr Morrow has kindly offered to meet members of the Scottish Labour group of MSPs, and I am sure that he has met members of other parties. We will meet him at the beginning of next month, and I know that several of my colleagues are very keen to take up that opportunity. However, a debate in Parliament is one of the mechanisms

that we can use to highlight the issues and the actions that are being taken.

It is not just the responsibility of politicians to undertake a leadership role. The Morrow report also places such responsibility on churches, local authorities, journalists, football clubs and community organisations. The report highlights the requirement for strategic financial support and that it needs to be provided for community activity and education that could address sectarianism at the grassroots level; and that the community-based projects that have been supported by the Scottish Government since 2012 ought to be evaluated to determine what has actually been successful.

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** Will the member take an intervention?

**Elaine Murray:** No. I am afraid that I must get on.

I know that we will hear from the Government that it committed £9 million over three years to research, education and community-based and policing initiatives aimed at addressing sectarianism. I hope that we will hear today from the minister whether the evaluation that the advisory group requested is under way.

The Scottish Labour Party has consistently taken sectarianism very seriously. The Labour-Liberal Democrat Government created the offence of religiously aggravated breach of the peace in the Criminal Justice (Scotland) Act 2003 and funded Nil by Mouth and Sense over sectarianism. Those of us who were here at the time will recall that Jack McConnell, as First Minister, personally championed a number of measures to address what he described as “Scotland’s secret shame”, including supporting shared campuses and the twinning of denominational and nondenominational schools.

Our motion also refers to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which all the Opposition parties felt was unnecessary and unhelpful. Despite the broad remit of the advisory group’s work, that act was placed off limits by ministers and was therefore not discussed at any point.

I have only a few seconds left. I would have liked to have made a number of other points, but I argue that the 2012 act was an inadequate, knee-jerk reaction. I think that many of us felt that, and I suspect that the Government may feel that way, too, but that is no reason for the issue to be kicked into the long grass until after March 2015. We must discuss the wider issues around education and the preventative measures that need to be taken to tackle sectarianism.

I move,

That the Parliament notes that, in December 2013, the Advisory Group on Tackling Sectarianism in Scotland published its report, *Independent Advice to Scottish Ministers and Report on Activity 9 August 2012 – 15 November 2013*; considers that the report’s recommendations require action from groups and organisations across civic Scotland; regrets that neither this report nor the Scottish Government’s response of February 2014 has been debated in the Parliament or scrutinised in depth by a parliamentary committee; agrees that education and prevention are the best ways of tackling sectarianism, and believes that the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which was railroaded through the Parliament by the Scottish Government, is flawed and should be repealed.

14:50

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** I assure everyone in the chamber that this Government remains completely committed to tackling sectarianism. The level of that commitment can be seen in the immense amount of work that has been undertaken over the past three years.

Elaine Murray talked at length about the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which in our view has a clear role to play in meeting the commitment that was made. There are welcome indications of success—offences of religious hatred and offending under the act have decreased, so it is working.

It is important to remember that the act was brought in for a reason—to tackle offensive and abusive behaviour at and around football. In recent days, we have been reminded why the act is needed by the online abuse, including threats of violence and death, that has been sent to players and their families. People need to remember the extraordinarily heated atmosphere in which the legislation emerged.

We have never tried to claim that sectarianism is confined to football, which is why we have invested a record £9 million over three years to tackle this scourge through a range of activities. That has been the biggest commitment that any Government in Scotland has ever made to anti-sectarianism. As was stated in the draft budget last month, I am making a further commitment to invest more than £3 million in 2015-16 to support community-based initiatives to tackle sectarianism and to further develop our understanding through research, while continuing to support work to tackle racial or ethnic hatred. It is a pity that Elaine Murray did not read that line in the draft budget.

When I came into this job, I had two very clear aims for the anti-sectarianism agenda. The first was to ensure that the work that we were supporting was getting into communities and tackling the problems that they were experiencing, and the second was to build a robust research and

knowledge base on the nature and extent of sectarianism in modern Scotland so that future policy could be made on the basis of evidence and not innuendo. When I first came into this job, I remember being quite shocked to discover that there was virtually no information or evidence base available in Scotland. We have spent considerable time and money beginning to put that work into place to ensure that we have the necessary evidence in future.

That is why I have ensured that our work is a good example of what we are calling the Scottish approach, which is informed by the Christie commission. It is an approach that is assets based and which places the needs of communities at the centre of the agenda. There are 44 community-based projects, which are bottom up and not top down. They are allowing us to get to the heart of the issue as it is experienced by communities. The solutions that are emerging are being tailored to the specific issues that are identified.

**Elaine Murray:** How many of those 44 funded projects will continue after March next year? Has any evaluation of their success been undertaken?

**Roseanna Cunningham:** Of course that is happening. No project has any right to assume that funding will continue without its outcomes being assessed, and that is one of the key jobs that the advisory group is involved in doing.

At the same time as the projects are taking place, our comprehensive research programme is helping us to build the most holistic evidence base on the issue that we have ever had. The outcomes of all that work have been developed in partnership with the independent advisory group.

It is important to be clear that we are taking a new approach for which time is needed to allow the projects to deliver and evaluate their initiatives, and for research to be carried out and completed. A whole slew of research is being undertaken or has just been completed; indeed, a vast amount of work is under way, and the timescales for delivery will ensure that the evidence that we get back will be robust and informative.

I whole-heartedly welcomed the wide-ranging report that the advisory group published on 13 December 2013, but the point that Elaine Murray missed was that it was an interim report that aimed interim recommendations at organisations across Scottish public life. I also point out that we responded to the report in February. At the same time, and in recognition of the far-reaching recommendations that had been made, I wrote to all the key organisations, including football clubs and authorities, Police Scotland, COSLA and religious leaders, to highlight the recommendations that they needed to give consideration to and address.

A number of the advisory group's recommendations called for the development of a full research programme. The baseline for our research has been the Scottish Government's literature review, entitled "An Examination of the Evidence on Sectarianism in Scotland", which was published in 2013. Since then, we have built on the advisory group's recommendations by publishing information from the 2013 Scottish crime and justice survey and Scottish household survey; statistics on hate crime statistics, including religious hate crime, from 2013-14; and information relating to religion on demographics, population, households and health from the 2011 census.

All of that will be supplemented next year by the completion and publication of research on the community impact of public processions; a Scottish social attitudes survey module on sectarianism; a study of community experiences of sectarianism in Scotland; and information relating to religion on the labour market, education, housing and transport from the 2011 census.

Of course, academic research in itself does not tell the whole story, which is why, as I have said, we have accepted the advisory group's recommendation to use funded projects as data sources to ensure that the real experiences of those working in communities can be reflected when we pull all the information together. That, I am afraid to say, takes time. I do not believe that anyone is under any illusions that there are any quick fixes; we need to allow all of the pieces of work to complete before we can bring them all together next year.

I know that the advisory group does not want its report to become a political football, so I was very encouraged when Dr Morrow confirmed that he had been meeting spokespeople from all political parties as well as the Equal Opportunities Committee to discuss the agenda. I fully recognise that there has consistently been a great deal of cross-party support for the agenda and, as recommended by the advisory group, I would like to explore the potential for building on that in the future.

We are, and have always been, committed to tackling sectarianism, and we recognise that we need to work together on the issue. Our work with the advisory group will continue, and I look forward to its final report, which I am sure will help us all to move this agenda forward.

I move amendment S4M-11395.1, to leave out from "considers" to end and insert

"welcomes the report and its recommendations, which require action from groups and organisations across civic Scotland; awaits the final report of the advisory group in 2015 and welcomes the scrutiny given to last year's report by the Equal Opportunities Committee and the committee's



ongoing interest in this issue; agrees that education and prevention are the best ways of tackling sectarianism, and looks forward to the statutory report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which the Scottish Government will lay before the Parliament next year."

14:57

**Margaret Mitchell (Central Scotland) (Con):** I congratulate Labour on allocating its parliamentary time to a debate on this important issue.

Expressions of religious hatred, regardless of how they are articulated, are completely unacceptable in any civilised society, and I find it deeply depressing that in Scotland today sectarian divisions continue in some local communities, frequently manifesting themselves in so-called sectarian banter or in abuse, intimidation and harassment that can, at the extreme end of the spectrum, develop into violence.

As recently as April this year, sectarian tensions once again emerged at the Glasgow cup final between the Celtic and Rangers under-17 youth teams. The match should have provided an opportunity, first and foremost, for the young players to display their skills. Although that should have been the story that dominated the headlines next day, the occasion was virtually hijacked by both teams' supporters, who for the duration of the match taunted and derided each other with derogatory comments and songs.

It is therefore little wonder that campaigners such as Nil by Mouth have argued that the Scottish Government and the football authorities are not doing enough to combat sectarianism. However, it is vital that, in seeking to tackle the problem, we do not narrowly restrict the focus to football alone but seek to adopt a holistic and consensus-driven approach.

Moreover, it is neither desirable nor possible to arrest our way out of this problem, which seems to be the intent behind the deeply flawed Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. This fundamentally bad and poorly drafted legislation constituted a knee-jerk response to the something-must-be-done clamour, and it paved the way for the introduction of new criminal offences by statutory instrument without full and detailed parliamentary scrutiny and despite a distinct lack of consensus among key stakeholders.

**John Mason:** Does the member think that legislation was or can be part of the answer or that it must be purely about education?

**Margaret Mitchell:** I will come to that precise point.

In 2011, that act was railroaded through by the SNP majority Government in the face of opposition

from Scottish Conservatives, Labour and the Liberal Democrats, who all voted against it. Those Opposition parties were not alone in their criticisms of the 2012 act. In 2013, Sheriff Richard Davidson said that it was

"horribly drafted"

and that

"Somehow the word mince comes to mind."

His voice is only one of those in the legal profession who have spoken out against it.

Where clarity was sought, the act introduced vague, catch-all offences that some argue are very much at odds with civil liberties. In other words, the SNP response to the deeply complex issue was to introduce legislation that has served only to create confusion. Consequently—to answer Mr Mason's point—that legislation should be repealed now in view of the fact that existing laws that do not vilify certain sections of society could easily be used to greater effect. For that reason, the Scottish Conservatives will vote for the motion and against the amendment.

The legislation, which was the SNP's top-down response, is self-evidently not the answer to the problem. If Scotland's sectarianism is to be eliminated, the root causes must be tackled.

The Morrow report confirms the inherent complexities of sectarianism where it exists in Scotland. It also stresses that the impact of sectarianism varies from community to community and that it is not a one-size-fits-all issue. In particular, it highlights the importance of community-led activity as the way to overcome sectarianism.

I very much welcome that approach, having been fortunate enough to see at first hand when I visited the Machan Trust's project in Larkhall how such activity can make a transformative difference in the lives of young people. That project, which seeks to tackle sectarianism, ran successfully in bringing children and young adults of all religions and none together to participate in collaborative activities. Furthermore, YouthLink Scotland has seen proven success by addressing the issue through youth work with its action on sectarianism web portal.

Those initiatives endeavour to work with a local community where sectarian issues exist in order to educate rather than punish. As such, they are surely an example of the best way to overcome the sectarian divide.

**The Presiding Officer:** We now move to the open debate. Speeches should be four minutes, please. Time is fairly tight.

15:03

**Christian Allard (North East Scotland) (SNP):**

We can all agree that we have a problem and that we need to talk about it. The key in this debate, inside or outside the chamber, is that sectarianism needs to be talked about, but it has to stop being aired through a megaphone.

It would be great if there were a scapegoat or we could find somebody who is responsible for the present level of sectarianism in Scotland, because that would mean that we could get rid of the problem in an instant. Let us be clear: it is not going to work like that. It never does.

We can all agree that this is about more than legislation; we need a cultural change that could be led from the Parliament. It is important to realise that we all in Parliament have a responsibility when it comes to the tone that we use when we talk about sectarianism.

Elaine Murray's motion makes two important points, which I would like to address. First, it talks about a failure of our committees to address the report that was published by the advisory group on tackling sectarianism in Scotland. The Labour Party's motion then asks us to repeal the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

Let me deal with the second part of the motion first. I cannot be the Labour Party's scapegoat today; I was not yet an MSP when the bill came to Parliament. However, as a member of the Justice Committee, I was aware that section 11 of act states that the Scottish Ministers are required to report to Parliament. The minister has repeated what we already knew: the Justice Committee's members are aware that the report will cover two full football seasons and the evaluation report will be laid before Parliament within 12 months of the end of the previous football season. In March, the committee members heard the minister rule out an early review of the act. Christine Grahame, the committee's convener is right: we were all there when that happened. Nothing has changed since.

I also happen to be a member of the Equal Opportunities Committee. On the first part of the motion about a failure of our committee system to address the report that was published by the advisory group on tackling sectarianism in Scotland—

**Elaine Murray:** Can I just make a point of information about that?

**Christian Allard:** First, let me read out to Elaine Murray a letter dated 1 April from our convener Margaret McCulloch, to Dr Morrow. The letter is important because it says what our committee will do. It says:

"Dear Dr Morrow

Thank you again for your attendance with Dr Rosie at our 20 February meeting. Following the Scottish Government's response to your initial findings and, given the extension of the life of the Advisory Group, we have agreed to await further findings before taking a decision on carrying out more in-depth work."

**Elaine Murray:** My motion does not comment on the failure of any committee; rather, it comments on the fact that Parliament has not discussed the report. That is the important point.

**Christian Allard:** The motion refers to scrutiny by a committee. It may be that the motion is not drafted properly, so perhaps Elaine Murray will welcome the Scottish Government's input and its amendment. There has been no failure from the Equal Opportunities Committee's convener, but there has been a proportionate and cross-party approach to helping to tackle sectarianism.

I remember that, when we were taking evidence, in answer to Siobhan McMahon, Dr Morrow stated:

"As we have already said, the issue cannot be addressed as a party-political issue. If it is addressed in that way, as I know from my experience, it becomes extremely difficult to have a serious conversation about it."—[*Official Report, Equal Opportunities Committee*, 20 February 2014; c 1826.]

We need a cultural change—one that can be led from this Government and this Parliament through the tone of our debates in the chamber and at committee.

**Michael McMahon (Uddingston and Bellshill) (Lab)** *rose—*

**The Presiding Officer:** Have you finished your speech?

**Christian Allard:** Did I have four minutes?

**The Presiding Officer:** Yes. You have finished your speech.

15:07

**John Pentland (Motherwell and Wishaw) (Lab):** The forthcoming old firm match has attracted the media's attention even though it is three months away. Although it has been nearly three years since they last met, there is understandable excitement. Supporters hope that Scottish football will get a much needed competitive boost, and that there will be greater maturity among the small sections who are an embarrassment to their clubs and who project an image that should no longer have any place in Scotland.

There is widespread feeling that the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 exacerbates the problem. That act should be repealed.

When we talk about challenging sectarianism, the old firm and other sporting manifestations are only part of the story and, in many ways, they are subsidiary to the wider task of challenging sectarianism in society through prevention and education. It is that wider task that we need to speak about today.

Tackling sectarianism has and will continue to be a priority for the Scottish Labour Party. When we were in power, we had an action plan and we pursued an education strategy that was designed to tackle sectarianism. By contrast, the SNP Government pushed through a controversial law, despite widespread opposition and doubts about its effectiveness. Those doubts have been borne out by subsequent events.

The SNP also set up an advisory group on tackling sectarianism in Scotland, but although Dr Morrow's report was published more than a year ago, it still awaits proper consideration and debate. The supposedly concerned Scottish Government has published a response but, significantly, the response fails to take on board the recommendations about actions that are its responsibility.

The Morrow report specifically called on the Scottish Government to use powers to engage people in discussion of sectarianism and to ensure that instances of sectarianism are recognised as such. It said that the Scottish Government should provide financial support for community activity and education that can address sectarianism at grass-roots level, with the issue being part of public funding for community work, education and youth work, yet community projects that have been set up still do not know what will happen when their funding comes to an end next year.

Other recommendations included evaluation of existing community-based projects to see what works, and encouraging schools to create anti-sectarianism partnerships. Dr Morrow claimed that many senior and influential people across Scotland have failed to show the leadership that is needed to confront the problem.

**Fiona McLeod:** Will John Pentland give way?

**The Presiding Officer:** I am sorry, but the member is in his last 25 seconds.

**John Pentland:** Dr Morrow is rightly concerned that his report's recommendations for actions are not being implemented.

The question is whether ministers oppose wider action to tackle sectarianism or whether they have just been too busy securing a no vote for separation while allowing Dr Morrow's report to gather dust. Either way, it is shameful. The recommendations deserve better attention from the Scottish Government. Facing up to

sectarianism and giving it the attention that it deserves is long overdue. Scottish Labour will do that, and in looking to become the next Scottish Government we promise a renewed focus and effective action on sectarianism.

15:11

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** What an utterly depressing speech from John Pentland when the thrust of the report is that we should not politicise sectarianism. Nobody in Parliament supports sectarianism, but to speak in such a manner almost lays to rest, albeit temporarily, any hope of a broad church discussing the issue in the Parliament in a grown-up and mature way.

I say to Elaine Murray that the thrust of her motion is the repeal of an act of Parliament. She is the one who focused on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Otherwise, it would not have been raised by other members, including Margaret Mitchell. It is tagged on to the motion as if it is part of the report, which it is not. The member herself admits that the report says, in the executive summary, at paragraph 21:

"We have not addressed any issues specifically relating to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. We are aware that a review of the Act is to be undertaken at the end of this football season and a report submitted to Parliament."

**Michael McMahon:** Will Christine Grahame give way?

**Christine Grahame:** Let me go through some points first.

I will deal first with the point about the Justice Committee. As Elaine Murray is well aware, the committee had an opportunity to discuss the matter at its meeting on 4 March. The member asked two questions and she was apparently satisfied with the answers. I always allow members to ask additional questions. I am looking at the minutes of that meeting, as a decision was taken in private in relation to the evidence that we had heard and the correspondence. The minutes, which are public, state that the committee considered next steps in private during a work programme discussion later the same day and the decision was

"to consider the next research document on Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 once published in June 2014".

That research was circulated to members when it was published in June and no member requested any further action from the committee on it, so it is a bit rich for Elaine Murray to come to the chamber with her motion today.

We should remember that the Justice Committee is a committee of the Parliament; we are the Parliament, as well. Elaine Murray's motion includes a reference to the committee, saying that we have not looked at the matter in depth. She had an opportunity to bring it up in discussions on our work programme but she did not do that.

Why are we having this debate today? I cannot think of a good reason. There is a good reason to talk about the report, but the way to talk about such a report is to have a debate without a motion. We have done that before. That would have allowed the Parliament to discuss a sensitive, complex and diverse issue across the chamber in a responsible fashion, without bringing in party political points right, left and centre that do no favours to people who are confronting sectarianism in all its forms, be it on football pitches, on the streets, in work or wherever.

This debate does the Parliament no service. It makes me so angry that the Labour Party, which I used to have some regard for—to be frank, I have lost all regard for it—looks for cheap party-political tricks on the back of anything it can find. That is a great shame, because the Morrow report makes it plain that

“there is a need for leadership”

on this difficult issue. Labour is not showing one little wisp of leadership today. Instead, I think that we are looking at diversionary tactics from a party that does not know which way to look, is busy with an internal argument and is looking for something else to hit the front page of the *Daily Record*.

15:15

**Alison McInnes (North East Scotland) (LD):** Scottish Liberal Democrats welcome the opportunity to highlight the work of the advisory group on tackling sectarianism in Scotland.

Scotland has wrestled with sectarianism for decades, and debate has too often been suppressed or sensationalised and reduced to simplistic understandings and stereotypes. The advisory group's initial contribution, in the report that it published in December 2013, moved matters on significantly.

I have met Dr Morrow and his team regularly since the group was established in 2012. On his appointment, Dr Morrow said that

“The advisory group will work hard to ensure that our advice is rooted in real evidence and practical experience.”

Those expectations have been realised. I have been greatly impressed by the group's measured and thoughtful approach over the past two years.

The group has given people a voice and it has provided people with opportunities to speak frankly and maturely about their experiences. It has had considerable success in engaging parties across civic Scotland in awkward conversations that some people would rather avoid. In considering personal, organisational and community responsibility, it has challenged people to confront issues that are frequently—but wrongly—deemed to be irrelevant or simply too difficult.

In its report, the group examined the complexities and nuances of sectarianism and, crucially, established the foundations for change through initiatives that focus on prevention and building trust and understanding. Local authorities, churches, football clubs, schools, the media, community organisations and more were presented with practical solutions. Grass-roots solutions that focus on prevention and building trust and understanding will foster a long-overdue culture of leadership and partnership working.

The group identified local authorities as agents of social change, which must

“embrace the issue of tackling sectarianism with the conviction and confidence with which they have approached other equality issues”.

Sectarianism is linked to many other social challenges with which local authorities are involved. It impacts on community cohesion, safety, diversity and wellbeing. I am therefore surprised that so few local authorities have hard-wired consideration of the problem into their planning processes. There has been a broad failure to establish a whole-council approach. I hope that COSLA and councillors have taken on board the group's recommendations and that the stark divergence in councils' efforts across the country will be eradicated.

Attitudes to equality issues, including racism and homophobia, have been transformed in recent decades. Sectarianism, and the marginalisation and resentment that it causes, must be deemed to be just as shameful. That will take time. The identification of progress points for each of the organisations and institutions that are mentioned in the report would assist in the recognition of improvements, as the body of evidence grows.

Scottish Liberal Democrats opposed the SNP's Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which was emergency legislation. We were the only party to do so during the bill's rushed passage through Parliament. It was a flawed headline-grabbing response that ignored the overwhelming concerns of civic Scotland. It still risks doing more harm than good.

However, it is important to recognise that the advisory group is engaged in a much broader

discussion about how best to bring communities and key stakeholders together. It presents a much wider range of interventions than those that are possible or established through legislation. Of course the 2012 act should be monitored and its effectiveness thoroughly evaluated, but Labour's decision to connect the two issues in its motion is neither appropriate nor helpful. For that reason, we will support the Government's amendment.

As the advisory group noted in its report:

"we are at the beginning of a journey to eradicate sectarianism in Scotland."

I commend the Scottish Government's commitment to the advisory group and look forward to further substantial impartial expert advice.

15:20

**Sandra White (Glasgow Kelvin) (SNP):** I thank Alison McInnes for her contribution, which was very thoughtful and got to the nub of what is happening.

I have to repeat what Christine Grahame said about the motion and what it looks at. The title of the motion is "Tackling sectarianism" but all we heard from the Labour members was about repeal of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. They said nothing at all about the work that is being done in communities. It is deeply worrying that the Labour Party has concentrated on that and not on the work that is being carried out in communities.

John Pentland touched on a possible reason for that. I will repeat it for the benefit of Labour members. Perhaps it was something to do with the report in the *Daily Record*, which said that Labour pledges to scrap the 2012 act if it is elected in 2016. I will leave that there because I do not want to continue with that theme. There is much more to the issue that we should look at.

I want to concentrate on the good work that is being carried out in communities, as Margaret Mitchell and Alison McInnes mentioned, and which is provided and funded by the Scottish Government. I have only a small list because I do not have time to read out the full list. I have picked out the organisations that are in or near my constituency.

Glasgow Women's Library explores women's experience and how sectarianism affects women, which is a big issue when we consider domestic violence. It received £143,928 of Scottish Government funding. In Cahootz and Parent Network Scotland provide anti-sectarian workshops for parents and received £69,530 in funding. The sense over sectarianism partnership,

which looks at education and community engagement in greater Glasgow, received £387,597 from the Scottish Government. Cambridge University Technical Services Limited provides the "I See! Life Skills for a Changing Scotland" course in Glasgow, Falkirk, Edinburgh, Stirling and Inverclyde, and it received £100,000 funding from the Scottish Government. The Conforti Institute anti-sectarianism project received £178,070 for encouraging community dialogue against sectarianism and for working on relationships within churches and communities. Surely those projects are what we should be looking at. They are the way to tackle sectarianism.

Engender also looks at women's experience and works through the arts and dialogue to tackle sectarianism.

**John Pentland:** Will Sandra White take an intervention?

**The Deputy Presiding Officer (John Scott):** The member is in her final minute.

**Sandra White:** I am sorry, but I do not have time.

We have seen the issues that arise when football matches are on, and domestic violence against women has to be looked at in that context.

Another community engagement project, DEAFinitely Together, received £98,170 in funding and there are a lot more such activities. Members should look at such projects in their constituencies and throughout Scotland. They are where we will tackle the problems of sectarianism. As John Mason said, there is a place for legislation and education; the two are not mutually exclusive. I welcome the amendment in the minister's name because Labour's motion does not tackle anything but its own inadequacies.

15:23

**Michael McMahon (Uddingston and Bellshill) (Lab):** Presiding Officer, as you know, a few weeks ago I had the great privilege of taking part in a visit to the Commonwealth war graves in the Ypres salient in Flanders as part of the first world war commemoration event that was organised by the British-Irish Parliamentary Assembly. For those who do not know, BIPA is a body of parliamentarians from all the jurisdictions in the British isles that has the aim of developing and progressing the peace process in Ireland.

As well as visiting the Scottish and Welsh war memorials, we visited a number of cemeteries and the famous Menin Gate. For me, the most poignant event was the visit to the Island of Ireland peace park in Messines, which was the place chosen by the Irish Government to permanently

remember those from all parts of Ireland who gave their lives in the so-called great war.

As part of the ceremony, the peace pledge that adorns a plinth in the park was read out. It states:

"We repudiate and denounce violence, aggression, intimidation, threats and unfriendly behaviour ... As Protestants and Catholics we apologise for the terrible deeds we have done to each other and ask forgiveness".

It goes on to implore all people

"to help build a peaceful and tolerant society"

and to

"remember the solidarity and trust that developed between Protestant and Catholic soldiers when they served together in these trenches."

As I stood in that now tranquil place, which once resounded with the noise of gunfire and bombs I could not help but think that, although the memorial was specific to Irish soldiers, its sentiments could equally reflect the situation in Scotland and that such words are as relevant here as they are on our neighbouring island.

So how regrettable it is that where the Irish look to achieve respect and reconciliation through high-minded ambition, unfortunately in this place we have had to deal with the knee-jerk legislation of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which undermines the very prospect of such an objective being achieved in Scotland. That legislation has metaphorically driven people into the trenches and Scotland has had to deal with that hatred.

Three years on from the introduction of the most illiberal, divisive and retrograde legislation ever brought before the Parliament, the Government, which introduced it in the face of almost unanimous opposition, refuses to concede that it got it wrong. Even after its own advisory group produced such a positive and progressive blueprint for the development of anti-sectarian policies in Scotland, the Scottish Government still cannot bring itself even to debate this subject adequately in the chamber. We are holding the debate today because it was three years ago that we passed the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. Christine Grahame says that we are just using this as an excuse, but the debate is a commemoration as well. We are reminding people that, in spite of unanimous cross-party opposition, this Government polarised Parliament and played politics with this issue. We will not take any lectures from the SNP on the debates that we bring to the chamber.

The Morrow report is undoubtedly one of the most important documents ever produced on sectarianism and the Government is to be

commended for initiating it. However, where is the leadership that the report calls for? What a pity it is that the Government abdicates responsibility for taking forward the Morrow report's recommendations and shies away from confronting the problem.

It is vital that the Government starts to show that it recognises that sectarianism is not, as the advisory group points out, the same as anti-Catholicism or anti-Irishness. The Government still shows no sign that it appreciates or understands that its attitude to sectarianism is itself part of the problem.

15:28

**Roderick Campbell (North East Fife) (SNP):**

Regrettably, the scourge of sectarianism remains with us. I, for one, certainly welcome the thoughtful contribution that the advisory group made last year. I note its conclusion in section 6.2, that

"sectarianism continues to be an active element in Scottish life,"

which was coupled with its acknowledgement that many participants in the study concluded that the

"immediate impact of sectarianism in Scotland had lessened considerably and measurably over the past decades."

When Duncan Morrow gave evidence to the Equal Opportunities Committee, he said:

"We wanted to find some more effective ways of dealing with what is probably a long-term question, rather than an acute one, in Scotland".—[*Official Report, Equal Opportunities Committee*, 20 February 2014; c 1815.]

I agree with that conclusion. Economic discrimination may have lessened and we are fortunate that we now have legislation to protect human rights, deal with discrimination, address inequality and criminalise hate crime, so I very much agree with the working party's conclusion that additional legislation is not needed at this time.

I also agree with the working party's view that there are no quick fixes or easy answers to sectarianism. Of course, the point that the vast majority of funding to tackle sectarianism comes from public funds is well made. Although I acknowledge the substantial contribution that is made by organisations such as Nil by Mouth, we should all recognise that much more could be done by organisations in the private sector, such as football clubs and football associations, which must lead by example. While struggles for control of boards go on and, indeed, some football clubs struggle for their financial existence, it would be all too easy to overlook the important role that football has in eradicating sectarianism.

Taking a lead in opposing sectarian behaviour remains a key. In particular, we must recognise that what some people call banter has no place in modern Scotland. Traditions should be encouraged only if they have value.

There are positives. Despite funding cuts from Westminster, the Scottish Government will invest £3 million till March 2015 in tackling the problem. I welcome that. I also appreciate the point that the funding needs to be concentrated on places where it can be most effective. We must recognise that sectarianism can be localised while recognising the benefits of a Scotland-wide approach such as the YouthLink Scotland action on sectarianism web portal.

Changing young people's attitudes must be a priority for the future. It is clearly important for Education Scotland to ensure that any anti-sectarianism work is undertaken in line with the curriculum for excellence. Getting it right for every child is crucial. I also welcome attempts to promote equality in the classroom and build good citizens for the future, which helps to break the self-perpetuating nature of sectarianism.

I also welcome the Scottish Government's commitment to gathering evidence to build for the future. I listened carefully to the comments that the minister made on that in her opening speech. We definitely need more information on communities' experience and attitudes. I do not know what impact analysis of the demography of the 2011 census will reveal, but I await it with interest.

What about marches and parades? Do they cause fear, alarm and public disorder, or are they simply families enjoying a day out as some suggest? At a meeting of the Justice Committee on 4 March, which was referred to earlier, I inquired what the position was in relation to research that the University of Stirling is conducting into the effects of parades and marches. The Government official at the committee said that a report was expected by summer 2014. I have not been able to access the report and I do not know whether the minister has any update on it in her closing speech.

On the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, we are now three months after the review period ended and approximately nine months away from August 2015, which is the deadline for laying a report before the Parliament. Like others, I await the evaluation report with interest, but I do not want to prejudge it. I do not know what the comments will be and I say with respect to the Labour Party and, indeed, the Conservatives that we should wait and see. It is not long grass; it is careful consideration. Perhaps the report will be laid before the Parliament earlier—let us hope so.

I accept that the act has become a party-political football, but we should remind ourselves again of what Duncan Morrow said, which is that sectarianism cannot be addressed as a party-political issue.

15:32

**Murdo Fraser (Mid Scotland and Fife) (Con):** I have one point of agreement with Christine Grahame, which is that there is a tension at the heart of the Labour motion. On the one hand, it calls for more action from the Scottish Government to tackle sectarianism and implement the Morrow report but, on the other, it calls for repeal of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

I have always objected to the way that some politicians have sought to portray the broader issue of sectarianism as Scotland's shame. Perhaps it has just been a part of my life experience growing up on the east coast of Scotland, but I do not share the view that sectarianism is endemic across the whole of Scottish society. Many people I know resent us all being tarred with the same brush. That is not to say that sectarianism is not a problem in some communities in Scotland or in some situations, but it is the problem of a small minority and we should stop damning the great majority by association. Therefore, any measures to tackle sectarianism should be targeted and proportionate.

That brings me on to the 2012 act. If ever there were an illiberal, unnecessary and nonsensical piece of legislation, that was it. Throughout the passage of the act, the Scottish Conservatives opposed it, and our view has not changed. In that respect, I am happy to agree with the wording of the Labour motion, which calls for its repeal.

The act is illiberal and unworkable. It is illiberal because, in essence, it criminalises people's opinions. As it happens, I believe that, in general, people should be nicer to one another. They should not say to one another things that cause offence. However, that does not mean that people who break those rules should necessarily be criminalised. Religiously motivated discrimination should be against the law, but it is not the business of Government to criminalise private thoughts and prejudices. In the words of Queen Elizabeth I, we should not make windows into men's souls.

It is simply nonsense to prosecute people just for singing songs that other people might find offensive, particularly when the reasonableness of that offence need not necessarily be in question. We end up with the ludicrous situation in which people sitting in their homes watching a football match on television and hearing songs being sung

by fans in a stadium that is nowhere near them can telephone the police to make a complaint that they have been offended, which falls under the act.

If the act were simply illiberal, it would not be that different from a lot of other acts that have been passed by the Parliament. However, its foolishness is compounded by the fact that it is also confused. When the bill was going through Parliament, my colleague John Lamont questioned the minister as to whether singing our national anthem, "God Save the Queen", could be an offence, to which she had to reply that it would depend on the circumstances. She went on to say that a fan of Celtic Football Club making the sign of the cross could also be deemed to be offensive and fall under the ambit of the act depending on the circumstances.

It is a basic principle of law that it should be certain, so that those who might be at risk of breaking it are aware in advance of the consequences of their actions. This legislation fails that basic test. Last year, the High Court of Justiciary considered the case of Joseph Cairns, a Celtic fan who had attended a match against Ross County in Dingwall and was filmed by police officers when he was singing two Celtic songs, neither of which I have any direct familiarity with but which I believe were "The Roll of Honour" and "The Boys of the Old Brigade". That led to him being prosecuted under the act. However, it was a victimless crime. No one was offended by his singing and no one was incited to public disorder. Also, Mr Cairns was one of several thousand Celtic fans who were also singing those songs, yet he was singled out for attention. Under no definition of the term is that justice.

In a modern, free, liberal and democratic society, we should not be criminalising speech or opinions and the Parliament should not be passing confused legislation. This is a bad law and it should be repealed.

15:37

**Roseanna Cunningham:** I welcome the contributions that members have made to the debate, although I am surprised not to have heard more positive suggestions about other work that could be done. I reiterate that we will listen to any good suggestions from wherever they emanate. It is a shame that we have not really heard any such suggestions.

I said at the outset that the Scottish Government has been and continues to be fully committed to tackling sectarianism. Depressingly, however, a number of members this afternoon—including Margaret Mitchell and Murdo Fraser—seem to want to rerun the debate that we had on what

became the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

That act was introduced for a reason—to tackle sectarian and other unacceptable behaviour around football and to address unacceptable religious and other threats, whether posted on the internet or sent through the post. It did not come out of a vacuum.

Some members—Margaret Mitchell, for example—called for the 2012 act's immediate repeal. Really? Would that be despite the fact that it is being reviewed, following the correct parliamentary process, and that that review is in its final stages? What a bizarre suggestion. We should not be pre-empting the review's findings.

**Margaret Mitchell:** Does the minister not accept and realise that the act is an unwelcome distraction that is taking up resources when existing law would do the job much better and we could focus on community-based approaches?

**Roseanna Cunningham:** The statistics suggest that the act is working. I suggest that the member wait until the review is completed before coming to a conclusion.

As the debate has demonstrated, it is utterly wrong to see the act as the start, middle and end of the work that the Scottish Government has done to tackle the issue. I re-emphasise that there has been an investment of a record £9 million over the past three years—and a further £3 million in the 2015-16 financial year—to do exactly what members called for, including John Pentland, who clearly did not listen to a single word of my opening speech. That investment has allowed us to take a radical new approach to tackling the issue—an approach that is starting to make the progress that we all want.

Our 44 community-based projects continue to get underneath the issue in communities across Scotland and to tailor solutions to meet the specific needs that are identified. Our research programme is helping us to build the most holistic understanding of the nature and extent of sectarianism in modern Scotland that we have ever had.

The close and very positive working relationship that we and a number of members have had with the advisory group on tackling sectarianism in Scotland is testament to the fact that we can most effectively address sectarianism by working together. I am grateful to Alison McInnes for discussing that aspect in some detail. The importance of working together seems to have bypassed a number of members in the chamber.

I emphasise that it is most important that the work that we have delivered in the past three years has been designed specifically to move us



from a position in which we had very poor-quality data, information and evidence on the nature and extent of sectarianism in modern Scotland to a situation in which we can make informed policy decisions based on expert advice and comprehensive evidence.

We have commissioned a wide range of academic research and will bring it together with real lived experiences through evidence gathering from the funded projects and through specific initiatives—such as the one that the Scottish storytelling centre is delivering—that will allow the voices of those who experience the everyday reality of sectarianism to be heard.

I have some depressing news for Murdo Fraser: the problem is not confined to Glasgow and west central Scotland.

We have set ourselves on a path to develop the best and most robust evidence base on sectarianism in modern Scotland that we have ever had, and we will deliver on that aim. The advisory group's final report will play a central role in focusing our future approach to tackling sectarianism and continuing to build our evidence base.

We have worked with the advisory group and the Voluntary Action Fund—the grant managers for the work—on the development and delivery of an effective evaluation tool that will allow us to robustly assess the impact of the projects and to ensure that future decisions are informed by the evidence that is gathered and that funding is focused on areas in which it will have the greatest impact.

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** We all welcome the projects. When I was in the minister's position, one of my concerns was that we did not make decisions quickly enough to prevent redundancy notices from going out on successful projects. I urge her to ensure that funding decisions are made in December rather than January, by which time redundancy notices will have gone out to the excellent projects that we all support.

**Roseanna Cunningham:** I am conscious of the pressures on all voluntary sector organisations when it comes to rolling over Government funding. As Dr Simpson may be aware, we cannot make decisions on the next three years, as we have only one year of funding coming up. That is a challenge.

The impact and assessment of all projects will continue until March 2015. All the information that is collected will help us to build on the current evidence base on sectarianism in Scotland. The project work will begin to highlight the interventions that work—and in some cases do not

work—in enabling communities to tackle sectarianism as they experience it.

I for one am excited by the agenda's positive direction and the fact that, by working together, we can tackle sectarianism once and for all. As we move into 2015, we will be dealing with two huge pieces of work on the issue: the final report of the advisory group on tackling sectarianism and the review for which the 2012 act provided. Believe you me—we will deal with this next year.

15:43

**Graeme Pearson (South Scotland) (Lab):** Murdo Fraser mentioned that he rejects the notion of sectarianism as a secret or hidden shame across Scotland. It is in that context that Scottish Labour will continue to bring the subject to the chamber and to the Parliament's committees. For far too long, sectarianism has been a hidden and secret shame that has affected the lives of people throughout Scotland.

Sandra White either misheard Elaine Murray's speech or misrepresented elements of it. Labour members acknowledge the hard work that is being done by those who contribute to partnership working and influence the cultures that affect our country.

For all the fine words and good intentions, today's debate has demonstrated clearly that Scotland has a problem at the very heart of many of our communities. Through its legislation, the Government characterises sectarianism as a problem that is largely related to football and encouraged by a few groups. It has perpetuated the view that sectarianism is a scourge particularly in the west of Scotland that is fuelled by working-class men.

We have heard evidence of that from the Conservative Party's front bench this afternoon. That misunderstanding of the situation needs to be met head on. Little acknowledgement has been made of those who exercise sectarian influences in employment, the conduct of day-to-day commerce, our places of education, our social clubs and pubs and the housing estates in which our children are brought up, not to mention the foul expressions that some hear emanating from the expensive seats in hospitality boxes across the country on match days.

That failing and ministers' flawed understanding of the initial issues that we are grappling with led to a knee-jerk declaration about a match of shame—a match in which there were few arrests in a crowd of many thousands of fans—followed by a summit meeting and a rush to legislate to provide the nation with an ultimate response. That did not meet the mark.

That was three years ago, in the face of pleas from inside the Parliament and from communities for the wider issues of research, education and engagement with the voluntary sector, churches and football supporters to deal with the source of sectarianism—a hatred for our fellow citizens—to be addressed. Those are the very elements that are referred to in the advisory group report, which we welcome and which we support energetically.

A minority of Scots have developed a particular passion to hate, whether on the grounds of gender, colour, race, sexual orientation or physical or mental disability. Now, in our political lives, we have developed a commentary enabling concepts of unionism and nationalism to attract pejorative values. We endure members of our community who indulge their ability to target, despise and abuse their fellow human beings by all means open to them, which include violence, utterances, texts, emails, social media and the media generally.

As a result, we now have a national unit and uniformed police bearing the emblem “Anti-Sectarian Initiative” on their tabards. What must the wider world think of us when we are involved in world football?

**Colin Keir (Edinburgh Western) (SNP):** The member has mentioned football on a number of occasions. What is his view on the fines that the Union of European Football Associations—UEFA—has handed down to clubs for what it considers to be offensive songs sung by their fans?

**Graeme Pearson:** I would welcome all football authorities taking direct responsibility for the behaviour of fans in that environment.

The failure at the heart of the Government lies in the fact that it sought to legislate and criminalise without taking the difficult decisions and the steps that its advisory group members suggested, which could have been actively pursued in the past three years. Ministers need to be honest about the scale of the task ahead, which the minister acknowledged to an extent. The Government must engage with Opposition parties, anti-sectarian charities, educators and the parts of wider civic Scotland that deal with hate crime more generally. We need to work together to move forward and leave this prejudice behind.

The Morrow report properly identifies leadership and research as major elements for future strategies. I invite the minister to ensure that the Government provides visible leadership and a focus on sectarianism on a month-by-month basis.

**Fiona McLeod:** I am a bit perplexed about where the member is going when he talks about leadership. The minister was clear that more than £9 million has been provided for 44 projects. Just

last week, I hosted a reception for the Mark Scott leadership for life award, which is receiving £600,000 over three years from the Government. Can the member not acknowledge that and see that we are providing the leadership and the finances?

**Graeme Pearson:** I am happy to acknowledge the finances that have been given, but it took the Labour Party to bring the debate to the chamber. I would have liked the minister to lead on the issue from the Government front benches.

As Alison McInnes said, the Scottish Government should play its part in demanding leadership from COSLA, the football authorities and all elements of Scottish civic society in recognising the way forward.

I invite the minister to give assurances in public that she is prepared to consider repealing the legislation that is referred to in the motion when evidence is provided of the negative impact that has been delivered across Scottish football and of the impact on supporters.

I invite the minister to revisit earlier proposals to ensure that football authorities and Scottish clubs in particular play their full part in education and the delivery of true cultural changes in their grounds and are made accountable for the behaviour of those supporters—[*Interruption.*] Presiding Officer, I find it difficult to finish my speech with the continued sniping from the Government front bench. If the minister wants to ask me something, she merely needs to do so. I have taken interventions up to now.

**Roseanna Cunningham:** Will the member give way?

**The Deputy Presiding Officer:** Would Graeme Pearson like to take an intervention from the minister?

**Graeme Pearson:** I would be delighted.

**Roseanna Cunningham:** Can I take it from what the member says that he thinks that the Government should legislate to force football clubs and football authorities to do such things?

**Graeme Pearson:** I think that the Government should not take responsibility for the duties and responsibilities of the football authorities and should ensure that those authorities play their full part.

Much as I welcome the report, I also welcome the positive contribution that many people have made to the way forward on the issue. I hope that the Government will redouble its efforts to provide visible leadership and show us the way forward.

## Living Wage

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

The next item of business is a debate on motion S4M-11398, in the name of James Kelly, on the living wage. I invite members who wish to speak in the debate to press their request-to-speak buttons now.

15:52

**James Kelly (Rutherglen) (Lab):** It gives me great delight to open this debate on the living wage on behalf of the Labour Party. Labour wants to use this debate to promote living wage week, to welcome the new rate of £7.85 an hour and to enable the Parliament to discuss how we can take forward this issue so that we can ensure that more people in Scotland are paid the living wage.

The report that was produced by KPMG at the start of this week details the fact that 413,000 people in Scotland are not currently paid the living wage—they are paid the minimum wage or greater, but not the living wage. That shows that we have some way to go in order to lift those people out of poverty. The £7.85 living wage is what is reckoned to be required to allow a family to be provided for decently and adequately. We need to strive to do more. Some 64 per cent of those 413,000 people are women. More than 250,000 women are not paid the living wage, 150,000 of whom are between the ages of 16 and 24. Those are key groups in our society.

The issue is not just about statistics; it is about real people—the cleaner in Cambuslang, the care worker in Carnoustie—who are struggling to bring up their families with the added burden of rising food and energy prices, and who are trying to get by on a wage that is not adequate.

The focus of this debate must be on what we can do to move the situation forward. I will begin with the Scottish Government. The Scottish Government has put itself forward as an enthusiastic supporter of the living wage. However, earlier in the year, when it was given the opportunity through the Procurement Reform (Scotland) Bill to extend the living wage to everyone on public contracts, SNP members voted that down. That was a hammer blow to the over 400,000 people who are not paid the living wage. It was a missed opportunity given the £10 billion purchasing power of the Scottish Government, which means that it can influence companies to pay the living wage.

The reality now is that, as well as some of the companies to which the Scottish Government awards contracts not paying the living wage in Scottish Government locations, cleaners at Atlantic Quay and in Scottish prisons are not being

paid the living wage. The Scottish Government must address that issue. If it wants to brand itself as a serious supporter of the living wage, it needs to ensure that everyone in Scottish Government locations is paid the living wage. That should be an absolute priority.

Earlier in the year, we heard that that was not possible because it would be subject to a legal challenge. I said at the time that, frankly, that was a smokescreen, and the more the issue develops, the more that is becoming clear. Only last week, the Department of Energy and Climate Change announced that all its workers and—crucially—all its subcontractors will be paid the living wage. We are always hearing from the SNP about big, bad Westminster but I question why a big, bad Westminster department has been able to do what the Scottish Government is unable to do and pledge that all its subcontractors will be paid the living wage.

Why are the SNP and the Scottish Government so timid on this issue while people like Boris Johnson are able to be more committed on the living wage? If Angela Constance is serious about it, she should do something about it using the powers in her remit. Angela Constance is one of the contestants in the SNP deputy leadership contest and there seems to be very little to differentiate between the candidates. In recent television appearances Angela Constance has been keen to support the idea of cutting corporation tax, but on the issue of the living wage the silence has been deafening.

**Mark McDonald (Aberdeen Donside) (SNP):** Will the member give way?

**James Kelly:** Let me develop this point, and I will let Mr McDonald in.

I will give Angela Constance a bit of free advice in the context of the deputy leadership contest. Why does she not look for something that is a bit different from what the other candidates support and say that she is committed to the living wage and wants to see all the subcontractors and people on public contracts being paid the living wage? That would set her apart from the other candidates, and I think that that would appeal to a lot of SNP members. That is a real opportunity for her.

**Mark McDonald:** I note that the member is one of the brains trust behind Jim Murphy's Labour leadership campaign, which already calls into question Mr Murphy's judgment. Nonetheless, does he accept that one way in which what he proposes could be taken forward would be through minimum wage powers coming to the Scottish Parliament? That would allow us to ensure that anybody could be paid the living wage, not just

those who are covered by the public sector and public sector contracts.

**James Kelly:** I think that Mark McDonald should be a bit more cautious in calling for minimum wage powers when the Government cannot even use the powers that it has to give Scottish Government cleaners and subcontractors working in Scottish Government locations the living wage. The Government should use those powers first, before asking for more powers.

One of the disappointing things about the Scottish Government's attitude is that it is not providing proper leadership. One of the big challenges is that 93 per cent of the people who are not on the living wage are in the private sector. If we are going to encourage private sector organisations to pay the living wage, we need more leadership from the Government and we need the Government to be more aggressive in promoting the living wage. We saw in the referendum campaign that the SNP was quite aggressive in promoting independence. Why do we not see the same energy and aggression around the issue of the living wage?

In sectors such as retailing and catering, workers need the support of the living wage, but the momentum is building on it. Only last week, Heart of Midlothian Football Club declared that it would pay the living wage. Organisations such as KPMG have also said that they would pay the living wage. Paying the living wage has real advantages for businesses in terms of falling absenteeism, staff retention and increased recruitment. All that means an improved bottom line and improved performance for the business. There are real opportunities, but the Government should be doing more and be more up front about the living wage.

What is required to take the issue forward is a proper living wage unit that will monitor wage levels in the country and the sectors that need attention. We need a living wage strategy from the Government that it can bring to the chamber for debate; we need proper consultation on it, and regular updates to Parliament.

It is absolutely right that people are entitled to fair wages. It is time that this Government got serious about the living wage. The Government needs to take on its responsibilities and provide leadership. The living wage is an idea whose time has come, but let us see the Scottish Government play its part in its delivery; let us see the Scottish Government stand up and be counted; and let us see the Scottish Government roll out its activities so that we can see some of the 400,000 people who are currently not on the living wage being taken out of the poverty trap and taken forward on to decent wages.

I move,

That the Parliament welcomes the rise in the living wage to £7.85 per hour; believes that payment of the living wage should be the expectation, not the exception, and notes that more than 400,000 workers in Scotland still earn less than the living wage; recognises the benefits to both businesses and their staff of paying the living wage; believes that the payment of the living wage in the private sector should be supported and actively promoted; welcomes the pledge from the Department of Energy and Climate Change that all of its staff, including sub-contracted staff, will be paid at least the living wage, and calls on the Scottish Government to pledge the same and extend the payment of the living wage to all public sector contractors.

16:02

**The Cabinet Secretary for Training, Youth and Women's Employment (Angela Constance):** I was looking forward to a nice consensual debate this afternoon. I was very interested that Mr Kelly wants a living wage strategy and a living wage unit, but of course he and his party have ruled out the devolution of employment powers to this Parliament, which is very interesting indeed.

The Scottish Government welcomes the opportunity to participate in this debate, particularly during living wage week. Indeed, I welcome every opportunity that this Parliament has to make its voice heard on tackling poverty and inequality, and I recognise how crucial that is to achieving our vision of a successful and fair Scotland.

I begin by stating unequivocally here today that in this Government's view paying the living wage should be the expectation and not the exception. Given that it is living wage week, I note the very clear call from the major third sector organisations for more powers in Scotland to address the issues around pay and conditions, in particular the devolution of the national minimum wage to ensure fairness at work for all.

**Hugh Henry (Renfrewshire South) (Lab):** Will the cabinet secretary take an intervention?

**Angela Constance:** Not just now, thanks. I will make progress.

I suggest that it is Mr Kelly and his colleagues who are rather timid.

In the Scottish Government's draft budget, Mr Swinney focused on three key goals: to make Scotland a more prosperous country; to tackle inequalities; and to protect and reform public services. He also set out commitments to tackle the poverty and inequality that can cripple our society. Those commitments included increasing spending on welfare reform mitigation; providing additional investment in housing, with a strong focus on affordable and social housing; and,

crucially, confirming our commitment to the living wage and the wider social wage.

We recognise the real difference that the living wage makes to people in Scotland. That was reiterated on Monday, when Mr Swinney supported the announcement of the new, increased living wage rate for 2015-16 of £7.85 an hour.

**James Kelly:** The cabinet secretary mentioned the Government's commitment to the living wage in the Scottish budget. Does she accept that there are workers at Scottish Government locations who are not being paid the living wage? What action will be taken in the forthcoming budget to address that issue?

**Angela Constance:** That leads me neatly on to my next point. A plank of this Government's success is our public sector pay policy, which has at its heart tackling inequality and low pay. Our commitment to implementing the living wage is long-standing. To answer Mr Kelly's point directly, we are the first and only Government in the United Kingdom to make the living wage an integral part of our public sector pay policy, and we have done so for five successive years.

The guarantee that we will support the living wage in the public sector pay policy for the duration of this session of Parliament provides a decisive, long-term commitment to people on the lowest incomes, and it truly sets us apart, because it goes well beyond any measures that the UK Government has put in place for the lower paid.

**James Kelly:** Does the cabinet secretary accept that the workers I was talking about are not covered by the public sector pay policy, nor are the subcontractors? What action does she intend to take to address that deficiency?

**Angela Constance:** Where we have the power to act, we act. Unlike Mr Kelly, this Government will not participate in gesture politics. I am pig sick of the Labour Party always asking this Government—on procurement, for example—to do things that it is illegal for us to do. [*Interruption.*]

**The Deputy Presiding Officer:** Order.

**Angela Constance:** Labour members need to stop being mischievous and misleading. Where we have the power to act, we act. Our record compares very well with that of the previous Government because, unlike that Labour Government, we have implemented the living wage as part of our pay policy. We practise what we preach.

**Hugh Henry:** Will the minister take an intervention?

**Angela Constance:** No, thanks—I am running out of time.

We want to go further, because we believe that employers should reward their staff fairly. That is why we are calling on all companies across Scotland to follow the Scottish Government's lead and introduce the living wage. As well as setting an example in our pay policy, we have funded a pilot by the Poverty Alliance to promote take-up of the accreditation scheme and increase the number of employers who pay the living wage in all sectors in Scotland. That campaign is being rolled out over 2014-15, and I was delighted to hear the Poverty Alliance announce yesterday that the number of accredited living wage employers in Scotland has tripled.

In addition, we are using our powers on procurement to encourage the payment of the living wage. The Procurement Reform (Scotland) Act 2014 demonstrates our clear intention to use our powers to put the living wage into public contracts while acting within European Union law. The 2014 act will require public bodies to outline their living wage policy in their procurement strategies. It will also see Scottish ministers publish statutory guidance on the fact that workforce matters, including the living wage, should be a factor when bidders for a contract are selected. That will be the first time that statutory guidance has been put in place to address that issue.

In addition to that legislation, we are conducting a pilot project on Scottish Government contracts, which encourages bidders to take a positive approach to their workforce package, including the living wage and—importantly—other terms and conditions. Those measures clearly show that this Government is already doing substantially more than has been done by the current UK Government and previous Labour Administrations in Holyrood and at Westminster.

Following the publication of the "Working Together Review: Progressive Workplace Policies in Scotland", the First Minister announced the establishment of a fair work convention, which will provide leadership on industrial relations and encourage dialogue between unions, employers, public sector bodies and Government. The convention will exert greater Scottish influence over the minimum wage while championing other aspects of good industrial relations, including payment of the living wage. It will be a powerful advocate of a partnership approach to industrial relations in Scotland.

I move amendment S4M-11398.2, to leave out from "welcomes the pledge" to end and insert:

"welcomes the fact that the Scottish Government is the first government in the UK to pay the living wage to all staff and those covered by its pay policy, including the NHS; notes the efforts of the Scottish Government to engage with the European Commission on including the living wage as a condition of procurement; further notes that neither the

Department of Energy and Climate Change nor the London Assembly includes the living wage as part of commercial tenders; welcomes the success of the Scottish Government in securing the payment of the living wage in public contracts as demonstrated in both the new ScotRail contract and the Scottish Government catering contract, which will benefit 50 staff who were previously paid the national minimum wage; further welcomes the report of the Working Together Review, which was commissioned by the Scottish Government, and the announcement by the First Minister of the establishment of the Fair Work Convention; notes that the Scottish Government is producing new guidance that will help all public bodies focus on how workforce-related matters, including the living wage, can be included in contracts, and shares the concern of the Joseph Rowntree Foundation about the Labour Party's inappropriate announcement of a minimum wage level for 2020 and that the Labour proposals will, based on estimates of inflation, not even meet living costs in 2020."

16:09

**Mary Scanlon (Highlands and Islands) (Con):**

Many in the media have been saying that politics in Scotland is changing; after listening to the opening speeches, I think that that much is clear. We have had the Labour Party advising Scottish National Party candidates on their leadership bids and the Labour Party praising the Tory Boris Johnson. We also have the Conservative Party agreeing with the Labour Party's motion and the SNP amendment. In fact, I had to read the motion and the amendment a few times; when I found myself agreeing with most of what they said, I went along the corridor to my friend Alex Johnstone. I had assumed that I would get a huge amount of disagreement, but even he agreed with most of the motion and the amendment. I hope, therefore, that in my five minutes I will be a bit more consensual than the previous two speakers.

I thank the Labour Party very much for bringing to the chamber this debate on the living wage, and we commend the contribution that the Scottish living wage campaign has made to the lives of thousands of individuals and families in Scotland. We, too, welcome the rise in the living wage to £7.85 per hour from April next year.

However, I want to return to a point that I have been raising since about May 1999 about the Government's subcontracting to the care home and childcare sectors. After all, whenever we in this Parliament talk about low wages, we tend to talk about care workers and childcare workers. For too long now, people have been highlighting the low pay in these sectors, and I think that, alongside that, there is a lack of valuing the people who work in them.

At a meeting that I attended prior to the referendum, I heard that private nursery providers can be paid as low as £2.71 per hour per child to provide childcare. The person who made that point came from Aberdeen and was highlighting the difficulties in recruiting and retaining staff, not just

because of oil jobs but because they themselves were limited in the amount that they could pay. I thought that that was untrue, so I asked the Scottish Parliament information centre for a briefing.

According to SPICe, the National Day Nurseries Association Scotland has stated that

"nurseries are making a big loss on local authority funded childcare places, losing on average £1,032 per child, per year on funded places for three and four-year-olds"

and

"there is currently not a level playing field on per child cost allocations between public and private provision."

In her speech, the cabinet secretary said that where the SNP has power to act it will act. I simply highlight that because the National Day Nurseries Association Scotland went on to say:

"Inadequate funding for nursery partner providers for three and four year old places is getting worse and varies widely across the 32 local authorities - the lowest rate recorded being £2.71 per hour per child. The knock on effect is a rise in the cost of parent paid for hours as nurseries are forced to make up the losses they incur".

I understand that the costings for the current expansion of pre-school provision to 600 hours include an assumption, based on a particular recommendation, that partner providers will be paid £4.09 per child per hour.

As well as that sector, I want to highlight the situation in the care home sector. I saw Richard Simpson nodding when I mentioned the issue earlier—I know that he, too, has raised it in the past. The independent and voluntary care home sector is limited in the amount that it can pay care workers because of the funding that it gets from Government. When, some months ago, I made a freedom of information request, I found that many councils still fund council care home places at a significantly higher rate than they pay the independent and voluntary sector. Some in the independent sector received about £480 per person per week, while the figure for a council care home place was over £800.

My point is that we can all agree that it is right to pay employees the living wage.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** Will the member take an intervention?

**Mary Scanlon:** I have less than 20 seconds left.

However, when that wage depends on public funding, the funding should be at a level to allow the operators to pay the living wage as well as meet the quality training standards, care inspections, health and safety, and staff-to-patient ratio requirements.

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

**Mary Scanlon:** I am pleased that I have had the chance to speak in the debate. I am four seconds over my time, so I will leave it there.

I move amendment S4M-11398.1 to leave out from first “believes” to end and insert:

“encourages businesses and the public sector to recognise the economic and social value of paying the living wage to employees and sub-contracted staff; supports organisations that choose to pay the living wage but also acknowledges pressures to keep costs down and to remain competitive; understands that over 400,000 people in Scotland still earn less than the living wage, but commends the work of the independent Low Pay Commission and the UK Government in bringing the first real-terms increase in the national minimum wage since 2008 while overseeing historic levels of employment.”

**The Deputy Presiding Officer:** We now move to the open debate. We are very tight for time. Members have up to four minutes, please.

16:15

**Joan McAlpine (South Scotland) (SNP):** I listened to James Kelly with a growing sense of bemusement, because Labour has no credibility whatsoever on the issue of the living wage. The simple way to ensure that everyone gets the living wage is for the national Government, which has the responsibility for employment policy, to set the minimum wage at the level of the living wage. Labour did not just fail to do that; it set the minimum wage too low in the first place and failed to protect it by increasing it in line with inflation for three out of the last four years in which it was in government in Westminster. If the minimum wage had kept pace with inflation under both Labour and its Conservative allies, it would already be £7.48 per hour rather than £6.31.

By contrast, the Scottish Government—again unlike Labour in office—has an excellent record on the living wage. As the minister said, all staff who are covered by public sector pay policy are paid at least the living wage, as well as having the no compulsory redundancy policy as part of the social wage, which also helps low-paid families with things such as free prescriptions and free tuition at university. The Labour Party has also opposed those kinds of policies from time to time in the Parliament and suggested that they were something for nothing.

On public procurement, it is very clear that the Scottish Government has gone as far as it legally can with its existing powers to deliver fair wages to contractors. That was most recently demonstrated in the award of the ScotRail contract to Abellio. Instead of welcoming that, Labour condemned it.

The Scottish Government has, of course, explored the possibility of making the living wage a legally enforceable aspect of every public contract. It went as far as to write to the European Union Commissioner for Internal Market and Services, Michel Barnier, who replied that, in his view,

“a contractual condition to pay a living wage set at a higher level than the general minimum wage is unlikely to meet the requirement not to go beyond the mandatory protection provided for in the [Posting of Workers] Directive”.

There is also case law from the Court of Justice of the European Union to back up that position.

**James Kelly:** Can Joan McAlpine explain why the Department of Energy and Climate Change at Westminster is able to ensure that all its workers and subcontractors will be paid the living wage, but the Scottish Government is not able to do that?

**Joan McAlpine:** That is not done through procurement—but I will address those issues.

It is not just the Scottish Government, the EU commissioner and the Court of Justice of the European Union that take that view. The Labour-run Welsh Assembly takes the same view, and it does not pay the living wage as part of its employment policy. Labour-run councils in Scotland, including Glasgow City Council, Renfrewshire Council, West Lothian Council and Inverclyde Council, have responded to FOI requests stating that their contracts do not include a mandatory requirement that suppliers pay the living wage. They have also said in response to their FOI requests that that is for legal reasons. Glasgow City Council’s 2014 reply to an FOI request said:

“at present the EU regulations do not allow the living wage as a mandatory requirement”.

That was said by Labour-run Glasgow City Council.

**Jenny Marra (North East Scotland) (Lab):** Will the member give way?

**Joan McAlpine:** I am in my final minute, and I have already taken an intervention. Please sit down.

**The Deputy Presiding Officer:** The member is in her final minute.

**Joan McAlpine:** That advice gives me no pleasure. For that reason, I echo the minister and very much hope that the Smith commission will heed calls from enlightened voices in the third sector—not from Labour, of course, as it did not ask for this—for employment policy to be devolved so that we can set this thing to rest.

**The Deputy Presiding Officer:** I remind members that it is only the Presiding Officer’s prerogative to invite members to sit down;

members can refuse interventions freely, but other actions are for the Presiding Officer to dictate.

16:19

**Ken Macintosh (Eastwood) (Lab):** Presiding Officer, I suspect that, like me and most other members here, you walked past the Child Poverty Action Group display in the hall outside the chamber. I also suspect that most of us will have stopped to talk to those on the stall and, whatever our political party, will have shared a common anxiety about the issue that CPAG flags up: the prospect of rising poverty. It is to our communal shame that about 220,000 children in Scotland live in poverty. However, according to the Institute for Fiscal Studies, the figure could increase by as much as 100,000 over the next five or six years. The question for us is what we are going to do about that.

I argue that at least part of the answer must lie in the living wage. Like many others in the chamber, I have long believed in the power of work—in making sure that people have a job so that they can look after themselves and those they care for. However, the nature of employment has changed so much in recent years that a job does not always guarantee a route out of poverty. In its recent report “A Fair Start for Every Child. Why we must act now to tackle child poverty in the UK”, Save the Children estimates that 125,000 children in Scotland are living in families in which their parents or carers earned below the living wage.

I accept that in-work poverty is a complex issue. In fact, in some ways, the problem of increased underemployment has left as damaging a legacy as the joblessness caused by the recession of 2008 onwards. We have huge numbers of people working part-time who would rather have a full-time job, thousands of Scots have been forced to take on work with no security and with no prospect of advancement, more than 130,000 Scots work without any permanent contract and the number of workers with second jobs is on the rise.

**Nigel Don (Angus North and Mearns) (SNP):** Will the member give way?

**Ken Macintosh:** I will in a second.

In his work on the national performance framework, I am aware that the Cabinet Secretary for Finance, Employment and Sustainable Growth has outlined the importance that he places not just on creating jobs but on creating good, sustainable jobs. Labour colleagues will back him in that task—just as we want him and the SNP to back us in promoting the living wage, using procurement or any other tools at our disposal.

**Nigel Don:** The member has just gone where I was about to ask him to go. Surely what is

required is not only a sustainable job and the living wage but a full-time job, because those working part time are simply losing money.

**Ken Macintosh:** I hope that Mr Don will join me in supporting the Scottish Trades Union Congress's decent work campaign, which is crucial if we are to end exploitative conditions of employment, including zero-hours contracts and other issues that this Government could do something about.

An excellent report that came out last week and which I endorse to all colleagues is Oxfam's “Even it up. Time to end extreme inequality”. The report argues that inequality is not just damaging to the poorest among us but damaging to the very fabric of our society. Among the many findings that it highlights it reports that, in 2014, the top 100 United Kingdom executives took home 131 times as much pay as their average employee, yet only 15 of those executives' companies are committed to paying their employees a living wage. Such reports remind us that poverty and inequality are not inevitable; rather, they are the result of policy choices that we make here in the Scottish Parliament.

Yesterday was equal pay day, the day in the year when, because of the gender pay gap, women stop earning relative to men. The gap in pay between men and women is not narrowing—it has been widening in Scotland since 2010. That is yet again an issue which we can do something about.

Save the Children highlighted that, as well as supporting the living wage, we could use childcare policies to develop affordable and accessible routes back to the labour market. Children 1st has pointed to the impact of high housing costs in creating more relative poverty in households with children. Whether it is housing, childcare, health, social services or wages and pay policies, we have the tools at our disposal here in the Scottish Parliament to make a real difference.

16:24

**Mark McDonald (Aberdeen Donside) (SNP):** Such debates would be improved a lot if we started from the premise of, first, recognising that it was this Government that introduced the living wage—and I pay tribute to those who campaigned for its introduction and brought the issue to the fore. Secondly, it should be recognised that that this Government has continued to increase the living wage—I welcome the latest announced increase—and is doing everything that it can to promote the living wage within the powers that are available to it.

Mr Kelly said that the Department of Energy and Climate Change has secured the living wage for



its subcontractors. That was probably done through exactly the same method by which ScotRail employees will receive the living wage as part of the Abellio contract—that is, it was not bundled up in the procurement clauses but will have been reached as a result of discussions that took place and a guarantee from the employer on that basis.

That is the spirit in which we can move forward within the limited powers that we have, until such time as we receive clarification or a change of decision from Europe or we get to a position where this Parliament has powers over employment policy, such as the minimum wage, as has been proposed in some of the submissions to the Smith commission.

**Jenny Marra:** Will the member give way?

**Mark McDonald:** I want to make some progress, if Ms Marra will allow me to do so.

The minimum wage has not kept up with the cost of living. Otherwise, it would be about £7.48 per hour, as Joan McAlpine said, if it had kept in line with inflation, or it would be at the living wage level if it had been established as a living wage in legislation at Westminster.

The problem that I have with the Labour Party's approach is that it says that it is advocating a minimum wage of £8 an hour, but that level would be reached only by 2020. The living wage in 2014 is £7.85 an hour, which suggests to me that it would need to be significantly higher than £8 an hour by 2020 if we simply factor in inflation. The Labour Party needs to look carefully at what it is proposing for the minimum wage and how that tallies with the commitment that it says it has to a living wage.

Ken Macintosh, in his usual way, brought some interesting points to the debate. The issue is about more than just paying the living wage, because there are people out there who do not have work. We have to find ways to create jobs for those people to go into, but when those jobs are created, those people have to be paid an appropriate wage. That is why the minimum wage is the important factor. We talk in the chamber about using procurement and the powers that we have to ensure that those in the public sector are paid the living wage, but we can lose sight of the fact that a whole range of people are employed outside those spheres who will not be captured by that. Until such time as the minimum wage catches up, that will continue to be the case.

We can hope that the powers that be at Westminster will do something radical with the minimum wage, but we can probably conclude that even the policy that the Labour Party has put forward will not get us to that standard. Alternatively, we will have the opportunity to do

something radical if the powers are transferred here, alongside the fair work commission that this Government is establishing.

I was interested in Mary Scanlon's point about those poor companies in the independent care sector. All that I would say is that I find it difficult to accept their claim that they cannot afford to pay their staff a living wage, because they do not seem to have any trouble paying their chief executives a decent salary. Perhaps they need to take a look at how they are distributing the funding that they receive and ensure that it goes to the front-line staff, who are doing a fantastic job in many parts of Scotland.

16:28

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** The concept of a realistic living wage is not too difficult to grasp. Surely it is obvious that no one should be expected to carry out a job that does not offer enough money to live on. The living wage is about fairness and equality. It is about the human right to the vital services that each of us needs for our health, our homes, our children, our elderly relatives and people with special needs, whether they are disabled or have a learning disability. The living wage is about the right for people to earn enough money to support themselves and their families at a reasonable level of comfort and security.

Why is it so difficult for Westminster to understand that? Is it really so much to ask that Ed Miliband does a bit more than drop 2p into a homeless person's paper cup when he realises that the cameras are on him? David Cameron admits that he has no idea of the price of a loaf of bread. "I have a bread maker," he says. He uses Cotswold crunch flour at £30 a kilo. That works out at £1.88 per loaf. Let us say that someone has a family of four or five. That means a cost of £8 a week just for bread, but never mind the cost, because he has a bread maker. For us normal people, a loaf costs around 50p, depending on what offers are available, and that is the normal reality. I would say, "Get real, Westminster."

The brutal gap between the rich and the poor stares us in the face. It is not so much a gap as a chasm. Do members know that the richest 25 families in the United Kingdom own as much as is owned by 12 million ordinary folk?

The Living Wage Foundation says that about 60 Scotland-based companies have signed up to the living wage, including Standard Life, RBS and the Scottish Exhibition and Conference Centre, all of which are accredited employers. That is not enough. We need to do more—much more—to prove that work is the surest way out of poverty and to win the buy-in of many more companies.

Research shows clearly that the living wage is good for business. The quality of work is enhanced, absenteeism is reduced and recruitment and retention work better.

For families, a living wage can mean the difference between being able to feed the kids and running up debts that they can never repay. The living wage is an important component of this Scottish Government's determination to create a fairer, more prosperous and more equal society—a Scotland that begins to close the gap between the rich and the poor, and a Scotland that values its entire workforce.

Let us compare the Scottish Government's approach with that of Labour. James Kelly has yet to tell us what Labour's plans are for the living wage. A wage of £8 by 2020? That is not bold and it is certainly not courageous. In February 2012, the Labour administration at Midlothian Council rejected the SNP proposal for a living wage. Workers had to wait until an SNP administration came into power—when that happened, the first decision that the administration took was to introduce the living wage.

Labour whines from the sidelines with fake concern for workers and did nothing when it was in government; the SNP Government implemented the living wage for 180,000 workers in Government, its agencies and the national health service. Meanwhile, Labour voted for welfare caps. Labour whines from the sidelines about illegal amendments; the SNP Government ensured that the living wage is paid to all workers at all levels of the ScotRail franchise. I have yet to hear a Labour Party member, especially Mr Kelly, welcome that.

Labour supports the Tories to run Scotland and could not even ensure that its submission to the Smith commission went as far as to give this Parliament power over the minimum wage, the living wage or any employment policy. We will take no lessons from Labour's Scottish branch office on supporting Scottish workers. This SNP Government puts workers first and will always do so. We will have a living wage, with or without Labour's fake concern.

16:32

**Dr Richard Simpson (Mid Scotland and Fife) (Lab):** I was going to start by welcoming the opportunity to speak in the debate, but after that speech I really wonder. I must ask Christina McKelvie where she gets her 50p loaf, because it is not from the world that I live in. A 50p loaf would be brilliant—

**Christina McKelvie:** Two for £1 at Morrisons.

**Dr Simpson:** The lack of a living wage, underemployment, which Ken Macintosh mentioned, and zero-hours contracts are terms that we should strive to banish to the history books. How can it be that so many hard-working people are either living on the breadline due to their employers' failure to pay a living wage or are finding that they have to take on multiple jobs?

It is appalling that a fifth of the Scottish working population are paid less than £7.85 an hour. It can come as no surprise that many of the lowest-paid staff are having to rely on food banks all too often. Some 20 per cent of referrals to the Trussell Trust last year were people on low pay. We can no longer accept that men and women who go out to do hard graft can find themselves almost immediately after pay day struggling to keep their heads above the water and resorting to payday loans and worse.

Many of my constituents will have shared my delight at Creative Scotland's awarding of £100 million of taxpayers' money in grants to arts organisations across the whole of Scotland, including the Macrobert Arts Centre in my area, which has been awarded a grant of £1.2 million over three years. When public money is awarded, what safeguards do the Scottish Government and the bodies that it funds to distribute public money put in place to ensure that companies and organisations are responsible employers, who pay a living wage to all their staff?

Many hundreds of organisations are in receipt of public money from Creative Scotland; I wonder whether the minister shares my deep concern that such organisations are not paying their staff the living wage. I thought that the minister would intervene then, but she has not done so. Why has the Scottish Government not taken action to prevent that from happening? I hope that my constituents will question such organisations about the living wage. I hope that they will ask the person who sells them their ticket or ushers them to their seat whether they are being paid £7.85 an hour. If they are not being paid at that rate, I hope that people will press the management on that.

**Angela Constance:** All cultural bodies are subject to, and must comply fully with, the Scottish Government's public sector pay policy, which includes payment of the Scottish living wage as a minimum for all staff.

**Dr Simpson:** In that case, my questions are particularly pertinent because the information that I have is that that is not happening. It would be interesting to see whether that is the case. We will have to get the Scottish Parliament information centre to check that out for us.

I want to move on to talk about social care, in the time that remains to me. Mary Scanlon is right

that we have long been interested in that; we debated it during the first Parliament session. Unless we value our staff, and part of that valuation is their wages, we will never improve the social care contract, which is absolutely vital to our future. Stirling Council is encouraging all its providers to sign up to the Unison ethical care charter, and we are examining aspects of that charter to see what can be delivered now.

As other members have said, there is no doubt that the living wage boosts morale. In East Renfrewshire, all independent care providers pay the living wage and absenteeism has dropped, the requirement for agency staff has dropped, and the need to recruit new staff has dropped because retention rates are better. Those reductions all offset the cost of the living wage.

In conclusion, I commend Stirling Council, which backdated the living wage last year. Christina McKelvie cited an SNP group that did not get the living wage introduced in West Lothian, and it was not the SNP group in Stirling that introduced it: it took a Labour group to introduce it. We can all cite areas where it is not working. Of the people who were newly paid the living wage in Stirling, 86 per cent were women. That is a critical fact in the promotion of the living wage.

16:36

**Nigel Don (Angus North and Mearns) (SNP):** I want to follow up what Ken Macintosh said earlier, but I need to start with what Richard Simpson said. My constituency has—as, I fear, do all our constituencies—food banks. I ask myself why and when I get the answer, I get quite cross, and there is not much that can make me cross.

However, I am sorry to note that Richard Simpson failed to pick up on the point that almost half the food banks that were researched by the Trussell Trust did not mention low income specifically: they mentioned benefit payments. We cannot talk about the living wage and poverty in our society without recognising that a great many of the problems that present themselves immediately to food banks are due to the way in which the benefits system has been messed around with. It is still not working.

I want to reflect on that and go back to thinking about what that means. If someone cannot feed their children, what do they do about heating their house or buying clothes? Food is quite high up the list. People who are without food are in a seriously bad place and their children are in a very bad place. It then gets to the point at which they turn to payday loans. That now really does mean the never-never, because those loans will largely never be repaid. Yes—we need to sort wages, but

we need to sort benefits, and on the way through, we need to do something about housing quality.

I would like to look further afield at the research that has been done more widely. When he was introducing the budget, John Swinney commented on what Adam Smith had to say, and I note that “The Wealth of Nations” says that

“No society can surely be flourishing and happy of which by far the greater part of the numbers are poor and miserable.”

Even then, Adam Smith knew that equality was important.

I do not often bring a visual aid to the chamber but the book that I am holding, “The Spirit Level” should be familiar to absolutely everybody, and I say that as a challenge. If members have not read it and do not know what it says, they really should. It is world-leading research that was done relatively recently because the data only recently became available. It compares most of the developed nations on the planet and all the American states. It takes comparable social data and demonstrates beyond any debate worth having that a more equal society is better for absolutely everybody, be they the poorest or the richest member of that society. It is incumbent on everyone to understand that and to act. Why would a Government not act? The only reason that I can see is that the members of that Government believe that it would be in their personal interests not to act. It might just be that Governments whose members—the Westminster Government is certainly one of them—have sufficient wealth themselves might say that that is not the way to act, but they would still be wrong. What is in “The Spirit Level” should be understood by everyone.

In the remaining time I would like to pick up on Ken Macintosh’s point about Oxfam’s “Even It Up” report, which is a brilliant piece of work. I commend it—even just its executive summary—to everyone who has not yet read it. Trickle-down economics do not work. What we need is international public policy, particularly on taxation.

I leave members with a quotation from the United Nations Research Institute for Social Development, which stated:

“without deliberate policy interventions, high levels of inequality tend to be self-perpetuating. They lead to the development of political and economic institutions that work to maintain the political, economic and social privileges of the elite.”

We have it from the top. We have an international problem, but of course we have to solve it locally.

**The Deputy Presiding Officer:** Many thanks. We now move to closing speeches.

16:40

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

My old friend David McLetchie will be whirling in his grave tonight, because the Conservatives propose to abstain on both the Labour motion and the Government amendment. Worse still, the reason why we are going to abstain on both is that we pretty much agree with both of them and do not want to take sides.

However, we have a position that we have to make clear. We have grave concerns about where we could go if we get the issue of the living wage wrong. It is vital that we pay appropriate attention to making sure that we do not drive up wages in certain sectors of the economy and leave other sectors behind. A divide in our economy is something that serves no purpose and that we should avoid. I commend the Government for its very strong stance during the passage of the Procurement Reform (Scotland) Bill earlier this year to ensure that it did not have that effect.

The Labour Party says in its motion:

“the living wage in the private sector should be supported and actively promoted”.

I fully agree with that, but I was concerned that if Labour had got its will and forced a section into the bill that required payment of the living wage, many companies in Scotland would have been excluded from public contracts. I would not wish to see that happen.

There was a difference in opinion perhaps because there was a failure to understand the true nature of some parts of the Scottish economy. I would like to take the opportunity to say a few words about the tens of thousands of Scots, many of whom work within Scotland's small businesses and microbusinesses, who will never achieve the living wage and probably never achieve the minimum wage, and are working for less than that today. They are the proprietors.

Many of Scotland's small businesses operate on a model that allows people to work for significantly less than what we would call the minimum wage. Many of them are in our rural economy, many of them are in our towns, in retail and catering, many of them are family businesses, and many of those are run by members of our ethnic minority communities. The people who work for those businesses are people who struggle to make a living today. Where they employ others, it is necessary for them to control their wages.

That is why we have to dig deep. We have to avoid inequality by going to the very bottom of our economy and working our way back to the top. It is essential that we focus our efforts—ideally, on a cross-party basis that does not lead to political slugging matches across the chamber—to work together here, and across the United Kingdom, to

push up wages at the low end of the wage scale. We must ensure that we deliver results for the least well off in society—the working poor—and that we deliver them across the board.

The Conservatives are saying that we are not against that effort. We support the priority and we will look for ways to achieve it. However, we will bring to the discussion our understanding of how the economy operates and a desire to ensure that, whatever happens, nobody is left behind.

16:44

**Angela Constance:** Nigel Don and Ken Macintosh usefully made speeches that lowered the temperature of the debate by rightly focusing on the impact of low pay on children and families.

With that in mind, I highlight the briefing that Children 1st sent to us all, which eloquently said that we need to ensure that parents are better paid and have less of a need to work longer hours to make work pay because that puts a real strain on relationships and parents struggle to spend any meaningful time with their children.

We also know that low pay results in poor access to mainstream financial services, which in turn results in reliance on services such as payday loans. That causes issues with debt and further depresses already low incomes.

People in low-paid work are also increasingly suffering from food poverty, as many members mentioned, and have to rely on food banks to feed their families. We know that the cost of heating and lighting bills is also pushing far too many families into poverty.

We are all agreed that work is the best way out of poverty. A few members rightly made the connection between the living wage and equal pay. As the women's employment minister, I very much want to see the resolution of equal pay cases in the public and private sectors. As a Government, we have offered the facility of a consent to borrow—in other words, capitalisation—to assist our partners in local government with settling equal pay claims.

**Mary Scanlon:** Will the cabinet secretary give way?

**Angela Constance:** Not just now.

I also notice that the second-largest retailer in the UK, Asda, is now facing a massive legal action—the largest of its kind. Therefore, as an employment minister, I call on all the organisations concerned, whether in the public or private sector, to get the matter sorted.

I hope that, through the good work of the fair work commission, we will be able to build a consensus between employers and trade unions

and pursue the vision of increased employability while tackling inequality in the workplace. However, I bitterly regret the fact that the Parliament does not have the powers to make it happen.

In his opening speech, Mr Kelly spoke about DECC. I understand what that UK Government department is doing and why it is doing it, but I also understand what it is not doing: it is not making it mandatory to pay the living wage as part of procurement. It is one small part of the UK Government, and the UK Government does not pay all its staff the living wage. The Scottish Government is the first and only Government in the UK that pays all its staff the living wage.

**James Kelly:** Will the cabinet secretary take an intervention?

**Angela Constance:** Maybe later.

We have 3,000 staff who have benefited from the living wage increase, and 30 per cent of Scottish Government staff will benefit from the minimum increase of £300. After ensuring that all of our staff are paid the living wage, as part of our public pay policy we are now considering all of our contracts through pilots on the living wage through procurement. That is having positive results and will help us to move forward. It will help to inform statutory guidance, which key figures welcomed.

I was interested in the fact that none of the Labour members mentioned Ed Miliband's proposal to increase the national minimum wage to £8 by the year 2020. I wonder whether that is because Ed Miliband is now more unpopular than David Cameron in Scotland. Of course, we know that 65 per cent of Labour supporters no longer feel that Labour represents them. It is salutary that the former Labour minister Alan Milburn, who chairs the Social Mobility and Child Poverty Commission, described Ed Miliband's proposal as

"not at all ambitious as it implies a slower rate of increase between 2014 and 2020 than there was between 1999 and 2014."

The shameful part of the UK Government's record—whether it is the Tory or Labour Government—is that the national minimum wage has not increased in real terms for a decade. If it had, 63,000 people in Scotland would have earned £600 a year more over the past five years.

The problem with everything that we have tried to do in procurement is that the national minimum wage is set in law and it is at a lower rate than the living wage, which is not set in law.

I kindly remind my colleagues on the Labour benches that it was they, not I, who stood with the Tories to campaign against this Parliament having all the powers over employment. My challenge to them is this: will they join us now in seeking all the

powers to tackle low pay in this country and in equipping the Scottish Parliament with all the powers to create more jobs, to tackle inequality and to protect public services? Will they, like us, join the major voices and the major third sector organisations that are calling for the devolution of the national minimum wage, key welfare policies and significant tax powers, reflecting the broad consensus that exists in Scotland that we need to be setting our own direction? We have an opportunity to act where Westminster has failed.

16:51

**Jenny Marra (North East Scotland) (Lab):** Labour is delighted to hold this debate in living wage week.

I say to the cabinet secretary that she makes her first mistake today—one that she makes in her whole political career and her deputy leadership campaign—by confusing power with political will to make change happen. All her colleagues today have confused the two, believing that, if power is vested in one place, change—and change for the better—will happen.

I want to correct the cabinet secretary on that. There needs to be political will and economic and social analysis, which her party does not have, to raise wages and make social change. Power is not exactly a direct answer to that.

**Joan McAlpine:** Will the member give way?

**Jim Eadie (Edinburgh Southern) (SNP):** Will the member give way? [*Interruption.*]

**Jenny Marra:** I will take interventions later.

James Kelly had three asks in his opening speech. The first was that the Scottish Government uses the power that it has in its hands and uses its procurement to give the living wage to contractors. His second ask was for a living wage unit in Government—an easy thing for Angela Constance to commit to this afternoon. His third ask was for—

**Angela Constance:** Will the member give way?

**Jenny Marra:** I will give way in a minute.

James Kelly's third ask was for the Government to put together a living wage strategy. [*Interruption.*] I will give way later.

On the first point about procurement and a living wage for contractors, the SNP has said that it does not have the legal power. That is simply not true. It becomes clearer by the day and by the hour that the SNP does have the power in its hands. We came to the chamber for a debate six months ago and I said to Nicola Sturgeon that she had the power. She said that she did not but that Alex Salmond was going off to Brussels that

Monday to ask for it. Well, he went to Brussels and he was told by the EU that there was no European law in place—[*Interruption.*]. He cited European law.

Alex Salmond was told that there was no European law in place that would prevent the Scottish Government from going ahead with its proposal to give the living wage to contractors—there was no reason at all. That was reported in the press. [*Interruption.*] I will give way in a minute.

Then, just this week—[*Interruption.*] I will give way later. Just this week, the Department of Energy and Climate Change gave the living wage to all employees, including third-party contractors. Will the cabinet secretary accept that cleaners down in Westminster, in DECC, will get the living wage but the cleaners for our Government down in Atlantic Quay will not get the living wage?

**Angela Constance:** I wonder whether Ms Marra would find it in her hard heart to welcome the announcement made by the First Minister last week about a fair work convention, which is about how we can move forward together on many of the issues raised by Mr Kelly.

Will Jenny Marra also accept some facts? The correspondence from Commissioner Barnier, the Posting of Workers Directive and the European Court of Justice case law all identify the problem as being that our national minimum wage is set in law and is lower than the living wage. Surely to goodness she can accept that the real issue is the need for this Parliament to have power over the national minimum wage. How do we effect change if we do not have the power to do so?

**Jenny Marra:** I do not accept what the cabinet secretary just said. Of course we welcome the fair work convention—that is a very good thing. However, the ECJ's decision was not about contractors or mandatory legislation but about collective agreement—a completely different issue. The Deputy First Minister cited the decision in a debate six months ago, but it is not relevant to the point. If it was, why would the Department of Energy and Climate Change go ahead and award the living wage to its contractors?

**Mark McDonald:** Will Jenny Marra accept that the agreement that was reached by the Department of Energy and Climate Change, like the agreement that the Scottish Government reached on the ScotRail contract, was not about procurement? The point has been made to her repeatedly during the debate that the agreement was not part of the procurement process.

**Jenny Marra:** The Department of Energy and Climate Change is awarding the living wage to all its employees, including third-party contractors. If DECC can do that, the Scottish Government can do it too—[*Interruption.*]

The SNP members keep on shouting for more powers, but they will not use the powers in their own hands.

Just last week, I argued that the Scottish Government should award contracts to sheltered workplaces in Scotland using the precious procurement powers in its hands. It refused to do so, and simply issued guidance. Again, the cabinet secretary says today that she is prepared to go only as far as issuing guidance to contractors that they should pay the living wage. She is not prepared, in the face of legal evidence, to actually go ahead and make it happen.

I want to clarify some points for the Scottish Parliament record. Much has been said this afternoon about the Labour Party's record on the issue. In 1997 the Labour Party won a majority across this United Kingdom. In the face of opposition from the Conservatives, business—including the Confederation of British Industry—and many other quarters, we marched through the lobbies of the House of Commons that night to support the minimum wage. Where was the SNP?

That night—[*Interruption.*]

**The Presiding Officer (Tricia Marwick):** Order.

**Jenny Marra:** That night, when we voted on the most ground-breaking anti-poverty wage-related legislation that we have seen in this country in decades, the SNP members of Parliament were asleep in their beds. I will take no lessons from the cabinet secretary or any of her back benchers on our record on the issue.

For nine years—[*Interruption.*]

**The Presiding Officer:** Order.

**Jenny Marra:** For nine years—

**Mark McDonald:** Will the member give way?

**Jenny Marra:** Yes.

**Mark McDonald:** Can Jenny Marra advise members in the chamber whether Tony Blair voted in that very same division? I seem to recall that he was absent from it.

**Jenny Marra:** If that is the best that the member can come up with, I am very disappointed, given the amount of votes that Mr Salmond is not present for.

Here we are again: the legal case on the matter is absolutely clear, and it became even clearer following the actions of the Department of Energy and Climate Change this week.

Despite that, the SNP still refuses to use the generous powers that it has on procurement to raise wages in this country for people who are cleaning the SNP's own offices in Edinburgh. The SNP says that it needs more powers, but it is not

even using the powers that it has to address the important issue of poverty wages in this country. That is an absolute disgrace, and I think that SNP members should vote for the Labour motion this evening.

## Business Motion

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-11409, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

16:59

**The Minister for Parliamentary Business (Joe FitzPatrick):** Before I move the business motion, I point out that it contains some important business. Next Tuesday, we will discuss human rights; on Wednesday, we will discuss welfare benefits for people living with disabilities; and, on Thursday, we will have an important debate on progressive workplace policies to boost productivity, growth and jobs, on which Ms Constance will lead.

I move,

That the Parliament agrees the following programme of business—

Tuesday 11 November 2014

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: Child Protection

*followed by* Scottish Government Debate: Human Rights

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 12 November 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Rural Affairs, Food and the  
Environment;  
Justice and the Law Officers

*followed by* Scottish Government Debate: Welfare  
Benefits for People Living with  
Disabilities

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 13 November 2014

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

*followed by* Scottish Parliamentary Corporate Body Questions

*followed by* Scottish Government Debate: Progressive Workplace Policies to Boost Productivity, Growth and Jobs

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 18 November 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 19 November 2014

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Health and Wellbeing

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 20 November 2014

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

**The Presiding Officer:** That was admirable, minister.

As no member has asked to speak against the motion, the question is, that motion S4M-11409, in the name of Joe FitzPatrick, be agreed to.

*Motion agreed to.*

## Parliamentary Bureau Motions

17:00

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of two Parliamentary Bureau motions.

I ask Joe FitzPatrick to move motion S4M-11410, on the designation of a lead committee, and motion S4M-11411, on the office of the clerk.

*Motions moved,*

That the Parliament agrees that the Education and Culture Committee be designated as the lead committee for consideration of the British Sign Language (Scotland) Bill at stage 1.

That the Parliament agrees that the Office of the Clerk be closed on Monday 29, Tuesday 30 and Wednesday 31 December 2014.—[Joe FitzPatrick.]

**The Presiding Officer:** The questions on the motions will be put at decision time.



## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are seven questions to be put as a result of today's business.

The first question is, that amendment S4M-11395.1, in the name of Roseanna Cunningham, which seeks to amend motion S4M-11395, in the name of Elaine Murray, on tackling sectarianism, 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)  
 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)  
 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)  
 Hume, Jim (South Scotland) (LD)  
 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)  
 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)  
 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 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)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

**Against**

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)  
 Gray, Iain (East Lothian) (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)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (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)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 68, Against 49, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S4M-11395, in the name of Elaine Murray, on tackling sectarianism, as amended, 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)  
 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, 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)  
 Hume, Jim (South Scotland) (LD)  
 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)  
 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)  
 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, Tavish (Shetland Islands) (LD)  
 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)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

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)  
 Gray, Iain (East Lothian) (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)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McMahon, Michael (Uddingston and Bellshill) (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)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 68, Against 50, Abstentions 0.

*Motion, as amended, agreed to,*

That the Parliament notes that, in December 2013, the Advisory Group on Tackling Sectarianism in Scotland published its report, *Independent Advice to Scottish Ministers and Report on Activity 9 August 2012 – 15 November 2013*; welcomes the report and its recommendations, which require action from groups and organisations across civic Scotland; awaits the final report of the advisory group in 2015 and welcomes the scrutiny given to last year's report by the Equal Opportunities Committee and the committee's ongoing interest in this issue; agrees that education and prevention are the best ways of tackling sectarianism, and looks forward to the statutory report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, which the Scottish Government will lay before the Parliament next year.

**The Presiding Officer:** The next question is, that amendment S4M-11398.2, in the name of Angela Constance, which seeks to amend motion S4M-11398, in the name of James Kelly, on the living wage, 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)  
 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, 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)  
 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)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

**Against**

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)  
 Gray, Iain (East Lothian) (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)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**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 64, Against 39, Abstentions 15.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-11398.1, in the name of Mary Scanlon, which seeks to amend motion S4M-11398, in the name of James Kelly, on the living wage, be agreed to. Are we agreed?

**Members:** No.

**The 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, 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)  
 Gray, Iain (East Lothian) (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)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahan, Michael (Uddingston and Bellshill) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 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)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (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)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 15, Against 103, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-11398, in the name of James Kelly, as amended, on the living wage, 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)  
 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, 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)  
 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)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

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)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### 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)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 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 64, Against 37, Abstentions 17.

*Motion, as amended, agreed to,*

That the Parliament welcomes the rise in the living wage to £7.85 per hour; believes that payment of the living wage should be the expectation, not the exception, and notes that more than 400,000 workers in Scotland still earn less than the living wage; recognises the benefits to both businesses and their staff of paying the living wage; believes that the payment of the living wage in the private sector should be supported and actively promoted; welcomes the fact that the Scottish Government is the first government in the UK to pay the living wage to all staff and those covered by its pay policy, including the NHS; notes the efforts of the Scottish Government to engage with the European Commission on including the living wage as a condition of procurement; further notes that neither the Department of Energy and Climate Change nor the London Assembly includes the living wage as part of commercial tenders; welcomes the success of the Scottish Government in securing the payment of the living wage in public contracts as demonstrated in both the new ScotRail contract and the Scottish Government catering contract, which will benefit 50 staff who were previously paid the national minimum wage; further welcomes the report of the Working Together Review, which was commissioned by the Scottish Government, and the announcement by the First Minister of the establishment of the Fair Work Convention; notes that the Scottish Government is producing new guidance that will help all public bodies focus on how workforce-related matters, including the living wage, can be included in contracts, and shares the concern of the Joseph Rowntree Foundation about the Labour Party's inappropriate announcement of a minimum wage level for 2020 and that the Labour proposals will, based on estimates of inflation, not even meet living costs in 2020.

**The Presiding Officer:** The next question is, that motion S4M-11410, in the name of Joe FitzPatrick, on the designation of a lead committee, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Education and Culture Committee be designated as the lead committee for consideration of the British Sign Language (Scotland) Bill at stage 1.

**The Presiding Officer:** The next question is, that motion S4M-11411, in the name of Joe FitzPatrick, on the office of the clerk, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Office of the Clerk be closed on Monday 29, Tuesday 30 and Wednesday 31 December 2014.

## Imam Hussain Blood Donation Campaign

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

The final item of business today is a members' business debate on motion S4M-11308, in the name of Jim Eadie, on the Imam Hussain blood donation campaign 2014. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament congratulates the Edinburgh Ahlul Bayt Society on the launch of the Imam Hussain Blood Donation Campaign 2014 in cooperation with the Islamic Unity Society and the Scottish National Blood Transfusion Service; notes that the campaign will be launched with blood donation sessions in Edinburgh on 6 and 8 November 2014, and acknowledges what it sees as a constructive effort to encourage Muslim residents of Edinburgh and the Lothian region to become more active in donating blood to help save lives, while also marking the near-at-hand Islamic New Year, which is known as Muharram.

17:07

**Jim Eadie (Edinburgh Southern) (SNP):** I am delighted to bring this debate to the chamber and I thank my colleagues from various parties who have enabled me to do so by supporting the motion. I am particularly grateful to those who have chosen to speak in the debate tonight and I look forward to hearing their contributions.

The debate provides a fantastic opportunity to draw the attention of the wider public to the Imam Hussain blood donation campaign and to the importance of donating blood in general. I would like to welcome Ifthikar Ali, Shabir Beg and Asif Sheikh of the Edinburgh Ahlul Bayt Society; Jennifer Wilson and Frances Steel of the Scottish National Blood Transfusion Service; and the members of the Islamic Unity Society, all of whom have joined us in the gallery. I also want to thank everyone else who has made the effort to attend the debate this evening.

The Edinburgh Ahlul Bayt Society, the Scottish National Blood Transfusion Service and the Islamic Unity Society have worked together to organise blood donation sessions tomorrow and this coming Saturday at the donor centre on Lauriston Place. They have also worked together to promote donation among the Muslim community in Edinburgh and the Lothians. The Edinburgh initiative is part of a wider campaign that included donation sessions in Glasgow last week and elsewhere across the United Kingdom, with other sessions being held in cities including Manchester, London, Leeds and Birmingham.

The Imam Hussain blood donation campaign was launched in 2006 and was the first of its kind in the United Kingdom. The campaign was

initiated to encourage members of the Muslim community to donate blood, and was named after Imam Hussain for a reason. Imam Hussain, who lived in the seventh century, was the grandson of the prophet Mohammed, and is one of the most important figures in Islam. Imam Hussain is known and admired for refusing to compromise his values and for being a selfless person, sacrificing his own blood, in the Islamic month of Muharram, in the fight against tyranny and for the benefit of the wider community. It was, therefore, apt to name the campaign after him. Muharram is the first month in the Islamic new year and is currently under way. Holding the blood donation campaign during Muharram not only is a fitting tribute to Imam Hussain's sacrifice but makes for a good new year's resolution to start donating blood regularly. For those of us who are not of the Islamic faith, that is something to consider when we make our own new year's resolutions eight weeks from today.

As much as the Imam Hussain blood donation campaign, which is aimed at the Muslim community in particular, deserves to be supported, what we would all want to take away from today's debate is that we need more regular blood donors from all backgrounds, religions and cultures in Scotland. As the Scottish National Blood Transfusion Service rightly does not ask donors about their ethnicity, it is not possible to identify whether there is any ethnic or religious group that provides more or fewer blood donations than any other. However, does that matter? Surely, all initiatives that are designed to encourage anybody who is physically suitable and willing to donate blood are to be welcomed and encouraged. That is why I am so pleased to be part of the debate today.

If members were asked to guess the percentage the population who are of active blood donors in Scotland, would they guess that it is 25 per cent, 20 per cent or perhaps 10 per cent? There are currently 139,000 active blood donors in Scotland, which is less than 4 per cent of the eligible population. The Scottish National Blood Transfusion Service considers the eligible population to be people aged between 17 and 70 who weigh more than 50kg. The Scottish National Blood Transfusion Service is in need of 800 donors every day, with each donor providing one unit. On average, however, 645 units are drawn each day, which means that we really do need more regular donations to meet existing needs.

One may not think that going to the donor centre once and donating blood makes a big difference to what is required. However, a single blood donation can save up to three adult lives and up to seven children's lives. A woman can donate her blood up to three times a year and a man can donate up to four times a year. That means that a woman could

save up to nine adult lives or 21 children's lives in one year, while a man could save up to 12 adult lives or 28 children's lives each year. I ask members to allow the poignancy of those facts to sink in, and to reflect on the difference that blood donations can make.

Another fact that particularly struck me is that a mere three teaspoons of blood is often enough to keep a premature baby alive. I know people in this Parliament who stir more sugar than that into their coffee. Let us imagine how many lives are touched by that one donation. They are the lives of the baby's parents, its siblings, other children within the family and the people in the circle of family friends. It is not only the life of that tiny human being that is positively influenced by one blood donation, but the lives of the whole family and extended family.

Blood donations are required in trauma situations such as road traffic collisions and when there are complications with childbirth and surgery, but they also benefit on a more regular basis people who are living with leukaemia and other forms of cancer. That means that there is a constant need for blood donations for a variety of situations.

I commend those who will donate their blood as part of the campaign this week, as well as all regular blood donors of all faiths and of no faith in Edinburgh and across the Lothian region, and I hope that many people will be inspired to make their own contributions in the future. I thank the Edinburgh Ahlul Bayt Society, the Scottish National Blood Transfusion Service and the Islamic Unity Society for organising the Edinburgh initiative of the Imam Hussain blood donation campaign 2014, and for enabling me to bring the issue of blood donation to the attention of Parliament this evening. I wish them every success with the donation sessions in Edinburgh tomorrow, on Saturday and for many years to come.

17:14

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I congratulate Jim Eadie on securing a debate about this important campaign, which aims to encourage blood donation by invoking the positive lessons from the life of Imam Hussain. As we have heard, the campaign is being run by the Edinburgh Ahlul Bayt Society in conjunction with the Islamic Unity Society and the Scottish National Blood Transfusion Service.

I join Jim Eadie in welcoming the people he mentioned from the Edinburgh Ahlul Bayt Society. I add to those names that of Zahira Hassan, who is also in the gallery and who invited me recently to an event that the Edinburgh Ahlul Bayt Society

organised. I am therefore very well aware that the society's objective is to advance the understanding of key teachings in Islam and to promote religious and racial harmony.

That is the context for the campaign, which aims simultaneously to further awareness of the life of Imam Hussain and to address the lack of blood supply. The society points out that the campaign works because of the millions of people worldwide who are inspired by Imam Hussain's kindness and example of sacrifice; they can then give blood as a way to help others who are in need and to live up to those high ideals. The significant benefits of donation should not be underestimated. As Jim Eadie reminded us, every unit of blood that is donated could save or improve the lives of up to three individuals, depending on the circumstances.

On blood donation more generally, we should remember the words of the great social scientist Richard Titmuss, who said:

"We cannot understand the National Blood Transfusion Service without also understanding the National Health Service, its origins, development and values."

He also said:

"The most unsordid act of British social policy in the twentieth century has allowed and encouraged sentiments of altruism, reciprocity and social duty to express themselves; to be made explicit in identifiable patterns of behaviour by all social groups and classes."

In countries such as the United States, there is a commercial blood market, but giving money does not encourage a sense of social responsibility, whereas appealing to the shared values of a group does. That is very much what the Imam Hussain blood donation campaign seeks to do by tying in a drive for donations with positive lessons on the altruistic actions of a respected religious figure.

The campaign has grown in support over its first two years, with numbers last year in Edinburgh at 28, 18 of whom were new donors. The 2014 campaign is taking place on 6 and 8 November, as we have heard, and to date it has 40 people registered to donate.

The Scottish Government has advised that the Scottish National Blood Transfusion Service does not collect data on the number of donors by ethnic minority group. Such data would perhaps place the campaign within a broader context and help to illustrate the need for a greater awareness about donation. However, the Muslims give blood campaign, which ran across the whole of the UK last year, gives a broader insight into the particular need for donations. It said:

"Not everyone has the same blood type—without having access to compatible blood types, when you are injured, doctors will not be able to provide you with life-saving treatments."

The campaign also said:

"Blood type is generally related to our ethnic origins. For example, 25% of the south Asian communities are blood group B, compared to only 9% of Caucasians."

That highlights the urgent need for blood donations from south Asian communities.

The Imam Hussain blood donation campaign also highlights that Islam is a religion of mercy that caters for all the problems that are faced by humanity. In speaking of the relationship between Islam and the altruistic act of donation, the campaign highlights that the religion

"acknowledges the needs of people, thus gives concessions and dispensations wherever needed. Hence, it can be said that a blood transfusion is lawful as a necessity."

Through appealing to members of the community, the campaign, which has been successful in other parts of the UK since 2006, highlights that concern for fellow human beings, philanthropy and empathy are central to the Islamic religion, while also aiming to address a particular problem in the lack of a particular blood type.

I wish the campaign well in its 2014 drive and I hope that it goes from strength to strength in the future.

17:18

**Nanette Milne (North East Scotland) (Con):** I, too, thank Jim Eadie for bringing this issue to the chamber this evening.

I am sure that I will not be alone in saying that I was unfamiliar with Imam Hussain until I examined his story and the reason why the blood donation campaign was launched in his name in 2006 to increase the number of regular blood donors from Muslim communities. This man, who as we know lived in the 7th century middle east, was known for his generosity and tolerance to those of different races and social standing and is revered by Shia Muslims throughout the world for his martyrdom at the hands of the dictator Yazid.

As someone with a medical background, I am all too familiar with the need for regular blood donors to come forward, particularly those who have a rare blood type such as AB negative, which is held by less than 1 per cent of the UK population. When I first gave blood several decades ago, the restrictions on donation were relatively few but over the years, as knowledge has grown, the list of exclusions has grown significantly. For instance, I had to stop being a donor when I went on to treatment for hypertension. As a result of recognition of the very long—indeed uncertain—incubation period for CJD, anyone who has received a blood transfusion in the past is now, I



understand, banned from blood donation. In addition, gay men throughout the UK were prohibited from giving blood until the prohibition ended three years ago following an intensive campaign, and there are still restrictions in place.

It is, of course, extremely important that blood donation is carefully monitored, because of the very serious complications that can occur, but it is also important that as many people as possible are recruited as donors, because Scottish patients need 5,000 blood donations every week. Although some excellent blood substitutes are available to expand blood volume, they cannot totally replace whole blood and its derivatives.

There are peak times when requirements are high and donations are relatively low, such as over Christmas and the new year; only last January, parts of England and Wales came within three days of running out of a specific blood group. Efforts have to be maintained to keep up donations throughout the year.

The Imam Hussain campaign, which runs throughout the Muharram—the first month of the Islamic calendar—began this year on 24 October and will conclude on 23 November. The campaign has been in place for the past eight years, and its aim has been to encourage Muslims to play an active part in donating blood. It is worth reminding ourselves that the religion of Islam is not against blood donations. Indeed, there is nothing to prohibit Muslims from donating blood to non-Muslims, as long as they are not fighting against Islam. Because Muslims who come from ethnic minority backgrounds often have rarer blood groups, it is all the more necessary to encourage them to give blood.

As Scotland requires 5,000 blood donations every week, and as only 5 per cent of those people who are eligible to donate do so, the vast majority rely on a minority for blood stocks. That is why a concerted effort must be made to reach out to as many groups, communities and individuals as possible. The Imam Hussain campaign fulfils a necessary purpose in doing exactly that.

Jim Eadie's motion understandably focuses on Edinburgh and the Lothians and highlights the blood donation sessions that will take place there tomorrow and on Saturday but, as part of a wider campaign in conjunction with the Islamic Unity Society and the Scottish National Blood Transfusion Service, we have seen similar events in Glasgow, and at a UK level in London, Birmingham and Manchester, as well as other major UK cities. I am not aware of the campaign spreading to my region, North East Scotland, but perhaps the minister could advise me on that in his summing up.

By raising the importance of giving blood, which is crucial, the debate will, we hope, go some way to achieving a rise in the number of people in our Muslim communities who make that contribution. As I said at the outset, Islam is not at all against blood donations. It says in the Qur'an:

"if anyone saved a life, it would be as if he saved the life of all mankind."

I again thank Jim Eadie for securing the debate.

17:22

**Hanzala Malik (Glasgow) (Lab):** Good evening, Presiding Officer, and thank you very much. I thank Jim Eadie for securing a very important debate.

The Imam Hussain blood donation campaign has given tremendous hope in raising participation in blood donation by members of the Muslim communities in Scotland. The campaign has dispelled various misconceptions that are assumed to exist in some Muslim communities and has raised Islamic approval of the act of blood donation. Blood donation is vital, and I have been a regular donor.

The promotion of blood donation is vital in maintaining standards of health in Scotland, and Scotland is privileged to have organisations such as the Imam Hussain campaign that cater for specific communities. The campaign raises awareness of the need for blood donations among Muslim communities, which is vital.

In my constituency, there are various organisations that promote the importance of maintaining wellbeing—awareness of which among the Scottish public is excellent—among ethnic minority communities. One such organisation is the Well Foundation in Glasgow. Its aim is to increase the involvement of the Scottish public in helping those who are less fortunate, and to educate people on how they can improve their health and change their lives for the better. It does so by creating awareness of various health conditions, including cancer, diabetes, being overweight and leukaemia, all of which affect many people in the Asian community across Scotland, and of the need for the provision of clean and safe drinking water.

Another health concern is the spread of hepatitis C, which affects the wellbeing of many Scots in the Asian community in Scotland. The Hepatitis C Trust estimates that around 39,000 people across Scotland are infected with hepatitis C, and it is essential that we raise awareness of the condition if we are to maintain the high standards that Scotland has for its citizens.

People sometimes underestimate the value of organ and particularly blood donation, and the

motion indicates its importance. Indeed, the Imam Hussain blood donation campaign has highlighted an issue not only for us Scots but for the Muslim community in Scotland, which must indicate its willingness to help and show some real interchange in and dedication to this area. This campaign is important, and I am grateful to it for making the effort to bring this matter to the attention of Scotland and the Scottish Parliament.

I commend all those champions, all those organisations and everyone else who makes the effort to make health a priority for us in Scotland, and once again I thank Jim Eadie for bringing to the Scottish Parliament a motion that highlights the importance of working together, improving things and campaigning for valuable causes. I also thank the Edinburgh Ahlul Bayt Society for its campaign and for being with us this evening, and I want to encourage it not only by wishing it well with its work in Edinburgh but by hoping that it will take its campaign to Glasgow. I will certainly want to play a role in that.

17:26

**James Dornan (Glasgow Cathcart) (SNP):** I join my colleagues in congratulating Jim Eadie on bringing the debate to the chamber; I congratulate the Edinburgh Ahlul Bayt Society on its work to encourage Muslim residents in Edinburgh and the Lothians to donate blood; and I welcome to the chamber those already mentioned by Jim Eadie—particularly my friend Shabir Beg, who I see sitting at the back of the gallery.

The Imam Hussain blood donation campaign, which, as has been mentioned, seeks to increase the number of regular blood donors from Muslim communities, already appears to have been a great success. Tying the campaign to the memory and the work of Imam Hussain seems to have worked; indeed, I am delighted to hear that Glasgow, too, has begun to hold donation sessions. Too often, people who do such small charitable acts do not see the bigger picture about what that half hour out of their lives has done when, in fact, it has saved lives.

I will repeat a statistic that Mr Eadie mentioned, because it is crucial to the debate. Over the course of a year, a woman could save up to nine adult or 21 children's lives, and a man could save up to 12 adult or 28 children's lives. I am particularly touched by the statistic that three teaspoons of blood can save the life of a premature baby. My partner works with premature babies every day, and that figure really brings home how, even from a distance, we can help some of those tiny little children to survive.

As the campaign says,

"Blood is a precious resource which can benefit others and save lives."

That is an extremely powerful message. We need 5,000 blood donations every week in Scotland just to keep up with demand and given that, as we know, blood has an extremely short shelf life, the stream of donations needs to be constant. As a result, the Scottish National Blood Transfusion Service runs alongside its regular donation schedules a project called blood donor 24, which is Scotland's emergency blood donor response team. The team is made up of folk who have pledged to respond within 24 hours should the need for a donation of their blood group arise.

As Jim Eadie pointed out, shortages in blood types can arise for many reasons; there might be a bank holiday, for example, or a major incident or emergency might happen. Of course, finding donors can sometimes be easiest when there is an emergency. Who can forget the queues of people stretching around the block from the Glasgow offices after the Clutha Vaults tragedy? So great was the response that the service had to ask people to delay their donations for a couple of weeks, because it had too much blood.

However, despite our instinctive recognition of the importance of blood and the number of lives that can be saved each year by blood donations, it is still the case that, as has been mentioned, only about 4 per cent of eligible blood donors donate. We all have to work on that.

The blood transfusion service is working on getting younger people to become donors. Recent research shows that only 46 per cent of 17-year-olds are even aware that they could give blood. It is crucial that we engage with young donors, because the average age of donors in Scotland is now over 40.

I know that 20 per cent of new donors come from the give blood school talks programme, which signed up 5,000 new volunteers last year. Its message to people is to celebrate their 17th birthday and celebrate saving a life. That work is extremely important. I will contact the service to see whether we can engage in other ways with young people on giving blood, perhaps through working with youth groups and sports or arts centres.

The blood transfusion service's work is critical to the excellent blood donation service that we have in Scotland. That service will get even better when the work to construct the bespoke national centre is completed. The national centre will provide a flexible and modern pharmaceutical industry-standard environment for the service's staff to continue to deliver a safe and efficient supply of blood components across Scotland. That will also

provide an on-going contribution to our leading life science research and development industry.

I congratulate the Imam Hussain blood donation campaign on the work that it is doing to get more Muslims to donate blood and I congratulate the Scottish National Blood Transfusion Service on its work to ensure that blood is kept safe and used efficiently. I look forward to working with the service to see how we can encourage more people to take part in that simple but life-saving act.

17:31

**Dr Richard Simpson (Mid Scotland and Fife (Lab)):** I add to those of other members my congratulations to Jim Eadie on securing the debate. The debate is important as it draws attention to the fact that, if groups out in the community get together to promote something, that can be successful and create public awareness. That also allows us as parliamentarians to make their point in Parliament and, I hope, to have it picked up in the press. We will see in the next day or two whether the issue that we are discussing has been picked up in the press. I hope that it will be.

In running the Imam Hussain blood donation campaign, the Edinburgh Ahlul Bayt Society in combination with the Islamic Unity Society and the Scottish National Blood Transfusion Service is promoting something that is hugely worth while. As Malcolm Chisholm said, it emphasises the ethical and moral background to our blood donation programme in this country. Giving blood is not a commercial event; it is an act of selfless volunteering. James Dornan talked about encouraging in schools and youth clubs the giving of blood. It is vital that we massively encourage the next generation to donate blood.

Since the Parliament was founded, we have been hugely successful in increasing organ donation registration in this country; indeed, we now have the highest level of that in any of the home nations. We should do the same with blood transfusion and promote it well beyond the 4 or 5 per cent who are donors.

I know that the Scottish National Blood Transfusion Service, with which I had considerable dealings during the initial discussions on hepatitis C in the Parliament's first session, is a highly ethical organisation that operates on the basis of research and evidence, with patient safety at the core of its work.

The question of donations from lesbian, gay, bisexual and transgender people is important in our discussions, and looking at the age factor is important. I used to be a donor, but I am now over 70, so I am not allowed to donate, although I

would probably not be allowed to do so now because of illness or the medicines that I take. However, the question is whether the age restrictions need to be reviewed.

I will conclude my short speech by referring to one or two issues. Over the past 10 to 15 years, the amount of blood that is wasted in hospitals has been significantly reduced. That is important, because what matters is not just the supply of blood but what happens at the other end. The work that has been done to reduce the need for blood is critical. That also involves dealing with wasted blood during operations.

We have not sufficiently expanded the practice of people giving their own blood prior to operations. That is not always appropriate, but nevertheless that area is underdeveloped.

We need to send a clear message to employers that they have a social responsibility to encourage their employees to donate blood. I know that many already do so, but many more need to do so, because we need blood donations, particularly starting from now—we need blood donations during the winter.

I thank Jim Eadie for bringing the debate to the chamber and educating us on a society that I did not know about until he lodged the motion. That is extremely welcome, and I am glad to have been able to contribute to the debate.

17:35

**The Minister for Public Health (Michael Matheson):** I, too, offer my congratulations to Jim Eadie on securing time for this important and worthwhile debate, and I have listened with interest to members' speeches. I join the Parliament in congratulating the Edinburgh Ahlul Bayt Society on the launch of the Imam Hussain blood donation campaign 2014 in co-operation with the Islamic Unity Society and the Scottish National Blood Transfusion Service. The initiative is very welcome, particularly given the importance of ensuring that people of all backgrounds are willing to donate blood, so that stocks are available when they are needed.

Blood donation is one of the great acts of human compassion. For someone to take time out of their busy day to donate their blood to help someone whom they will probably never know or meet is a remarkable act of generosity in itself.

The amount of blood being donated is important. So, too, is the blood type that is being donated. We know that blood type is generally related to our ethnic origins and that the majority of Muslims in Scotland are from ethnic minorities. Therefore, it is important that people from minority

ethnic groups donate to ensure that the right blood types are available when they are most needed.

We also know that some people need blood transfusions for life and that some blood disorders are found predominantly in south Asian communities. Those people rely on a regular blood supply and it is important that they receive the right supply.

Rare blood groups are often more common in certain minority ethnic groups, so it is important that we encourage people with rarer blood types to donate as necessary. Therefore, I very much welcome the campaign, because it seeks not only to promote donation but to raise awareness about the issues in a segment of our society.

Scotland is committed to promoting a multifaith and a multicultural society based on mutual trust, respect and understanding. The Scottish National Blood Transfusion Service has met community representatives to set specific attendance days in order to ensure that donation arrangements are not only satisfactory but well explained to them.

The campaign is working hard to achieve change, diversity and positivity in the community, as well as promoting and encouraging integration.

We also have to acknowledge that there can be challenges in informing Scottish Muslims about blood donation, as there are different views across Islam about the acceptability of blood donation, and it is not for us as a Government or as a Parliament to dictate on such matters. However, we know that blood donation has been recommended and approved by Muslim scholars as not only permitted but praiseworthy, and I hope that as a result of the campaign many Scottish Muslims will also come to that view.

I am very happy to offer the Government's support to the campaign, and I have no doubt that it will produce a great deal of good. I hope that Scottish Muslims will be inspired by Imam Hussain's legacy and give blood for the sake of the wider community.

I also take this opportunity to urge people from south Asian backgrounds to speak to their peers about organ donation and to get the full facts, so that they can make informed choices about that matter, too.

The initiative that we are discussing relates to Edinburgh and the Lothians and is focused on Muslims, but there is a lesson for Scotland more generally and for other communities. Like Islam, Sikhism and Hinduism also see blood donation as a positive thing to contribute. From the 2011 census, we know that Scotland is an ever more ethnically and religiously diverse nation. I therefore hope that communities right across Scotland, be they in Jedburgh or John O'Groats, will take part in

this important act of charity and donate blood. It would be tremendous to see campaigns just like this one being replicated in different groups and communities right across the country.

Donating blood is a simple but amazing act. We need more people from different backgrounds to donate, because our population is becoming more diverse. As Richard Simpson correctly highlighted, we particularly need in our donor base more young people who will make a lifelong commitment to donating blood. New, committed and active donors are essential to safeguard future supplies of blood products.

I urge everyone to give blood if they can—particularly those who have never donated or who have not given blood for a while. It would be great if donors could encourage their friends and family to have a go and reassure them that it is a straightforward process. Blood donations are a vital resource to help to treat cancer and many other long-term conditions, but people who are involved in accidents and in maternity care also require access to blood and blood products. Everything that we can do to promote blood donations is worth while. I am pleased to be able to offer the Scottish Government's support to the Imam Hussain blood donation campaign 2014.

**The Deputy Presiding Officer:** I thank you all for taking part in this important debate.

*Meeting closed at 17:42.*

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