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Thursday 11 March 2010

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Scottish Parliament

Thursday 11 March 2010

[The Presiding Officer opened the meeting at 09:15]

Schools (Management)

The Presiding Officer (Alex Fergusson): Good morning. The first item of business is a Scottish Conservative and Unionist Party debate on the management of schools.

09:15

Elizabeth Smith (Mid Scotland and Fife) (Con): Education in Scotland was once rightly renowned for its outstanding quality. The Conservatives firmly believe that it can be again. The vast majority of our pupils and teachers have the potential for outstanding success, but not if we continue to pretend that all is well in the current structure of school management and to resist the need for change.

The facts speak for themselves. Since 1999, successive Scottish Governments have doubled spending on our schools, yet overall standards of attainment have been flatlining and, sadly, actually declining in some cases. Each year, 13,000 pupils leave school unable to read or write properly. Only 30 per cent of pupils in secondary 2 reach the required standard in mathematics, despite the figure being 85 per cent in primary 3. Scottish pupils are now ranked below the global average in mathematics and science and, only two weeks ago, the Scottish Government's latest statistics revealed that two thirds of S2 pupils struggle with literacy. That situation is just not acceptable. It is not acceptable to parents, pupils and teachers, all of whom know that we should be doing very much better, or to the Scottish Conservative party, which is why we believe that it is time for radical change.

I put on record the fact that many communities throughout Scotland are fortunate to have an excellent state school on their doorstep, but far too many are not. In too many areas, particularly in some of our most disadvantaged communities, schools underperform because the present system provides them with too little incentive to improve. However hard our teachers work, their efforts are often compromised by a system that is unresponsive to the needs of individual schools and pupils. That seems particularly ironic at a time when the principles and modern methodology of the curriculum for excellence are driving at greater diversity in the curriculum and, I hope, more fulfilling options for more pupils in Scottish Qualifications Authority examinations.

All communities in Scotland should have access to a good state school. Social and economic background should be no barrier, and nor should an arbitrary catchment area or parental income levels. However, nothing will change if there continues to be an obsession with a one-size-fits-all policy for our local authorities and the long-standing—and, I must say, socialist—love affair with comprehensive education. That approach persistently confuses the principle of equality of opportunity with that of uniformity and has created false tensions between the pursuit of social justice and the pursuit of excellence. As a result, politicians have become the controlling factor in our schools, when it should be headteachers and parents.

Earlier this week, we set out why we believe that the evidence clearly shows that too many school children in Scotland do not get the education that they deserve. We also set out our plans to raise standards, which fall under three headings: breaking up the current monopoly that the state has over the provision of education; giving teachers and headteachers more control; and giving parents more choice over which type of school they want to deliver their child's education. In short, we argue that we need to take power away from the politicians and start trusting the professionals on the front line.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): The member will know that, about this time last year, her colleague Michael Gove announced a plan for primary academies. In an education debate last year, I asked Murdo Fraser whether that was one of the radical policies that the Conservatives support north of the border and to which Elizabeth Smith refers. He replied:

"The member refers to a policy that is being introduced south of the border. Of course we will study the detail of it with great interest."—[*Official Report*, 30 April 2009; c 16920.]

A year later, has the Conservative party concluded its studies of its English policy?

Elizabeth Smith: Very much so. If the member is asking whether I support what Michael Gove is doing down south, the answer is that I do. Obviously, Scottish education has a different tradition and structure. I am keen for us to have greater diversity and we are interested in the academy model but, at present, it would not be particularly appropriate in Scotland.

Ken Macintosh (Eastwood) (Lab): The member commented on Labour's supposed love affair with comprehensive education.

Members: It was a socialist love affair.

The Presiding Officer: Order.

Ken Macintosh: Apologies. I am proud to associate my party with socialism, unlike some other members in the chamber.

Is Elizabeth Smith aware of the consultation that took place some years ago on the national priorities in education in Scotland, which showed an overwhelming endorsement of comprehensive education or, in other words, a love affair with it in the whole of Scotland?

Elizabeth Smith: Mr Macintosh should go back and consider his socialist credentials. In 1991, Professor Howie said that there was a great need to diversify in comprehensive education, certainly beyond S4. We are attracted to that model.

We are talking about the provision of new free schools that can compete with existing local authority schools. Those schools would remain state funded and would not be allowed to charge fees or become selective. Most important, they would remain subject to the same rigorous inspection processes of Her Majesty's Inspectorate of Education and the Scottish Commission for the Regulation of Care that exist at present for all schools. The schools could be run by educational charities, not-for-profit trusts or other philanthropic bodies.

There would be scope for local authorities to transfer a school, or perhaps a cluster of schools, to an educational trust. Interestingly, that is along the lines of a suggestion by a Scottish National Party councillor in East Lothian Council, who has said that the principle behind the proposal is the need to drive up standards, as well as the need to help local authorities make the best possible use of scarce resources at a time when local authority finance is stretched. Although we do not yet know the full details of Councillor Berry's proposal, we applaud that innovative thinking, unlike the Labour Party, which seems to have dismissed it out of hand.

Recently, there has been an increase in the number of parents who want to exercise their legal right to choose their child's school. There has been a spectacular failure to deliver the Scottish Government's class size policy in its original format of 18 or fewer pupils in primaries 1 to 3, precisely because of the obsession with a one-size-fits-all agenda. Now, whether it is a face-saving mission or what the cabinet secretary described at yesterday's Education, Lifelong Learning and Culture Committee as a "helpful" measure, we have a more relaxed target of 20 per cent of pupils being in such classes. However, concerns are still being expressed about councils' ability to deliver the policy, precisely because it does not suit diverse needs in various parts of Scotland.

I have no problem with smaller class sizes, but I have a problem with an overbureaucratic model that has not only created much heartache in our councils, but caused a growing number of parents to feel the need to go to court to exercise fully their right to choose different types of school. They should not be put in that situation. Some people tell me that state schools throughout Scotland already have different characteristics—I agree, and they always have done. However, where is the logic in preventing parents from taking advantage of that diversity? If more parents want the right to choose from different types of school, they should have it, and they should be able to take their child out of a poorly performing school and transfer him or her to another school where standards are better. No longer should they be dictated to by a one-size-fits-all arbitrary postcode that is unreflective of real demand.

Before Christmas, I wrote to the convener of the Education, Lifelong Learning and Culture Committee to suggest that the committee's 2010 work programme should include an examination of the school structure in Scotland and how we can address the current failings. I am grateful to Karen Whitefield for pursuing that request and to my colleagues on the committee who, on 3 February, agreed unanimously that we should examine the issue in detail.

I hear on the grapevine that it is proving difficult to get a ticket for a flight to Sweden this weekend. I have discovered that not only are the cabinet secretary and some of his officials winging their way across to Scandinavia, but so too are Tavish Scott and some of his officials, such is the sudden desire of senior political figures to see for themselves what the Tories have known for many months, and even for many years. David McLetchie, well ahead of his time as usual, made exactly the same visit back in 2005 and, last September, we invited one of the most respected Swedish experts on education, Thomas Idergard, to Edinburgh. So I must ask Labour Party members, if even the yellow bus is making its way out to the airport, will they jump on it, too, or will they just stay at home and miss the bus?

I am genuinely pleased that the cabinet secretary has agreed to debate the issue and I look forward to his response and to seeing whether he really is out to grasp the thistle, which involves asking whether Alex Salmond and his fellow Scottish Cabinet colleagues will break their deafening silence, stand up and be counted.

The Scottish Tories are determined to take a lead in the debate, even if that means upsetting some apple-carts that are dragged along by conventional thinking. The polls in Scotland show consistently that the public feel that there has been a failure to deliver better quality in public

services and that the Scottish Government needs to respond more effectively to the diverse needs of different groups of people. Sweden, Finland, the Netherlands and Alberta in Canada have got that right, which is why we believe that lessons can be learned from countries in which parents have the freedom to choose between different providers in the state sector instead of being told what they must do. In those countries, the aim is to provide a good education for everyone and not just some, and to raise attainment levels—to drive up standards instead of being content with the lowest common denominator.

I know that some siren voices say that our proposal is all wrong. Yesterday, we were accused of having rationing as our main aim, which was rather an extreme view. I fully acknowledge that it took eight years to convince a once-sceptical public in Sweden that the new freedoms in the state sector would work, but they did. Now, almost no one, including those who are on the left of the political spectrum—they are socialists, Mr Macintosh—wants to return to the old system, such is the conviction that the new system is much better at raising overall standards.

That is true not only of the new schools but of the existing state schools in Sweden. Many teachers there liked the new system because it gave them much more flexibility and scope to concentrate on raising standards in the classroom rather than filling in far too much unnecessary paperwork. Incidentally, that is the same flexibility as we seek in the curriculum for excellence.

I will dwell on that point a little longer. If the curriculum for excellence has a central message, it is about catering for the individual pupil's needs. That principle is supported throughout the Parliament. In turn, that should mean that we are serious about opening new avenues for pupils who neither wish nor are able to pursue a purely academic curriculum. We should develop formal vocational courses for middle-year secondary pupils and ensure that they have every opportunity to learn an apprentice trade, just as in several other European countries. If that means that specialist schools come into being, just as in Denmark and the Netherlands, so be it.

Following the introduction of new providers in Sweden, 10 per cent of pupils attend free schools—the figure is nearly 20 per cent in the upper secondary. As for the merit value of schools there, five years after the introduction of free schools, the average attainment level was 206 points, and 226 points in free schools. However, just as important is the fact that standards rose not just in free schools but in existing schools. I stress firmly that the average of 206 points was an increase on the figure before 1991, when free schools were introduced. The Swedish National

Agency for Education highlighted that, reporting that standards improved across the board because existing schools needed to compete with the new free schools if they were not to lose pupils.

The Scottish Conservatives believe that that model can work well in Scotland because it strikes the right balance between supporting the many good schools throughout Scotland where parents are very satisfied with the education that their children receive and improving schools that consistently underperform and with which parents are dissatisfied.

How much more evidence is required and how many more children need to be let down before the SNP, Labour and the Liberals realise that Scottish education needs to be brought up to date so that we can keep pace with other developed countries? Doing nothing is not an option. The evidence that radical change is required is compelling, as is the demand from parents and teachers that we need to deliver higher standards across the board. We must ensure that reform extends parental choice, devolves more power to headteachers and provides far more freedom in the state sector. If we do not, the educational futures of too many young people will be at stake. I ask members to support the motion in my name.

I move,

That the Parliament agrees with the Cabinet Secretary for Education and Lifelong Learning that “choice and diversity are the hallmarks of a mature and confident society” in the provision of state-funded education and that it is now time to explore alternative models for delivery of school education with a view to empowering head teachers, raising standards and increasing parental choice; welcomes the community trust model for schools put forward by East Lothian Council as worthy of further examination and believes that this and other models to be found elsewhere in Europe should be the subject of detailed consideration and debate, and calls on the Scottish Government to publish an options paper on models of school organisation to facilitate this.

The Presiding Officer: As I should have done earlier, I ask members who wish to speak in the debate to press their request-to-speak buttons.

09:29

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): I congratulate Elizabeth Smith and the Conservatives on initiating the debate. As I have often said in a variety of guises, it is right that we in the chamber openly and constructively debate future patterns of activity. The only really jarring point in Elizabeth Smith's speech was the prospect that Mr Macintosh and I might be having a socialist love affair, which has quite put me off for the rest of the day. However, as I suspect that

any such discussion would be X-rated, we can move on.

Jeremy Purvis raised an important issue. It is important not just to import into Scottish education what Michael Gove thinks. I have no doubt that he thinks interesting thoughts but, from what I have heard, I do not think that many of them are relevant to the system that we have developed in Scotland and to the different way in which we want to take that forward. Perhaps some confusion will arise in coming weeks about that. For example, in last night's education debate on "Newsnight", three individuals debated a topic for which they have no responsibility in Scotland. I hope that Scottish voters noticed that and that the BBC noticed the ridiculousness of that debate for Scottish viewers.

I will start from where I came from. It is probable that the starting point for all of us in the debate is our experiences in schools. I attended a rather odd school—a grant-aided comprehensive. It was perhaps typical of Scotland that such strange hybrids could exist. I was a pupil at Marr college in Troon; my father was in the first intake there in 1935. The school was established by philanthropy—by a vast sum of money that Charles Kerr Marr left. He was a coal merchant who made his fortune in London and left it all to educate young people in Troon. The school building was unique in its time and cost about £35 million. The first chairman of the school governors was Sir Alexander Walker of whisky fame.

Marr college admitted every child in Troon and nobody else. It continued as a grant-aided school until a Labour Government abolished such schools in the 1970s. By that stage, problems aplenty could be observed. I am probably the only education secretary, and certainly the only Opposition education spokesperson, to be barred from his former school when I achieved those offices. I was barred because I wrote several articles that examined how that great school had fallen from greatness and asked why that was so.

The baseline of my thinking is that the principles of access and excellence on which Marr college was based—the principles that no exclusion should take place through academic or financial selection and that every child should aim as high as they can—underline my educational philosophy and are the principles that Scotland should take forward.

John Scott (Ayr) (Con): I contest the idea that Marr college has fallen from academic excellence, but its building and its fabric are certainly in utter disrepair. Will the cabinet secretary support the campaign to find funding to build a new Marr college?

Michael Russell: It would of course be improper of me to give such support. However, although I do not often advise people to do this, if the member goes back through the archives of my writing—one reference has already been made to previous writing of mine—he might find support aplenty for his view.

I did not mean and do not want to imply that Marr college has fallen from academic excellence—it has not. However, answers to the questions can be found in the stewardship of previous South Ayrshire Council administrations. In the worst period, the people who ran that council were from the Labour Party. However, this is a debate of consensus, so let us keep the spirit of consensus. [Laughter.] I do try—I keep trying.

The debate is timely, because we are on the cusp of important developments in Scottish education—the curriculum for excellence and the accompanying debate on attainment. The delivery of school education is central to parents' concerns and is vital for every young person. We have a huge collective responsibility to ensure that that delivery happens well.

A consensus exists in Scotland about the outcomes that we need in education. I do not think that there is any doubt about that—if there is, we have just to look at the Organisation for Economic Co-operation and Development report to know that we have a broad consensus about the outcomes. We are beginning to debate with vigour the delivery methods. There is nothing unusual in that because, in a sense, the curriculum for excellence started as a debate on delivery methods. It started as a question about how we did things in Scottish education, and we were able to come to a conclusion that, together, we could devise a better way forward. I am hopeful that we might be able to do that again in this debate, and I am very much in listening mode in that regard.

Margaret Smith (Edinburgh West) (LD): Does the cabinet secretary agree that, if we were to move to a different system for the management of schools in Scotland, cross-party support for that would be essential because, once we had started on that road, it would be unthinkable for another party to come into power and turn that change around?

Michael Russell: That is an interesting question, which will need a lot of thinking about. The best approach would undoubtedly be the one that Margaret Smith suggests. However, if, for example, one party in the Parliament could not agree to any change, the rest of the parties would have to ask themselves whether change was more important than consensus. It is a difficult question. As the curriculum for excellence has showed, the ideal way to move forward is with consensus and I am very keen that we keep consensus on such

developments. The member raises an important point, which we will need to bear in mind as we move forward.

The curriculum for excellence is being put in place and we have mounting evidence that, although it is a necessary part of change, it is not sufficient for the change that we need. The Scottish survey of achievement, for example, points us in the direction of the need for changes in Scottish education. The question is what needs to change and how. Let us start again from where we are: Scotland's education is not monolithic in delivery. That assumption is constantly made but it is simply not true. Many of the bedrock pieces of legislation on Scottish education are documents about diversity rather than conformity. I particularly call in evidence the Education (Scotland) Act 1918, which was a uniquely successful way of reconciling difference and allowing diversity to continue. We have a tradition of diversity; if we can ally that to the imperatives of access and excellence, we have some clues about what we do next.

It is also important that we widen our horizons and consider what other people are doing. I was unaware that there was a stampede to Stockholm this weekend. I am going to Helsinki first, so I will probably not see Tavish Scott—I am sure that both of us will live with that disappointment over the weekend—but I will focus closely on what has been done in Finland and Sweden and what the Swedes and Finns think does not work for them.

David McLetchie (Edinburgh Pentlands) (Con): Are schools in Sweden and Finland not closed at the weekend? I urge the minister to go and see some of them in operation, as some of us have done in the past.

Michael Russell: As usual, Mr McLetchie is too good for the likes of me. He has pointed out a major weakness, but I have to say that his party started the problem because it announced to the world that I was going this weekend. Certainly, I am going on Sunday afternoon, but I will be there on Monday and Tuesday—I am slightly nervous about telling people that in case they take advantage of it. I am visiting schools, universities and a range of institutions; I have a very full programme.

I do not want to anticipate what happens in Finland and Sweden, as I am by no means an expert and, unlike Mr McLetchie, have not been there. However, I know that an active debate is taking place there, on which we should reflect. For example, there is a debate about freestanding schools versus communal schools, which appears to illustrate that, in the Swedish experience, the key issues in improving performance are not only delivery structures—although they are important—but the quality of leadership; a clear vision and

sense of direction; staff teamwork and participation; effective use of performance; accurate baseline data; and this interesting point: self-evaluation.

A distinctive part of the Finnish model is that, as a Finnish educational expert said, it does not allow teaching to get in the way of learning. Assessment in Finland is very light touch indeed and is done only at the conclusion of the educational journey. If we were to say that we wanted to change evaluation totally, would we find willing supporters among Conservative members? I hope that we would at least have an open debate about the issues.

Of course, the tradition of assessment in Scotland is different. That illustrates to us that, whatever we learn when we examine what other people do, we must lay that against our experience and traditions and find the right solution. Although visiting Helsinki and Stockholm will be important—visiting many places is important—in terms of educational experience, the most important thing when one comes home from travelling is to think and to ensure that the lessons that one has learned are set against what is happening and what we want to happen.

I go back to what we want to happen. We consider other education models not simply because we can lift them and impose them; we want them to tell us how we can do what we want to do better than we are doing it. We want an educational system that prioritises access and excellence. Let us start the journey with those two words.

The debate has started well on the basis of the motion and the amendments. There is an awful lot of good will about moving forward and councils that are creatively thinking about possibilities, such as East Lothian Council, are to be encouraged. Nobody knows the outcome of East Lothian Council's journey. A major event will be held in April and the council will then get more detail. It is wrong to say that, because it does not know all the answers, it should not ask the questions—quite the opposite: we should ask the questions and look for the answers.

If other local authorities in Scotland—they are the deliverers and many of them do superbly well—have ideas about what they want to change and how they want to change it, they should bring them to the table. They will find that I am an enthusiast for thinking new thoughts. I think them all the time, not only when I am on aircraft or in Scandinavia. Let us think new thoughts, be positive and constructive and do our duty by Scotland's children.

I move amendment S3M-5926.3, to insert after "debate":

“; recognises that Scottish education is generally of good quality with many important strengths; believes that any alternative models that are considered should build on these strengths and preclude academic selection as a legitimate criterion for school entry”.

09:41

Des McNulty (Clydebank and Milngavie) (Lab): We must tackle four key problems in Scottish education. First, too many of our young people leave school unable to read and write. Secondly, urgent change is needed in S1 and S2 where, as the evidence that was published a fortnight ago shows, pupils are making little progress and many are going backwards in attainment terms. Thirdly, there is huge uncertainty over the implementation of the curriculum for excellence—the most important educational reform for a generation—because teachers feel that they do not have the information and materials that they need to plan the new curriculum, which leaves them and parents not knowing whether implementation will go ahead in August as planned. Fourthly, we need to find a way to improve attainment levels for all pupils and simultaneously close the attainment gap that blights our society.

The test of any reform is whether it assists or hinders the task of dealing with those problems. Education largely escaped the upheaval of the last local government reorganisation. My job as chair of the reorganisation committee in Strathclyde was to move 103,000 staff to new employers while trying to ensure that service delivery was uninterrupted. That was achieved, but the costs of reorganisation were considerable and the uncertainty distracted council staff from implementing service improvements. It also backfired spectacularly on the Conservatives, who were left with no councils under Tory control and no representation at Westminster.

There is no doubt that Scottish education is not performing as well as it should, but pupils get only one chance and, for their sake, we cannot afford to get it wrong. If reform proposals can deliver benefits that outweigh the downsides of upheaval, we should consider them, but many parents will argue that the task of Government and local authorities is to get together and work out how to get more out of the system that we have.

The strains and stresses in the system in the past three years are attributable to policy failure. The broken promises on class sizes, the reductions in teacher and support-staff numbers, the cuts in school budgets, which are directly attributable to the concordat, and the momentum lost on replacing crumbling school buildings are all the responsibility of the current Scottish National Party Government.

Elizabeth Smith: Will the member give way?

Des McNulty: No, I will not at the minute. I am sorry.

I am not convinced that structural reform will overcome those problems any more than it will overcome the urgent issues that I identified at the start of my speech.

Elizabeth Smith extolled the Swedish model in her usual brisk and efficient style. I welcome the Conservatives' interest in Sweden, a society that is suffused with a social democratic ethos and a commitment to advance gender equality and full employment that I wish us to emulate. Given their other views—their opposition to redistribution and their antipathy to extending welfare entitlements—the Conservatives' interest in Swedish education policy is somewhat surprising. I would have thought that, if they wanted to consider a particular issue, they might have examined the Swedish taxation model, which requires the publication each year of everyone's tax return and might have avoided embarrassment over Lord Ashcroft's donations to the party.

Derek Brownlee (South of Scotland) (Con): Will the member give way?

Des McNulty: I can see from their faces and the fact that Derek Brownlee is on his feet that it is only the Swedish education model that attracts the Conservatives. If the Swedish model was world leading in performance, that might be more understandable, but the TIMSS—trends in international mathematics and science study—shows that, unfortunately, it is not. Between 1995 and 2007, the average Swedish score went down. In science Sweden saw the biggest drop of any country, while in maths it had the biggest drop after Bulgaria. A recent report from Skolverket—the Swedish equivalent of the Office for Standards in Education, Children's Services and Skills—showed that the grade point average in several central subjects, not just maths and science, declined over time, the drop in performance coinciding with the reforms that introduced the system the Conservatives now appear to advocate.

Elizabeth Smith: I was referring to average standards of education in Sweden. There is categorical evidence that they improved with the introduction of the new schools, not only in those schools but in the existing schools. I do not deny that there may have been blips in some subjects, but the average standards have gone up and continue to go up.

Des McNulty: If the member looks at the Skolverket report, "What Influences Educational Achievement in Swedish Schools?", which I have here in my hand, the OECD statistics and the

TIMSS statistics I referred to, she will find that the evidence is as I have suggested.

Swedish academics have raised concerns about decentralisation—that it adversely affects pupils from “less-favoured learning environments” and those with “weaker support from home” because resource allocation policies fail to take account of the varying needs of schools. The evidence suggests that a consequence of the approach has been that social segregation becomes more pronounced.

We know that in Scotland the attainment gap between pupils from better-off backgrounds and those from poorer backgrounds is already unacceptably wide. In terms of raising attainment and reducing inequality, the evidence base is not there to support the introduction of the Swedish model in Scotland.

Implementation of the Swedish model here would raise other, practical concerns. In my constituency we have four outstanding new secondary schools, commissioned by Labour and opened last August. The schools are efficient—pupil numbers are near their design capacity and they are very popular. Any new school that opens in my area with state funding would require cash to be taken from a limited pot, and it is difficult to see how it could be other than at the expense of the budgets of existing schools. That raises some pretty serious questions—if we can only rob Peter to pay Paul, are we improving the situation?

Many concerns have been expressed by senior Conservatives in local government. Paul Carter, leader of Kent County Council said:

“we have a duty to educate all children and if schools are going off randomly, setting out different standards, different rules and regulations, it’s very difficult to have a coherent education system in a town, in a county the size ... of Kent.”

Another prominent Conservative, David Kirk, cabinet member for children’s services in Hampshire County Council, said:

“It is difficult to understand at the moment, where, in a time of constraint, financial constraint, when we are very worried actually about what our budget levels are likely to be in future ... how one could manage to effectively subsidise a number of surplus places”.

The Presiding Officer: The member should be closing.

Michael Russell: Will the member give way?

Des McNulty: No, I am at the end of my speech.

I think that there could be reforms. I am open to new ideas for Scottish education, but I want to look at them systematically and rigorously and see what the benefits are. I return to the key challenges that face us in Scottish education: literacy, change in S1 and S2, the curriculum for

excellence and attainment standards. Any reform that does not directly address those issues or distracts attention from them is not right for Scotland. We have to choose our priorities; Labour’s are set out in the amendment in my name.

I move amendment S3M-5926.2, to leave out from “and that it is now” to end and insert:

“; supports schools and teachers being given more opportunities to innovate and head teachers greater control over school budgets; believes that the education system should incorporate both parental choice and local accountability; further believes that schools should encourage every child to achieve to the best of their ability and not be sources of social division, and considers that the Scottish education system should be open to learning from experience elsewhere in the United Kingdom or Europe in the interests of raising standards, reducing the achievement gap and meeting the needs of every pupil.”

09:48

Margaret Smith (Edinburgh West) (LD): Aristotle said:

“it is the mark of an educated mind to be able to entertain a thought without accepting it”.

Michael Russell: Hear, hear.

Margaret Smith: I knew that members would be waiting for their weekly dose of philosophy from me.

That is a reasonable and cautionary note on which to enter this debate. Liberal Democrats are keen to look at alternative schooling models—an approach backed by our party conference at the weekend. We are keen to improve our schools, our levels of attainment and the education opportunities of our young people. What we do not believe in is change simply for the sake of change: reform must be motivated by the raising of standards and attainment for all, not the rolling out of some preconceived educational dogma.

We recognise that Scotland’s education system has generally served us well for many years, and we therefore support the SNP amendment. We want a system that serves all our children, which rules out selection.

As we know, there are areas in which we need to improve, but we need to think seriously before contemplating any radical overhaul of the system and its core structures. We also need to consult widely across all the partners in the sector. The local school, underpinned by a catchment area and backed by central support, often has a strong local identity, as any of us who have ever had to deal with catchment changes or closures will testify.

Nevertheless, we will support the Conservative motion, because we believe that there is nothing to lose by looking at alternative models of

education and learning from them. We believe that parents should have more choice and that headteachers and teachers should be empowered at a school or cluster level. As the cabinet secretary said, that was part of the thinking behind the curriculum for excellence.

Education is at the heart of the Liberal Democrats' vision for fairness. We want to see a society in which every child has chances. The kind of education system that provides opportunity for all is one to aspire to. That is why we supported the cross-party consensus in the Education, Lifelong Learning and Culture Committee to examine different models. It would be important for any structural change to command cross-party backing, so let me say again that we are keen to look at alternatives and to consider change so long as the motivation for making changes is raising attainment.

Raising attainment is crucial, particularly in literacy and numeracy, in which we know that attainment in the five-to-14 age group is decreasing. Literacy and numeracy need to be key priorities from early years all the way through primary school. We heard recently that two thirds of 13-year-olds are failing to reach expected standards of writing and that 18.5 per cent of pupils leave primary school without being functionally literate. That situation is unacceptable and must be improved.

We see the merit in learning from other education systems, particularly when that can help to address the discrepancy between socioeconomic circumstance and educational attainment, which the OECD report highlighted. The rich and poor separate in attainment at age seven and never meet again. That is why we propose a pupil premium that will mean that extra funding follows the most disadvantaged children, with—crucially—decisions about how to spend that extra money being taken by schools and headteachers.

We have heard a lot about Scandinavian models, but it is worth looking across Europe. I had a look at what is happening in Portugal, not because I particularly want to go off on a golf trip to Portugal—

David McLetchie: I do. [*Laughter.*]

Jeremy Purvis: He has already been there, too.

Margaret Smith: If I did, I am sure that Mr McLetchie and various others would be happy to join me.

In Portugal, work has been done on creating school clusters. To some extent, that echoes some of the suggestions coming out of East Lothian, where there have been about 50 different suggestions, so I would not like to say that East

Lothian Council has decided on a particular way forward.

In Portugal, the greatest success has been in areas where socioeconomic indices were low and where adult education was below average. The clusters are schools that are grouped together geographically under a single management plan and have a common and integrated education plan. Clusters are based on the principle that education policy should be decided at local level, with teaching practices that are student centred and take into account the communities in which the pupils live. There is much more sharing of activities and resources with local partners—there is a community partnership model, involving independent social welfare organisations, sports and youth groups, and so on. The clusters have apparently been successful in increasing attainment and reducing drop-out rates and the need to repeat school years.

Crucially, the Portuguese model shows that services can continue to be integrated and targeted. In any model that we have in Scotland, the integration of services, as well as the targeting of resources, is crucial. Given the getting it right for every child agenda, we need to ensure that any educational management model works in terms of joint working among education, social care, additional support, health and child protection services.

We know that performance in schools can be improved by better leadership and governance, by innovation and incentive. A strong and skilled headteacher, a team of high-quality staff and high aspirations are the most important factors in delivering excellence in education. We do not believe that excellence can be achieved through micromanagement by central Government, neither do we buy into the idea that a new educational marketplace, in which people can profit from children's education, will necessarily improve attainment for all.

It is important that schools and teachers are given greater flexibility and autonomy to decide and deliver the best outcomes for their pupils and communities. Headteachers are ideally placed to know what is most appropriate and beneficial in their school. Education does not stop at the school gates: good parenting is vital to supporting children to develop and achieve their potential. We have not yet embraced the proper role of parents in our schools.

Education in Scotland is going through enormous change and faces tough challenges, such as the curriculum for excellence, significant cuts in the number of classroom teachers and the slashing of education budgets. I say that not to make a point against the cabinet secretary but to point out that a debate on potential structural

change in schools must be set against the reality, which is that our schools are going through a tough time. We accept that the Parliament and the Government should undertake work to consider management systems, which will take time. However, given the on-going difficulties, many parents, teachers and headteachers are unlikely to regard structural change as the number 1 priority. Changes would therefore be more likely to happen in the mid term rather than the short term.

Instead of trying to adopt a completely different model from the get-go, we need to work to enhance our existing system, where that can be done. We can learn from nations that are getting it right, but no system is flawless and each system is a work in progress. The Conservatives seem to be having a bit of a love affair with Swedish free schools, or maybe they are having a love affair with a Swedish model—I am the last person in the Parliament who would say no to that. However, we must introduce a little realism into the debate. Liz Smith might see the Swedish situation through rose-tinted glasses, but the head of Sweden's schools inspectors said that the introduction of independently run schools had not produced better results in the country. It occurred to me that—

The Presiding Officer: I am sorry. You must close now.

Margaret Smith: It is important that we continue to look elsewhere, to ensure that we have the best possible school system that delivers the best attainment for all our children.

I move amendment S3M-5926.1, to insert at end:

“; believes that any changes to the model of school organisation should be motivated by raising attainment and improving pupil outcomes rather than profit and dogma; recognises the benefits of greater community and parental involvement in the management of schools; notes that the implementation of a new curriculum, falling teacher numbers and straitened budgets remain key areas of concern for education professionals, and recognises the cross-party consensus behind the Education, Lifelong Learning and Culture Committee's examination of the management of schools.”

The Presiding Officer: We come to the open debate. Members might have guessed that we do not have a lot of time available. I ask members to stick fairly closely to their allocated time.

09:57

Bill Aitken (Glasgow) (Con): I will paraphrase what people say in Yorkshire: when something is broke, you fix it. There is little doubt that despite the sterling efforts of headteachers, teachers and other people in the education system, all is not well with Scottish education. As Liz Smith said, the debate takes place against a background of

figures that cause serious concern. I will not repeat the grim litany. However, given that only a couple of weeks ago the Scottish Government produced statistics that show that well over 60 per cent of S2 pupils are struggling with literacy, we can all agree that we have a problem. We must challenge the notion that we can carry on as before; we simply must consider different education models.

There are many examples of situations in which people have responded positively to being given greater responsibility and control over their lives. Indeed, in the context of post-war public sector housing in Scotland, members have heard me talk about how the extension of the housing association movement has been a tremendous success and has removed the dead hand of municipal socialism from the throats of tenants, giving people much greater control over their homes. In many ways, the extension of power to parents, so that they have much greater input into the education of their children, is a vital continuation of that principle.

The most obvious example of such an approach is Jordanhill School in Glasgow, which is acknowledged to be the most successful public sector school in Scotland. I will not weary members with a potted history of the school. It is sufficient to say that it found itself under threat some 25 years ago, when its unique funding situation was challenged by the Westminster Parliament. I was the councillor for the area at the time and I worked closely with the headteacher and parents, who, on their own initiative, came up with a system of governance for the school that is an exemplar of how schools can be run. After the intervention of the then Prime Minister, Margaret Thatcher, Jordanhill School was allowed to operate on the agreed basis, and the school's success over the years has been little short of remarkable, as is testified to by the significant number of Labour politicians who have chosen to send their children there.

Des McNulty: My children went to Hillhead high school. Mr Aitken knows Jordanhill School well. Does he consider that the fact that 80 per cent of the mothers of the children who attend the school are university graduates—which is perhaps not the case in schools in other parts of Glasgow—is a factor in the school's outstanding performance?

Bill Aitken: Perhaps for the first time in his life, Mr McNulty has anticipated what I was going to say. I was about to make the point that a high proportion of parents in the Jordanhill catchment area have a background in education, which, added to the general nature and affluence of the area, makes it more likely that the school will succeed. I concede that point. However, why has the school succeeded? It has succeeded on the

basis of the model that is applied. That is the situation.

Other models should be tried. Like the cabinet secretary, I went to a grant-aided school—Allan Glen's school in Glasgow—which enabled a boy like me from a poor area to have an education that I could not otherwise have had, until, in an extraordinary display of political spite and education vandalism, that school and others like it were closed down by Des McNulty's statutory predecessors. Allan Glen's school had not failed in its educational standards; it was terribly successful, but success could not be allowed in the socialist Glasgow of the time, because it made the rest of the education system look bad. That was the thinking behind the school's closure.

Every parent, whatever their social background and wherever they live, has a commitment to their child's education. Parents must be given a greater say. We must also recognise the professionalism and abilities of headteachers. Let us cut the bureaucracy and allow our teachers and headteachers to get on with the job for which they have been trained. All Scotland's communities and parents should have access to a good state school, but that will be achieved only when politicians butt out and allow a much greater degree of self-governance.

If further evidence is required of the failures of the current system, I point to the recent controversy over the catchment area for St Ninian's high school, in Mr Macintosh's constituency in East Renfrewshire. Parents in an area south-west of Glasgow had to take to judicial review a decision not to admit their children to St Ninian's. The situation arose because parents regarded the school as more successful than the alternative. If the Government's approach to schools were to change, there would simply not be the stark contrast that that controversy illustrates, because standards would rise, as the Swedish experience has demonstrated. We must acknowledge the validity of the Swedish model.

Ken Macintosh: Will the member take an intervention?

The Deputy Presiding Officer (Alasdair Morgan): It is a bit late to take an intervention.

Bill Aitken: I am sorry for that. I know that some members reject the principles of private education and selectivity and do not want to remove the current monopoly whereby local authorities are the sole providers of education. I do not agree with those views, although I acknowledge that they are sincerely held. However, to say that no parent should be able to buy a better education for their child is one thing; to say that a better education should be denied to every child in Scotland as a

result of outdated political thinking and, in some respects, prejudice is little short of shameful.

10:03

Christina McKelvie (Central Scotland) (SNP):

Another education debate has sprung upon us and we march merrily into the chamber to offer members the pearls of our wisdom—and some vinegar in which to dissolve them.

The Conservatives want us to examine models from elsewhere in the world. I read in the newspaper that Liz Smith fancies the Swedish model. I am more of a fan of Swedish music, but I am delighted that the Conservatives are at last taking an interest in what happens in Scandinavia and are thinking about how it benefits a nation's people to believe in society and consider what will benefit society rather than individuals. I look forward to hearing Liz Smith persuade her colleagues, with a cry of "Take a chance on me", to embrace other Swedish models. Progressive taxation is one such model—[Interruption.] I look forward to hearing George Osborne and Derek Brownlee argue for that. I know that they want to do so. No doubt we will hear Conservative calls for an upper rate of income tax of nearly 60 per cent. I think that I can hear Derek Brownlee singing "Money, Money, Money".

Derek Brownlee: On progressive taxation, did not the SNP used to argue for lower taxes for business? Has that been dropped now?

Christina McKelvie: Like Derek Brownlee's party, we advocated lower taxes for business. So, there we go: I am just giving him an example of the Swedish model. I hope that he will consider that, because that is how the Swedes pay for their education: money, money, money. They regard investment in good education as an important part of building decency into communities and building a progressive society that will deliver benefits across the board. They believe that education should be state funded through a fair taxation system—they had that dream and that dream came true.

I am sure that the Conservatives' attraction to the Swedish system relies to a great extent on the voucher system—knapsack funding—but they might be missing something, because the voucher system does not allow independent schools to set the curriculum.

The Swedish Government centrally sets the curriculum, the programme goals and the syllabus, subject by subject. There is no postcode lottery in education in Sweden. I am sure that Liz Smith would be delighted to see the SNP Scottish Government set all those areas, but I might be mistaken.

Another important difference between Scottish and Swedish education is that the spend on education in Sweden is fairly large: it is nearly 80,000 kroner per child in what we would consider primary school education and nearly 90,000 kroner per child in what we would consider secondary school education. That is the equivalent of £7,500 for every primary school pupil, whereas the equivalent spend in Scotland is just over £4,500, which is a difference of £3,000 for every pupil in every Scottish primary school. There is no better news for older pupils, because Sweden spends the equivalent of nearly £8,500 for every secondary school pupil, while Scotland's spend for such pupils is less than £6,500 per pupil.

I am positive that the Cabinet Secretary for Education and Lifelong Learning would jump at the chance to give our schools another £3,000 per pupil, and I am certain that John "Super Trouper" Swinney would be delighted to hand over millions more to local authorities to pump into school budgets, but I wonder where the Conservatives see such money coming from.

Jeremy Purvis: I am confused, because an official publication from the Swedish National Agency for Education states categorically that educational attainment and performance went down in the 1990s and that there has been greater differentiation with the devolution of funding to municipalities. The publication states that in the 2006-07 academic year in Sweden, the teacher pupil ratio was 8.3 per cent, which is 4 per cent less than the ratio in Scotland. I am not sure what point the member is making.

Christina McKelvie: My point is that we are all looking at different models across the world and at what does and does not work, and comparing what is being done, which is exactly what Jeremy Purvis has just done.

As I said, I wonder where the Conservatives see the extra money coming from, when both of the people who might be Chancellor of the Exchequer in a couple of months have said that cuts are coming our way. Given the polls, I wonder whether the winner will take it all.

Elizabeth Smith: I am persuaded to look again at the Swedish model, which was cost neutral. One of the reasons for Councillor Berry in East Lothian Council raising the issue of school trusts was the possibility that trusts would give better value for money.

Christina McKelvie: I will elaborate later on what Councillor Berry said.

We could play fantasy politics and pretend that the Lib Dems are in a position to influence spending decisions. Tavish Scott has promised us an extra £300 million and, I believe, a pony for every little girl. Margaret Smith, with her tango last

week with the Cabinet Secretary for Education and Lifelong Learning, is quickly becoming our resident dancing queen. What Tavish Scott proposes would mean an extra £440 for each pupil—just another £1.7 billion to find. I wonder where all that money will come from.

Margaret Smith: Will the member take an intervention?

Christina McKelvie: Sorry, but I have taken loads of interventions.

Scottish education is getting some serious funding, but there is a big gap between our funding and the funding afforded to the Swedish system, which is because of Sweden's willingness to pay high taxes to fund the very best public services. I am delighted that the Conservatives are coming on board with that, and I look forward to their championing fair taxation. Another reason why the Swedish education system is so good is that it is delivered by local authorities to a central plan under, believe it or not, an historic concordat. It is true that it is difficult to get a better model than a good Swedish model, and I congratulate Liz Smith on taking a second look at that model.

East Lothian is not quite as far away from here as Sweden is, but it has a forward-thinking SNP council that is trying to find innovative ways, using the resources at its disposal, to improve the education system. East Lothian Council is looking at a raft of measures, and I wish it well; perhaps it will do things that we can take forward. Finding ways of spending money more wisely rather than in greater quantities is a bit like searching for the holy grail, but at least SNP councils have set out on the hunt—I wish them well in that. Their job could be made even harder, though, when the cuts start coming through from Westminster. The task must be not to improve parental choice but to improve school education. Our professionals—our teachers—have been striving to do that, and they continue to push that improvement forward.

Scotland's education system is in fairly decent health and is moving forward steadily. Slow, steady progress is what is needed: a gradual movement towards improvement. The improvements that the Scottish Government has already put in place will continue to filter through. I am always pleased to take part in education debates in the chamber. I look forward to next week's instalment.

10:10

Peter Peacock (Highlands and Islands) (Lab): I confess that I feel slightly sorry for East Lothian Council, because not only has it unwittingly garnered the support of the Tory party, which must be a great shock to it, but it finds itself at the epicentre of a debate on a policy that does not

actually exist. As the council has made clear, its trust idea is not fully formed yet. When I first heard about it, it seemed to me that it was more a pragmatic response to financial pressures, similar to the establishment of leisure trusts across Scotland. I hope that I do not do the council a disservice in saying that.

Elizabeth Smith made clear that lying behind the Tory enthusiasm for trusts and having a wider debate on them in Scotland is the old chestnut of creating a marketplace for schools in Scotland. There is no one more sceptical about that kind of policy than me. There is no international evidence that that kind of policy raises education standards. Indeed, the evidence all runs in the opposite direction—tomes of OECD evidence testify to that. Does that mean that the status quo in Scotland is right in all respects? The emphatic answer is no, in my view. I have made it clear previously in the chamber that there are too many local education authorities; I would move to having a more regional structure—I speak very personally on that. I would hope that, in such a structure, local authorities would create education boards that could co-opt on to them other interests representing, for example, parents, further and higher education, trade unions, headteachers and business, which would allow more people to participate in and support our education system.

I very firmly believe that it is necessary to devolve more authority to headteachers.

David McLetchie: Will the member take an intervention?

Peter Peacock: With the greatest of respect, I will not. I want to develop my argument.

I will not reveal too much, but it would be a mistake to think that ministers always win the battles inside their departments or in the system. When I was a minister, I moved devolution to headteachers a bit further forward, but I did not get as far as I wanted to. With the benefit of hindsight, I very much regret that. However, there has never been a better time than now to move more authority to headteachers. The calibre of our headteachers is truly outstanding. We should remember that that has not always been the case. Only in the past seven or eight years have headteachers had any training or qualifications to do their job, which is an astonishing fact. Now, headteachers are better qualified and prepared. In my judgment, they need not only greater control over their budgets but real control over staffing. They need to move away from the standardised way in which staffing seems to emerge in our system. For example, a school of a certain size tends to get so many physics teachers, physical education teachers and so on. Much more discretion is needed on that aspect.

As I travelled around the country, I used to find a worrying sameness in Scottish secondary schools. Obviously, they are not entirely the same, but there is no real expectation, particularly in our secondary sector, that any one school should be particularly different from another. There are no rules about that, but there are unwritten conventions that clearly bind the system. Why is that the case? There is no legal impediment to freedom. In fact, our schools are legally completely free to do different things on the curriculum, staffing and the like, but they tend to conform. That is partly due to the inspection system and how it is interpreted, not necessarily how it works. However, schools also like to keep in a comfort zone with one another and never step too far beyond the boundaries.

It is the same with local authorities. I remember that North Lanarkshire Council was one of the very few local authorities in my time that pushed the boundaries and broke the conventions—thank goodness that it did so. I also found very few schools that tried to break the conventions and the boundaries, although the highly successful St Modan's in Stirling was one that did. For those reasons, we created as an experiment or trial, but a promising one, the schools of ambition programme. We wanted to break the barriers and say to schools that, if they were given authority and autonomy, they could be different and be the schools that they wanted to be.

That programme gave headteachers complete discretion on budgets, which was new. It tried to provide more colour, variety and creativity in the system. I very much regret that the Government ended the programme, and I hope that, as part of the present process, Mike Russell will reconsider it. It was only a first step towards creating greater variety. All that is entirely consistent with the modern curriculum for excellence and the desire for more curriculum freedom in our school system. There is plenty of scope for change in some of those regards.

I emphasise that I am talking about devolution to headteachers, not devolution to schools, which are very different things. I have never detected any thirst among parents to be more involved in the governance of their schools. Indeed, the opting-out experiment failed because of that. The way forward will involve the new parent councils, which are less constrained than the school boards were, working in partnership with teachers and headteachers who have more authority.

Is there still a role for local authorities in that world? I think that there is. Why? There are some obvious reasons, which are to do with economies of scale. Why would a headteacher want to organise a specific transport system or a specific school meals system for their school, or hold

budgets for major maintenance projects? It makes sense for that to be done at local authority level. In addition, councils continue to require to perform pay bargaining functions. More than that, local authorities exercise trouble shooting functions on a daily basis to sort out nitty-gritty problems that the public often do not see. Not every headteacher is brilliant—things go wrong and someone needs to intervene to protect the public interest. Local authorities can do that.

Local authorities need to develop a greater ability to spot the next generation of school leaders, whom they should nurture so that we get the benefit of their skills. Induction and support for probationers should be organised more effectively than happens at the moment. Local authorities need to do a range of activities, but does the balance need to shift towards headteachers? In my view, yes.

Every system needs checks and balances. To me, the debate is about adjusting the balance. If we want to improve the educational experience, we should not look just at governance; it is not a magic bullet. We should look at investing in our teachers, school leadership and self-evaluation, which the Finns do, as Michael Russell said. Part of that mix should involve giving headteachers more discretion. However, there is no single, quick answer to all the problems in Scottish education. A mix of measures is required, and governance is only a small part of that mix.

10:17

Aileen Campbell (South of Scotland) (SNP):
Three weeks ago, I said:

“Members have heard many times, often in education debates and often on a Thursday morning, about the importance of equipping our younger generations with the skills and knowledge that they need to succeed personally and contribute to the wellbeing of our society.”—[*Official Report*, 25 February 2010; c 23976.]

Murdo Fraser told us during last week’s education debate that we would all have to wait patiently for an opportunity to hear more about the Tories’ lessons on how to learn from Sweden and move Scotland’s education forward. Here we are again on a Thursday morning, and I am again happy to put on record my support for the education system in Scotland and the role that it plays in making our country the best that it can be. I know that members from across the Parliament all support that sentiment.

However, no matter how good we know much of Scotland’s education system is, we can never rest on our laurels. The SNP is well known for its outward-looking and internationalist approach to policy matters, so it is right for us to have a full and frank debate about what works, what does not work and what is worthy of further exploration.

As I said, the SNP has always sought to learn from other countries that are comparable in terms of population size, geography and economy. I will not disappoint colleagues by pointing out that more often than not, the said countries enjoy the normal status of being independent. As we noted in last week’s debate on global education, countries such as Finland, the Netherlands and New Zealand have recently been ranked above Scotland in the OECD’s programme for international student assessment for science, maths and reading. As has been mentioned, it is interesting that in those OECD rankings, Sweden lies below Scotland for maths and science. Nevertheless, the Swedish model has caught the eye of the Tories, and it has become the foundation of the education policy that they announced earlier this month.

Although I admire the proactive nature of the Tories’ input to policy discussion and debate, I think that we should be cautious about some elements of the Swedish system that may not fit in well with Scotland’s culture, traditions and history, and which may fail to be adaptable to Scotland’s unique circumstances. In that vein, it might be useful for the debate to highlight elements of the Swedish model that may seem counterintuitive to the Conservatives and their political ideologies.

In Sweden, fewer headteachers—just 5 per cent—reported that businesses had an influence on the curriculum, whereas in the UK as a whole, 15 per cent of headteachers reported that business and industry had a considerable influence on the curriculum. There is less emphasis in Sweden on keeping siblings together through school place allocations and, on the whole, entry to schools is less residentially based, which means that schools have less of a community character. Given how supportive politicians were of our recent legislation to protect rural schools, I cannot imagine that anyone would wish to erode the important community function that they fulfil by copying that aspect of the Swedish model.

The Conservatives’ motion refers to East Lothian Council, and I am sure that they recognise that the community trust model that that council has put forward is simply one of a number of options for the future of education in the area. I understand that the models that it has proposed would ensure that there was no selection of intake and no private funding. Membership of the trusts would consist of community representatives, teachers, parents, councillors and lay experts, and could include representatives from health, community learning, social work and local enterprises. East Lothian Council has proceeded in that way because it is having to deal with financial pressures. All councils are finding that they will need to think more creatively about how

they deliver services in the face of the cuts that Scotland faces.

The cabinet secretary has usefully stated that he is open to suggestions from all sides about how to take education policy forward, and that same sentiment of seeking more dialogue and debate is, I feel, echoed in the Lib Dem amendment, the Conservative motion and even the position of the Labour Party. We should be open to investigating other systems and seeking inspiration not only from Sweden, but from New Zealand, Finland, Canada, the Netherlands and Portugal, where academic performance is good. Education commentators appreciate politicians and policy makers taking that approach, which is why many of them have been so interested in and welcoming of East Lothian Council's approach to thinking out of the box.

In the spirit of consensual dialogue and allowing space for debate, we might also do well to heed opinions that might not always be as palatable, but which nevertheless need to be addressed, such as whether, if headteachers are given more responsibility, we can guarantee that they will always do the right thing. I have certainly heard from teachers who work under heads and do not think that that is the case. Peter Peacock made a similar point. Another such view is that of the parents who simply think that children should go to the school that they live near, regardless of parental choice, and that striving to ensure that the local school attains good results and improves should be what is concentrated on.

I hope that colleagues understand that I raise such issues because I think that they are important considerations to take on board, and so that we can all hone our arguments in a consensual manner in an effort to drive policy forward together. Education policy is one of those unfortunate topics that everyone knows is important but on which we are probably all far too guilty of dismissing ideas before we have given them a proper airing. That does the Parliament and the topic that we all care so passionately about a disservice.

Whatever model East Lothian Council or any other council chooses to adopt, I hope that the Parliament can agree that there are some principled lines that we do not want to cross. For example, we do not want to return to academic selection in Scotland's schools or have a voucher system that provides direct state support to independent schools, and the idea of an internal market in education is totally at odds with the principles that have been the foundation of our school system in Scotland for centuries.

Despite our many lively debates on education, the Parliament's record since 2007 has been to find common ground and consensus in many

areas. The Schools (Consultation) (Scotland) Act 2010 and the Education (Additional Support for Learning) (Scotland) Act 2009 were passed without division, and both will have a beneficial effect on the education of schoolchildren in Scotland. In addition, the Parliament has given its support to the curriculum for excellence on many occasions.

Scotland can and will learn from other parts of the world, just as, in years gone by, other countries looked to Scotland for all their ideas and inspiration. It is in the interests not just of the Parliament but of all those who play a part in our education system in Scotland to defend those principles and to concentrate on delivering the best possible results for our children and young people.

10:23

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): We should always be wary of the grass-is-greener approach, and that is particularly the case with education policy. We have heard from the Conservatives that a radical response is needed to an education system that Bill Aitken said is broken. We have a good education system, not a broken education system in Scotland. The fact is that it could and must be better for our children. That is the context of the debate.

Does that mean that we should adopt other models? We should look at them and study them, as we in our party have done, and I assume that all other parties will do likewise. We should examine how school buildings are funded and how schools are run. When I asked Liz Smith whether, as part of their radical response, the Conservatives in Scotland were proposing academies for primary schools, she replied that that would not be appropriate in the Scottish system, so I am not sure whether the radicalism that Bill Aitken demanded, which he said it would be "shameful" of us not to have, applies only to our secondary schools and not to our primary schools. I think that we should be told.

Elizabeth Smith: I am happy to give the member an answer on that. As we discussed earlier, the traditions of the Scottish education system are different from those in England, and as the cabinet secretary also acknowledged, we must be mindful of those differences and know what system is appropriate.

Jeremy Purvis: Perhaps it is the institutionalised comprehensiveness that Elizabeth Smith attacked in her speech that she was referring to as being good for the primary sector.

We have talked much about Sweden, but let us look at the actual position. A lot of myth has been

repeated this morning, so let us look at the facts. Elizabeth Smith said that there is “categorical evidence” that attainment and performance improved in Sweden during the 1990s. The most recent official statistics from the Swedish Government show that the proportion of pupils completing year 9 who have received or should have received grades according to the goal and knowledge-related grading system has gone down since 2003-04. It was 89.6 per cent, and it is now 88.9 per cent.

When we interrogate the Swedish Government information, we see that one of the biggest contributory factors is the fact that the differential between those pupils whose parents have only a pre-secondary education and those whose parents have a post-secondary education, such as a further or higher education qualification, is 30 per cent. The figures are 66.9 per cent to 95.3 per cent. So the evidence is not “categorical”.

Members should not just believe me, and I suspect that Elizabeth Smith might not. The foreword to the Swedish National Agency for Education official report from September 2009, which was written by Per Thullberg, the general director, said:

“One clear indication of this is the dramatic increase in interest in participating in international educational assessment.”

We are all learning from Sweden.

“At the beginning of the 1990s, Swedish pupils fared well in international comparisons. In the interim, the performance of Swedish pupils has declined. Factors that might have influenced these changes have become a central issue in the debate.”

That is quite right, and that is the central issue of today's debate.

Bill Aitken: Will the member give way?

Jeremy Purvis: I will if I have time later, but I wish to get through some of my material.

Let us look at that central issue. The introduction to the Swedish National Agency for Education report starts:

“International studies of educational attainment, since the middle of 1990s, have indicated a decline in performance by Swedish compulsory school pupils (Skolverket, 2009a). Declining results are most notable in mathematics and natural science, but are also apparent, though to a lesser degree, in reading comprehension. This raises the question as to how to explain these declining performance levels.”

Page 16 of the report goes on to conclude that

“grade point averages within several central subject areas have declined over time.”

It goes on to say:

“In addition to average grades having worsened in certain regards, the spread of grade point averages has widened over time.”

So the picture is not clear.

The Swedish report also makes positive points, and we should be fair about that. Sweden did not follow the policy because it is an independent, free, small European nation but because, in the 1990s, it made the political choice to devolve to municipalities the delivery of funding for education, which has made the differential between the municipality costs per school vary and not come together. Page 28 of the report says that the variation is between costs per pupil of about 60,000 kronor and 108,000 kronor in the municipality with the highest costs. The variation has increased. As I said in my earlier intervention, the pupil teacher ratio also decreased during that period.

For some pupils who are from better socioeconomic backgrounds, including those who are from non-Swedish immigrant families, quality issues have arisen, and the educational performance of their parents is also critical.

What does all this mean for us in Scotland and what can we learn from it? The Liberal Democrats look at how schools are operated and we have a great deal of sympathy for considering a different model for the running of the building, or asset, of the school. That is why we were pragmatic in looking at non-profit distribution models in Argyll and public-private partnerships in the Borders.

The Deputy Presiding Officer: Please wind up.

Jeremy Purvis: Companies are running and administering those schools efficiently. We are not saying that we want to take an educational approach lock, stock and barrel from another country. It might not be consistent with our approach in Scotland and we should not copy it wholesale because the grass is greener in some of its elements. That is not the right approach.

10:30

Shirley-Anne Somerville (Lothians) (SNP): There can be little doubt that education and health are two of the public services that the public most cherish. In today's debate, we have seen again our country's commitment to public education; it has been reflected in contributions from all parts of the chambers.

However, we should not look at school management in isolation. New management systems can only do so much. Just as important, if not more so, is who manages and what they do. We must continue to strive towards excellence in the teaching profession and those who are in charge of our schools. We have so many good

and hard-working teachers and headteachers, but we can and must improve. I welcome steps to ensure that the small number of teachers who are not performing are brought up to the same high standards that we expect from all.

We are moving towards the implementation of the curriculum for excellence, which represents something of a sea change in how we educate our children, and that is to be welcomed. The cabinet secretary is quite right to highlight in his amendment the point that Scottish education is generally of good quality. It is certainly not broken, and it has many important strengths. Those are recognised by the 2007 OECD report "Quality and Equity of Schooling in Scotland".

Equally, we must ensure that identified weaknesses are being addressed. Changes to the education system must be targeted at the problems that we have identified, and should not just be for change's sake. That is the first question to ask about the various alternative models of school management that are being mooted.

We should also ask why headteachers cannot be empowered and why standards cannot be raised while schools are retained under local authority control. There are plenty of examples in all our constituencies of schools in which innovative headteachers, staff, school boards and parents make remarkable differences to the education of our children. One school is not necessarily going to be better than another just because it is run by a trust or any other model over a local authority. As I said, the key question is not as much the management structure as who manages and how they go about it.

We must be very careful not to hold up any structure or country as some sort of panacea that will cure all the problems facing our education system. I return to the simple point that changes to the system must be targeted at solving the problems that we have at home.

Curriculum for excellence is aimed at bringing our schools right into the 21st century. Smaller class sizes are designed to increase teacher and pupil interaction and improve attainment in the early years that can be built on thereafter.

One of the problems facing education in Scotland is the link between deprivation and underachievement. The same OECD report that I mentioned also said that children from poorer communities and low socioeconomic status homes are more likely than others to underachieve, while the gaps associated with poverty and deprivation in local government areas appear to be very wide. The OECD went on to identify particular concerns over inequalities in rates of staying on and participation in different academic levels of

national courses and in pass rates on those courses.

The recent Scottish survey of achievement raised similar concerns. That study recorded that the proportion of pupils in the most deprived areas who had well-established or better reading skills at the expected level was around 20 percentage points less than for pupils in less deprived areas across all stages of education. One of the largest differences was that pupils from less deprived areas were about twice as likely to have well-established or better skills at the expected level. Converting a school to another management model does not necessarily do anything to solve such issues.

However, I also agree with other members that we should not close our minds to ideas if they are shown to work well. I am happy for the positive aspects of schemes that are in place elsewhere to be brought back to Scotland. We have already heard about the cabinet secretary visiting Finland and Sweden, and Labour has introduced myriad systems in England and Wales. There is much to be learned from south of the border, Europe and beyond, and we should be open to learning from those ideas. However, we cannot assume that the successes of any school have come about just because it is a trust school or because it has any other type of management model. It will often be the case that non-trust schools copy the same strategies and policies while staying under local authority control.

We must also set down some clear markers when we are considering change—key pillars of our education system in Scotland that we must never see undermined. No school should have the power to select pupils on the ground of academic merit. Open access is a fundamental principle of our education system, and that can never be tarnished. Therefore, I look forward to the cabinet secretary reporting back on the lessons that he has learned from his Scandinavian visit. I am sure that there will be future education debates in the chamber very soon that will enable him to do that, when we will all have the opportunity to ask what lessons can be learned in adapting the Swedish model for Scotland.

It will also be necessary to revisit the issue as and when we know much more detail about how the trust schools—for example, those in East Lothian—might operate. In the meantime, the work to improve standards in Scotland's schools must carry on, and I commend the cabinet secretary for the work that he has done on that since taking up his post.

10:35

Claire Baker (Mid Scotland and Fife) (Lab): I am pleased to support Labour's amendment. It is right that members consider how we can all improve education in Scotland. We have become a fairly familiar team in the chamber on Thursday mornings, although we are joined this morning by others such as Peter Peacock, who gave an excellent speech and has brought a great deal of knowledge and understanding to the subject. He demonstrated clearly that Labour is engaging in the debate from a position that holds to our belief in an inclusive education system that works to reduce the attainment gap and meets the needs of every pupil.

The Conservatives are arguing that this is a debate whose time has come; however, I question whether that is the case. In recent weeks, the Parliament has been concerned with the introduction of the curriculum for excellence and, although concerns are being raised over preparedness and resourcing, we have all been united in recognising its value and its potential to address many of the educational challenges that our young people face. Surely, we must question whether this is the time to unpick the education system, fracturing the delivery of education and potentially destabilising the system. No one believes that the system of delivering education in Scotland is set in stone and that we should not be open to innovation and change, but I question whether this is the time for the Scottish Government to be working on an options paper on models of school organisation when there is so much else in education for the Government to be giving its attention to.

Of course, the Scottish Government is happy to pursue an option that is driven by the argument that the system is failing rather than accept that it is the Government's stewardship of education that is failing. The Conservatives' proposal also appears to pre-empt the inquiry of the Education, Lifelong Learning and Culture Committee into the management of schools—a proposal that was agreed by all parties and that is surely more suitable as an investigation of the issue than a Government options paper that implies that an option must be chosen.

Margaret Smith: Does the member accept that one of the options in that paper must be the status quo—or what we might call the status quo with tweaks, which was outlined in an excellent speech from her colleague, Peter Peacock?

Claire Baker: I fully accept that point. If the Government is to pursue an options paper, it must be extremely wide ranging and recognise the value in the current system. However, the concern is that the committee is already committed to a detailed inquiry into the issue.

The Conservatives' choice this morning is, no doubt, influenced by the fact that there is a general election around the corner and they are struggling to find a positive alternative. They are not the first to be attracted by a Swedish model, as has been made clear in some of the speeches this morning. In calling for an alternative schools system to be run in parallel with the current state system, they are returning to familiar arguments for independently run schools that compete for pupils in order to drive up standards. But where is the evidence for such a model? The argument that competition will drive up standards is familiar Tory territory but it has many failures. There is very little evidence to suggest that such a stepping stone to a subsidised free market would tackle inequality. The United Kingdom Conservatives' admission that they would have to place artificially 220,000 pupils from the poorest backgrounds into their academy schools raises more questions than it provides answers. How would those pupils be selected and supported?

David McLetchie: I presume that if the member is opposed to the idea of independently run, directly funded schools in Scotland, she is equally opposed to the hundreds of schools that are operated on that model in England by the UK Labour Government.

Claire Baker: They are quite different models. The models down south look for contributions and have a wide-ranging board, whereas the Conservative model is directly funded, privately independent schools.

David McLetchie: No, it is not.

Claire Baker: Yes, it is.

In recognising that they would have to create the demand artificially, the Conservatives are admitting that families and parents who have the resources and a high level of engagement with their children's education will be able to negotiate the proposed system more effectively. They claim that their model will not be selective, but if demand for state-funded independent schools grew, would they not be forced into a selective position and draw more state money, leaving struggling schools in poorer areas with less money and investment? John Dunford, the head of the Association of School and College Leaders, has stated:

"It will be the disadvantaged who suffer if the school system splits into 20,000 autonomous units".

There is also the issue of staffing. An alternative schools system would present challenges for pay scales and terms and conditions, which could run the risk of draining state schools of their most talented staff.

In addition, where is the accountability? The Conservatives' proposals would set schools free

from any accountability to the Government or the education authorities, leaving the Government with very little responsibility for education. Of course, the Conservatives will argue that parents can vote with their feet if they are unhappy with a school, but where does that leave schools' long-term sustainability and planning? Does such instability not create problems rather than solve them, and who will pick up the pieces when there is failure? The Swedish example suggests that it will be the municipalities.

At the heart of the argument is the proposition that if we want standards to rise, teachers to have more control and parents to have more choice, we must break the state monopoly. However, that is an inaccurate interpretation of the reality of schools in Scotland today. The suggestion that improvements can be achieved only by allowing direct state funding of new, independently run, free schools that compete with existing local authority-run schools creates more problems than it solves.

All parties agree that we should be open to learning from experience in the rest of the UK and abroad, although I have often heard in the chamber that other countries around the world look to Scotland for a model for delivering education. We must take a critical look at the positives and negatives of other models. Although there is much to learn from the Swedish model, it faces increasing concerns and challenges around attainment levels, which other members have mentioned.

Of course, we want to see diversity in the education sector and greater opportunities for young people to make choices that meet their needs and interests. We must properly support school and college liaison, look further at national centres of excellence, such as that at Plockton, and get on with introducing the curriculum for excellence and the new exams framework. There will always be the opportunity for parents to make placing requests and exercise a degree of choice. Nevertheless, I know from my region that schools that previously experienced a high number of placing requests from pupils and parents who chose to pursue alternative schools have seen a drop in the number of parents who are making that choice. More pupils and parents are positively choosing their schools because they have received increased investment and improved facilities, because excellent leadership has been demonstrated by the headteachers and because more involvement of parents has led to raised aspirations. Those factors have changed and are changing schools, and that is where our attention should be focused.

10:43

Derek Brownlee (South of Scotland) (Con):

As other members have said, whatever else divides us in the chamber, all the parties share the same objective of ensuring that every child in Scotland has the opportunity to make the most of their abilities regardless of the income or wealth of their parents. I do not doubt the sincerity of members from other parties who take a different view on how we get there, and I hope that, in return, other parties do not doubt our sincerity in taking the view that we do on how we achieve that.

For too long, we have been guilty of dwelling on our historic reputation for high standards in education. In the past, the slightest criticism of an individual school, overall attainment levels or our place among international comparators has been met with attacks and the assertion that that is simply undermining the efforts of pupils and teachers. Of course, it is entirely the opposite. If we cannot challenge attainment levels and the success of the current system, we will not drive up standards or establish a culture of continuous improvement, which is what we need.

All members will be able to name state schools in our constituencies where we would be happy to send our children to be educated. However, few of us—if any—will not have in our constituencies schools that, at the very least, we would have reservations about sending our children to. I wonder whether, if the children of politicians had to be educated in the poorest-performing schools in their constituencies, we might find more interest in improving standards across the board rather than dogged defence of the status quo.

I grew up in the Borders and, like the vast majority of people in the area, was fortunate enough to have access to good state schools locally. Indeed, one of the pressures in the northern part of the Borders at the moment is that people are moving there from Edinburgh, partly attracted by the high standard of schools in the area. It is a generalisation, but parent satisfaction with school standards in the Borders, Dumfries and Galloway, East Lothian and other parts of the region that I represent is very high. In The Sunday Times top 50, the Borders, East Lothian, and Dumfries and Galloway feature disproportionately among the top-performing schools. I accept that that is a crude measure, but to some extent it tells a story about attainment.

In other parts of the country, however, the picture is slightly different. In Edinburgh, a significant number of parents choose to pay for their children to be educated privately. A significant number choose to pay for a more expensive property in the catchment area of what they perceive to be a better school, and a

significant number—probably the majority—have no choice because they cannot afford to pay for school fees or buy a property in a catchment area of their choice. They just have to hope that their local school is good. That lack of choice is less of an issue for parents in rural areas. In places such as Haddington, Peebles and Thornhill, the local schools are very good.

Having said that, even the best schools need to improve continually if Scotland is going to improve relative to competitor nations. Schools that are currently world class will not necessarily be so in future simply by maintaining the status quo.

Des McNulty: Is there not a disconnect in logic in what the member is saying? He is saying that good schools exist in areas where choice is not an issue and that, in areas where there are schools that are not so good, choice is the solution. Rather than introducing a solution that he is arguing will not work in areas that he represents, is the solution not more effective management of schools that are not performing as well as they could?

Derek Brownlee: I am arguing that there is less demand for choice in areas where the local schools are good, which is a very different point.

The issue is how we raise standards across the board. I am not saying that introducing greater diversity or parental choice is the whole story, but it is part of the answer. Over the past few years, we have proved—if any proof were necessary—that spending more money is not the way to drive up standards in education. We have tried pouring money into education and it has had no discernable impact on attainment levels. Earlier, Des McNulty made a point about attainment levels and deprivation. He must lie awake at night, worrying about why the gap between rich and poor has increased under the Labour Government that he supports.

As other members have said, in England, parents have the freedom to establish new schools. Last month, the Elmgreen school in Lambeth was officially opened. It is a non-denominational, non-selective secondary that aims to specialise in humanities. It was established under laws that were introduced by a Labour Government, and it was opened by a Labour minister, Tessa Jowell, who called it

“a true and lasting testament to all the parents who campaigned tirelessly with me to see it built”.

Another school that is opening in London, the Jewish community secondary school in Barnet, is already oversubscribed, although it does not open until September. In Acton, there are proposals to build a new school based on the model that the cabinet secretary mentioned, the ethos behind Marr college in Troon.

One cynic on The Guardian website commented:

“Free schools cannot possibly work. They do not have Ed Balls in charge.”

That gets to the heart of the issue. The reason why we think that that model has the potential to be successful is that it does not take a top-down approach to raising standards; instead, it allows a bottom-up, profession-led approach. I accept that we should not introduce wholesale into Scotland models from other nations, but we should learn from them. Liz Smith spoke at length of the experience in Sweden. Jeremy Purvis seemed critical of the evidence from Sweden, but if it is so bad, why is Tavish Scott going there? Is it perhaps so that he can be escorted out of a shopping centre in Stockholm rather than Aberdeen?

10:49

Rob Gibson (Highlands and Islands) (SNP): Liz Smith argued that there is a need for change and that education is currently unacceptable to parents and has to become acceptable. However, I would suggest that the recognition in the SNP amendment that we have good-quality schools now is at the heart of how we assess how we make those schools better. Talking about the need for change sounds more like an argument for ideological change than an argument about the nuts and bolts.

We have heard some interesting arguments and—mainly from the Conservatives—a lot of rhetoric. Bill Aitken laid out a grim litany on Glasgow. I do not recognise in what he said the community that I come from and the one in which I used to teach, in Easter Ross. In those communities, there is a variety of catchment areas containing a variety of schools, some of which are favoured by parents and some of which are not. What I have noticed is that in the schools to which parents aspire, success is less to do with what happens in the school and more to do with the fact that parents can afford to get tutors after school to get their children to a standard that allows certain schools, such as Fortrose academy, to get the records that they do. That is an issue to do with being better off, not the structure and governance of a school.

Elizabeth Smith: I accept the member's point, but is that not critical for allowing all standards to be driven up so that that divide is not as great as it is now?

Rob Gibson: We need to assess where we are in education. We are talking about parents who have grown up in the television age and children who, in the past 10 years, have been growing up in the internet age. Does that affect the way in which they view literacy and numeracy? I do not

know whether, educationally, those things have made a big difference, but what I do know is that communities must be given an opportunity to provide the options in education that will meet the real needs of our society.

We live in a society in which many people will not do the most basic jobs, and we rely on immigrants to do such jobs. Perhaps we need to ask parents about their responsibilities: are they moving out of their comfort zone, or is it a case of getting their children to university and into the safe professions? One of the reasons why Ireland has not been as successful a society as it should have been is that the middle classes have aimed for comfort, rather than for the adventure of taking the economy forward. The governance of our schools should expose children to such ideas. It bothers me that when the Conservatives talk about diversity in Scotland, what they are actually talking about is uniformity, and the ideology driven by the Conservatives in London. Derek Brownlee recently gave examples of schools set up under Labour and the Tories, based on ideology. We do not need to talk about setting up schools. Where are we going to put a free school in Easter Ross, among the community schools that are already there? That is a load of piffle. We need schools that meet the needs of each area. Who is going to go to somewhere other than Anderson high school in Shetland? That kind of talk is not related to reality.

Peter Peacock argued that parents do not want to be more involved in the running of schools. In my experience, when people come to communities and join school boards and so on, they bring their experience from England of governors and boards, and an attitude that is completely out of kilter with what we have here. In Scotland, parents and teachers work together. In fact, the reason why Thatcher failed to break Scottish teachers in the 1980s is because the parents were right behind them. In those days, communities stood together and rejected the Tory ideology, and they will reject it today.

Des McNulty: The member should come and join us. He is on the wrong side.

Rob Gibson: Well, Peter Peacock made arguments that Des McNulty should listen to. He was clearly talking about ideology rather than practicalities.

The issue of parental rights and responsibilities is relevant here. I remember when we talked about consortia, and allowing pupils to move around. Nowadays, ideas can move around, and it is possible to educate pupils using technology. For example, Inverness College's higher psychology course is being used by 18 secondary schools in Highland Council. No matter which community someone lives in, they can do higher psychology.

Out of 26 secondary schools, that is not bad going.

We are talking about rolling out the curriculum for excellence, which will allow for diversity. However, it must also allow communities of excellence, based on the kinds of economies that underpin the society in which we live, rather than on a single, one-size-fits-all ideology.

What we need is a responsive approach by local authorities that gives local people opportunities to make more decisions. When we think about it, it would be better to have smaller local authorities so that people could be elected at the level of secondary school catchment areas. People could then take a direct democratic interest in the issues. That is why the democratic element in East Lothian Council's proposal is worth considering. It goes in the right direction, although not to the extent that I wish to see. We need governance that helps real communities in real circumstances and not this fake debate in an election campaign about power in London.

10:55

Karen Whitefield (Airdrie and Shotts) (Lab):

Another Thursday and we are having another education debate. That might seem a flippant point, but it clearly illustrates that all political parties are keen to debate education. Although the cabinet secretary was keen to seek consensus this morning, the Tory party's motion shows that there are still some clear dividing lines in opinions about the way forward for improving our education system.

When it comes to the education of our children and young people, we should not close our minds to any reasonable proposal. If good education models exist elsewhere in Europe or throughout the world, be they for curriculum development or for school management, it is right that we should examine them and, where appropriate, learn from them. Similarly, I support moves to improve parental involvement in our schools and to devolve appropriate powers and budgets to our highly skilled headteachers and the wider school community.

However, I am somewhat surprised by the Tory party's enthusiasm for the so-called Swedish model. It is true that, since the early 1990s, the Swedes have pursued a policy of increased decentralisation of education powers and resources, first to the municipal level and then to individual schools. That increased the possibilities for pupils and parents to choose their schools as well as greatly increasing opportunities to establish independent schools. However, as other members have said, it is far from clear that the decentralisation has resulted in improved

educational attainment. A report by the Swedish National Agency for Education entitled "What Influences Educational Attainment in Swedish Schools?" points out:

"grade point averages within several central subject areas have declined over time. The National Agency for Education's own national evaluations, as well as international studies, present a broadly consistent picture of Swedish school pupils' results in mathematics, natural sciences and reading comprehension in later years of compulsory school, showing a decline in performance since the beginning/middle of the 1990s."

Jeremy Purvis highlighted that point. Even more concerning, the report goes on to state:

"From 1993, attainment differentials have increased between various schools ... The analyses have also pointed to increasing differences in grades attained by various groups of pupils (differentiated by social background, gender, and ethnicity) but most particularly between groups differentiated by parents' educational background ... researchers conclude that an increasing differentiation of levels of attainment coincides with comprehensive changes in the Swedish school system that have occurred since the beginning of the 1990s."

The report concludes:

"A strong common denominator was decentralisation."

We must be careful about introducing changes to school management that might result in increased segregation in our schools on the basis of social background, gender or ethnicity.

The Conservative party wants to introduce competition in our school system as a way of driving up attainment. That should not surprise us, as it is consistent with the Conservatives' fundamental ideological position on most policies, but in any competition that I have ever witnessed there have always been winners and losers. We should remember the mess in which the Tory party left our health service. Competition between health boards in Scotland led not to improved services but to cut-price cleaning contracts, dirty hospitals and a postcode lottery in the health service.

David McLetchie: Would the member care to acknowledge that some of the highest cleanliness standards in Scotland's hospitals are achieved where the service has been contracted out and that, regrettably, some of the tragic deaths that have occurred were in hospitals where the contracts are still held in-house? Those, I am afraid, are the facts.

Karen Whitefield: The fact is that, when Mr McLetchie's party contracted out the service at Monklands hospital in my constituency, our hospital was not nearly as clean. When the service came back in-house under a Labour-led Executive, the hospital became much cleaner. The Tories should reflect on that.

The proposals in the Tory motion would heighten inequalities in education. Indeed, I have

already demonstrated that that has happened in Sweden—the country to which the Tories seem so keen for us to look. I want to quote a previous speech by Liz Smith. I am sure that she is impressed that I have been reading her speeches. She said:

"Many communities across Scotland are fortunate to have an excellent state school on their doorstep but far too many do not. In too many areas, particularly in some of our most disadvantaged communities, schools are under-performing because the present system provides them with too little incentive for improvement."

Liz Smith should explain clearly just how the Tories' proposals would provide that incentive. Are they really trying to tell us that teachers in some of our most disadvantaged schools lack the incentive to provide a high-quality education? I certainly do not think that that is the case.

Elizabeth Smith: By no means am I saying that teachers lack an incentive. Some of our finest teachers are in disadvantaged areas, but they are constrained by a one-size-fits-all policy that does not allow them to do some of the things that they want to do to address the distinctive needs of the children in their schools.

The Deputy Presiding Officer (Trish Godman): Ms Whitefield, you should watch your time.

Karen Whitefield: I am not at all convinced that simply changing the management will drive up the attainment of our most disadvantaged students.

Not only do I have concerns about the efficacy of the approach that the Tory party is proposing, I believe that there are also problems of democratic accountability. I am sure that the cabinet secretary will want to ask how such a fragmented system could possibly deliver on the concordat.

Finally, I am concerned about the impact that a fragmented education system would have on the delivery of the curriculum for excellence. There are already serious concerns in Scottish education about the implementation of the curriculum for excellence. Do we really need to introduce more uncertainty about school management at this time?

The real challenges that face Scottish education and Scottish schools are with us here and now.

The Deputy Presiding Officer: You should be finishing now, Ms Whitefield

Karen Whitefield: They are the reduced funding that is available to local authorities and the lack of Government strategies to build new schools and provide jobs for our teachers. Those are the problems that the Government must face up to, and I kindly suggest to the Tories that they are the problems on which they should concentrate.

11:03

Jamie Hepburn (Central Scotland) (SNP): As Aileen Campbell said, we were told at the conclusion of last week's debate on education that, if we waited patiently until today, we would have the chance to discuss the Swedish education model. I have waited with eager anticipation since then, so it was with a sense of anticlimax that I noted that, for some reason, the Conservative party's motion does not even mention Sweden. Suffice it to say, however, that that absence has not prevented us from considering the lessons that can be learned from that country—or indeed from being put through Christina McKelvie's litany of ABBA-related puns.

We should be prepared to learn lessons for our education system from elsewhere but, as well as considering what we can adapt and imitate, we must be prepared to learn what not to copy from other countries, as the cabinet secretary said. We should reflect on the fact that, in the OECD programme for international student assessment, Sweden lies below Scotland for maths and science. The much-referred-to Swedish model is not the panacea for Scotland's education system that it has been presented as. Entry criteria for schools in Sweden have a less residential focus. As Aileen Campbell said, that can mean that schools have less of a community character. One of the strengths of our system is the community aspect of our schools. The fact that pupils are drawn from a local residential catchment area is hugely important to the contribution that schools make to wider society. It is right that the cabinet secretary should visit Sweden and Finland to find out what can be learned from them, but he will not see educational utopias in those countries.

The motion refers to East Lothian Council, which has been prepared to think a little outside the box. Despite the best efforts of some people to argue otherwise, that council has made no final decisions on future models for the running of its schools. Whatever models may be considered and implemented, democratic accountability through the council and the schools' position in the state sector will remain. Having that is surely an absolute must for Scotland's education system.

We are, of course, only weeks away from a UK general election. The Tories' position on the future delivery of education in England has been instructive. If the Tories are returned to government, they plan to compartmentalise education and undermine the sustainability of many schools with the greatest challenges. From that perspective, at least we can be grateful that Conservative ambitions to privatise our education system in Scotland will remain simply ambitions that are evidenced in debates and speeches in the

Parliament but which have no chance of being realised.

Elizabeth Smith's opening speech was instructive. I want to refer to two things that she mentioned in it. She said that politicians have direction over schools, not headteachers. That is hyperbole. It may read well in a press release and make a good soundbite, but it does not reflect reality. Headteachers are in charge of their schools, not individual politicians.

Elizabeth Smith: What would the member say to the headmaster in Motherwell who has said that he does not have the freedom to choose whoever he would like when he chooses his staff? That is a classic case. He must go by what local authority directives say.

Jamie Hepburn: I suppose that that is a matter of individual perspective. There should be a form of democratic accountability. I am sure that Elizabeth Smith recognises that that headteacher will take charge of the day-to-day running of that school, although I do not know which school she is referring to.

Elizabeth Smith talked about a socialist love affair with comprehensive education. Unlike some other members—members should take a cursory glance around the chamber—I was educated in a comprehensive school. Such schools work. They allow for different talents to come to the fore and provide a rounded educational experience. If the socialists have such a love affair with comprehensive education, one wonders why the Conservatives did not legislate to change the comprehensive system in 18 years of government. Elizabeth Smith spoke about how wonderful our schools are, but she then damned them.

Education is a right, not a privilege. It is important not simply because of its benefit and value to the individual, but because of what it contributes to the common weal. Society as a whole will benefit if more of our young people receive the best possible education.

As the Government amendment suggests, there is already much to be proud of in our state education system. Bill Aitken's suggestion that the state education system is broken is nonsense. I do not always agree with Jeremy Purvis, but at least I agree with him about that.

The 2009 Scottish survey of achievement in schools focused on reading and writing. Some 13,000 pupils in P3, P5, P7 and S2 in 400 local authority and independent schools throughout Scotland were assessed, and it was found that performance in reading was up on 2005 and 2006 at all primary levels and that a significant proportion of children were performing above the expected level. That demonstrates that the idea

that Scotland's education system is broken is ludicrous.

However, challenges were found in levels of attainment in writing. The areas of Scotland in which that problem is greatest are not without wider challenges. Those areas are invariably among the poorest in the country. That was found by the OECD, as Shirley-Anne Somerville stated.

The answer to tackling the problem does not lie in changing the education system alone and changing things for the sake of change—Margaret Smith accurately put it in that way. It is important to embed literacy skills across the curriculum, as is happening. The goal remains to have a system that will provide relevant, inspiring and engaging education for every child and young person in Scotland.

I admire the Conservatives' willingness, as expressed in their motion, to learn from other European countries, but why should we confine our horizon only to the continent of Europe? I can think of other places in the world where huge strides have been taken to tackle historical levels of illiteracy by making huge strides in educating people. I will leave it to Conservative members to guess where I am talking about; the pages of yesterday's Scotsman provide a suggestion.

I welcome the debate and look forward to hearing what the minister has to say.

11:10

Hugh O'Donnell (Central Scotland) (LD): Education debates are so frequent on Thursday mornings that it is beginning to feel a little bit like there is a breakfast club. Notwithstanding that observation, I congratulate Elizabeth Smith on lodging the motion.

The debate has been interesting and largely consensual. We have come together in the way that old friends do to chew over the issues relating to the management of our schools. However, I respectfully ask whether the time to do that is when our education system faces so many other challenges. Margaret Smith also asked about that.

A number of education management models that are worth considering have been referred to. There is no question but that they are worth considering, although we probably need to find another way of describing the Swedish model in the chamber. I suspect that many people who googled the words "Swedish model" would be disappointed if the search results came up with a series of debates in the Scottish Parliament.

We have considerable opportunities to look across the international field and see where there are new developments. My colleague Jeremy Purvis made telling observations about the

success of the Swedish model, which has been much discussed in the debate. There seems to be consensus in the chamber that change is needed, but I suspect that the noise that we can hear through our double-glazing is to do with the prospect of our teachers suffering yet another upheaval. My colleague Margaret Smith referred to the damage that such upheaval could cause.

Fairness is at the heart of the Liberal Democrat approach to education. If members decide that our modelling of school management has to change, fairness for all our pupils must be at the heart of our approach. Christina McKelvie rather dismissed Tavish Scott's offer of a pupil premium, but the pony for every little girl that she added is no less fanciful than the promises to abolish student debt and maintain teacher numbers and any of the other things that we know that the Government has failed to do. That political point aside, there is general agreement and, as Margaret Smith said, we will support the Conservative motion and the SNP amendment.

My colleague Peter Peacock made a thoughtful and useful speech. As a former minister, he knows the subject well. He was right to point out that change for change's sake does nothing. The objective must be to drive up achievement and attainment. I make a clear distinction between those two things because, particularly in Central Scotland, which I represent, there are socioeconomic factors to do with attainment that will not necessarily be influenced simply by changing the management structure of schools. It is clear that there is a wider area of activity, and perhaps we need to extend into that. My colleague Margaret Smith talked about fairness, and to get that into the system we need a curriculum of the home, so that the mechanisms that we use in our education system are extended beyond the schools. Educational attainment is not a straightforward race; rather, it is, in effect, a handicap race. That is why we are firmly of the opinion that the pupil premium could address some of those imbalances, such as the socioeconomic disadvantages from which people from less well-off areas suffer in their attainment and achievement attempts.

I have no doubt that we will revisit the subject, but I say now that the Liberal Democrats firmly support choice. Central Government does not have a monopoly on insight into schools. We need a system that enhances the individuality of the pupil who is given the opportunity to choose an education that works for them, and a system that empowers and inspires pupils, parents and those responsible for running our schools at all levels across a range of vocational and academic achievements and attainments. We accept fully that there is a case for looking at different models, including the status quo with, as Margaret Smith

said, tweaks or knobs on—whichever is preferred. At a time when so much in education is in turmoil, any change must happen with full consultation and be taken at a steady pace.

11:16

Ken Macintosh (Eastwood) (Lab): I thank Elizabeth Smith and the Conservatives for introducing today's debate. As both Karen Whitefield and Hugh O'Donnell suggested, Thursday mornings in the Parliament would not be the same without an education debate.

There have been clear areas of agreement and even consensus this morning. The odd barb aside, I found myself agreeing with the cabinet secretary, although I stopped short when he seemed to describe himself as a socialist. Most of us from all sides appear to be open to learning from other models of education or best practice, whether in Sweden, elsewhere in Europe or around the globe. Although we are all proud of our school system, we are prepared to admit that it is not perfect and can be improved.

I am pleased by our mutual willingness to look at ways to improve Scotland's schools, but that should not mask fundamental differences in our analysis and therefore in our priorities. In the Labour seats, we are more sympathetic to the focus of the Liberal and Government amendments than to the original Tory motion. To take the subject of the debate first, although it might be possible to come up with improvements to the management of our schools, we remain to be convinced that that is the most pressing problem facing pupils. My colleague Des McNulty highlighted the need to prioritise the introduction of the curriculum for excellence or literacy and numeracy and Margaret Smith echoed the importance first and foremost of good-quality teaching and leadership from the headteacher. Those are the issues that make a difference in our schools. I add that if one of our biggest worries is the loss of 2,500 teaching posts, how does changing the management of our schools address that problem? As the Tory motion asks, is it

"now time to explore alternative models",

when, as the Liberal amendment highlights, the introduction of the curriculum for excellence against a background of budget cuts was the key worry motivating thousands of teachers and pupils to take to our streets just last weekend?

The SNP amendment introduces a welcome note of balance where it recognises that

"Scottish education is generally of good quality with many important strengths".

Elizabeth Smith started her speech by trying to develop the false premise that we have a one-

size-fits-all system and Bill Aitken took it further and suggested that our system was "broke". I agree entirely with Jeremy Purvis, who rejected that accusation. We do not have a broken system. I particularly liked the cabinet secretary's comment that the Scottish education system is not monolithic, either in structure or delivery. That was the conclusion of the OECD inquiry into our school system that went on to point out that deprivation and low socioeconomic status were the key predictors of a child's success at school in Scotland, hugely outweighing any other factor, including management structures.

Perhaps my biggest worry about the Conservative motion is that it might be written in code. On the surface it seems inoffensive enough, but the unspoken policy aim is to take schools out of local authority control and establish a sort of state-subsidised free market in schools. Although it is more than 20 years ago now, most of us remember well the Tories' introduction of the school board system, another attempt by the few to wrest control of schools away from the many. The Conservatives seem to have forgotten that parents in Scotland rejected their potential manipulation through politicised school boards, and that, since then, most Scots have reaffirmed our faith in the comprehensive model through the consultation on the national priorities in education. I agree with both Rob Gibson's and Jamie Hepburn's analysis and approach to that matter.

The Conservative motion talks about choice—but choice for whom and at what price? Is it choice for those informed or wealthy enough to take advantage of that opportunity while the neglected are left behind? Claire Baker highlighted that it is always the disadvantaged who lose out in such systems.

The Conservatives in England and Wales seem to be pinning their hopes on introducing the so-called Swedish model of alternative state-funded but independently managed schools. However, as Karen Whitefield, Jeremy Purvis, Des McNulty and others have all pointed out, the evidence from Sweden is that the model has been divisive. They have ended up employing teachers with poorer qualifications and left us with a host of questions to which I heard no answers from the Tories today. Would the Swedish model be in addition to existing schools, and if so, which local schools would be closed? That is the automatic assumption about what would happen. If funding is to follow the child, that means cuts in existing school budgets—is that what the Tories want? Do they believe that such schools should be able to make profits? They make profits in Sweden. Michael Gove has said clearly that he is not against the principle of profit in education. Perhaps one of the Tories would like to say now whether

they are against the principle of profit in education in Scotland.

Elizabeth Smith: I make it absolutely clear that we would not prevent anybody from setting up a school, provided that they did so according to the education legislation of this country, which means HMIE inspections and regulation by the Scottish Commission for the Regulation of Care. I think that Mr Macintosh is confused; there are already private schools that do not make profits. The issue is about state-funded education, which the Swedish model makes abundantly clear. All that we are saying is that, within such a model, there should be diversity in schools provision.

Ken Macintosh: I am not sure that that was the ringing denunciation of profit in schools that I was asking for. The worry is not about a state-run but a state-subsidised private education market.

We should have genuine parental choice, but through expanding plurality in the system. To found a new system on the principle of choice that can be exercised only by the few would be to entrench segregation and division in our schools, rather than bolster the values of equality, opportunity and fairness. The motion skips over some of those more unwelcome prospects, but we should be under no illusion that they exist. I hope that Scottish schools will always remain and be recognised as a public service and a social and common good, rather than a consumer purchase. The way in which we manage and hold our schools accountable should reflect that.

11:23

Michael Russell: At the start of the debate I referred jocularly to the socialist love affair between me and Ken Macintosh. I now report the sense of astonishment that I feel that it has come so far and so fast. I point out that I did not claim that I was a socialist, nor did I assert that he was one. Both are perhaps equally unlikely. I am struck, however, by the fact that for the first time since I took up my role, Mr Macintosh and I agree greatly on some of the difficulties and pitfalls that this debate presents. Our only difference is in how we will approach those as we go forward. Caution is required in the debate.

Structures are important, but they are a longer-term issue than some of the shorter-term things that we require to pay attention to and I am happy to admit that. I accept Margaret Smith's well-made caveat that it is important to look urgently at what change is essential. That is the issue here. Are there changes that are so important that they will assist us to make changes to the priorities? Are there other things that would be desirable over time in improving what is happening in Scotland? Are there some things that would be tinkering for

tinkering's sake? That is a helpful caveat to inject into the debate, as is the issue of resources. Resources are not limitless. If we are to apply resources to structural change in particular, we need to see that as an investment that will produce a return over a reasonable period.

Those cautions aside, it has been an interesting debate and, by and large, a good one. I was astonished by the range of knowledge of particular things from one or two individuals. Mr McNulty clearly has bought and digested whole the observer's book of Conservative-controlled town halls. He mentioned an astonishing range of minor Conservative spokespeople—it is a slim volume, but Mr McNulty knows it inside out. Mr Purvis has the observer's book of Swedish local authority education spending, which is very full indeed. He made one or two very important points. Christina McKelvie, not unexpectedly, has the observer's book of ABBA hits. She knows that inside out, too.

Let us look at the truth about some of the things that we have talked about. I accept that Mr Purvis has a point about Swedish education achievement. On international comparisons, Sweden and Scotland are broadly similar in how they perform—in one or two areas Sweden is better and in one or two areas we are better. Of course, the really significant point is not about where Sweden has arrived, but about travelling hopefully. The purpose of going to Sweden is to find out how it is addressing problems and difficulties and whether any of its ideas are better than any of ours.

Des McNulty: I recommend to Mr Russell that when he goes to Sweden he looks carefully at the zero-to-three provision, which is a model that we should look at positively.

Michael Russell: That is a helpful remark. We must look at the whole system to see what works and what does not work. Sweden takes the same approach to us. In June 2008, a delegation from Sweden, including the state secretary for education, was here because there were things that they wanted to look at. In particular, they wanted to look at how we support teachers, continuous professional development, initial training, the chartered teacher programme, the Scottish qualification for headship and probationers, because they thought that they could learn from our experience of those things. It is a two-way street.

We must not get hung up simply on models of provision. There are models on content, national objectives and national agreements. In Finland, there is an agreement on overall education policy and there are interesting ways of taking it forward. To be even-handed, I point out that Finland, which I am looking forward to seeing on Sunday and Monday, is one of the least diverse European

countries in terms of delivery—92 per cent of the schools there are public. Finland is more successful than Sweden in terms of outcomes—it is one of the best performing countries in the world in education—but that success is not due to the diversity of the system. We need to understand how that works.

There are similar models. Scotland has a very low rate of private participation in education. I am of the view that that does not hold us back. There are very high rates of private participation in Belgium and the Netherlands. In fact, the Netherlands has the highest rate of private participation; there is an absolute state guarantee about the right to private education and how the state supports it. We need to look at all those things, but we are not going down that road—it is not a road that this Government wishes to go down. If we are to examine Finland, Sweden, Norway and elsewhere, let us consider the road that we want to go down and how their lessons can help us to do so. That is precisely what I hope to be able to do.

One of the most thoughtful contributions to the debate came from Peter Peacock—I am grateful to him for that. He and I agree on a great deal, but not on everything. He is absolutely right that the autonomy of headteachers in how they operate is a key factor in the delivery of school services. Of course, leadership in schools is a key factor nationally and internationally. As Peter Peacock will know from his considerable experience in the job that I now hold, autonomy is the single most important factor in the recruitment, retention and motivation of headteachers. He is absolutely right to stress that we should look at that and see how it would work for every single one of us.

There were other interesting contributions. Shirley-Anne Somerville made some telling points about the relationship between structure and content, which Derek Brownlee fleshed out by raising the issue of rurality. There are complex relationships between how the school is structured, how it is managed, what is taught there, the nature of the community that it serves and what the parents do.

However, let us remind ourselves of the overwhelming fact that we all know that poverty is what determines most how one will do in education, including further and higher education. Children from the poorest backgrounds have the least chance of success. Although we want to debate this subject, make all sorts of interventions and change all sorts of things, the thing that we need to think about most is how we change endemic poverty in parts of Scotland and how we intervene early enough to ensure that life chances are changed for each child.

Smaller class sizes are an important part of all this, because they fit into the mix well. We know that there is growing international interest in what smaller class sizes will achieve even in places such as Singapore and Hong Kong, where there have traditionally been much larger class sizes.

The evidence, which is available to the Education, Lifelong Learning and Culture Committee as part of its inquiry, shows that those places know that they have to inculcate the skills of the 21st century—creativity, flexibility and problem solving—into young people, which is best done in smaller class sizes. They are moving away from one of the things that has been their hallmark.

We have a lot to learn from each other. The purpose of my going to Finland and Sweden is not, as Annabel Goldie has suggested, just to have a sauna. The purpose is to listen, learn, understand and to try to apply things to our experience so that we can take education in Scotland forward in the short, medium and long term. I hope that we will have a chance to debate that in the chamber in future.

11:31

David McLetchie (Edinburgh Pentlands)
(Con): This morning's debate has exposed a great divide, as Karen Whitefield acknowledged in her speech. On the one hand, we have the forces of progress, who are ambitious for our children and young people and determined to drive up standards of attainment in our schools and promote choice. On that side of the debate are members who are receptive to new thinking and are not afraid to draw on international experience to develop an education system for Scotland that is fit for the 21st century. Those progressive forces are represented by the Conservative party, the Scottish National Party and even the Liberal Democrats, who are gradually losing the taint of their previous associations.

On the other hand, we have the forces of complacency, with the aye-been tendency that is deeply embedded in the pockets of the vested interests of Scottish education. Those forces are represented by the Labour Party and The Herald.

Earlier this week, my colleague Elizabeth Smith set out Conservative ideas on how we could bring into being new independently run, publicly funded, free schools to break the current monopoly of provision by local authorities and provide a measure of choice and opportunity that is quite simply not available to the vast majority of parents and pupils in Scotland today.

Who did the Labour Party trot out to denounce those proposals? Was it any of the four Labour MSPs, such as Mr Peacock, who sat in the

Cabinet as ministers for education? Was it any of the three Labour MSPs, such as Karen Whitefield, who have been conveners of this Parliament's education committee? Was it even the present Labour education spokesmen, Des McNulty or Ken Macintosh? No, it was not. Despite the glittering array of talent in the Labour Party, not one of them was up to issuing a press release. Instead, in a curious case of devolution in reverse, it fell to Lindsay Roy MP to lead the charge. What was the top line of Mr Roy's complaint? According to him, the Tory school plan would lead to "rationing"—rationing, I ask you.

We already have rationing in the Scottish education system. As Derek Brownlee pointed out, it is rationing by the price of the house that one can afford to buy and the mortgage that one can afford to borrow. State schools in certain catchment areas achieve the best results and set the highest standards. They are invariably full to capacity, with very few pupils living outwith the defined catchment area. The result is that the right to choose, which has been enshrined in law since it was enacted by the previous Conservative Government, is severely limited in practice by capacity issues and by legal and policy constraints on the number of children admitted to particular schools.

The reality that Mr Roy and the rest of the Labour Party need to wake up to is that the present system rations access by price, and the people on short rations are the working people whom Labour claims to represent, for whom choice is illusory. They are stuck with one school—their local comprehensive—irrespective of whether it best meets the needs of their children. That, Mr McNulty, is social segregation; it is educational apartheid. That is what the Labour Party wants to perpetuate. We want to change that to make education better in Scotland. We need to do that.

By contrast with Labour, our proposals to encourage the development of publicly funded and independently run free schools will enable people to make real choices, break the council monopoly and the "do as you're told, take what you're given, like it or lump it" philosophy that characterises Labour education policy.

Some people dismiss learning from others as mere policy tourism. I do not take such a parochial attitude. I say to those who get travel sick when venturing outwith the city of Glasgow: there is on your doorstep a shining example of exactly the type of publicly funded, free comprehensive school about which we are talking this morning. Bill Aitken referred to it. I speak, of course, of Jordanhill, the school of choice for the children of wealthy Labour education ministers who can afford homes within its catchment area. Jordanhill is a free

comprehensive state-funded school that just happens to be widely regarded as the most successful state school in Scotland. Jordanhill is, of course, the school the Labour Party does not like to talk about. It is the school that the Labour Party wanted to close when it ceased to be a demonstration school for Jordanhill College of Education. It is the school that Labour refused to bring within the ambit of Strathclyde Regional Council at the time when the SRC was the education authority. It is, of course, the school that was saved, funded and sustained as a result of decisions taken by—members will have guessed it—the previous Conservative Government.

We have set out our ideas. We think that the education system in Scotland would be improved if we had more free, independently run schools, as they have in Sweden and we have in Jordanhill, Glasgow. However, we do not claim to have any monopoly of wisdom in that respect. That is why we welcome further examination of the community trust model that has been proposed by East Lothian Council and the Scottish National Party.

Ken Macintosh: Will the member give way?

David McLetchie: No, thank you.

It is not only politicians but respected educationists such as Professor Patterson and Professor Wilkinson who have said clearly that many of the school reforms that were introduced by a Labour Government in England have raised standards there, while here in Scotland we have failed to progress despite the massive increase in spending. It seems that only Scottish Labour is stuck in the time warp.

Ken Macintosh: Will the member now give way?

David McLetchie: No, thank you.

Just as we do not claim to have a monopoly of wisdom in terms of a solution, we acknowledge that important questions need to be answered. As Michael Russell rightly said, just because someone does not have the answers, it does not mean that they should not ask the questions. One such question is: should schools that are run by community trusts or independent free schools determine the terms and conditions of employment of teachers and other staff or would that remain subject to national bargaining? Peter Peacock made some interesting observations on the issue of budgets, staffing and devolution of powers to head teachers. Another question is about the employer in a community trust school. Would it be the trust or the council? Those are important questions for staff. We need convincing answers to them because we want to take people with us.

There is little that is prescriptive in the motion. It recognises that we have to proceed with care and

over a period of time. After all, even in Sweden, it has taken 18 years to reach the stage at which 10 per cent of pupils are being educated in the sort of school that we have been discussing this morning. At this stage, the extent to which legislation will be necessary to bring into existence alternative models of school organisation is not even clear.

However, I firmly believe that we have to make a fresh start with the new cabinet secretary. I welcome the fact that he is receptive to new ideas and that he is prepared to commission and publish an options paper for debate. I welcome the work that the Parliament's Education, Lifelong Learning and Culture Committee will undertake in this respect. That said, if, as Mr Macintosh said, the issue is not a priority, why did Labour committee members vote to include it in the committee's work programme? It seems that he may be at variance with some of his colleagues on the issue.

Margaret Smith: Will the member give way?

David McLetchie: No. I am sorry, but I am in my last minute.

We need to make a start in this Parliament and lay the ground. As Elizabeth Smith said, doing nothing is not an option. Having done this preliminary work and focused the debate, I believe that schools reform will be one of the big issues in the next Parliament and at the 2011 election. It is an idea whose time has come, and is coming. I hope that everyone will get on board.

Scottish Executive Question Time

General Questions

11:39

Grangemouth Freight Hub

1. Cathy Peattie (Falkirk East) (Lab): To ask the Scottish Executive, following the final acquisition of land for the A801 Avon gorge upgrade, when its support will be forthcoming to enable the further progress of this project and other improvements related to the Grangemouth freight hub, as identified by the national planning framework 2 and the strategic transport projects review. (S3O-9810) Stewart Stevenson (Scottish National Party)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): I recognise the value of the work undertaken by Falkirk Council and West Lothian Council in moving this project forward. Under the terms of the concordat with local government, Falkirk Council and West Lothian Council are free to bring forward proposals for the upgrade of the A801, should they wish.

The priorities arising from the strategic transport projects review are clear—the Forth replacement crossing, and the Edinburgh to Glasgow, Highland main line and Aberdeen to Inverness rail improvements. We will bring forward future road and rail proposals arising from the STPR and national planning framework as resources permit.

Cathy Peattie: Does the minister agree that early support for the A801 upgrade and the Grangemouth freight hub would not only make my constituency a safer place but would make a fundamental contribution to the local and Scottish economy and would meet the Government's climate change commitments? Will he make the proposal the highest priority? People in Falkirk East simply cannot wait. I think that people in Scotland also cannot wait.

Stewart Stevenson: We have to manage within the resources that we have, given the constraints of the reduced funding that is now available from Westminster as a result of decisions that Cathy Peattie's colleagues there have made. I share her enthusiasm for this project; it is an important one, coupled with support for Grangemouth. That is, of course, why the projects that I set out made it into the STPR and national planning framework. We will act at as early a stage as finance permits.

Margaret Mitchell (Central Scotland) (Con): Will the minister examine, alongside any plans to

upgrade the rail facilities at Grangemouth freight hub, the potential to reintroduce passenger services to Grangemouth, not least because the infrastructure is in place and given the positive impact that that would have on the local economy?

Stewart Stevenson: My colleague Jamie Hepburn has already been on the case. The proposal has the potential to deliver significant local benefits. The rail line from Grangemouth that connects into the network is really only configured to allow trains to run to the west. One would therefore want to look to establish whether connections to the east would be of greater utility to Grangemouth than those to the west. We will keep the proposal under review, although I do not expect any early decisions on the matter.

Agenda for Change (Pay Banding)

2. Ken Macintosh (Eastwood) (Lab): To ask the Scottish Executive what action the Cabinet Secretary for Health and Wellbeing is taking to resolve outstanding disputes regarding pay banding under the agenda for change. (S3O-9800)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): National health service boards report that all appropriate staff are now being paid under the agenda for change system. Boards have received a number of review requests regarding pay banding outcomes and I have put in place arrangements to monitor boards' progress in completing review requests as quickly as possible. Monitoring shows that some boards have completed the review process and for those remaining, significant progress is being made with over 75 per cent of the post holders concerned now having been completed. I have asked boards to work towards completion by the end of March

Ken Macintosh: I am pleased to hear that the cabinet secretary is in contact with boards. I wish to draw some cases to her attention. Senior podiatrists who are graded at band 6 across most of Scotland are graded at band 5 in Glasgow, and specialist motor neurone disease nurses who are graded at band 7 across Scotland are graded at band 6 in Glasgow. I have written to the cabinet secretary on the issue of school nurses. Those who were on the former D and E grades should now be on band 5, and those who were on the former F grade should now be on band 6, but that is not the case in Glasgow. Is it acceptable for the matter still to be dragging on—in some cases, for longer than five years? What action can the cabinet secretary take to expedite matters?

Nicola Sturgeon: I outlined the action that we are taking to expedite matters. Last year, we put a great deal of effort into ensuring completion of the assimilation and payment of arrears part of the process. We are now focusing very much on

reviews. As I said, reviews will be completed by the end of March. I will not comment on individual cases, as it would not be appropriate for me to do so. I am sure that Ken Macintosh is aware of the philosophy that lies behind agenda for change, given that the pay system was introduced by the previous Administration.

I stress the different outcomes under agenda for change—if staff previously worked under the same job title or were on equivalent grades, that does not automatically indicate that the job evaluation process has failed. Previously, job titles were often used fairly generically, and separate services or areas of service are organised differently from one health board to another. The important principle of agenda for change is that the right job profile for the post is identified through the job evaluation process. The reason for the review process is to allow staff who are not satisfied with their banding to appeal.

The whole process of agenda for change, from its introduction through to where we are today, has been agreed in partnership with the unions and staff-side representatives. I understand the frustration that many staff feel at the length of time that the process has taken, and that is why it is so important to reach a conclusion as quickly as possible.

John Scott (Ayr) (Con): The minister may or may not be aware that agenda for change issues remain to be solved in NHS Ayrshire and Arran. I have raised the subject with her in the past. Will she use her influence to encourage NHS Ayrshire and Arran to bring matters to a conclusion, because staff are being financially disadvantaged and demoralised by the unsatisfactory nature of this protracted process?

Nicola Sturgeon: I acknowledge that John Scott has raised these matters with me previously.

As I think that I have said before in the chamber, I understand staff's frustration at the length of time that it has taken to progress agenda for change. Looking back to when the system was introduced in 2004, it beggars belief that anybody could have thought that its introduction would be completed within the timescales that were set by the previous Administration. We have taken steps to ensure progress, with a greater pace of implementation over these past months. NHS Ayrshire and Arran is under exactly the same pressure to complete the review part of the process by the end of March. As we have done over recent months, we will continue to monitor the progress that boards are making very carefully.

Electronic Bus Service Registration System

3. Willie Coffey (Kilmarnock and Loudoun) (SNP): To ask the Scottish Government what its

position is on the progress being made regarding the introduction of the electronic bus service registration system. (S3O-9834)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Electronic bus service registration is a business system to register a bus service with the traffic commissioner for Scotland and the Vehicle and Operator Services Agency, which is an agency of the United Kingdom Government's Department for Transport. The Scottish Government has no responsibility for the system.

Willie Coffey: I draw the minister's attention to the failure of Strathclyde partnership for transport to implement EBSR properly. I have passed to the minister correspondence that was generated by EBSR on 18 December 2009, concerning the withdrawal of a vital bus service in my constituency. As the area's transport authority, SPT failed to notify East Ayrshire Council of the service withdrawal. Its failure to implement EBSR continued up to this week. Will the minister do what he can to re-establish SPT as a credible transport authority, instead of being a mouthpiece for Glasgow city Labour Party? If that cannot be done, will he consider abolishing SPT and allowing local authorities to establish a useful organisation in its place?

Stewart Stevenson: I note what the member says about SPT. I endorse the remarks that the First Minister made in the chamber last week regarding our expectations for SPT to reform itself. I shall be meeting the regional transport partnership chairs, including the new chairperson of SPT, on 2 June, and I plan to discuss with them their governance arrangements and any need for legislative change in the future.

Public Services (Translation and Interpretation)

4. Nigel Don (North East Scotland) (SNP): To ask the Scottish Government what steps it is taking to review translation and interpretation services across public services. (S3O-9836)

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): We are working with internal and external stakeholders to consider ways, within the current budget restraints, to improve translation and interpretation services across public services. For example, NHS Health Scotland has been working with all health boards to agree a framework for delivering improved translation, interpreting and communication support services for their communities.

Nigel Don: I encourage the cabinet secretary to consult not just service providers in the national health service but those in councils and at many

other agencies that provide services to the public. I base my question on the experience in Aberdeen, where a very large number of people do not have English as their first language. I would like progress to be made throughout the public service, if that is possible.

Nicola Sturgeon: I agree strongly with Nigel Don's point. He might be interested to know that the Scottish Government is hosting an event in June to bring together stakeholders and service providers to discuss how we can all work together to improve the quality and standard of translation and interpreting, not just in the NHS but across the public sector. Invitations will go not just to the NHS but to the Crown Office and Procurator Fiscal Service, the Scottish Refugee Council, the centre for translation and interpreting studies in Scotland at Heriot-Watt University and a range of other public sector organisations. Given the number and range of people living in Scotland who do not have English as a first language, it is correct that we enable them to access public services in the same way as everybody else.

Kintore (Proposed Railway Station)

5. Alison McInnes (North East Scotland) (LD): To ask the Scottish Executive whether it has revised estimated passenger usage numbers for the proposed new railway station at Kintore. (S3O-9820)

The Minister for Transport, Infrastructure and Climate Change (Stewart Stevenson): Network Rail is at an early stage of feasibility work on improvements to the Aberdeen to Inverness line, which includes consideration of a station at Kintore. Work to assess estimated passenger demand for the proposed station will be carried out as part of the business case. That will be done when the technical feasibility of the station has been assessed.

Alison McInnes: The minister said in October last year:

"we underestimate patronage in new railway stations. It might be worth saying that we use a Great Britain-based model, which we are increasingly of the view does not properly reflect Scottish circumstances."—[*Official Report*, 7 October 2009; c 20356.]

In his letter to me of last month, the minister stated that the Department for Transport was leading on the development of a new model for estimating patronage. Estimates for the discredited model suggest that 68,000 passengers would use a crossrail service, although it is fair to mention that those in the know suggest that those passenger figures could safely be doubled and still be achievable. Why has the minister backed off from developing a properly responsive Scottish model? When will he grasp the opportunity to bring about a significant modal shift at Kintore?

Stewart Stevenson: It is an interesting suggestion from a unionist party that I should not work with the Department for Transport. I find that we can make common cause on a range of issues. Some of the issues that affect us in Scotland affect other parts of the GB rail network, and the same can be said on a number of other matters. I intend to continue to work with the DFT.

Maureen Watt (North East Scotland) (SNP): As the minister knows, the new model that is being examined by the DFT uses evidence from new stations that have been opened in Scotland. Does the minister believe that it is important to learn from the lessons that are offered by comparing estimated passenger numbers and actual passenger numbers at other stations that have been opened by the Scottish National Party Government, so as to apply them to future projects such as that at Kintore?

Stewart Stevenson: It is important to have a model that takes account of the specific local circumstances that will apply to proposals that may come before us. Transport Scotland has already provided the Department for Transport at Westminster with information relating to the Larkhall to Milngavie link, the Stirling-Alloa-Kincardine link and Laurencekirk station. We will work with colleagues at Westminster to ensure that the model that is developed by the Department for Transport, with our co-operation and participation, is fit for purpose in a Scottish context.

Police, Public Order and Criminal Justice (Scotland) Act 2006

6. John Lamont (Roxburgh and Berwickshire) (Con): To ask the Scottish Executive what its position is on exempting common ridings and other similar community events from the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006. (S3O-9765)

The Cabinet Secretary for Justice (Kenny MacAskill): The guidance to local authorities that was published by the working group on marches and parades in December 2006 makes it clear that, if a local authority makes a case why a certain type of procession should be excluded from the notification process, the Scottish ministers will consider it and make an order if necessary.

Only funeral processions are currently exempt from the notification requirements under the Civic Government (Scotland) Act 1982. I do not consider that it would be appropriate at this time to make an order exempting common ridings and other similar community events. There are important reasons why even non-contentious

marches and parades need to be planned carefully.

In discussions with me, representatives from the Association of Chief Police Officers in Scotland and the Convention of Scottish Local Authorities advised that they would not support the reinstatement of exemptions.

John Lamont: I acknowledge that it was the previous Liberal-Labour Administration that introduced the 2006 act, but I hope that the cabinet secretary recognises the importance of the historic common ridings and festivals to their communities in the Borders, and that he acknowledges the many hundreds of volunteers who organise and manage the events. Many volunteers and groups feel that the regulations are now strangling their events with red tape and extra administration. Will the cabinet secretary agree to meet me and some of the organisers of the events to discuss their concerns and to seek to agree a way forward

Kenny MacAskill: I fully recognise the contemporary and historical importance of those events and I am more than happy to meet the member. The meeting at which the issue was recently discussed was a result of similar issues being raised in Dumfries and Galloway. The Administration does not rule anything in or out, but the clear advice from representatives of local authorities and the police was that they did not wish to vary the rules or provide any exemptions. I am happy to meet the member, but perhaps he should also act by asking the local authority in his area to speak to COSLA, because the clear advice from police and local authorities at present is that they do not want changes.

Elaine Murray (Dumfries) (Lab): The cabinet secretary is aware that Dumfries and Galloway Council applied for an exemption last year and was rejected. Will he comment on why events such as common ridings are considered to be so disruptive that they are dealt with in the same manner as sectarian parades such as Orange order marches? If he is not prepared to reconsider the issue now, when will he reconsider it?

Kenny MacAskill: I am always prepared to listen to advice from local authorities and the police. The clear advice from them is that, no matter how small an event may be, it impacts on traffic and there are dangers to others. I am more than happy to review the matter. Dumfries and Galloway Council raised the matter initially, but I spoke with COSLA and ACPOS. Perhaps Dumfries and Galloway Council should seek to lobby on the matter in COSLA. The chief constable of Dumfries and Galloway Constabulary, Pat Shearer, is the current president of ACPOS. Perhaps the member should seek to achieve a change in the views of the police locally, because

their view was to keep the situation as it stands and not to vary it.

Economy (Fiscal Stimulus)

7. Andy Kerr (East Kilbride) (Lab): To ask the Scottish Executive what its position is on the fiscal stimulus measures that the United Kingdom Government has taken and their impact on Scotland's economy. (S3O-9793)

The Cabinet Secretary for Finance and Sustainable Growth (John Swinney): In the past 12 months, Governments throughout the world have put forward a wide range of fiscal stimulus packages, which have helped stimulate global demand and support economies through the downturn. A large proportion of the global stimulus has come from infrastructure investment programmes, which International Monetary Fund analysis shows can have major economic benefits. In Scotland, the ability to accelerate capital expenditure is estimated to have supported more than 5,000 jobs in the economy. That is why it is disappointing that the chancellor ignored the compelling case to accelerate additional capital spending into 2010-11.

George Foulkes (Lothians) (Lab): Boring.

The Presiding Officer (Alex Fergusson): That is enough, thank you, Lord Foulkes—no more.

John Swinney: For the record, I point out again that the United Kingdom Government is the only G7 Government that is not implementing a further discretionary stimulus measure this year.

Andy Kerr: If the cabinet secretary would care to reflect on the Scottish Futures Trust, which has cost at least 28,000 jobs in our construction sector, he might not make such inappropriate statements regarding the UK measures. He mentioned the International Monetary Fund. Statements by the IMF and Professor David Blanchflower have made clear that

“the Tories’ economic plans have the potential to harm the British economy in these fragile times”—

and, in turn, the Scottish economy—and that the Tories have no

“credible plans to raise growth, lower unemployment or increase the incomes of ordinary working people.”

Will the cabinet secretary share his views on the measures that the Tory party currently promotes?

The Presiding Officer: I do not believe that that is within the cabinet secretary's responsibility, although I would be surprised if he does not have a view to share.

John Swinney: I am glad that you have exonerated me from responsibility for the Conservative party and its programme, Presiding Officer—that is an enormous relief.

Andy Kerr and I probably agree that a significant issue that will affect economic recovery is the level and impact of public expenditure in 2010-11. That is why the First Minister has asked the chancellor and the Conservative and Liberal Democrat shadow chancellors to clarify their position on whether the 2010-11 budget, which the Parliament has agreed, will in any way be revisited. To say that the answer from the chancellor lacks clarity is to exaggerate its precision.

The IMF has published a clear analysis that demonstrates that, in 2010, there will be no UK fiscal stimulus package. The United Kingdom Government has withdrawn fiscal stimulus measures in 2010-11, which will be bad for the Scottish economy, and we encourage the chancellor to think again.

First Minister's Question Time

12:00

The Presiding Officer (Alex Fergusson): For entirely understandable reasons, question 6 has had to be withdrawn. That should not be an excuse for questions or answers to be any longer than usual.

Engagements

1. Iain Gray (East Lothian) (Lab): To ask the First Minister what engagements he has planned for the rest of the day. (S3F-2261)

The First Minister (Alex Salmond): Later today, I will have engagements to take forward the Government's programme for Scotland.

Iain Gray: Will the First Minister confirm that curriculum for excellence will begin in all schools—primary and secondary—this August?

The First Minister: As the Cabinet Secretary for Education and Lifelong Learning has said, we follow the management board's advice, which is to continue with curriculum for excellence. Iain Gray will have noticed—despite comments to the contrary—the substantial support that curriculum for excellence has throughout the education sector.

The curriculum management board now includes teacher representatives—that is one change that this Administration has made. I am therefore sure that Iain Gray sees the sense and logic of the cabinet secretary's following that board's advice.

Iain Gray: My question was fairly straightforward. I support curriculum for excellence and agree that its principles have widespread support. That is why I would like the reassurance that it will be introduced in our schools as planned, in August. The First Minister has had three years: he has already delayed the new curriculum's introduction by a year.

The First Minister talks about the involvement of teachers, but they tell us that they do not know what is happening. Some say that they do not know what they will be teaching first years in secondary school in August. When I was a teacher in the 1980s, I saw plenty of changes in the curriculum, but I never saw a shambles like this. I always knew what I would be teaching before classes arrived at the door.

Time is running out.

Members: What about a question?

Iain Gray: Here is the question. *[Interruption.]* The question is coming now, but we will wait long

enough for the answer. That is for sure. *[Interruption.]*

The Presiding Officer: Order. Let us have the question, please

Iain Gray: What action is the First Minister taking now to sort out the situation in time for August?

The First Minister: The answer is much shorter than the question—we will follow the curriculum management board's advice.

In trying—I have no doubt that he is—to help Scottish education, Iain Gray gives the impression that many voices are raised against curriculum for excellence, but that is simply not true. I will quote some voices from the past week. Greg Dempster, who is the Association of Head Teachers and Deputies in Scotland's general secretary, said:

"We are against any delay. Many schools have been working hard and any announcement of delay will cause that momentum to diminish."

John Stodter, who is the Association of Directors of Education in Scotland's general secretary, said:

"We are not in favour of holding off because it would be a big demotivating factor for many teachers."

Now, I think—*[Interruption.]*

The Presiding Officer: Order. There are too many sedentary interventions from Labour members. Please keep it under control.

The First Minister: The sedentary interventions are a sign of discontent among Labour members with their leader rather than about the issue. The standing interventions show the broad-based support for curriculum for excellence throughout Scottish education. At some point, that support will be extended to include the Opposition leader and the Opposition party in the Scottish Parliament.

Iain Gray: The First Minister needs to pay attention. I, too, am against delay. That is why I ask him whether he can guarantee that he will take the action that is required to introduce the new curriculum in August. I ask that question not just for myself, but for the parents of the 55,000 Scottish pupils who will start secondary school in August. Those parents do not know what their children will learn or how they will be taught. I wonder whether the First Minister knows that. How many subjects will pupils take? How many exams will they sit? In what year will they move to the exam curriculum—secondary 3 or S4?

The First Minister: Right. Let me give Iain Gray the detail on the support that the Government has introduced. There have been four additional in-service days and investment of £4 million in 100 extra teachers to provide support for implementation. There has been the provision of

curriculum guidance, including on assessment, assurance and moderation, with the online national assessment resource to support teachers further this autumn. Those are actions that the education secretary has already taken over and above the previous Administration's lack of planning. I am sure that Iain Gray will welcome them.

I am also sure that Iain Gray was a fine teacher when he practised education. What a pity it is to see such a fine teacher going wrong in politics.

Iain Gray: Once again, the First Minister needs to pay attention to the question. I did not ask how many in-service days there were.

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon): He did.

Iain Gray: No. For the avoidance of doubt, I will ask my questions again, because I think that the First Minister has no idea. These are the questions that parents are asking. When their children go to high school for the first time in August, how many subjects will those pupils take? How many exams will they sit? In what year will they move to the exam curriculum—will it be in S3 or S4? The Scottish Government has given different answers to those questions and the First Minister has given no answer to them.

The First Minister: Iain Gray asked three questions; let me give him three answers. The first answer is the same; the second answer is the same; and the third answer is fourth year. I hope that that is clear enough for him. The fact is that this Administration has supported curriculum for excellence—although it seems that the Labour Party is equivocal at best in its support. [Interruption.]

The Presiding Officer: Order, order.

The First Minister: Iain Gray asked me in his second question what additional support had been provided and what measures have been taken to introduce the change in the Scottish education system. I answered him specifically as to the changes that had been introduced. I know that he did not like the answer, but it was the answer to his question. Every one of the actions that have been taken is over and above the inactivity of the Labour Party when, unfortunately, it was in charge of the education system in Scotland.

Curriculum for excellence is a tremendous innovation in Scottish education. There is huge enthusiasm for it across the education sector. Parents, pupils and teachers in Scotland are looking for a lead from Parliament, and for it not to play about with the issue but to recognise the importance of our children's education, which might be rather more important than the Labour

Party's looking for some confusion or political advantage. Labour members must rise to the occasion and get behind the curriculum.

Secretary of State for Scotland (Meetings)

2. Annabel Goldie (West of Scotland) (Con): To ask the First Minister when he will next meet the Secretary of State for Scotland. (S3F-2262)

The First Minister (Alex Salmond): I have no plans to meet the Secretary of State for Scotland in the near future. I was at the joint ministerial committee in London yesterday, which concerned several important agreements. The Scotland Office was represented by the secretary of state's deputy.

Annabel Goldie: We all know that there is nothing the First Minister likes better than flashing a toothy smile for the benefit of any passing camera, but all is not well in the world of Scottish dentistry. At a cost of £2.5 million every year, the Scottish National Party Government wants to allow the names of patients to remain registered with a dentist for ever, even if that patient has not turned up for years or not turned up at all. That may allow the Government to trumpet that more and more patients are registered with dentists, but it does not mean that any more are being treated by dentists. That is why the stupidity of the approach is obvious to most people, not least to the British Dental Association in Scotland, which says:

"It has ... been pointed out that the change is a politically expedient way of artificially improving the statistic".

Does the First Minister agree that, in layman's terms, that means cooking the books? How can he defend that?

The First Minister: We have already increased registrations in dentistry, but let us look at the specific achievements since the Government took office. We have met the manifesto commitment to establish the new dental school in Aberdeen—I had the great pleasure of opening it myself. We have met the manifesto commitment to reintroduce a school-based dental service—which was launched by Shona Robison—in the childsmile programme on 3 December 2007. We have met the 2008-09 dental health improvement, efficiency, access and treatment target for 80 per cent of all three to five-year-old children to be registered with a national health service dentist.

The facts are that there are more dentists and that more treatment is taking place across Scotland than in the miserable record that we inherited from the previous Administration. I would have thought that the substantial achievements—from the admittedly depressing series of statistics that we inherited—would give Annabel Goldie cause to smile before she asks her second question.

Annabel Goldie: Let me bring the First Minister back down to earth. I had hoped that Ms Sturgeon's whispering sweet nothings into his ear might have enlightened us all, but clearly she failed. The facts are that in Moray barely a quarter of adults are registered with an NHS dentist, in Aberdeenshire only 41 per cent of adults are registered, and in the Scottish Borders fewer than half are. Teeth are rotting while we speak—that is hardly a tribute to the Government's stunning success with Scottish dentistry.

On the registering-for-ever approach, the First Minister's Government has chosen to ignore the dire warnings of NHS dentists in Scotland, who warn that the change will undermine the importance of regular check-ups and will, which is most alarming of all, increase the chances that serious conditions such as mouth cancer will go undetected.

All that will cost £2.4 million a year, just to make the SNP Government look better. That £2.4 million could be much better spent on giving more patients real treatment, than wasted on phoney propaganda for the SNP. The Conservatives have lodged a motion to annul this nonsense. Will the First Minister support it?

The First Minister: I point out that the reason for the change to continuous registration is to prevent patients from being deregistered from the national health service. That is the basis of the change.

Annabel Goldie asked what Nicola Sturgeon was drawing to my attention, so let me tell the Parliament. She was highlighting the figure of 15 per cent—the increase in dentists under this Administration—which is an extraordinary improvement on the situation that we inherited.

I have looked closely at this and I have tried to get an answer from the shadow chancellor on the Tories' so-called emergency budget after the election, when they anticipate being in a position to introduce such a budget. Answer came there none. I put it to Annabel Goldie: if the Tories plan further savage cuts in public spending, one thing that might be affected is the number of dentists in Scotland. Does she feel no element of shame in putting forward a position in which she wants more dental treatment, more dentists and more public spending, when her colleagues in London are secretly planning to slash all those things?

Annabel Goldie: Nobody disputes the extreme nature of the financial challenge that is being visited on this country—it is the legacy of Labour debt. Is that not exactly why the First Minister should be spending £2.4 million on treating people's teeth and not on filling up meaningless patient lists with patients who never go for treatment?

The First Minister: Two things are absolutely essential to treat people's teeth. The first is to ensure that people are registered with a dentist, and the second is to ensure that there are enough dentists to treat the people who are registered. Both of those things are in hand under this Administration. The increase in dentists and the increase in treatment are impressive achievements over the past three years.

It is entirely reasonable, not just for me but for the whole Parliament, to look to the Tories for further detail on the cuts that they are planning—not in the future but in this year—to the Scottish budget that we have all passed and that councils are using in passing their budgets. Every time Conservative members raise an issue about public spending in Scotland, they will be asked how they can argue for specific public spending when they are planning a general cut across the board.

Cabinet (Meetings)

3. Tavish Scott (Shetland) (LD): To ask the First Minister what issues will be discussed at the next meeting of the Cabinet. (S3F-2263)

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

Tavish Scott: The Scottish National Party Government announced a 4.2 per cent rise in CalMac Ferries fares on Tuesday. The increase will hit people in the Minister for Enterprise, Energy and Tourism's constituency, Argyll and Bute. However, the £7.5 million ferry fare bribe in Dr Allan's constituency, the Western Isles, remains untouched. How much of the extra fares that are paid in Argyll will go towards paying for that?

The First Minister: The road equivalent tariff pilot scheme, which was in our manifesto, has been broadly welcomed—not just in the Western Isles but throughout Scotland—by people who are looking for an approach that will help peripheral communities to cope with the disadvantages of peripherality. Tavish Scott should be thoroughly ashamed of describing the innovation of that pilot scheme, which was fully funded by Government resources, in the way that he did. I do not know what the membership of the Liberal Democrat Party is in the Western Isles, but whatever vast number of members the party had yesterday will, I am sure, be significantly reduced today, after people have heard Tavish Scott deprecate the road equivalent tariff in such terms

Tavish Scott: So the answer is, "Yes—people in Argyll will pay." The First Minister mentioned his manifesto. Let us talk about that. Putting up ferry fares by 4.2 per cent was not in the manifesto.

Last week, we showed that the Government is doubling the business rates for some hotels in Scotland, because of the First Minister's decision not to have a transitional relief scheme. Hotels on Mull, Islay and Bute, which rely on CalMac, face increases in their bills of 44 per cent, 144 per cent and 80 per cent. Now the First Minister is doubling the increase in ferry fares to get to those places.

The situation is just as bad for other businesses. How does raising fares help salmon and fishing industries in Shetland, which depend on ferries? The First Minister's Government has decided to cut the speed of ferries from the northern isles, increase journey times and make vessels leave harbour before the fishing industry can load them. How is that fair? How can the First Minister do that without having the courtesy to ask businesses whether such a change will cripple them? If slowing down transport to save fuel is the future, will his ministerial BMW stick to 30mph when he goes home to Strichen?

The First Minister: I think that the BMWs were part of the Administration of which Tavish Scott was a member—[*Interruption.*] Ministerial car use has declined significantly since this Administration took office.

Let me point out to Tavish Scott some of the facts. Government spending on ferry services has increased by 38 per cent since 2007 and there will, despite the budget pressures, be a further increase of £2 million in the ferry budget for 2010-11, from £103 million to £105 million. Tavish Scott should welcome such a substantial increase at a time of extraordinary financial pressure on the public purse.

Tavish Scott also referred to the question that he asked last week at First Minister's question time, I presume because he was not satisfied with the outcome last week. I point out that he seems, in blithely arguing for a transitional relief scheme, to be ignoring the fact that the 60 per cent of Scottish businesses that are gaining from the rating proposal, which include hotels, small businesses and a variety of other businesses, would have to pay for his transitional relief scheme.

I do not know whether Tavish Scott looks beyond his own interests when he asks questions, but simultaneously to alienate the whole of the Western Isles—

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): You can do that—

The Presiding Officer: Order, Mr Rumbles.

The First Minister: To alienate the whole of the Western Isles and 60 per cent of Scottish businesses in a single First Minister's question

time is an achievement that even Michael Rumbles would find difficult to emulate.

The Presiding Officer: There have been a considerable number of requests for questions on the matter of this supplementary question, so I hope that members will understand my taking the question from the relevant constituency member, Paul Martin.

Paul Martin (Glasgow Springburn) (Lab): I am sure that the First Minister and all members in the chamber will join me in expressing the deepest sympathy to the family of the Russian asylum seekers who tragically committed suicide in the Red Road area of my constituency. Will the First Minister look into the tragic circumstances of those sad deaths and take the necessary steps to ensure that proper resources have been, and will continue to be, put in place, and that we learn lessons for what future resources should be provided to deliver the services that are required to support not only asylum seekers in our communities but the communities in my constituency that have supported for so many years those who seek refuge in Scotland?

The First Minister: That tragic incident has shocked the local community in the member's constituency, and communities across Glasgow and Scotland. I offer my deep sympathy to those who have been affected. I remain committed, as I hope the whole Parliament is, to fair treatment for all those who seek asylum in Scotland.

A great deal has been done through not just public authorities but voluntary agencies to support people who seek asylum in Scotland. However, I am sure that Paul Martin will be the first to accept that people in that position can often suffer circumstances of deep uncertainty about their future. I have said a number of times in the chamber that we have an obligation to asylum seekers that is equal to the obligation that we have to citizens across Scotland, because the asylum seekers are in our country and are entitled to our protection.

On looking further at the specific circumstances of this case, one potential route to take would obviously be a fatal accident inquiry. However, I am sure that Paul Martin will understand that the decision whether to take such a step is at the discretion of the law officers. I am sure that the Lord Advocate will have heard his question today and will respond in a timely way.

The Presiding Officer: I will take another supplementary from Derek Brownlee.

Derek Brownlee (South of Scotland) (Con): Last week's Scottish Government economic recovery plan majored on the importance of the Scottish investment bank to support recovery. Parliament has voted additional funding to the SIB

for this financial year. Will the Government ensure that it reaches businesses in this financial year?

The First Minister: That is the intention behind the Scottish investment bank. Indeed, the co-investment funds that fund part of it are being deployed across Scotland at the present moment. I am glad to have Derek Brownlee's support for that initiative. However, I say to him that I would like clarity from the Conservative shadow chancellor on his approach to next year's budget. I have had an equivocal response from the Chancellor of the Exchequer and an incredible response from the Liberal Democrat spokesperson. It would be useful in terms of investment through the Scottish investment bank and across the range of public spending in Scotland if we had clarity from the Westminster parties on what, if anything, they intend to cut from the budget that this Parliament has allocated in recent times, and which local authorities across Scotland are debating. Any assistance that Derek Brownlee can give us in seeking that information will be gratefully received.

Public and Commercial Services Union (Industrial Action)

4. John Wilson (Central Scotland) (SNP): To ask the First Minister what discussions have taken place between the Scottish Government and the Public and Commercial Services Union regarding the impact on the Scottish Government's directorates of the current industrial action. (S3F-2267)

The First Minister (Alex Salmond): There have been no specific discussions between the Scottish Government and PCS regarding the impact on the Scottish Government's directorates of the industrial action that took place this week, as it relates to the civil service compensation scheme, which is a reserved matter. However, Scottish Government officials are in regular discussion with all five Scottish Government unions and, under the terms of a partnership agreement, meet at various levels on at least 10 occasions per year.

John Wilson: I point out to members that I have been a trade union member for more than 30 years. Does the First Minister agree that it is unfortunate, to put it mildly, that the Scottish Government and Scottish Parliament have been dragged in to what is essentially a dispute with the United Kingdom Government's Cabinet Office? What consultations has the UK Cabinet Office held with the Scottish Government regarding the issues at the heart of the industrial action by PCS?

The First Minister: It is, as the member said, a reserved matter and therefore Scottish ministers were not consulted on the proposals or, indeed, the on-going action. Of course, this Government

would wish to see a speedy resolution of the dispute and would urge both sides to work together towards that end.

David McLetchie (Edinburgh Pentlands) (Con): In the event of further strike action by PCS affecting the conduct of business in the Parliament, can the First Minister confirm that he will instruct all Scottish National Party MSPs to do their duty and turn up for work in this building on such days?

The First Minister: I am glad that my responsibilities have been enlarged to include the conduct of business in the Parliament. I think that the parliamentary authorities and the members concerned will be well able to conduct their business in a proper way, through democratic dialogue for the people of Scotland.

Alcohol (Minimum Unit Pricing)

5. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister whether the European Court of Justice ruling on minimum pricing for tobacco products raises questions regarding the legality of minimum unit pricing of alcohol. (S3F-2265)

The First Minister (Alex Salmond): Our proposals on minimum pricing will comply with European law. We consider that the proposal for minimum pricing is capable of complying with European law if it is a proportionate measure that is aimed at the protection of human health.

The Alcohol etc (Scotland) Bill has received a certificate of legislative competence from the Presiding Officer.

In my view, the debate on alcohol should try to rise above party politics. That is what the public expect, so I ask Jackie Baillie to reflect on the evidence that is being presented to the Health and Sport Committee, and to revisit her opposition to the policy.

Jackie Baillie: The First Minister will be aware that the language and decisions of the European Court of Justice on minimum pricing in general, whether on tobacco or alcohol, have been wholly consistent over the past 30 years.

On 29 October 2009, I asked the First Minister whether he would share the substance of the Government's legal advice on minimum pricing with all party leaders. Despite his positive response then, I regret that that has not yet happened. Will the First Minister now rise to the occasion, in the light of the increasing concerns about the legality of the proposed measure? If he is confident about the legal position, will he agree today to notify the provisions of the bill, and the associated subordinate legislation, to the European Commission so that we know, before stage 3, whether minimum pricing is legal?

The First Minister: Let me see whether I can help the member further. The opinion by the Advocate General that is often referred to

“relates to specific cases of minimum pricing for tobacco and cannot be interpreted as a judgement on the legality of minimum pricing in general. Indeed, the European Commission confirmed in a written statement to Catherine Stihler MSP earlier this year that EU legislation did not prohibit Member States for setting minimum retail prices for alcoholic beverages.”

I hope that that is clear enough for Jackie Baillie.

I said that the debate on the issue should rise above party politics. When I was visiting the House of Commons yesterday, as I mentioned to Annabel Goldie earlier—[*Interruption.*]

The Presiding Officer: Order.

The First Minister: When I was pursuing my duties there as First Minister of Scotland, guess what was on the agenda? It was a debate on minimum pricing of alcohol, in which member after member—Labour members, Liberal Democrat members and, I understand, even a few Conservative members—made the case for minimum pricing of alcohol. They did so on a cross-party basis because Kevin Barron, the chair of the House of Commons Health Select Committee, drew attention to the fact that his committee’s report made that case on public health grounds in the strongest terms. I cannot for the life of me see why all that cross-party consensus should be breaking out in the House of Commons in relation to the situation in England, which has a huge problem with alcohol, although a smaller one than Scotland, when in this Parliament—I presume because the weather is colder in Scotland—somehow the consensus is suspended and people such as Jackie Baillie cannot rise to the occasion and try to find a way of rebalancing this country’s attitude to alcohol.

Christine Grahame (South of Scotland) (SNP): Is the First Minister aware that in evidence to the Health and Sport Committee yesterday, Gavin Hewitt of the Scotch Whisky Association claimed that if minimum pricing for alcohol became law, there would be substantial consequences for exports of whisky to markets such as South Korea? Does he agree?

The First Minister: There is no basis or evidence to support the view that minimum pricing in Scotland would have an impact on the acceptance of Scotch whisky in overseas markets. There are two simple reasons for that. First, we in this country currently have a price regime that has a discriminatory effect on whisky, spirits and other alcoholic beverages. Countries that have tried to use that as a reason for discriminating against Scotch whisky have been the subjects of action by the World Trade Organization.

Secondly, makers of Scotch whisky or any other alcoholic beverage have nothing to fear from a discrimination point of view from an action that must be, in order to observe legality, non-discriminatory. On the contrary, Scotch whisky is one of the drinks that would benefit from being subject to taxation or, indeed, minimum pricing based on alcoholic content. For many years, the Scotch Whisky Association lobbied members of Parliament at Westminster across all political parties, pleading and arguing for taxation by alcoholic content, so it is passing strange that when minimum pricing is proposed on that basis, those arguments are suspended.

I say to Christine Grahame that there is no basis for that fear, but there is the strongest possible evidence that minimum pricing is part of the solution to redressing Scotland’s attitude to alcohol.

Robert Brown (Glasgow) (LD): Will the First Minister nevertheless accept that the legality of minimum pricing and its format and rate is a crucial requirement? Is he aware that minimum pricing for spirits was ruled as being a barrier to trade under article 30 of the Treaty of Rome? Given that the provisions in the Alcohol etc (Scotland) Bill are no more developed than they were in the Criminal Justice and Licensing (Scotland) Bill, will the First Minister put in the public domain a clear and detailed analysis of how the minimum pricing scheme meets the necessity test and the material health benefit test so that the public, the industry and Parliament can have a clear and defensible view on the matter?

The First Minister: When I read out the quotation in my earlier answer to Jackie Baillie, I should have made it clear that it came from an analysis by Scottish Health Action on Alcohol Problems. It pinpoints exactly what has to be done to make sure that the minimum pricing scheme that we propose to use conforms to international and European law. It must be non-discriminatory: our minimum pricing proposals will be non-discriminatory. It also must be proportionate and benefit public health: our proposals will be proportionate in terms of the public health benefit. As the European Commission’s answer to Catherine Stihler MEP indicated, if they meet those criteria, our proposals will conform to international and European law.

It is extraordinary that Greg Mulholland MP said in the House of Commons yesterday that

“The Liberal Democrat parliamentary party very much supports a minimum price for alcohol.”—[*Official Report, House of Commons, 10 March 2010; Vol 507, c 319.*]

Has Robert Brown contacted Greg Mulholland to tell him that the entire Liberal Democrat Party in the House of Commons risks going ultra vires on European law, or does he think that it would only

be illegal in Scotland and not in England? Members need to stop hiding behind excuses and address the scale of the challenge that is facing Scottish society.

14:15

On resuming—

Scottish Executive Question Time

12:35

Meeting suspended until 14:15.

Education and Lifelong Learning

Outdoor Education

1. Mary Scanlon (Highlands and Islands) (Con): To ask the Scottish Executive what commitment it has to increase access to outdoor education facilities for all school pupils. (S3O-9763)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The Government is fully committed to securing increased opportunities for all pupils to access outdoor learning. The Forestry Commission and national parks, which receive Scottish Government funding, promote the key role of outdoor learning in supporting delivery of the curriculum for excellence. In addition, we provide funding to, among others, the Royal Highland Education Trust and the National Trust for Scotland and we support visits to farms, Bannockburn, Culloden and other places. I will shortly launch “Curriculum for Excellence Through Outdoor Learning”. That guidance and a supporting online resource have been developed alongside Learning and Teaching Scotland to help local authorities and schools to embrace opportunities that the new curriculum presents for learning in the outdoors to be embedded in learning and teaching.

Mary Scanlon: I thank the minister for that positive response, and I will put a positive suggestion to him. Loch Insh water sports and outdoor activity centre, which is based near Kincaig in the Cairngorms national park, has been owned and run for 40 years by the Freshwater family. The centre has trained or instructed three Olympic skiers and holds awards for the best on-the-water facility in Scotland and the best small business in the Highlands.

Currently, the Scottish Government contributes £2.5 million per annum to sportscotland to fund sporting centres of excellence. The minister might want to bring the Loch Insh centre into the new opportunities for outdoor learning. Does he consider it fair and reasonable that such an exceptional centre receives no funding towards providing a nationally recognised facility and a world-class level of training and instruction?

Michael Russell: I am not the arbiter of what is fair and reasonable on sports facilities, which is probably just as well for the people of Scotland.

However, I take the member's point and I am happy to ask my officials to investigate the issue and to inquire about the situation with sportscotland and the Minister for Public Health and Sport.

Many opportunities are going splendidly well—I was about to say swimmingly well, but I probably should keep off that topic. For example, outstanding work is being done by forest schools in the member's area, but also in the most unusual places. For instance, I saw a forest school project in Tollcross park in Glasgow. I intend to work vigorously to expand the opportunities that are presented by forest schools. I will ensure that the member is written to on the issue that she raises.

Physical Education

2. Jim Hume (South of Scotland) (LD): To ask the Scottish Executive what measures it is taking to give primary and secondary school-age children and young people more and better physical education opportunities. (S3O-9818)

The Minister for Transport and Infrastructure (Keith Brown): The Government, together with our partners in the Convention of Scottish Local Authorities and local authorities, is committed to children and young people throughout Scotland receiving two hours of quality physical education every week. The two-hour commitment is an integral part of the curriculum for excellence and it is being introduced by local authorities in schools, in addition to physical activity and sport. To support that, we agreed funding of £1.8 million with the University of Glasgow and the University of Edinburgh for the period 2008 to 2011 to provide a postgraduate certificate in physical education. About 657 primary teachers have enrolled on the course and 381 of them had completed it in Glasgow by December 2009. Those teachers are making a significant contribution to improving the quality of PE in our primary schools.

The new curriculum framework opens up opportunities for children and young people to participate in a wide range of activities in and around the school day. We provide significant funding to councils through the concordat and through the £12 million active schools programme, which supports schools and councils in their work to increase the amount of PE, physical activity and sport that are offered to pupils. About 2,500 schools throughout the country are involved with activities that take place in and around the school day.

Jim Hume: I thank the minister for that succinct answer. Before the election, the SNP promised that schoolchildren would have a guaranteed five days of outdoor education but, unfortunately, the number of outdoor active schools co-ordinators

has reduced. There was also a promise that all children would be given free swimming all year round. In answer to parliamentary questions on that, I was informed that the Government is "currently working" to provide "more ... opportunities", but there was no mention of free swimming. On the eve of the SNP's fourth year of administration, can the minister confirm that those promises will be fulfilled?

Keith Brown: Jim Hume is well aware that the onus of delivering two hours of PE every week is on us in conjunction with local councils. He is also aware of the legacy of constraints that we inherited from the previous Administration, in relation both to the number of teachers who are properly trained to deliver physical education and the facilities in which physical education can take place. We have increased massively—by around 25 per cent—the number of teachers who are trained to deliver PE. In addition, there is a political impetus behind the commitment that was not present before we came into office. If Jim Hume believes—as I am sure he does—that this is a good thing for us to do, he could spend his time more productively on working positively towards success, so that all our children benefit from the policy, instead of endlessly wishing for failure.

Anti-drug Policies

3. Gil Paterson (West of Scotland) (SNP): To ask the Scottish Government what it is doing to promote its anti-drug policies in schools. (S3O-9852)

The Minister for Children and Early Years (Adam Ingram): Substance misuse education is a key strand of the health and wellbeing area of the curriculum for excellence and is the responsibility of all in the school community. The experiences and outcomes give particular emphasis to young people developing an understanding of the use and misuse of a variety of substances, including over-the-counter medicines, prescribed medicines and illegal drugs. Teachers will help young people to explore and develop their understanding of how risk-taking behaviours impact on and have consequences for their life choices. The new school curriculum will support young people to make informed personal choices, with the aim of promoting healthy lifestyles.

Gil Paterson: The minister will be aware that drug barons specifically target schoolchildren. Does the Scottish Government believe that we are informing children at the right age, or do we need to start teaching children a bit earlier than we do at present?

Adam Ingram: Under the curriculum for excellence, from pre-school through early primary, children will learn about things that are dangerous to them—things that they should not touch or

eat—and how to keep themselves safe, including ways of getting help in unsafe situations. In their later years at primary school, they will learn skills in making choices that may affect their health and wellbeing, and how to identify the different kinds of risks that are associated with the use and misuse of a range of substances, including the impact that misuse can have on them, their families and their friends. It is for schools and teachers to determine the context in which those skills are taught. If criminals—drug barons—are operating in the local community, we expect schools to build that factor into their teaching. This is a good example of an area in which the police should work with local schools to deliver education.

Education Budget (Departmental Expenditure Limit)

4. Anne McLaughlin (Glasgow) (SNP): To ask the Scottish Government what discussions it has had with the Convention of Scottish Local Authorities regarding the impact that a future United Kingdom Government emergency budget would have on the departmental expenditure limit for the education budget. (S3O-9848)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): The Scottish Government regularly discusses issues of strategic importance with COSLA. The First Minister and the president of COSLA, with the support of all the political group leaders—I stress the word “all”—have each written to the Chancellor of the Exchequer and relevant Opposition members at Westminster to emphasise the adverse impact that an emergency UK budget could have on Scottish budgets and public services. We will continue to make the strongest possible representations on the matter in the interests of the people of Scotland.

Anne McLaughlin: I am disappointed that there appears to be no clarity on the issue from either the Conservatives or Labour down south, and only contradiction and confusion from within those parties. Does the cabinet secretary agree that our children and students deserve better than to live in some kind of limbo, not knowing how the Scottish National Party Government will be able to maintain education budgets, as the people of Scotland are forced to wait like dependent children for wannabe Prime Ministers in their headmasters’ offices to decide who can wield the biggest axe over our children’s futures? Does he agree that all of our children and students will have a far more certain future when we finally decide to have just one budget and one Government making the decisions in an independent Scotland?

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): That is a difficult one.

Michael Russell: Difficult as it is, I am up for almost any challenge—certainly that of telling the truth on behalf of the people of Scotland. Indeed, I have found it to be a truism that the more sense that is being talked in this chamber, the louder the groans that come from Mike Rumbles. Anne McLaughlin’s question is immensely sensible.

However, before members on the Tory benches think that this is too entertaining, perhaps those Tory members who are planning to contest Westminster seats—indeed, I see that Alex Johnstone is among us today—might like to enlighten the people of Scotland on the point that Anne McLaughlin has made. Both Tory and Labour are saying, “There will be cuts,” and both are indicating the need for a special budget after the election, but if that special post-election budget cuts back on education in Scotland those members will need to account for the resulting decimation of Scottish hopes. I hope that members such as Mr Johnstone are listening. Perhaps if he goes to Westminster—

Mike Rumbles: He has no chance.

Michael Russell: Indeed, he has no chance. However, if he goes to Westminster, perhaps he can take that message very loudly with him.

The Deputy Presiding Officer (Trish Godman): Question 5 was not lodged.

Nursery Classes (Educational Standard)

6. Peter Peacock (Highlands and Islands) (Lab): To ask the Scottish Executive what its position is regarding the educational standard of pre-school nursery classes led by nursery nurses compared with those led by qualified teachers. (S3O-9809)

The Minister for Children and Early Years (Adam Ingram): We are committed to improving the standards of education in the early years to ensure that every child has the best start in life. Research suggests that levels of highly trained staff are important in raising standards to improve children’s outcomes. That is why we are committed both to ensuring that every pre-school child has access to a teacher and to supporting the rest of the workforce who deliver services to our children and young people. Those workers are an essential part of delivering our early years framework and our drive to raise standards through registration with the Scottish Social Services Council.

Peter Peacock: I note what the minister says, but can he say precisely what progress has been made on the Government’s manifesto commitment to deliver

“a fully qualified nursery teacher for every nursery age child”?

Does that manifesto commitment remain? When will it be achieved?

Also, will the minister recognise the excellent work of our highly qualified nursery nurses inside the current system?

Adam Ingram: Yes, we are certainly pushing up the access figures. Over the past couple of years, we have seen a stabilisation in the teacher workforce, which had, unfortunately, substantially reduced during the term of the previous Administration.

On the question of the quality of the workforce, we are also seeing significant increases in the levels of qualifications. In the early years workforce, there has been an enthusiastic take-up of the opportunities that are available to people to improve their skills. At the moment, we have 1,200 people working towards level 4 Scottish vocational qualifications. We also have 940 people undertaking degree-level study, which is an unprecedented number for the sector.

Kemnay Academy

7. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Executive what recent discussions it has had with Aberdeenshire Council regarding the replacement of Kemnay academy. (S3O-9771)

The Minister for Transport and Infrastructure (Keith Brown): We have had no recent discussions with Aberdeenshire Council regarding the replacement of Kemnay academy. However, the Scottish Futures Trust has been in regular dialogue with the council to progress the Ellon academy and Mearns academy school building projects, which the Government is supporting through the new school building programme.

Alex Johnstone: I acknowledge the measures that were put in place for Ellon academy and Mearns academy, which were most welcome. However, does the minister accept that Kemnay academy remains a high priority? Will he undertake to ensure that every possible fiscal device is made available to replace the Kemnay academy building so that the necessary capital investment can be made in an appropriate way?

Keith Brown: As the member has acknowledged, Aberdeenshire Council was the only local authority in Scotland to have two secondary schools in the recent announcement on capital investment, so the area is benefiting greatly from Government support. The member will also know that £1.7 million of work has been done to take the existing Kemnay academy from condition C to condition B, although I am aware that the council still sees the school as one of its top priorities. As I said, the school will be considered

as part of the forthcoming discussions on the next tranche of schools to be refurbished or rebuilt.

As has been mentioned already, our ability to continue with the plans that have been announced will be coloured by what happens in any new emergency budget at Westminster. I enjoin the member to ensure that, if he is lucky enough to be elected to Westminster, he makes the same representations as he is making here in the Scottish Parliament.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In last week's schools debate, the cabinet secretary acknowledged my point that children only have their education once. The fact is that an entire generation of children in Kemnay face the prospect of receiving their education in a substandard learning environment. Will the cabinet secretary or his colleague today give a commitment to bring forward the £38 million that Aberdeenshire Council estimates is needed to replace the school? We must bear in mind the fact that, in relation to the two schools to which the minister referred, Aberdeenshire Council already has to find the two thirds of the costs, so the money is not coming only from Government.

Keith Brown: I think that the member will find that the Government bears two thirds of the costs of the two schools that have been proposed, not the councils. Perhaps he should check that fact.

I am sure that the member is aware of the legacy of buildings that the Government has to deal with. In a time of substantial financial constraints, it might not be possible to deal with all of that in the course of one session, so perhaps the best thing for Mr Rumbles to do would be to campaign for the re-election of a Scottish National Party Government so that we can continue the work.

It is worth pointing out that Ellon and Mearns academies were the top priorities for the council when we took office, and we met the council's requests.

School Provision (Planning Developments)

8. Robert Brown (Glasgow) (LD): To ask the Scottish Executive whether education authorities are obliged to take account of major planning developments in their area when planning primary and secondary school provision. (S3O-9816)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): In fulfilling their duty to provide adequate and efficient education within their areas, local authorities regularly review their school stock in light of many changing factors, including population patterns and educational needs. Major planning developments might lead to changes in the local school age population, which should, of course, be

taken account of by education authorities. Whether such changes require changes to the local primary and secondary provision will depend entirely on local circumstances.

Robert Brown: I would like to draw the minister's attention to two examples in my constituency of situations in which the number of new houses and the school provision has got extraordinarily out of kilter. The first is the well-known case of St Ninian's in Eastwood—not, admittedly, in my constituency, but overlapping the border—whose capacity has been overwhelmed by new house building in Glasgow and East Renfrewshire. The second is in the Drumsagard area of Cambuslang, where some children are having to be shipped to a school a mile away because nobody seemed to notice that 2,000 new houses had been built in the vicinity. Does the cabinet secretary agree that it is time that councils were required to take greater account of that sort of thing in their education provision?

Michael Russell: I agree with Mr Brown that councils should take account of such factors. There is a requirement in the law for councils to provide adequate and efficient education in their areas. By definition, that means that councils should know what is happening in their areas and should plan ahead.

I am happy to meet the member or anyone else to discuss the individual circumstances that the member mentions. However, the responsibility lies with the local authorities. Of course, the fact that local authorities are also planning authorities means that we should be entitled to think that one side knows what the other is doing.

We are extremely supportive of councils thinking ahead and deciding how they should provide. The debates that we are having in Scotland about how we can ensure that that process continually improves can only help with regard to the member's concerns.

School Inspections

9. Dave Thompson (Highlands and Islands) (SNP): To ask the Scottish Government how often schools receive inspections. (S3O-9854)

The Cabinet Secretary for Education and Lifelong Learning (Michael Russell): In line with a commitment made by the previous Administration, Her Majesty's Inspectorate of Education inspects on a generational cycle. Currently, all primary schools and pre-school centres will be inspected over the seven years from 2008-09 to 2014-15, and every secondary school will be inspected over the six years from 2008-09 to 2013-14. In all sectors, some schools and centres will have additional follow-through

inspections, and further inspections might be carried out in response to special circumstances.

Dave Thompson: Current school inspections seem to be based on a tick-box mentality, with a desire on the inspectors' parts to find and highlight only faults. There appears to be little in the way of supportive encouragement to headteachers—indeed, the opposite often seems to be the case. What does the cabinet secretary plan to do to improve that apparently flawed system?

Michael Russell: Since coming into this post, I have made it clear that the system of inspection needs to be reformed, to an extent. I am pleased that the new senior chief inspector of education agrees with me. I must pay tribute to his predecessor, Graham Donaldson, who made significant changes in the means of inspection.

HMIE began to revise its inspection models in January 2007. The revised models were based on a set of principles, which were agreed with stakeholders after a pilot period, and were fully adopted in August 2008. I will be happy to meet the member to discuss in more detail those approaches to inspection and to facilitate a discussion between him and the inspectorate. The revised models have significantly reduced the pre-inspection demands and focus on how well a school knows itself and is engaged in planning its future and work for its pupils.

There is always room to take such issues further and involve people more. With the new senior chief inspector, I have focused on issues to do with small school inspections, in relation to which special considerations must be taken into account. We are making progress. The member will be pleased to hear that later this month I will meet a group of senior inspectors, teachers, parents and others for a discussion about how the system is working and how we can take it further.

Europe, External Affairs and Culture

Design and Creative Industries

1. Des McNulty (Clydebank and Milngavie) (Lab): To ask the Scottish Executive what plans it has for bringing together the design and creative industries, following the closure of the Lighthouse, in Glasgow, and what role creative Scotland is expected to play in the development of the design and creative industries sector. (S3O-9804)

The Minister for Culture and External Affairs (Fiona Hyslop): The Lighthouse building is not closed. Government support has enabled it to stay open. Staff from the Lighthouse Trust transferred to Architecture and Design Scotland, to maintain our architecture programmes. Proposals are being explored to find financially viable options for the

Lighthouse so that it can continue to make a major contribution to architecture and design in Scotland.

Creative Scotland will work with a wide range of partners to support architecture and design in Scotland, which are an important part of our creative industries. One of the new reference groups that are being established under Scotland's creative industries partnership will consider how best to support the needs of design services, including architecture, to ensure that the sector can flourish.

Des McNulty: I am a former chair of the Lighthouse, so I am delighted that the building did not close. I pay tribute to the minister, her predecessor and Glasgow City Council for ensuring that the architecture aspect of the Lighthouse's activities has continued.

There remain concerns about the creative industry sector. Design was a component of the Glasgow 1999 festival of architecture and design, out of which the Lighthouse came. It is important that we maintain the dynamism of the creative sector. Are there plans for a venue in the west of Scotland or elsewhere, where the creative industries could come together in the way that was envisaged when the Lighthouse was established?

Fiona Hyslop: I reassure the member that I share his concern to ensure that we have a vibrant and dynamic sector. It is important that we listen to everyone involved. Discussions are going on that involve Glasgow City Council, which owns the Lighthouse building. It would be wrong to pre-empt the outcome of the discussions, but positive suggestions are coming forward, which we will consider carefully.

National Galleries of Scotland

2. Bill Butler (Glasgow Anniesland) (Lab): To ask the Scottish Executive what discussions it has had with the National Galleries of Scotland to extend the scope of exhibits made available to other museums and galleries across Scotland. (S3O-9779)

The Minister for Culture and External Affairs (Fiona Hyslop): The Scottish Government has regular discussions with the National Galleries of Scotland on a wide range of issues. The galleries are developing the concept of a gallery without walls, to embrace all their partnership activity. In 2009, exhibitions or displays were lent to galleries in Aberdeen, Dumfries, Glasgow, Inverness, Banff, Kirkcudbright, Kilmarnock, Perth and Stromness. There will be further tours to Aberdeen, Banff, Glasgow, Perth and Inverness and NGS will also travel to Dundee, Stornoway, Thurso, Fort William and Helmsdale in 2010 with its latest exhibitions.

Bill Butler: I welcome the minister's positive response. She will be aware that I successfully

campaigned alongside the Evening Times for Titian's "Diana and Actaeon", which was purchased with the aid of taxpayers' money, to be brought to Glasgow. I very much look forward to seeing the painting in Glasgow in July. However, it will spend more time on loan in the United States than it will spend in Scotland on its short, three-month tour.

Given that thousands of exhibits are currently in storage and that the National Galleries of Scotland had access to public funds of up to £41 million in 2008-09, will the minister ensure that works by, for example, Botticelli, Cézanne, Raeburn and Blake are considered for display in venues throughout Scotland?

Fiona Hyslop: The member is aware that I cannot direct the National Galleries of Scotland and would not seek to do so. However, I am sure that NGS will pay close attention to what the member has said. There has been major progress on sharing the artworks of Scotland, through exhibitions.

On managing collections, we must ensure that we reach out and internationalise, and celebrate Scotland's exhibitions in other countries. It is equally important that we take responsibility for our collections when they are here and ensure that we maximise them. The painting "Diana and Actaeon" is at Kelvingrove art gallery and museum from 1 July to 1 August, and I hope that Bill Butler will be first in the queue to welcome it.

Ted Brocklebank (Mid Scotland and Fife) (Con): We would all accept that our magnificent national collections should be shared with other museums across Scotland, but does the minister agree that the National Galleries of Scotland still does not fully reflect the scope and quality of artists working in Scotland? Will she seek answers from the National Galleries as to why Scotland's most popular living artist, Jack Vettriano, has thus far not had a work included in any of the permanent collections?

Fiona Hyslop: I can seek answers from the National Galleries on behalf of Ted Brocklebank. I, too, welcome Jack Vettriano's talent and the pleasure that many people experience from his work. However, despite constant requests from others for me to direct the National Galleries, the member will understand that it would not be appropriate for me to do so.

Bill Kidd (Glasgow) (SNP): Visiting exhibitions, which are very welcome, come to Glasgow from the National Galleries of Scotland, but does the minister welcome the prospect of a permanent, curator-led NGS facility in Glasgow? I have had talks with Ben Thomson, chair of the National Galleries of Scotland, and with Culture and Sport Glasgow over a period of months on bringing such

a facility to Glasgow, and I hope that it can be achieved. Does the minister believe that we should head in that direction?

Fiona Hyslop: I commend the member for his active pursuit of sharing the available resources. I encourage the National Galleries and Glasgow City Council to work collaboratively on a range of issues. Decisions about what would be permanent and what would be loans would obviously be up to the two bodies concerned, but I would expect a constructive approach from both. Indeed, I encourage them to have further dialogue with Bill Kidd to ensure that we make best use of our best exhibitions and have the best opportunities to share across Scotland the talent that we have in Scotland.

Scotland and Catalunya (Cultural Links)

3. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government whether it supports the development of cultural links between Scotland and Catalunya by, for example, encouraging the organisation and holding of football matches between their teams. (S3O-9840)

The Minister for Culture and External Affairs (Fiona Hyslop): The Scottish Government has long enjoyed strong cultural and other links with Catalonia. In December 2008, the First Minister met the Catalan president and agreed to strengthen economic, cultural and sporting links between Scotland and Catalonia.

Scottish international fixtures are a matter for the Scottish Football Association. The SFA has told us that the 2012 qualifying campaign is its priority at the moment and any fixtures chosen will be expected to support that. However, I would encourage Catalan officials to contact the SFA to discuss further their ambitions to hold football matches with the Scotland football team.

Kenneth Gibson: The minister will be aware that Catalunya has undertaken a number of matches over the years against the full international sides of Argentina, Brazil and Nigeria, to name but three. Does she agree that a match between Scotland and Catalunya, preferably at Hampden, would encourage and enhance links between Scotland and Catalunya, bring tourists and revenue to Scotland and give our national side an idea of what it can expect when meeting Spain in the European qualifiers?

Fiona Hyslop: Unfortunately, my responsibilities as minister do not extend to fixing or arranging matches and international fixtures. However, I agree that collaborative approaches, whether in sports or culture, should be pursued. Indeed, the First Minister spoke with the Catalans about, for example, BBC Alba and TV3, the Catalan television station, sharing programme

experience. Obviously, we have just had the fantastic Gaudi exhibition at the Lighthouse, to which I referred in my previous response to Des McNulty, who has unfortunately now left the chamber. Therefore, we are pursuing collaborative approaches in such areas. However, I am afraid that I might have to leave the subject of football to the Minister for Public Health and Sport and, probably more important, the SFA.

Alex Johnstone (North East Scotland) (Con): Will the minister join me in commemorating the 25th anniversary this year of the European cup quarter-final between Dundee United and Barcelona, in which, in a brilliant second leg in Barcelona, despite losing 1-0 at half time, following brilliant goals from Ian Redford and Paul Sturrock, Dundee United emerged to win the game and was applauded off the field by the Barcelona supporters? Will the minister acknowledge that, having had that experience, the Catalunians are probably feared?

The Deputy Presiding Officer (Trish Godman): That may have been funny, but it was complete misuse of a question.

Fiona Hyslop: I think that Glasgow would welcome any Barcelona fans, as I am sure it has done in the past. The only time that I saw Dundee United play was during Celtic's centenary year, when I think Celtic beat them in the Scottish cup final.

Victoria and Albert Museum (Dundee)

4. Joe FitzPatrick (Dundee West) (SNP): To ask the Scottish Government what progress has been made towards establishing the Victoria and Albert Museum in Dundee. (S3O-9839)

The Minister for Culture and External Affairs (Fiona Hyslop): I apologise to the member, who probably did not like my last answer.

The V&A in Dundee is being created through a partnership between the V&A Museum and the University of Dundee, the University of Abertay Dundee, Dundee City Council and Scottish Enterprise. The Scottish Government is supporting the partnership in developing a robust business case to help to seek funding from a variety of private and public sources. The partnership has launched a high-profile architectural competition for the new building. I look forward to meeting the partnership later this month to hear of further progress.

Joe FitzPatrick: I thank the minister for that answer, which I do prefer to the previous one. I welcome the Scottish Government's continued support for this vital project, which will be the jewel in the crown of Dundee's redeveloped waterfront. It will create 900 permanent jobs, as well as affording opportunities to our construction industry.

What response has there been from the international community to the architectural competition that she mentioned?

Fiona Hyslop: I understand that there has been extensive international interest, but the people who are in charge of the project will be able to give a better summary of the situation. I am looking forward to getting feedback from them on that. The project has extremely strong potential to help develop Dundee, but as far as the Scottish Government's responsibilities are concerned, we look forward to receiving a strong and robust business case for the V&A in Dundee. We are highly appreciative of the fact that there has been such strong international interest in what could be a groundbreaking project involving the design of a purpose-built facility. We will all try to support it in whatever way we can.

Marlyn Glen (North East Scotland) (Lab): The minister will be aware that her predecessor, Mike Russell, visited Dundee to announce that the Scottish Government would make a financial investment in the V&A project in the city. As he has already committed the Scottish Government to that investment, will the minister, as his successor, now indicate that in addition to the work that she has outlined she will make the project a priority and argue for its funding in the Cabinet?

Fiona Hyslop: I do not think that the member was at the event at which I was involved in launching the architectural competition. I know that Shona Robison, Stewart Hosie and Joe FitzPatrick were, and they will have heard my firm commitment on behalf of the Scottish Government. We obviously have to see the business plan, which we expect to be robust, but when I gave my commitment, the Government was highly supportive of the project and it continues to be so.

Scottish Opera (Funding)

5. John Wilson (Central Scotland) (SNP): To ask the Scottish Government what level of funding Scottish Opera receives. (S3O-9859)

The Minister for Culture and External Affairs (Fiona Hyslop): Scottish Opera is expected to receive £8,628,000 in core funding from the Scottish Government in the financial year 2009-10, and £8,713,000 in 2010-11.

John Wilson: As the minister will be aware, in June 2008 I asked whether Scottish Opera's funding level was comparable with that of Opera North. Opera North will receive funding of £10 million in 2010-11.

The minister will be aware of Scottish Opera's current outreach tour, but does she know whether Scottish Opera plans to extend the number of outreach performances throughout Scotland?

Does Scottish Opera's programme continue to benefit from co-productions with Opera North?

Fiona Hyslop: I certainly know that there have been co-productions in the past. I do not know the answer to the question about current collaborations, but I will find out and get back to the member on that.

I took the opportunity to look at the most recent figures that we have to hand comparing Scottish Opera with Opera North. The question is not just the amount of money that is spent on a particular company, but what it does with that money. I am pleased to say that in 2008 Scottish Opera had audiences of 76,523 and Opera North had audiences of 78,223. That represents only a marginal difference of 1,700 in what were large numbers. On education, the figure for Scottish Opera was 35,973 and that for Opera North was only 5,000, so we must recognise the work that Scottish Opera is doing in that area. On outreach, it is doing a great deal more.

I also commend The Scottish Sun for its sponsorship and support of Scottish Opera's recent performance of "La Bohème". It helped to provide tickets at the cut price of £9.50, and it was a sell-out. It was a fantastic performance, but what was important was the reception that the people of Glasgow gave to Scottish Opera. That will benefit the city and Scottish Opera, and I understand that ticket sales have improved for the whole run of "La Bohème", perhaps because of The Scottish Sun's popular campaign.

The Gathering 2009 Ltd

6. Dr Richard Simpson (Mid Scotland and Fife) (Lab): To ask the Scottish Executive how much public money has been provided to support The Gathering 2009 Ltd since its inception. (S3O-9811)

The Minister for Culture and External Affairs (Fiona Hyslop): Prior to the gathering event last July, the Scottish Government provided The Gathering 2009 Ltd, a private limited company, with a loan of £180,000 to assist it to address specific cash flow difficulties. A range of public sector partners provided grant support to the gathering event in order to increase its economic impact.

The gathering event was a success, generating £10.4 million for Scotland, but it became apparent some weeks after the event that The Gathering 2009 Ltd had encountered serious financial difficulties. The public sector partners involved in the gathering event judged the company's debts to them to be irrecoverable and took the decision not to recover the amounts that they were owed.

Dr Simpson: Given the Government's vocal public support for the gathering, what steps did it

take to ensure that the company was viable before public investment and loans were made of such large sums? What steps will the Government now take to assist the many small companies that believed The Gathering 2009 Ltd was viable but have now been left high and dry by the company's liquidation and the failure of rescue talks?

Fiona Hyslop: The private company is now in liquidation and any future questions on that can be directed to Jim Mather.

On Government support, a business plan was put forward in 2008 and at that time the Government supported the Highland games element of the gathering and the educational outreach. As I said in my first answer, subsequently we gave support in a number of areas to help to promote economic activity and the loan that helped to support the event.

The Deputy Presiding Officer: Question 7 was not lodged.

Music Teaching (Fife)

8. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive how it will support the culture of musical excellence in Fife, given the proposals by Fife Council to halve the number of visiting music teachers in Fife and the potential impact that that will have on Fife's cultural heritage, local music groups such as Fife youth orchestra and events such as the Fife festival of music. (S3O-9795)

The Minister for Culture and External Affairs (Fiona Hyslop): Fife has a thriving musical and cultural scene, which is supported in a number of ways. The Scottish Government pursues its aims for the cultural sector through working with our partner the Scottish Arts Council, particularly through the youth music initiative, and through supporting the work of higher and further education institutions. In addition, the Scottish Government provides funding for local cultural services through the local government finance settlement.

Marilyn Livingstone: From her answer, I know that the minister is aware of the cultural and social importance of music to Fife, particularly in traditional mining areas. The proposed 50 per cent cuts will result in 17 members of staff losing their job in each of the next three years, and I hope that the minister agrees that that is unacceptable. Does the minister agree that those cuts will have a detrimental effect on the culture of music excellence in Fife? What steps will she take to ensure that there are opportunities for young people in Fife who want to pursue music and that the cuts do not introduce a two-tier system in which access is based on the ability to pay?

Fiona Hyslop: I remind the member that my responsibility for funding of musical tuition is in the form of the youth music initiative, which continues to be paid more than £0.5 million, which is the same as previously. I understand from Fife Council that the member's figures on the impact of the cuts are 34 per cent out. The member would be better to direct her attention to the Labour Government at Westminster where she should seek reassurance that there will not be an emergency budget that will put greater pressure on the Scottish block and on councils. That would be the best thing for the member to do if she wants to continue to support music and music tuition in Scotland.

Culture and Sport Glasgow

9. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive when it last met representatives of Culture and Sport Glasgow and what issues relating to its cultural remit were discussed. (S3O-9803)

The Minister for Culture and External Affairs (Fiona Hyslop): I had an introductory meeting with Bailie Liz Cameron, the chief executive officer of Culture and Sport Glasgow, on 19 January 2010, during which we had an initial discussion about current and future plans for museums and the arts in Glasgow. I intend to visit Glasgow in the near future to hold full discussions with Culture and Sport Glasgow colleagues and to visit some of the cultural service providers.

Scottish Government officials last met representatives of Culture and Sport Glasgow on 22 February 2010 at the 2012/2014 cultural strategic overview group, which the Scottish Government chairs. The group received an update on the cultural legacy for the Olympic and Commonwealth games and discussed activity relating to the Delhi handover.

Pauline McNeill: I declare an interest in that half of Glasgow's museums and galleries are in my constituency. The Kelvingrove art gallery and museum is the most visited museum in the United Kingdom outwith London, yet it receives no national funding. I welcome the Government's setting-up of the museums think tank and the work that it is doing. Will the minister confirm that that was, in part, a response to the view that it was unfair for Glasgow not to receive any national funding? What does the minister expect to come out of the think tank for Glasgow? Does she believe that it will result in a fairer deal regarding the funding of Glasgow's museums and galleries?

Fiona Hyslop: I congratulate the member on having so many museums and galleries in her constituency. The newly refitted Kelvingrove art gallery and museum makes a fantastic contribution to the cultural scene not just in

Glasgow, but in Scotland. She said that the museum receives no Government funding, but the Government did provide capital funding to support its refurbishment.

The museums think tank was set up by my predecessor to consider how we can have a more integrated, supportive sector that provides support and access throughout Scotland, not just in Glasgow. The think tank has been active in its deliberations and I look forward to the results of those soon. I will be happy to share the conclusions of the think tank with the member once we have them.

Serious and Organised Crime

The Deputy Presiding Officer (Trish Godman): The next item of business is a debate on motion S3M-5929, in the name of Kenny MacAskill, on serious and organised crime. I call Kenny MacAskill to speak to and move the motion.

14:57

The Cabinet Secretary for Justice (Kenny MacAskill): Tackling serious organised crime is a priority for the Government, and I welcome this opportunity to update Parliament on the action that we are taking to tackle this blight on our communities. We have established the serious organised crime task force to provide a strategic focus for our work and to promote co-ordinated action. By working together, we have a better chance of putting the criminal networks out of business.

Last June, the task force published its organised crime strategy, "Letting our Communities Flourish", which sets out how we plan to make our communities safer and reduce the impact of serious organised crime. The strategy focuses on four clear objectives. These are the four Ds: divert—how we are going to divert individuals from engaging in or using the products of serious organised crime; disrupt—how we will disrupt the activities of serious organised crime groups; deter—measures to protect communities, businesses and the public sector from serious organised crime; and detect—boosting capacity and improving co-ordination to give serious organised criminals no place to hide.

The Scottish Crime and Drug Enforcement Agency has a major role to play in implementing the strategy, which is why we are providing it with an additional £4 million in funding over 2009-10 and 2010-11—an increase in funding of more than 27 per cent since April 2007. That additional £4 million is being used to establish a Scottish intelligence and co-ordination unit, which will enable us better to understand the intelligence picture, allow more focused tasking and co-ordination and boost specialist capacity at SCDEA.

The Scottish crime campus at Gartcosh will provide a purpose-built national facility for SCDEA and its partners to facilitate joint tasking and co-ordination, and it will house a purpose-built forensic laboratory. We are making good progress—work is due to start on the first construction contract in the summer, and occupation is scheduled to begin in 2012.

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Will the minister confirm that that will not threaten the forensic lab and

fingerprinting service in Aberdeen in the north-east of Scotland?

Kenny MacAskill: Absolutely. As the member will be aware, the Scottish Police Services Authority is carrying out a review of those services, and we await its report with interest.

The purpose of building Gartcosh is to create the crime campus that has been envisaged for years. A specialist facility will be set up there because the premises that are currently in use at Pitt Street are frankly not fit for purpose.

Mike Rumbles will be aware of a recent incident in the city of Edinburgh that shows that it is necessary for us to ensure that specialist facilities are protected from serious organised crime. I see that Mike Pringle is nodding. Factors such as the security of such premises must be taken into account. We will receive the SPSA's report shortly.

Elaine Smith (Coatbridge and Chryston) (Lab): The cabinet secretary now says that the Gartcosh campus is due to open in 2012. Originally, it was 2010, then it was 2011 and now it is 2012. Will he guarantee that the campus will open in 2012?

Kenny MacAskill: Everybody knows that the only things that are guaranteed in this world are death and taxes. However, we are moving on apace, and we have got through the planning stage. Elaine Smith should realise that procedures must be followed, but we are committed to the project, and she can rest assured that it will be delivered.

We are determined to improve effectiveness in seizing assets and confiscating profits. More than £27 million has already been recovered, but we can do more. To help to mainstream asset recovery, we have allocated £1.2 million to the Crown Office to allow the recruitment of specialist staff to help to boost recovery, and we have provided £500,000, which has been match-funded by the police service, to recruit 19 financial investigators in Strathclyde, Lothian and Borders and Tayside.

Hugh Henry (Paisley South) (Lab): I commend the minister for his comments on seizing assets from criminals. I know that in his statements he has been vigorous in his determination for such seizures to be put into effect. Will he join me in calling for action to be taken to recover the assets of the convicted fraudster Abdul Rauf? If not, will he explain his reasons to the Parliament?

Kenny MacAskill: Hugh Henry is well aware that it would be inappropriate for the Cabinet Secretary for Justice—or for a minister for justice, as Mr Henry was—to comment on an individual case, as there may be live proceedings.

We have put resources into not only the police and the specialist investigators who are necessary to follow the paper trail, but the Crown Office, for the operation of the civil recovery unit. Rather than trying to denigrate matters by making cheap political points, we would do better to support the Crown Office and prosecution service in bringing these hoodlums and gangsters to justice.

The majority of the money that has been secured from the proceeds of crime is being reinvested in the cashback for communities scheme, which provides positive opportunities for young people in Scotland's communities. Already, £13 million has been invested in the cashback scheme, from which more than 100,000 Scottish youngsters have benefited.

We are creating four new offences in the Criminal Justice and Licensing (Scotland) Bill. The package of offences targets the top of the criminal networks right down to the street drug dealer and the professionals who either facilitate such crime or turn a blind eye to it.

Tackling serious organised crime should be a priority, as it is a blight on our communities. If anybody doubted that, our groundbreaking mapping project revealed the presence of more than 350 crime groups, including more than 4,000 individuals, that operate throughout Scotland, from six groups in Dumfries and Galloway to 152 groups in Strathclyde. The top 20 groups impact on all eight forces: more than 92 per cent of crime groups are involved in drug crimes, and more than 40 per cent are involved in serious violence or murder. They are diversifying and are now involved in counterfeiting, human trafficking, e-crime, fraud and money laundering—the list goes on. They will dabble in anything that gives them power and makes them money, and that is a problem for us all. It is not just a problem for Glasgow and Edinburgh, and it does not relate only to drugs.

We should celebrate the many successes that the police and the Crown have had in disrupting supply, in seizing assets and confiscating profits from illicit activity, and in bringing serious criminals to justice. For example, George Buchanan was made bankrupt last year when he could not pay his court costs after a successful case was undertaken by the civil recovery unit, which recovered a number of assets including cash and cars. Operation lockdown targeted an organised crime group in Glasgow that was suspected of attempted murders and large-scale drug dealing. The operation, which ran for 17 months, resulted in the arrest of 146 individuals, including the four main targets. Drugs with a street value of £9 million, and 30 firearms and other weapons, were recovered. All four principal targets pled guilty to dealing cocaine and one pled guilty to money

laundering at the Glasgow High Court on 28 October 2009, and they were jailed for a total of 29 years.

On Monday morning, I visited Glasgow and saw at first hand one of the flash vehicles that Strathclyde Police had taken from an organised crime group. I congratulate the police today, as I did on Monday, on their determination to get back at criminals who have laboured under the illusion that they control parts of Glasgow and that they are untouchable. The message is clear: "No, you don't. You are not untouchable. Your ill-gotten gains will be taken from you, and many of you will go to prison to face the penalties that you merit and deserve." Two good examples in which law enforcement agencies worked together with local authority and support agencies are operation Lochnagar in Grampian and operation focus in West Lothian, which targeted street-level drug dealers and related antisocial behaviour.

That shows that the police are embracing the battle at all levels, including in our communities. Recently, the task force heard from a community police officer in Strathclyde who told us how his team is tackling serious organised crime on the ground. Its approach is starting to achieve positive outcomes and he and his officers feel that they are actually making a difference. That is not an isolated example. It is replicated in communities throughout Scotland. However, more needs to be done. The job is not one for the Government and law enforcement alone; it is for everybody.

James Kelly (Glasgow Rutherglen) (Lab): I agree that more needs to be done. Will the cabinet secretary tell us when the detailed implementation plan that is mentioned in paragraph 75 of the strategy document, which he mentioned earlier, will be published?

Kenny MacAskill: Well, it is not a big bang. There is no millennium moment. The work is ongoing at a serious organised crime task force level. Under the four Ds, we have various people in charge. Some matters are being driven and directed by the director general of the SCDEA and some by the Lord Advocate. It is a question of working together. I advise the Parliament that we have also invited the Society of Local Authority Chief Executives and Senior Managers to come on board and be represented because we recognise the importance of tackling the matter in relation to public sector contracts. It is not a question of publishing one particular document; it is about ensuring that we are on the case and working together to deal with a situation that is ever evolving.

Private businesses, too, need to ensure that they protect themselves against organised crime. Professionals need to ensure that they are not inadvertently facilitating organised crime. Local

authorities need to identify and disrupt serious organised criminals through their roles in licensing businesses, as employers, and as regulators. They must ensure that public money does not find its way into the pockets of serious organised criminals.

Legitimate businesses, our downtrodden communities and the public expect us to tackle the disease of serious organised crime and, in doing so, to strip criminals of the assets that they gain from their illegal activities. I am confident that we are meeting the challenge. We will implement the strategy for tackling serious organised crime and encourage all law-abiding citizens to play a role. We will harass and disrupt the overlords of the crime groups and the lieutenants and foot soldiers who carry out despicable crimes that make misery. Organised criminals seek to profit from crime in our communities, to undermine legitimate businesses and to threaten the framework of our democracy. That cannot and will not be tolerated.

We will be unceasing in our efforts to tackle serious organised crime and we will not rest until this blight has been removed. We will create a safer and stronger Scotland. I congratulate all those who have been involved at any level and look forward to hearing members' contributions to the debate. I believe that we have a unity of purpose in the Parliament in seeking to make our communities safer and stronger.

I move,

That the Parliament recognises that serious organised crime can have a devastating impact on communities and businesses in Scotland; further recognises that tackling this menace should be a key priority for a Safer and Stronger Scotland; supports the role of the Serious Organised Crime Taskforce in spearheading Scotland's commitment to address this type of crime; supports Scottish law enforcement in implementing the taskforce's serious organised crime strategy, *Letting our Communities Flourish*, and supports the view that serious organised crime cannot be seen to pay.

15:09

Richard Baker (North East Scotland) (Lab): Serious and organised crime has had a devastating impact on communities and families throughout Scotland for too long. All members see the toll that has been taken on people whom we represent as a result of the intimidation, violence and misery that are associated with the drugs trade and the wide spectrum of offences that have been perpetrated by crime gangs and networks. People are tired of seeing in our newspapers day in, day out the same names of individuals and families who are known to be associated with such crimes. Those individuals and families are, apparently, too often able to continue their lives of crime without being brought to justice.

Members have a common cause. We need to do all that we can to take out those criminals and gangs, and we have seen progress on that since devolution. The previous Scottish Executive established the Scottish Crime and Drug Enforcement Agency, first used the proceeds of crime legislation, and established the programme to deliver the crime campus at Gartcosh. However, we must acknowledge the huge challenges that exist in dealing with criminals who are ever-more adept in their efforts to evade justice. That is why we must always look to do more to tackle such crimes and why we support the Scottish Government's motion, the goals of the serious organised crime task force and the areas of work that are highlighted in its strategy.

"Letting our Communities Flourish" identifies the right aims, but we need to be reassured that the right measures are taken and that the right support is given to crime-fighting agencies to achieve what the document sets out to deliver. The mapping exercise to show the breadth of activity of the 367 serious organised crime groups that it identifies has taken place, and the cabinet secretary has highlighted additional work. He has repeatedly said that the gangsters will be hunted and taken down. That commitment is welcome, but questions remain. How many of those groups are still operating? How many of the most-wanted crooks have been caught? We must all accept that it is not enough only to express determination to catch and convict those crooks; the pledge must be delivered on. If that does not happen, criminals will simply be emboldened further. If we want people in communities that have been blighted by these crimes to report them, we need to show them that information will be successfully acted on.

We should all be proud that moneys are being seized from criminals and that funds are being put into communities that have been affected by their crimes. That, rather than incentivisation schemes for police forces, must still be the focus of the recovered funds. However, we cannot wait for those funds to be recovered so that we can invest sufficiently in civil recovery. Investment has to be made up front, as the criminals will certainly employ expert legal advice to protect their ill-gotten gains from seizure. Such issues have been highlighted in the coverage of a number of cases, including that involving Michael Vidouri, who was convicted of a £3 million VAT fraud. Despite court orders, payments have continued to be resisted in high-profile cases.

It is right to celebrate successes, but it is also important to focus on further work that needs to be done. The "Joint Thematic Report on the Proceeds of Crime Act 2002" by her Majesty's inspectorate of constabulary for Scotland and the Inspectorate of Prosecution in Scotland contains very good proposals on mainstreaming that work in the

police and the prosecution service, appointing champions for it and developing a proceeds of crime strategy. All those steps can be taken now. I hope that the cabinet secretary can tell us whether they will be implemented. Whether we are talking about a Mr Vidouri or a Mr Rauf, we need to be able to seize such profits.

The Minister for Community Safety (Fergus Ewing): We certainly agree with the recommendation on mainstreaming the proceeds of crime, which is why there will be a conference on 30 March that will bring together 200 practitioners. However, does Richard Baker agree that the cabinet secretary's announcement of the provision of £1.7 million is exactly the right move to tackle Vidouri-type cases, as 19 new financial investigators will be available to the police service to do that work?

Richard Baker: Of course we welcome such investment, but we must also acknowledge that resources to fight such cases are available to the serious and organised crime networks and the criminals who lead them. Such investment is welcome, but we must also consider the thematic report to which I referred. I welcome the conference, but would like to know exactly what progress will be made in implementing the reasonable proposals that have been made. If we need to debate the legislation further in order to make it work better, we must do that, too.

The cabinet secretary has also made public commitments to intervene to ensure that there is no place for organised crime in what should be legitimate industries, including, notably, the taxi industry in both Edinburgh and Glasgow. The gap is again between the commitment—however laudable—and the delivery. We must ask what steps have been taken as a result of the concerns raised by legitimate taxi firms in Edinburgh, and we know about the concerns over the award of the NHS Greater Glasgow and Clyde taxi contract to Network Private Hire. That raises the question whether the right work is taking place across Government to ensure that decisions on procurement are acted on when there are clear concerns about the businesses involved. For example, what conversations took place between the Cabinet Secretary for Justice and the Cabinet Secretary for Health and Wellbeing on the situation involving NHS Greater Glasgow and Clyde? I welcome the role that SOLACE is to play in new work on the issue, but we must reinforce the fact that the issue is one for the whole of Government.

Of course, we want to see the Mr Bigs of the crime gangs put away for long sentences, but all too often more minor offending can be linked to serious and organised crime. In that regard, we have only to look at BBC Scotland's investigation

into the highly profitable activities of Scottish shoplifting gangs. The cabinet secretary's proposal for a presumption against custodial sentences of six months and under will apply to 95 per cent of those convicted of shoplifting offences. That will do nothing to deter those crime gangs.

Serious and organised crime recognises no national boundaries. Tackling it must be a collaborative effort throughout the United Kingdom and, indeed, Europe and the world. [*Interruption.*] I hear ministers criticising, from a sedentary position, my comments on shoplifting, but I have outlined the reality of the situation. If ministers think that the proposals regarding custodial sentences of under six months will deter those criminals, they are sadly mistaken.

Kenny MacAskill: Does the member accept that a serious organised criminal who carries out a shoplifting offence should get a sentence of significantly longer than six months?

Richard Baker: Of course I do, but that criminal would be operating with a gang and many people in the gang will be convicted on a number of occasions for more minor offences and will escape custody entirely under the cabinet secretary's proposals. If he cannot see that, we have a real problem.

We also make no apology for pursuing the issue of the establishment of the crime campus at Gartcosh, which Elaine Smith has taken up as the constituency member. We do not want to see any further delay to the project, because the advantages of bringing together under one roof the key Scottish and UK agencies that are working to tackle serious and organised crime are clear. I pay tribute to the work of Graeme Pearson in pursuing that vision and I also emphasise the key role of Gordon Meldrum and his staff at the SCDEA, because that agency, with its focus and expertise, is vital to a strategic approach in Scotland to preventing and stopping serious and organised crime.

In the previous session of Parliament, the Scottish Executive introduced provisions that would allow the SCDEA to employ officers directly, but, despite its crucial role, the agency is still reliant on secondments from police forces. We must reconsider that issue.

Elaine Smith: Richard Baker mentioned the strategic approach. Does he agree that it would have been easier to co-ordinate such an approach if the SNP Government had treated the construction of Gartcosh as a priority?

Richard Baker: I could not agree more with Elaine Smith, whom I know has taken up the issues as the constituency member.

We will support both the Conservative and Liberal amendments. Robert Brown raises the very important issue of human trafficking and the lack of prosecutions that have taken place even when such crimes have been detected. Human trafficking requires particular attention ahead of the Commonwealth games.

We will also support the Government's motion, because of course we must set out a clear intention to do all that we can to bring down crime bosses, return their ill-gotten gains to the communities that they have plagued and root out serious and organised crime, whatever mask of legitimacy it seeks to put on. However, the Scottish Government and the cabinet secretary must realise that expectations that have been raised must now be met and that promises must be turned into delivery. Communities living in fear of serious and organised crime do not need pledges; they need results. Effective action in dealing with those responsible for these heinous crimes will be welcomed throughout the chamber and the country.

I move amendment S3M-5929.2, to insert at end:

“; believes that the Scottish Government should ensure that there are no further delays in the construction of the Scottish Crime Campus at Gartcosh, which was originally due for completion this year but is now not expected to be fully operational until mid-2013; supports the crucial role played by the Scottish Crime and Drug Enforcement Agency in ensuring that there is a co-ordinated strategy to tackling serious and organised crime in Scotland, and also believes that the Scottish Government must make progress in implementing the findings of the *Joint Thematic Report on the Proceeds of Crime Act 2002*, published by HM Inspectorate of Constabulary for Scotland and the Inspectorate of Prosecution in Scotland, to ensure that there is greater success in seizing and recovering the assets of those who profit from crime.”

15:19

Bill Aitken (Glasgow) (Con): It is appropriate to have this debate, if for no other reason than to demonstrate Parliament's clear and unanimous determination to deal with the problem. The activities of serious and organised crime gangs impact on many of Scotland's communities and on every aspect of our society. Sometimes these activities are little less than shocking. The most obvious recent example was the appalling incident in Springburn in Glasgow, when a young man was gunned down in broad daylight outside a supermarket, as many people—some of whom were accompanied by children—were shopping. Such incidents simply cannot be tolerated.

Other incidents are less dramatic but are, arguably, equally corrosive. The importation and sale of drugs is pernicious, and its damaging consequences can be seen on the streets and in

hospital wards, courts and prisons throughout Scotland.

There is also the problem of people trafficking. There is clear visual evidence that large number of people are being brought to Glasgow and being exploited for cheap labour, which is clearly unacceptable. The evidence—Robert Brown deals with this in his amendment—that women are being trafficked in large numbers for sexual exploitation is less clear. Having spoken recently to operational police officers, I understand that although there is evidence of foreign women being involved in the sex trade, they do not appear to be doing so in substantial numbers and the evidence seems to suggest that their involvement is voluntary.

Trish Godman (West Renfrewshire) (Lab): Will the member give way?

Bill Aitken: I will finish this point first. It cannot be denied that such trafficking is a very serious offence. Where people are convicted of exploiting human misery in that way, society's disapproval should be demonstrated by clear, concise and forceful investigation and lengthy prison sentences.

Trish Godman: Bill Aitken said that there is not evidence that many women were being trafficked. Surely one woman being trafficked is enough.

Bill Aitken: I thought that I made that clear in what I said after Trish Godman asked me to give way. That is why I stopped her—I anticipated her response. Where there is evidence that a person is trafficking women, that person must receive a severe prison sentence, because trafficking is totally unacceptable.

We can identify the problems and there is general consensus as to what we should do about them, but we have to recognise—I think that there would be unanimous recognition of this—that we have not entirely succeeded.

The cohesive approach that is demanded in the joint thematic report to which Richard Baker referred has, to some extent, happened. That particular box can be ticked, although there is still much more work to be done. First, we need an international approach, in the widest terms, to deal with exploitation of women for sexual purposes. We need to work more closely with our European partners and with those outwith Europe in order to ensure that such exploitation does not happen.

We also require a cross-border approach under a number of headings. As has been said, one of the things that we need to do is ensure that those who engage in serious and organised crime do not profit by it, so we must strip them of their assets to the maximum possible extent. If we are honest, we have to recognise that we have not been entirely

successful under that heading. We require to think, "What must we do?" Sometimes, there are evidential difficulties and, despite the best possible efforts of all concerned, we run into a brick wall. However, we can involve Her Majesty's Revenue and Customs to a greater extent to ensure that, where there are substantial assets that cannot be accounted for, at least taxation is paid on them. That, in itself, would be a way forward. I am not quite sure that that approach, which has been taken in Ireland fairly successfully, has been developed as far as it could be.

Kenny MacAskill: I welcome that. HMRC sits on the serious organised crime task force. I look with interest at the Irish model, which is predicated in many ways on taxation. I have invited the Home Secretary to discuss that, but he is unable to make the next meeting. Many of these matters, including taxation, are reserved, so if the Conservatives become the next Administration south of the border, will they seek to work with us, so that we have the powers over taxation that would allow us to act? I can give this assurance: if we had control over taxation, not only would HMRC sit on the serious organised crime task force, but we would exercise that power.

The Deputy Presiding Officer (Alasdair Morgan): That was a bit of a long intervention, Mr MacAskill.

Bill Aitken: I am sure that many of us would not sleep easy in our beds of a night if we thought that Mr MacAskill had universal control of our taxation. I can anticipate neither the result of the next general election nor the result of the various discussions that will take place immediately thereafter.

We have to consider confiscation of assets and we must ensure that every available tool in the box is not only in place but sharpened in readiness to assist the SCDEA and Crown Office in achieving what we all seek to achieve.

I turn to a point that Richard Baker raised and I note the lack of clarity in the cabinet secretary's response. Richard Baker rightly said that the six-month jail sentence that is normally imposed on a shoplifter, for example, could have an adverse effect on what we are trying to do in terms of serious organised crime. The cabinet secretary correctly said that he would expect that serious and organised criminals who are involved in such crime would be charged on indictment and receive much longer sentences. That is perfectly true. However, the worker bees are unlikely to be charged: it is more likely that criminals at the lower end of the food chain are the ones who will be charged. They may be deterred by the possibility of a six-month sentence, or of a lesser sentence. Removing that deterrent aspect prejudices the project to an extent.

Mike Rumbles: Will the member give way?

The Deputy Presiding Officer: The member is winding up.

Bill Aitken: I am sorry about that.

We need to consider such matters. As Richard Baker said, there is the wider issue of public procurement where the fixing, arranging and placing of contracts has to be looked at. We are all aiming at the same goal. The issue is simply how to make a co-ordinated and measured approach to achieving that.

I move amendment S3M-5929.1, to insert at end:

“and asks the Scottish Government to keep the entire issue of serious and organised crime under review in order that any further measures that may be deemed necessary can be considered.”

15:26

Robert Brown (Glasgow) (LD): We have had many debates in the chamber on crime and criminal justice issues. In terms of the damage that is done, the insidious and corroding effect on communities and the destruction of lives through drugs, trafficking of women or general exploitation, and the consequences of the dominance by serious gangs on certain parts of our national life and economy are in a different league altogether. Today's debate is therefore important. All sides of the chamber are united in trying to ensure that our public response to this scourge is as effective and focused as possible. I think we all support the cabinet secretary's clarion call on the direction of travel.

The Scottish serious organised crime mapping project was a wake-up call. It identified 367 serious organised crime groups that operate across Scotland and some 4,000-plus individuals who are involved in a serious way. The scale of the issue is greater than many of us would have supposed. It is a curious fact that there is more criminal gang activity in the Highlands per head of population than there is in Glasgow. In the debate, we are, of course, talking not about troublesome teenage gangs who disturb the peace of communities but serious professional criminals. The Liberal Democrat amendment concentrates on two issues: the use of the Proceeds of Crime Act 2002 and the challenge of people trafficking, not least as it affects Glasgow, particularly in the lead-up to the Commonwealth games.

I have previously raised the issue of people trafficking and I make no apology for raising it again. It is inevitably a twilight activity—one that hardly interrelates with the lives of most people. However, in a report entitled “Scotland's Slaves: An Amnesty International briefing on trafficking in

Scotland”, Amnesty estimates that there are 4,000 victims of trafficking for prostitution in the United Kingdom at any one time. It says that prostitution and the trafficking of women is the third-highest global black-market income earner after drugs and arms. It appears that the Association of Chief Police Officers in Scotland believes that Scotland has 13.5 per cent of the human trafficking trade—well above the country's population or crime share. As Bill Aitken rightly said, human trafficking means exploited labour as well as prostitution. Amnesty also estimated that Glasgow has the highest number of sex workers in the UK outside London.

It is, to a degree, bewildering that some members query the existence of the problem. I refer to Bill Aitken's speech in particular. In that context, I welcome the recent announcement from the Equality and Human Rights Commission that it will hold an inquiry into this issue in Scotland. That said, I press the cabinet secretary on the Scottish Government's response. I think that I am right in saying that a multi-agency group is in charge of all aspects of Commonwealth games security, but that no specific funding has been allocated thus far. Research from the 2000 Sydney Olympics found that about 10,000 sex workers had been operating in the area. After the 2004 Athens games, the Greek Government spoke of a 95 per cent increase in the number of human trafficking victims. The Metropolitan Police has a specialist team in place with funding of £600,000 in anticipation of such issues in the lead up to the 2012 games in London.

Trish Godman: Robert Brown has anticipated my intervention, in a sense. The Met indeed has an Olympic team, as it is known. The team is in action now because of the building that is going on for the Olympics in London and the fact that people are being trafficked in with that in mind.

Robert Brown: That is an entirely valid point. Trafficking takes place not just for the games themselves, but in the lead-up.

The Scottish Government says, however:

“there is no intelligence to suggest that human trafficking is occurring in association with the 2014 Commonwealth Games”.—[*Official Report, Written Answers*, 24 November 2009; S3W-28988.]

Does the cabinet secretary concede that that was perhaps a little complacent? Why, when there have been 113 convictions for trafficking for sexual exploitation in England and Wales has there been none—as I understand it—in Scotland? The trafficking awareness-raising alliance—TARA—project in Glasgow supports the victims of trafficking. Since 2005, the project has supported 103 foreign women who have been trafficked into or within the UK. Those people were, I presume, trafficked by somebody. It is safe to assume that

that is only the tip of the iceberg, and that is in normal times, before any surge in demand from the games—notwithstanding Trish Godman's point. The question whether the activity of the women who are coming in is voluntary is highly tendentious and is worth a debate in itself.

The problem is an enormously difficult one—I do not disguise it for a minute—and little co-operation can normally be expected from perpetrators or from victims. There must be lessons to be learned from elsewhere. Will the minister, when he winds up the debate, give the Parliament some information on how the Scottish Crime and Drug Enforcement Agency and the Serious Organised Crime Agency are responding to the challenge? The serious organised gangs that were identified by the survey that was carried out included 19 that were involved in sexual offences and 15 that were involved in immigration crime, including 10 in human trafficking, so we have at least some idea of who these people are and where they are operating.

My second area of focus is the Proceeds of Crime Act 2002, which is a powerful tool in helping to disrupt serious organised criminals. The joint inspection in October 2009, which has been mentioned, found that more could be done to use the act to its full extent. A Scottish National Party Glasgow councillor was recently reported as criticising progress, referring to one criminal with a £5.6 million confiscation order from six years ago who had paid not a penny to date. That was echoed by a “Panorama” report in March last year, which reported that the civil recovery unit, which is responsible for criminal prosecution, had frozen £60 million of assets but had managed to collect only £6 million of it.

The Criminal Justice and Licensing (Scotland) Bill, which is now with the Justice Committee at stage 2, proposes new provisions, as the minister mentioned, to enable more serious criminals to be arrested and convicted, but I suspect that legal changes of that sort will have significantly less effect than the disruptive potential of hitting criminals in their pockets and stopping them from continuing to operate from jail. I ask the minister how much has been recovered under the scheme each year, whether the Scottish Government has a target level of recovery and what is being done to boost the effectiveness of the arrangements, not least following the inspection report from October last year.

The issues in this debate have been raised seriously and responsibly by members across the chamber. Nobody doubts that they are complex and difficult, but they are among the most vital challenges facing the Scottish Government and law enforcement agencies both here and

elsewhere in the UK. They demand the most rigorous and focused attention of Government.

I commend the Liberal Democrat amendment in my name to the Parliament. I move amendment S3M-5929.3, to insert at end:

“; believes that, while good progress has been made on the recovery of assets under the Proceeds of Crime Act 2002, the Serious Organised Crime Taskforce must ensure that police and prosecutors use the Act to its full extent; notes with concern that there are no current convictions for human trafficking in Scotland, despite Glasgow being considered to be second only to London for the extent of people trafficking, and calls on the Scottish Government to take urgent, concerted and properly resourced action to break the misery of sex trafficking and to identify and support women being trafficked to Scotland, particularly in the lead up to the Commonwealth Games in Glasgow in 2014.”

The Deputy Presiding Officer (Trish Godman): We come now to the open debate. I ask for speeches of six minutes—members should stick to that time to within about a quarter of a minute.

15:33

Bob Doris (Glasgow) (SNP): I apologise to the Parliament in advance, as I might have to leave before the end of the debate. No discourtesy is intended.

It is vital that we come together as a Parliament this afternoon to show a united front in our determination to tackle serious and organised crime. Our communities expect no less, and people in our most deprived areas face the brunt of the misery that such crime causes. I have spoken in the chamber before about communities and individuals in north Glasgow who have stood up and challenged people who they believe are harming their area. I have regularly met constituents who have asked me to assist them in their cause, and I have done so in cases in which I have been able to assist. In my capacity as an MSP, I have written many letters to the relevant authorities about constituency concerns, and I have highlighted specific legislative gaps in the fight against organised crime in those letters. That is to be expected of an MSP—it is our job.

Patricia Ferguson (Glasgow Maryhill) (Lab): On writing to authorities, Mr Doris, like me and other members, has taken up the issue of the Applerow Motors MOT station. Will he join me in congratulating the authorities on taking its licence away yesterday?

Bob Doris: I congratulate the Vehicle and Operator Services Agency on taking away that licence, although we should be careful, because I believe that the licensee has 24 hours to appeal the decision. I also note that the licence was taken away for MOT offences. Part of my campaign was

to allow VOSA to remove licences because of public safety and links to organised crime, but those were not the criteria on which the licence to which the member refers was revoked. Given that the situation is on-going, it would be inappropriate to talk in any more detail about that case.

Community activists have campaigned vocally on the ground for many years for the good of their local areas. That is quite different from people just doing their jobs. Those activists are invaluable to their communities and deserve our gratitude. So, too, do our police officers, who are the front line and who have to face up to serious and organised criminals daily. Much of their work goes unseen and unrecognised. Often, they are criticised when matters in relation to serious and organised crime are not progressed as quickly as communities understandably demand, or when people feel that individual officers make poor judgment calls on specific matters. However, by and large, our police officers do a fantastic job day in, day out and often tackle serious and organised crime head on. I record my thanks to them.

In the context of communities fighting back against criminals, and of police officers taking the fight directly to them, the Parliament has an overarching duty and obligation to work together constructively and positively. We are getting far better in our fight against serious and organised crime and progress is being made, but there is no room for complacency. Along with other members, I attended the Glasgow crime summit on Monday. I thank the deputy leader of the SNP opposition group in Glasgow City Council, Billy McAllister, for pulling that event together. I also thank Kenny MacAskill, representatives of the SCDEA and the gangs task force, Professor Graeme Pearson and many MSPs and councillors for attending the event.

As a result of attending the summit, I can assure members that our professional crime fighters are focused and proactive and are becoming increasingly intelligent about how to take on the criminals. There is no complacency. There was also no defensiveness about evaluating current performance. Continued self-analysis and best-practice improvement is vital to continued and increased success. I hope that that will be the tone in the Parliament too, so that when there are challenges to improving the performance of our police force, we join together constructively to deal with those challenges. That is what our communities expect from us.

It is important that we do not normalise the activities of organised criminals. That is one reason why it is important that we do everything in our power to prevent them or their associates from winning contracts from the public sector. Such contracts not only normalise criminals' activities,

but allow them to cash in at taxpayers' expense and create opportunities for money laundering through their ill-gotten gains. I therefore welcome the Scottish Government directive to ensure that private security operatives must be registered with the Security Industry Authority before they can bid for public contracts. That requirement for registration will ensure that the regulations on the sector squeeze out many of the criminal elements. The measure has led to security contracts for the Commonwealth games being refused. However, a number of my constituents are unhappy that some contracts were awarded before the measure came into force in December 2009.

I have had similar complaints from constituents about the signing of a contract between Network Cars and Greater Glasgow and Clyde NHS Board, after police expressed significant concerns and said that the contract should not be awarded. The board has said that, under European Union law, it had no power to refuse to award the contract. However, I understand that the flexibility of public bodies to refuse procurement contracts can be determined by the way in which the initial tender document is drafted. Get the tender document wrong, and the ability to rule out organised criminals from juicy public contracts can be drastically reduced. Therefore, I ask the cabinet secretary to consider exploring ways of extending best practice and advice on the drawing up of tender documents to ensure that maximum flexibility is given to refuse contracts when there are concerns in relation to organised crime.

Another serious aspect of tackling organised crime is getting more bobbies on the beat. That has been vital, because for so long organised criminals have been challenged by covert surveillance organisations and local community bobbies have backed off. That does not happen any more—local community bobbies are tackling organised criminals head on in every facet of their empire. I am proud of the job that those officers do. I hope that the Parliament unites around the need to take forward the fight against serious and organised crime.

15:39

Patricia Ferguson (Glasgow Maryhill) (Lab):

The report of the serious organised crime mapping project that was produced last year concludes that 4,066 people, representing 367 serious organised crime groups, are impacting on Scotland today. It notes that 40 per cent of such groups impact on the Strathclyde Police area and that 77 per cent of violent incidents occur in Strathclyde. Those are truly alarming statistics.

For those of us who live and work in the north and north-east of Glasgow, it sometimes feels as if all the problems of Strathclyde are concentrated in

our communities. Fortunately, most people only read about and never experience the brutal reality that underpins the business empires of the criminal underworld. Nevertheless, many of our constituents experience the awful consequences that the trade in drugs visits on their communities. Some may be trying desperately to help a family member with an addiction, or living in fear that their teenage son or daughter may get involved with the wrong crowd. Perhaps they watch in horror as cars and taxis pull up outside a neighbour's house at all hours of the day and night but are too afraid to do anything about such disturbing activity. The irony is that those law-abiding citizens are the key to any long-term solution, because they know who the local drug dealers are and can provide vital information—the missing piece of the jigsaw that would help the police to make the important arrest and to close down the criminal operation.

Perhaps fear is not the only obstacle. There is evidence that many people think that, even if they pass on information to the police or an elected representative, little will happen. That can lead to a corrosive cynicism that is in no one's interests. As members of Parliament, we must help to find a way of demonstrating that such information is valued and of reassuring people in our communities that it will be used effectively. That does not mean directing or divulging information about police operations—it means finding ways and means of providing reassurance to our constituents that their co-operation is valued and that their involvement is central to the fight against serious and organised crime.

In the past, I have written to the cabinet secretary about the problems that social landlords encounter in securing the eviction of drug dealers. As matters stand, the housing provider must wait for a conviction before proceeding to eviction. The case for eviction often takes many months to get to court. When it does, the fact that the drug dealer has not committed any offences since they were convicted has, on occasion, been cited by the sheriff as a reason not to evict. We must be able to streamline the system to make it easier to evict convicted drug dealers. If we do not, communities will see that as another example of the system letting them down—and they will be right.

The drug dealer on the street is the small fry—often an addict—and is being exploited by the so-called Mr Bigs of the criminal underworld, about whom we read every day. Although few of them live in my constituency, many of them operate there and make money out of the misery of people who were once their neighbours. When the proceeds of crime legislation was passed, all of us hoped that it would help to deter criminals and make it harder for them to operate. Although it has

made some difference, in reality criminals have simply employed better lawyers and better accountants to help them to avoid being caught, and have diversified into more seemingly legitimate businesses to help them to do so. The agencies that are working to defeat them must have the best technology, the best forensic accountants and the best support that is available from the Crown Office if they are even to keep up.

At the beginning of my speech, I mentioned that a disproportionate amount of serious and organised crime occurs in Strathclyde, especially in communities in Glasgow. I want to know whether that means that the major proportion of money that is allocated from proceeds of crime confiscations is reinvested in those communities, which are most directly affected by serious and organised crime. If it is not, there needs to be a major Government rethink. I hope that the cabinet secretary will address that serious concern when he sums up.

The relentless pursuit of those who bring misery and terror to innocent people in our constituencies is an approach on which we can all agree. No one could take issue with the objectives that are outlined in "Letting our Communities Flourish", but what is required now, more than ever, is an unswerving implementation of that type of co-ordinated and resourced approach in order to turn those fine words into successful action. The Scottish Government, the police and all elected members must listen to and work with communities to drive these crooks off our streets and into our jails.

15:45

Christopher Harvie (Mid Scotland and Fife) (SNP): Shortly after my election in 2007, when I was first appointed to the Economy, Energy and Tourism Committee, I proposed a committee inquiry into Scotland's black economy. The case for such an inquiry came out of postgraduate research that my students had undertaken, which was given some publicity in my book "Mending Scotland: Essays in Economic Regionalism". However, the issue was diverted to Scotland's Futures Forum, where there was consensus on the existence of the problem. At a meeting with the forum, the members seemed convinced of my arguments, but nothing further transpired—the Economy, Energy and Tourism Committee's agenda has also been enough for me to be going on with—although I have been in touch with them and I live in hope.

The problem is not just the bottom-up villainy that goes on but the grey area that has opened up on a huge scale between the sort of wild west that is covered by the *Daily Record* and *The Sun*—presumably, *The Sun* journalists are not at the

opera—and the huge disasters that have marked the financial sector. In the 18th century, Adam Smith and his less idealistic friend Adam Ferguson characterised such “luxury and corruption” as a problem to which people were prone in overcommercialised societies, where money talked and the talk was not about fairness or social responsibility.

In the UK’s financial collapse, top-down illegalism moved out of the shadows to take centre stage as part of sub-prime lending—often fraudulent—in the shape of what was termed “moral hazard”. Dealers, wanting to boost trade volumes and their own bonuses, undertook speculations in the expectation that, if they failed, their banks would be bailed out. Some of that behaviour could be put down to what, back in 1996, Alan Greenspan notoriously called “irrational exuberance”, but much was due to a lack of transparency because the boards of prestigious banks, including the Royal Bank of Scotland, did not know what was happening on the London trading floors and in the tax havens where structured investment vehicles, collateralised debt obligations and CDOs-squared—and those are just the easy ones—were traded.

Those disasters brought about what a University of Glasgow sociologist and a Tübingen criminologist had forecast back in 1975—the year, ironically, in which Gordon Brown published “The Red Paper on Scotland”—which one of the greatest British thriller writers subsequently wrote up in a near-documentary account; John Mack and Hans-Jürgen Kerner’s book, “The Crime Industry”, seems to have very much influenced Eric Ambler’s last novel. They argued that globalisation, computers and tax havens were creating a fog into which could disappear not just tax avoiders but much of the £1.3 trillion of business worldwide that is connected with drug dealing, arms smuggling, people trafficking and counterfeiting. That seems a vast and incredible sum, but an article in The Herald estimated that the Barras alone turned over £2 billion in counterfeit goods each year. All those businesses are united by the faculty of money laundering—so Nick Kochan has argued—and the ability of law to get the manipulators, even when evidently guilty, off the hook. Remember that this trade runs from fraudsters such as Vidaurri to our last heavy industrial firm, BAE Systems, which got off bribery charges on the ground that the wider public interest had to prevail over the rule of law.

The particular impact on Scotland can be seen in our drugs problem—three times greater, proportionate to population, than elsewhere in Europe—which finances a huge black economy where gangs that are big enough, as we have heard, to have their own lawyers and accountants can make money disappear and suck in legal aid.

Was it coincidence that Scotland has turned out to be a prime “carousel fraud” country?

How do we combat that? That will be the clue to our future. I acknowledge that 1,000 additional police officers—and another 200 next year—will certainly help to make our communities safer and to deter crime. The establishment of the serious organised crime task force, the research on the scale of organised crime in Scotland that has been published and the additional funding that has been announced are more than welcome. However, our ability to reduce the drug hit—which, as we have seen, extends far into society—is the key. Are we prepared to follow European countries such as Switzerland that control drugs in a much more intrusive fashion in order to reduce the influence of crooks and bullies and the big-car, high-roller glamour that is not restricted to crime but which smears itself over spectator sport, gambling and security firms and contaminates legitimate business and law?

Three years ago, Graeme Pearson, resigning as head of the SCDEA, warned that, if we did not check crime, it would subvert the state. Of course, we have seen many examples of that happening worldwide.

I will end with a statistic that will show just how big that grey area is—it is worth bearing in mind that I speak as a veteran of the Buckingham branch of the Labour Party, which was dominated in my time by Robert Maxwell. According to The Guardian, in 2007, benefit fraud in Britain came to just under £1 billion while tax fraud came in at between £97 billion and £150 billion, which was as much as 12 per cent of the gross domestic product of Britain and twice that of Scotland.

15:51

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Organised crime infiltrates societies across the globe, from the yakuza in Japan and the triads in China to the drug barons in South America and the mafia in the United States, and Scotland is not immune to that vicious and deadly trade. Links are worldwide in this global business racket.

It is worth repeating that the serious organised crime mapping project found that, between November 2008 and April 2009, there were 367 serious organised crime groups operating in Scotland, involving just over 4,000 individuals.

Gang members come from various walks of life and backgrounds. Some are lured into gangs as a result of the effects of social deprivation or a lack of proper education and some may become involved in crime because, in a sense, they inherit the family business. For some sad souls, being part of a gang seems to be a natural step and, for the vicious thugs, it is a means of gaining a sense

of power and control over others, while making a packet out of people's misery.

Let us be in no doubt, though, that those who become involved in gangs are part of a fraternity of felons whose criminal acts, which extend from shoplifting, drug dealing, extortion through to murder, force us to tackle them with every resource at our disposal.

We know that criminals who are involved at a high level are able to engage the best possible advice. Our people fighting the war against them deserve to be equipped with the best possible tools. They must have the best people, the best technology and the best resources to tackle, aggravate and stop the gangsters' evil trade.

Thankfully, we have an agency whose principal mission is to dismantle serious and organised crime in Scotland. The SCDEA is tasked with protecting Scotland's communities and ensuring that they

"are not blighted by the effect of serious organised crime, drug addiction and supply".

Since its inception in 2001, SCDEA has been tremendously influential in its remit. In recent times, operation Aquarius, a seven-month investigation that was carried out in conjunction with Strathclyde Police, seized controlled drugs including cocaine and heroin worth almost £2 million, disrupting the business of the gangs and keeping their deadly product off the streets.

In my constituency of Cumbernauld and Kilsyth, the local police work closely with the SCDEA and have had successes over recent years. Our communities are still blighted, however.

The Proceeds of Crime Act 2002 was landmark legislation, which I think had the support of all the political groups in the Scottish Parliament. We need to consider how it is working in practice. If it needs to be tightened up, so that we shift the balance of power from the criminal to the law-abiding citizen, that should happen. Just as our law enforcement officers need to be resourced to take on and get ahead of the criminals, the law must give officers the power to do their job.

It is not acceptable for criminals to set up businesses as a front for criminal activity. The public and the police know that they are fronts, but the criminals get away with it. People see gangsters who have not worked an honest day in their lives driving about in fancy cars, living in large houses, parading about in designer clothes and draped in gold jewellery, with their designer dogs at hand, seeming to snub the police.

To add insult to injury, gangsters win public sector contracts. Surely that cannot be right. The SCDEA is doing an excellent job, but the Government will not support that work unless it

takes action now to prevent gangsters from tendering for, let alone winning, public sector contracts. If tackling serious and organised crime is a priority for the Government, the minister should urgently introduce legislation to deal with the matter.

Kenny MacAskill: Does the member accept that many of the issues that she raises relate to procurement, which is either EU driven or the responsibility of Lord Mandelson? Will she support me in the offer that I made to Councillor Stephen Curran in Glasgow, when I said that I would be more than happy to make a joint representation to Lord Mandelson, to call for action to tighten up on procurement, because it is wrong that gangsters benefit from public contracts?

Cathie Craigie: If I were in the cabinet secretary's position I would be doing everything that I could to close the loophole. We must give the people who fight gangsters on our behalf every tool that they need for the job. If that means that we should work with elected representatives in other Parliaments, the cabinet secretary should do so—that is what I would do if I had the power that he has. I am sure that, if the cabinet secretary introduced a bill in the Scottish Parliament to allow our law officers to do their jobs, it would have cross-party support.

I move on to the proposal to move SCDEA and all the partners who are needed to do the job to the new Scottish crime campus at Gartcosh. In the SCDEA's 2007-08 annual plan, the agency's former director general, Graeme Pearson, said:

"The establishment of a Scottish law enforcement campus sends out a clear message—serious organised crime will face a formidable adversary and will find it increasingly difficult to profit at the expense of Scotland's communities."

It is crucial that we get the Gartcosh campus up and running. I am sure that Elaine Smith will talk about that.

The Deputy Presiding Officer: You must wind up now.

Cathie Craigie: We must make the changes that are needed, to ensure that we support our law officers in protecting us from serious and organised crime.

15:58

Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The first organised crime map, which shows the number of serious criminal gangs in each police force area in Scotland, was published last year. The map was compiled by the police and other organisations that are involved in tackling serious and organised crime. It shows that 92 per cent of gangs are involved in drug crime and 22 per cent in money laundering. Some 55

per cent of gangs are estimated to have access to firearms. Every part of Scotland is affected by criminal gangs, but some areas are more affected than others are. It is estimated that 5 per cent of the organised crime groups that operate in Scotland operate in my area, Grampian—as far as I am concerned, that is too many.

One of the most effective ways of addressing the problem is by tackling demand. Do people really understand that buying counterfeit goods and contraband cigarettes, for instance, funds the criminal networks that supply them? Do people really understand and know that? Do they therefore realise that what might seem to them to be victimless crimes are no such thing? I believe that one of the most important things that we can and should do is target consumer groups to reduce the demand for the products of serious and organised crime. By concentrating on getting that message across, we can work to increase awareness and reduce demand—we certainly should not stoke demand.

Frankly, it does not help the situation when the Scottish Government introduces proposals to make things that are currently legal illegal. I am focusing here on the SNP Administration's move to raise the age for purchasing alcohol from 18 to 21. Why 21? Why not 25 or 45? If we set a new and quite arbitrary age limit within the current law, where will that stop and what will the repercussions be? We have already had historical references in the debate. Well, historically, we all know what happened in the USA when it brought in a prohibition on the purchase of alcohol. There was a dramatic and immediate rise in organised and serious crime. It can hardly help to tackle the issue if we go down the route of banning people from activities in which they already legally engage.

Christopher Harvie: Just as a matter of information, the arrest and sentencing of Al Capone were done under the prohibition legislation, which enabled his financial dealings to be explored and which would not otherwise have been possible.

Mike Rumbles: I think that the member has missed my point. It was the fact that prohibition was introduced in the first place that caused the rise of Mr Capone and all his cronies. That is the point that the member seems to have missed.

I will focus on the issue of working with professional bodies to tackle corruption by, for example, clamping down on accountants and solicitors who attempt to legitimise illegal earnings. It is right that the Criminal Justice and Licensing (Scotland) Bill is looking at ways of modernising our laws on corruption and bribery. I will not refer to any particular on-going court case involving solicitors and stolen goods, because to do so

would be wrong and would risk affecting the natural course of justice. However, in general terms, we need to accept that corruption takes place involving professionals as well as non-professionals. We need modern, effective laws to ensure that lawbreakers are more easily brought to justice.

High-profile policing is also essential if we are to root out the scourge of serious and organised crime—of course it is. The SNP Government must ensure that the progress that has been made on increasing the number of front-line police officers over the years is not undermined by the funding shortfalls and difficulties that police forces such as Grampian Police face, especially in their pension arrangements.

I cannot speak in this debate without referring to the points that the Conservatives made about the proposed abolition of shorter prison sentences. Bill Aitken asked what would happen to deterrence with the abolition of shorter sentences. In turn, I ask the Conservatives whether they know of any criminals who committed their crimes believing that they would be caught. People committing minor offences should not be jailed; it is no good for them or for society. Criminals committing serious crimes should be put away for serious periods.

Bill Aitken: How would Mr Rumbles deal with the shoplifter who has 30 or 40 previous convictions? That is typically the sort of case, where everything has failed, that we get in the summary courts.

Mike Rumbles: It is interesting that the Conservatives automatically assume that courts will hand out lighter sentences and so advocate longer sentences. I am surprised that the Conservatives, from their perspective, do not take the position of advocating longer sentences for serious crimes. If Bill Aitken thinks that his example is about a serious crime because somebody has committed so many offences over the years, surely that is serious. The point is that, if somebody is sent to prison for a shorter period, they cannot get rehabilitated and they are more likely to commit crimes when they come out from what are universities of crime. I am astonished at the position that the Conservatives take on this issue.

We need to recognise that the problem of serious and organised crime affects everyone throughout Scotland. It needs to be tackled in the first instance by taking away the demand for illegal products, not encouraging that demand. As I said, the Scottish Government should not add to the problem by making even more products illegal. We should also support more high-profile policing. In those ways, we can tackle the problem of serious

and organised crime, which continues to grow across the country.

16:05

Bill Wilson (West of Scotland) (SNP): I do not imagine that any member is in any doubt about the danger that organised crime presents, or that anyone doubts its ability to corrupt. Legitimate businesses, the police, the judiciary, politicians and the military—no one will fail to find at least one country in which organised crime has corrupted people in one, if not all, of those areas. Therefore, I hope that all members welcome the actions that are being taken to detain criminals and to seize their assets.

I appreciate that there is some debate about whether those assets are being seized quickly enough, but surely the most important point is that they are being frozen and then seized. It is unquestionably satisfying to see the ill-gotten gains of the dregs of society—the so-called Mr Bigs—going to fund youth projects that are aimed at keeping youngsters out of crime.

In Renfrewshire, almost £130,000 has been distributed to organisations such as Moorpark youth centre, Loud 'n' Proud, which teaches rock and roll, and Paisley and District Scout Council. The most recent beneficiaries were Renfrewshire Council antisocial investigation team and the Bridgewater Housing Association. In one manner of speaking, contrary to what the motion says, crime does pay—at least for those organisations.

It is clear that, if we are to be successful in diverting the funds of theft, extortion, prostitution and drug dealing from the crime bosses into youth projects, we must make it as difficult as possible for those funds to be hidden, which means making it as difficult as possible for them to be moved into legitimate businesses. For that reason, I welcome the Government's decision to ensure that all taxi and private hire companies must be licensed. Never again should we have a health board awarding a contract to a company that the police have identified as being connected to organised crime. That is counterintuitive not only from the perspective of tackling crime, but from that of improving our nation's health. After drug addiction or violence has destroyed a person's health, it appears just a tad bizarre to send the victim a taxi that is owned by the same people who caused the damage.

If we welcome the seizure of cash, should we not also welcome the considerable increase in the seizure of drugs? Well, any drug seizures are to be welcomed, but what do they tell us about the so-called war on drugs? What they do not tell us is that there are fewer drugs on the street. We cannot know whether an increase in drug seizures

represents an increase in the proportion of drugs that are seized or the same proportion of a higher level of availability. The only way in which we can really know whether drugs are less available is through price. If we assume that demand is relatively constant—as the demand for hard drugs comes from addicts, it tends to be inelastic—a lower price indicates greater drug availability, and a higher price points to lower availability.

The laws of economics provide the information to determine drug availability. However, those same laws—specifically, the law of supply and demand—point to the illogicality of a police-led approach to tackling drug problems. Let me make it clear that I am not suggesting that we should not seek to arrest dealers or seize drugs; my point is about the illogicality of attempting to tackle our drug problem through supply-side control. If we seize more drugs and succeed in significantly reducing the availability of drugs, the price goes up. That rise in price encourages others to enter the supply side of the market, thus ensuring a counterbalance to police success.

What is the evidence for that? Over the past 30 years, there have been regular announcements that drug seizures are up, but we still have a significant drug problem. If we really could control the drug problem through justice measures alone—I emphasise the word “alone”—the problem would have been solved a long time ago. I believe that there can be only one way of effectively tackling the drugs trade. We must emphasise the need to tackle the demand side of the equation.

The Scottish Government has taken steps in the correct direction. For example, in June 2008 it announced details of a pilot scheme involving the use of drug treatment and testing orders. The underlying philosophy of a DTTO is that by addressing an offender's drug misuse, it is possible to have a positive impact on the related offending behaviour.

In December, the Scottish Government announced the provision of £28.6 million of funding—a record amount—for drug treatment services. That money, which represents a 20 per cent increase in investment in front-line drug services—and therefore the meeting of another pledge—will fund recovery services that are tailored to local needs. I have a vague memory that some political parties said that we would not manage to provide extra treatment funding and extra policemen—perhaps that is just a trick of my memory.

However, I believe that we could be bolder. Work in Switzerland, the Netherlands and England has demonstrated the effectiveness of prescribing heroin to recalcitrant addicts, in combination with other support. The English randomised injectable

opiate treatment trial—RIOTT—which compared supervised injectable heroin, supervised injectable methadone and optimised oral methadone treatments, achieved highly positive results, with a significant reduction in, or abstinence from, the use of street heroin, particularly among the injectable heroin treatment group. There was also a dramatic reduction in self-reported crime, and the amount of money that was spent on street drugs was reduced in all three treatment groups. That translates into less money being spent on propping up serious and organised crime. The evidence is there, and I am convinced that the sooner we roll out such programmes in Scotland, the better.

However, in tackling drugs crime, it is vital that we not only reduce demand but reduce the ability of crime bosses to recruit their underlings. There is solid evidence that inequality within society leads to increased crime. The recent book “The Spirit Level” provides an excellent summary of the past 15 to 20 years of evidence. I accept that the number of top crime bosses might not be significantly altered by creating a more equal society, but the number of their recruits at the lower end certainly will be. In “Freakonomics”, Steven Levitt and Stephen J Dubner noted that the overwhelming majority of those who are involved in the drugs trade earned the minimum wage or less. It is only near the top that significant sums begin to be earned. Tackling drugs crime means reducing the number of recruits to the drugs trade, and that means tackling inequality.

The Scottish Government has shown considerable initiative in tackling organised crime, but to tackle crime fundamentally, we must tackle inequality. To do that, we need control over the minimum wage, social security, and all economic levers. To really tackle crime, we need to reshape our society. We need to look at examples of other similar nations, such as Norway or Sweden, and of course we need the powers of independence.

16:11

Hugh Henry (Paisley South) (Lab): I agree with much of what the cabinet secretary said this afternoon. Indeed, like most members in the chamber, I can endorse much of what he has said since his appointment on issues of serious and organised crime. When he says, as he did this afternoon, that he is sending out a warning that those who are involved in crime are not untouchable and that their ill-gotten gains will be taken from them, I fully support him. I also fully support the statements made in many Government documents, including that which specifically says:

“Fraud against government reduces the money available to fund services like schools, hospitals and police on the street.”

I was, therefore, surprised that when I asked the cabinet secretary whether he would support my call for the Proceeds of Crime Act 2002 to be used against a convicted fraudster, he said that he could not comment on a specific case as a cabinet minister. Then, strangely enough, he went on to list specific examples to illustrate his support for the use of the proceeds of crime. Of course, his speech was written before I asked the question, so the cabinet secretary was clearly prepared to endorse specific action against some people. I cannot understand why he is so reluctant to be specific in his support for the Proceeds of Crime Act 2002 to be used against the individual I asked about. I hope that a letter of comfort from a cabinet secretary colleague would not temper his zeal in ensuring that the Proceeds of Crime Act 2002 is properly applied.

I share the views that many members have articulated about the complexity and the significance of the threat facing our society from serious and organised crime. Some of the legislation that has been mentioned has been significant and has had a profound and positive impact. However, like any other legislation, we need to be able to develop it as required. We need to learn from our practice and experience and, where improvements can be made, we need to be prepared to make them. That is why I believe that the time is right to ensure that the impact of the Proceeds of Crime Act 2002 and the recovery of assets are strengthened. Where there are weaknesses, we should address them radically. We should not hesitate.

In ensuring that we are able to tackle serious and organised crime, it is not enough just to change the legislation if required. We need to be able to invest to ensure that those criminals are tackled. I commend the additional money that the cabinet secretary has mentioned will be invested. We expect that such a problem will continually demand more resources. It is not enough to say that we are spending more than we did a couple of years ago; that should be taken for granted. The question is whether we are prepared centrally to invest what is required.

I hope that the cost of some of the advances that the cabinet secretary mentioned, such as the investment in forensic techniques, is being met from central resources and that we are not using money from recovered assets and the proceeds of crime to fund what should be centrally funded from Government and police board resources. We know that many criminals have access to the best accountants, lawyers and equipment. If we are serious in our determination to match them and beat them, we must ensure that the SCDEA and

our police forces equally have access to the best resources. We should not hesitate to provide such investment.

We have been blessed with many talented individuals. Graeme Pearson has been mentioned; I knew Gordon Meldrum, the current director of the SCDEA, in his previous post in the police; and there is also Johnny Gwynne. Those are talented, experienced and dedicated officers who are determined to make a difference and that determination should not be thwarted by any internal wrangling in police forces or arguments about the deployment or secondment of resources. The SCDEA needs the full support of every agency and politician in this country to ensure that it does its job to best effect.

I support what has been said about the need to disrupt the organised criminals and about the need to divert resources. I commend the work that has been done through choices for life, the education programme for primary 7 children throughout Scotland. However, one of the last things that I did before I moved from the justice portfolio was ask for an examination of the impact of that programme. Significant amounts of money have been invested in it and it is possibly right to continue with it, but is it having an impact? Are children at that age being deterred from criminality in their teenage years? There should be some tracking to see whether that investment and effort are having the desired effect. I make no criticism—it is a wonderful programme and I have attended its meetings—but we need to examine whether our investment and what we are doing are having the desired effect.

16:17

Sandra White (Glasgow) (SNP): Organised criminals, drug barons, crime lords—call them what we may, they cannot be allowed to run amok, maiming, killing, terrorising and threatening communities. Therefore, I congratulate the Government and previous Governments on their moves against organised crime. The Scottish Crime and Drug Enforcement Agency, cashback for communities, the serious organised crime task force and additional police on the beat all contribute in the fight against the criminals and are proving to be successful. The SCDEA has seized £43.5 million-worth of class A drugs and the community cashback initiative has invested £13 million of seized money in our communities. They are all very good initiatives and are welcomed by not just me, but all members and everyone in our communities. Nevertheless, criminals are still operating throughout Scotland, bidding for and winning lucrative contracts, and that is what I will concentrate on.

Several members, including Richard Baker and Hugh Henry, have mentioned Graeme Pearson. I met him on Monday at the crime summit, along with Patricia Ferguson, Bob Doris and the cabinet secretary. I echo the praise that we have heard for Mr Pearson, who this week said that councils and public authorities face a growing threat of corruption and bribery. We must remember that the public sector has massive spending power, amounting to £8 billion over the whole sector. Various members, including Bill Aitken, have mentioned procurement contracts, which we need to look at carefully, especially those regarding the security industry. When I was a councillor in Paisley—Hugh Henry will remember this, as he was the leader of the council at that time—Renfrewshire Council had a terrible time with a security firm that was run by the Gillespies, called Ferguslie Park Community Business Security. It is not as though such problems have just arisen; they have been happening for a long time, but it is difficult to pin the firms down and sort them out. The Gillespies' firm was eventually sorted out.

I will move on to the contracts that security firms have with other councils—including Glasgow City Council, because I am a Glasgow MSP. It is frightening to hear what has been happening in the security industry in Glasgow. We have all read about it in the newspapers and seen it on television; some of those security firms have been allowed to run amok. We put in extra checks and balances with regard to procurement for the Commonwealth games, but it was unfortunately too late for some of the firms to take part.

One security firm took great umbrage at not being able to get the security contract for the games, and—although the firm denies this, so I use the word “allegedly”—one of the areas was fire bombed. The firm denied all involvement, but it still holds the contract for the velodrome for the Commonwealth games, which I find very worrying.

I hear perfectly well the views of the cabinet secretary and the crime summit on procurement. There is EU law on that, in which Lord Mandelson has a say, and I thank Cathie Craigie for her commitment to join us in writing to Lord Mandelson to try to rectify the situation. However, companies have an obligation to ensure that the public are safe. The situation with NHS Greater Glasgow and Clyde and Network Private Hire has already been mentioned—

James Kelly: Will the member take an intervention?

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

The police told the health board that they would provide evidence against Network Private Hire and go to court, but NHS Greater Glasgow and Clyde

declined that help. The health board must have some responsibility in such a situation.

When someone goes to a licensing board they are asked whether they are a “fit and proper person”. Where does that fit in with the case that I have just mentioned? If the police are providing the evidence on the activities of that cab firm, it is clear that the people who run it are not “fit and proper” persons. Perhaps the cabinet secretary can comment on where we stand with regard to the licensing law’s test of whether someone is a “fit and proper person”—it just does not seem to work.

It is known that the security firms that I have mentioned are not “fit and proper” persons, but they still hold the licences for running the security for one of the most prestigious events in not only Glasgow, but Scotland. We need to get real. The council and other public bodies such as health boards—and the BBC, which I have been told has a contract with Network Private Hire—have a responsibility to the public. Public money is funding not only those security firms, but the criminals who are associated with them. It is incumbent on us as MSPs and legislators and on councils to ensure that the people who are awarded contracts are fit and proper persons.

16:23

Elaine Smith (Coatbridge and Chryston) (Lab): The debate is important and I join other members in supporting the implementation of the strategy. However, it is not possible to have a debate about tackling serious and organised crime without talking about the lack of progress on the new crime campus at Gartcosh in my constituency.

Gartcosh is, as some members may know, the site of the former steelworks that was shut for no good reason when Margaret Thatcher wreaked devastation on Scottish industry, the trade unions and working-class communities. Gartcosh has been a sad monument to that destruction since its closure in February 1986. I was therefore pleased to hear, under the previous Labour-led Executive, that the site would be developed and I was delighted to join Cathy Jamieson, the then justice minister, in early 2007 as she officially declared it the site for the new police services campus, which would house the SCDEA among other services.

The community in Gartcosh and the surrounding areas was pleased, not only because the site was going to be developed to house such an important number of agencies, but because the development was due to bring 900 quality jobs to the area. Work was supposed to begin in 2008 and completion was scheduled for this year. However, following the election in May 2007 and the change

of Government, it soon became apparent that work was not progressing. I asked a question in November of that year, to which I will return.

I was approached by the community council and concerned constituents early the following year and I wrote to Kenny MacAskill in February 2008 to express their concerns. I was assured that the funding had been identified in the spending review and that the work was due to commence, but that the completion date had been pushed back to 2011. In July 2008, Scottish Enterprise assured me at a meeting about Gartcosh that the work would commence early in 2009, but little progress has been made since then.

In November 2007, I asked the minister whether he was aware of the deep frustration that my constituents felt because of the delay. He responded:

“The member can rest assured that we will act expeditiously and efficiently.”—[*Official Report*, 29 November 2007; c 3935.]

I do not think that the new proposed opening date of 2012 is either expeditious or efficient and I know that the community in Gartcosh will not think so either. Jim Diamond of the community council recently said of the delays:

“This is having a detrimental effect on our community.”

Obviously, I have a constituency interest in seeing the campus opened, but aside from that, why is it important? Last year, in talking about bringing together key staff at Gartcosh, Kenny MacAskill said:

“This sends out a strong message to the criminal gangs that we will use every means at our disposal to protect our communities from the threat they pose.”

What is the threat? As we heard, drug smuggling is one of the main activities, but serious and organised crime also involves guns, money laundering, fraud, counterfeit goods, piracy, prostitution and people trafficking. It infiltrates our communities and ruins lives. It instils fear and fuels other crimes, and it is not victimless. In addition to the obvious victims such as drug addicts and their families, prostituted women and people who are harmed by faulty goods or poisonous alcohol, there are the victims of the car crime, mugging, burglary and so on that come with such crime. It is about money, greed and power. The criminals who are involved in it use extreme violence, intimidation and corruption to protect and sustain their lucrative criminal enterprises. We need to get that message out more widely. I agree with the Government on that point and its aim to do that.

The beginning of the week, 8 March, was international women’s day, and trafficking is a major issue of violence against women. According to Stop the Traffik, the trafficking of people is

hugely profitable. It generates billions of pounds a year in profit and is second only to the trafficking of drugs. Much of it, of course, involves the enslavement of women into prostitution. This week was also freedom week, during which young people have been encouraged to talk about trafficking and what we can do to help stop it. Serious and organised crime needs halted for many reasons, not least of which is the damage that it does to the people who are bought and sold in to modern-day slavery. It also threatens everybody's safety, destroys lives and the social fabric of communities and harms the legitimate economy.

The SOCA website states:

"The scale, scope and sophistication of serious organised crime in the 21st century demand an equally sophisticated and ambitious response from government to tackle it."

In the new strategy, the section on detection mentions boosting capacity, improving co-ordination and providing better intelligence. The facility at Gartcosh must surely be an integral part of that. Perhaps my frustration at the delay—and the frustration of my constituents, local councillor Joe Shaw and Tom Clarke MP—will be more understandable now that it has been set in the context of today's debate. We are all scunnered by the delay. We are angry at the lack of concrete information and fed up with the Government's procrastination. I hoped that today, at long last, the minister would be honest with us and commit to a date for the opening of the crime campus, but sadly that has not happened. Perhaps he will do that when he sums up. Only when he has done so will he be able to stand up in the chamber and convince us that he is unequivocally committed to delivering on the new strategy and to tackling serious and organised crime in Scotland. He must now prioritise Gartcosh or he will send out entirely the wrong message.

16:29

Mike Pringle (Edinburgh South) (LD): We have established that serious organised crime is a blight on Scotland's communities. The associated violence, crime and addiction that it causes are devastatingly harmful to many people's lives. As Patricia Ferguson said, that devastation is being inflicted on our communities throughout Scotland by 4,066 people. That is not very many, but it is a definite number. We must know who those 4,066 people are. How can we get them all in prison? I suggest that we do that. They are serious people, and they should be in prison.

The key to tackling serious and organised crime and bringing those 4,066 criminals to justice is having a joined-up and co-ordinated approach that involves our local police forces and national units

such as the serious organised crime task force and the Serious Fraud Office. Progress is being made in some areas, although the work is taking time to come to fruition. I accept that the serious organised crime task force strategy in "Letting our Communities Flourish" was launched only last June and that it will take time to have an effect, particularly the preventive measures that it identified.

It is important that the public perception of the effect of crime locally is improving. In turn, that will boost public confidence in reporting organised crime to the police. It is all about the police and the public working together as a team to address the issues, and it is vital that the serious organised crime task force continues to build on that improvement through continued efforts at engagement with both the public and local police forces. As Bob Doris and other members have said, it is vital to get the public on our side in fighting serious and organised crime.

I will give an example of what can be done. Lothian and Borders Police recently launched its new safer neighbourhood team initiative in my constituency of Edinburgh South. The idea behind that initiative is to improve public engagement and increase trust in our local police by letting the community prioritise local matters for the police, which will give it more confidence in what the police are doing. Particular effort is being put into engaging with residents outside the usual channels, through visits to businesses and issue-based local meetings. Although the scheme is not yet fully operational, the officers in charge are already noticing the difference in their relationship with the community and the community is noting the difference in what the police are doing.

Liberal Democrats welcome the partnership working involving the serious organised crime task force, UK-wide agencies and international agencies. That work is vital in combating the often international nature of serious organised crime. I remember a meeting in Glasgow at which Graeme Pearson gave a briefing. I confess that I came away from that briefing on how much international serious organised crime is focused on Scotland and the effect that that is having on levels of crime here with my eyes wide open.

There is definitely room for improvement in some areas. It is notable that the Proceeds of Crime Act 2002 can be used to greater effect in disrupting serious organised crime groups. As Richard Baker said, we cannot afford to be complacent. I hope that the extra money that the minister mentioned and the staff that it will provide will address a problem that many members have mentioned. The minister gave a good example: he mentioned a car that was confiscated. I saw a picture of that car earlier this week in The

Scotsman. It seemed to me that the police's getting that car off a criminal and making good use of it is exactly what should be done.

It has been mentioned several times that Kenny MacAskill has been accused of failing to fulfil his mission of seizing serious criminals' assets. The accuser in question described the 2002 act as a "laughing stock". I do not agree with that assessment. It can be remarkably difficult when, as many members have mentioned, highly qualified lawyers and accountants are doing everything that they possibly can to prevent the Government from seizing assets. Clearly, the answer is that as much money as possible must be spent on preventing that from happening. Perhaps it might be possible for us at some point to tackle the lawyers who are involved in that. However, the serious organised crime task force must improve the effectiveness of the 2002 act and be more robust in ensuring that there are seizures and in enforcing seizure orders. It is vital that the best use is made of such a powerful and visible symbol of the success of law enforcement agencies in tackling crime.

The Government is not performing quite so well in respect of its own performance indicators. Two-year reconviction rates have remained stable at approximately 45 per cent and there has been a failure to reduce overall crime victimisation rates, which have remained at about 20 per cent for the past few years.

In many ways, today's debate carries more urgency than previous debates on the issue because of the upcoming 2014 Commonwealth games. Liberal Democrats have warned that the Commonwealth games will result, before and during the games, in huge numbers of women being trafficked into Glasgow for sex unless the Scottish Government acts now to identify and support women who are being trafficked. My colleague Robert Brown gave some good examples of what happened both in Sydney and at the Athens games. Given the date of the games, it is even more concerning that the timetable for the proposed crime campus at Gartcosh seems to have slipped, although the minister has said that he will open the campus by 2012, which is welcome. To date, there have been no convictions—at least, I am not aware of any—for trafficking offences in Scotland, but I am sure that members all agree that that does not mean it does not occur.

The message must be clear—this kind of crime will not be tolerated in Scotland.

16:36

John Lamont (Roxburgh and Berwickshire)
(Con): We are under no illusion about the

damaging effects that serious organised crime has on our society. Colleagues from all parties have given us examples of how it impacts on the communities that they represent, but we should remember that such criminal acts affect not only those who are directly involved in them, and not only those in our communities here in Scotland or across the United Kingdom, but people across the world—from the poppy fields in Afghanistan to the drug plantations in Columbia.

Given that 48 per cent of serious organised crime groups in Scotland are involved with the importation and/or distribution of drugs, it is impossible for us to distance ourselves from the atrocities that are carried out in other countries in an attempt to supply illegal drugs in this country. I doubt that many of those from mainstream society who like to snort the occasional line think about their actions as helping to fund the drug cartels in Columbia or consider which groups own the poppy fields in Afghanistan.

There are an estimated 52,000 problem drug users in Scotland and the wider economic and social costs of drug abuse are £2.6 billion. The cost of dealing with drug-related crime is £684 million. We are talking about huge figures. Serious organised crime makes victims out of every single one of us. I am not talking about those who buy the occasional dodgy DVD or a fake handbag—even those who are not directly involved feel the impact. The cost of fraud to every man, woman and child in Scotland is estimated to be £330 per year so, thus far, in my lifetime, it has cost me just under £11,000. There is therefore a responsibility on everyone, at every level, to ensure that they do not involve themselves in such criminality.

The Conservative amendment recognises that there is a need continually to adapt the methods that we use to attack serious and organised crime, just as the criminals adapt their methods. The area is constantly evolving, changing and growing and our deterrents and monitoring must do likewise.

The Scottish Conservatives welcome the strategy that was produced by the serious organised crime task force, and of course we welcome the continued co-operation between the different agencies involved. Serious organised crime is a much more sophisticated type of criminality and it takes many guises. We cannot rely on the police or the SCDEA alone to tackle it; a lot of different agencies need to work together, with a joined-up approach, sharing information and having a common goal. Only when we take a more sophisticated attitude to tackling this type of crime can we hope to make progress.

It is vital that crime is not seen to pay. The problem with serious organised crime is not only that it appears to pay if someone gets away with it, but it pays big bucks. It can be a very tempting

road to go down, especially in the current economic climate. We must therefore ensure that people do not see criminality as a viable alternative in order to make ends meet.

Our young people must be at the forefront of our minds when we think about that challenge, because they are the most vulnerable to being influenced when they see known criminals—the Mr Bigs—rolling around in expensive cars, owning a massive home or taking several holidays a year.

Our young people need to see healthy, proper role models who have worked hard and legitimately for their outcomes. I welcome the work that the task force is doing in that area and the recognition that it is about not just targeting the criminals, but preventing people from involving themselves in such pursuits through education and the redirection of energies into more positive pursuits.

We welcome the recent “Joint Report on the Proceeds of Crime Act 2002”, which was highlighted in the Labour amendment and mentioned by Richard Baker. We have long argued for the quick seizure of assets from those who have funded their lifestyle through their criminality.

We need to send out a consistent message that crime does not pay. I am afraid that the Scottish Government has not always achieved that consistent message. Part of our efforts to tackle serious organised crime should be to deter people from getting involved in crime in the first place. The SNP Government, aided and abetted by its friends in the Liberal Democrats, falls short in that regard, especially in the area of sentencing. An end to automatic early release and a return to honesty in sentencing are vital to reinforce the message that crime does not pay. Only then will we send would-be criminals that consistent message.

It is all well and good to educate people about why crime and serious organised crime is wrong, to share information, to work together and, as the strategy puts it, to divert, disrupt, deter and detect, but unless these people feel the heavy force of the law and are not released on home detention curfew less than halfway through their sentence to continue their activities, I fear that we will not address properly the underlying concerns.

16:41

James Kelly (Glasgow Rutherglen) (Lab): I am delighted to close the debate on behalf of the Labour Party. As many members have said, this has been an important debate in which a number of serious issues have been raised. Unfortunately, serious and organised crime affects many areas throughout Scotland. Many members quoted the

figure that 4,066 individuals and 367 groups are involved in serious organised crime. It is not just the figures but the scale of the havoc that those groups and individuals wreak throughout Scotland that cause concern to many of our constituents—many members have raised those concerns today.

Such crime has a social and economic cost. The cost of drugs misuse totals £2.6 billion a year and the cost of fraud is £330 for every person in Scotland. Those are shocking and serious figures.

I think that everyone in the chamber would agree that we must tackle those issues. They would also agree with many of the sentiments that the cabinet secretary expressed in his opening speech. We agree with the actions that are being taken by the serious organised crime task force on the four Ds—diversion, disruption, deterrence and detection. It is absolutely correct that those actions be taken to tackle the activities of those who are involved in serious organised crime.

The debate has raised some serious questions about how the SNP Government moves forward in certain areas. Richard Baker, Cathie Craigie and others talked about the awarding of public sector contracts to organisations that have links to serious organised crime. A number of things can be done to try to undermine those who try to win contracts who should not be doing so.

The cabinet secretary referred to the strategy document in his opening speech. Under the heading, “Deter”, the strategy refers specifically to:

“a new service to ensure public sector contracts are not awarded to companies with links to crime.”

We did not hear anything about that new service in the opening speech. Perhaps the cabinet secretary will give us a bit more detail on the progress on that. If we are to address some of the concerns that members have raised during the debate it is essential that he does that.

There is a job to be done in providing advice to public authorities on good practice to ensure that contracts do not get into the wrong hands. Information and intelligence could be shared with authorities so that they are aware of the background of those who bid for contracts.

It is clear that local authorities have a big part to play in all this. I am thinking in particular of licensing. There must be close working with local authorities to ensure that we get the best out of the current arrangements.

If we are to tackle the many issues that have been raised in the debate, it is crucial that the appropriate resources are put in place. The mapping project outlined the scale of the task that we face. It is important that all our agencies pull together and that they are fully resourced. Central to that must be the timeous establishment of the

crime campus at Gartcosh. The cabinet secretary said that the current site at Pitt Street is not fit for purpose. A timetable needs to be put in place as soon as possible for the crime campus to be up and operational at Gartcosh. Elaine Smith made some important points in that regard and pressed the cabinet secretary firmly on the matter.

As other members have said, it is important that we congratulate the SCDEA on its work. I welcome the additional moneys that the cabinet secretary announced today. That said, I note in the SCDEA's 2009-10 annual plan that 2 per cent cashable efficiency savings are to be made. I am not against efficiencies, but if they are cashable and result in cuts in budget lines, the matter is of concern.

If we are to support those who are at the front-line in such activities, a detailed implementation plan will be needed to back up the strategy document. I understand that the cabinet secretary might not want to publish the plan—obviously, he does not want to reveal the detail to the forces of crime—but we need to know how the plan is being taken forward.

Bill Aitken and other members raised serious points on the confiscation of the assets of those who are found guilty of such crimes. Recent figures illustrate that, of the £60 million that was frozen in the past three years, only £6 million was confiscated. On Sunday, SNP councillor Billy McAllister was quoted as criticising the lack of progress in that area.

When the legislation was introduced, it was cited as an example of good working between Westminster and Holyrood. We need to look again at the legislation to examine whether it needs to be fine tuned or amended in any way. We need to ensure that we have more success in confiscating frozen assets and redistributing them through the cashback for communities scheme. I agree with Hugh Henry that we must ensure that the money goes to areas that have been affected by crime. If 77 per cent of the 161 groups that are involved in violence and murder are in the Strathclyde area, funding must go to the areas that are most affected in Strathclyde.

As Patricia Ferguson said, a job has to be done to instil confidence in people. We need to ensure that the public are confident enough to come forward and act as witnesses. Patricia Ferguson described that as

“the missing piece in the jigsaw”.

Many proponents of serious and organised crime try to dominate areas by bullying and intimidating people. We must ensure that our police forces are visible, in order to give communities greater confidence, so that they are better prepared to stand up to the criminals.

This has been an important debate, and there is much that we agree on. However, the cabinet secretary needs to address a number of points of detail. If those points are dealt with, and the Parliament unites, we can silence and defeat the forces of organised crime.

16:50

The Minister for Community Safety (Fergus Ewing): The debate has clearly demonstrated that all of us, in all parties, are wholly committed to the objective of tackling and disrupting serious organised crime, of jailing the Mr Bigs and of stripping them of their assets. Those objectives are entirely shared across the Parliament, and later in my speech I will describe some of the work that I believe is contributing to success in meeting them.

In the time that is available, I will respond to some of the points that members have made in the course of this interesting debate. Many members spoke about the importance of boosting asset recovery. Robert Brown asked how much money has been recovered. My information is that under the Proceeds of Crime Act 2002 more than £27 million has already been recovered from organised criminals.

It is salutary to think of the view that Gordon Meldrum has expressed on many occasions: that the serious organised criminals—the Mr Bigs—should of course go to jail with severe sentences. That is self-evidently true, and we all agree on that. However, it is not going to jail and doing the time that those Mr Bigs worry about. They worry about having their assets stripped from them. Although we must ensure that they do, indeed, go to jail for a long time, we should bear it in mind that the real prize is to strip them of their assets. To that end, the cabinet secretary outlined some specific, concrete and good measures in his opening speech—measures that have not, as far as I have seen, really attracted any criticism, per se. We have allocated £1.2 million to the Crown Office over three years, and specialist staff have been recruited. We have provided £500,000 to Lothian and Borders Police, Strathclyde Police and Tayside Police to finance financial investigators, and that has been match-funded.

The work that is required to strip the Mr Bigs of their assets is not the work of the politician. It is not, if I may say so—I am not saying that I am a particular culprit—about framing windy rhetoric. It is part of the task of forensic precision in analysis of financial records; going back through many years of records such as the bank accounts, property affairs and title deeds of the Mr Bigs. That task has to be carried out in painstaking detail, which is why the actions that the cabinet secretary

is taking have been welcomed on all sides of the chamber.

Many members raised the next point. I am pleased to respond to the question, "What else are we doing?" by saying that we plan to extend the list of criminal lifestyle offences under the 2002 act and to reduce the criminal benefit amount from £5,000 to £1,000. Furthermore, the cabinet secretary has written to the Home Secretary to seek his agreement to make—in order to help boost asset recovery—a number of legislative changes that fall within reserved competence.

Robert Brown raised a number of points about human trafficking, which was also mentioned by Elaine Smith, Richard Baker and a number of other members. The cabinet secretary indicated in a written answer on 24 November last year:

"During Pentameter 2, a police-led operation aimed at disrupting trafficking for sexual exploitation which ran between October 2007 and March 2008, there were a total of 35 arrests made ... there were 22 prosecutions, resulting in 18 convictions for offences including trading in prostitution".—[*Official Report, Written Answers*, 24 November 2009; S3W-28989.]

Robert Brown said that there have been no convictions for the specific offence of human trafficking. Plainly, it is for the Lord Advocate and procurators fiscal to decide on the offences and what charges to bring. The decision by the appropriate parties—not by Government, but by the independent law officers—was to bring charges in relation to prostitution and immigration offences. I am sure that that was the right decision and it has led to convictions being sustained. The issue is a concern to all parties: we are wholly united in our horror and abhorrence of the vile crimes of human trafficking and we will do everything that we can in that respect.

We are grateful for Bill Aitken's positive suggestion to engage HM Revenue and Customs in our work. I am pleased to report that, prior to that suggestion being kindly proffered, we had already done that.

Richard Baker raised points about the joint inspection report into asset recovery. I am pleased to say that we accept recommendation 1, which is why there on 30 March will be a conference that will bring together 200 practitioners. We also accept recommendation 2—in fact, we already had a strategy. Recommendation 3 is done and recommendation 4 is also agreed to.

Elaine Smith raised points about the Gartcosh crime campus. We recognise that the issue is extremely serious and Elaine Smith is right to raise it as the constituency member, although I hope that the issue transcends party politics. It is absolutely clear that we are committed to the principles that members throughout the Parliament have espoused. The site was not developed prior

to our taking office, but it is being developed now. We expect the first agency to move into the campus in 2012, with full occupancy by mid 2013. That takes account of the fact that some agencies do not wish to move into the campus until after the Olympic games in 2012. That is a partial response to the points that Elaine Smith raised.

Hugh Henry rightly praised the choices for life project and asked whether it has been evaluated. Bill Wilson and John Lamont also rightly mentioned the problem of drugs. We want to deter young people from taking drugs and we are united in that. I wholly share Hugh Henry's view that the choices for life programme is entirely excellent. I attended a choices for life event in my constituency in Inverness, along with 1,000 primary 6 and 7 children. It was an extremely embarrassing moment for me, as I had to participate in some public dancing activity, which is not really my *métier*. However, six weeks later, in a Nairn primary school, I found that pupils who had attended even remembered the names of the people in the play that charted the fall of children who became involved in drug taking, as well as the point of the play. We must think carefully about evaluation, but the Scottish schools adolescent lifestyle and substance use survey—SALSUS—figures show that the number of young people taking drugs is reducing, although slightly and not by enough. That is good work that we all wish to be built on, and I appreciate the support of Hugh Henry in that.

We must reduce the demand for drugs and counterfeit goods. I would never wish to disappoint Christopher Harvie or Bill Wilson, but we have no plans to legalise drugs and we do not plan to legalise cannabis.

Bill Wilson: Will the minister take an intervention?

Fergus Ewing: No, I will not. I will not be the minister who explains to parents whose children have died after having taken drugs that we are planning to legalise them. We will consider carefully pilot projects throughout the land.

I praise the work of the police and the SCDEA throughout Scotland. [*Interruption.*]

The Presiding Officer (Alex Fergusson): I am sorry, minister. I ask for a little less conversational noise from members.

Fergus Ewing: We should consider the success of the police and the SCDEA in combating cannabis cultivation. More than 111,000 cannabis plants, with a value of £34 million, have been seized. Consider the success of operation lockdown in Glasgow, which resulted in the arrest of 146 individuals, including four of the principals, as well as recovery of drugs with a street value of £8.8 million. Further, an

unconnected murder in the Strathclyde area was detected as a result of that inquiry, which was designed to focus on drugs. Consider the success of operation Lochnagar in Grampian, in which 155 arrests were made under the Misuse of Drugs Act 1971 and there were 48 main targets. I had the pleasure of seeing a presentation on operation focus in Lothian and Borders, which involved hundreds of people in dawn raids on drug dealers' homes. Hundreds of people knew about it, but not one word leaked out to the criminals who were arrested on that day.

The operations that I have mentioned are among the most successful police operations in the history of Scotland. I hope that those members who have asked today about the effectiveness of our efforts will acknowledge the excellent work that is done by those who bring law and order to our country. We are mightily grateful to every one of them for their efforts.

Decision Time

17:00

The Presiding Officer (Alex Fergusson):

There are eight questions to be put as a result of today's business.

The first question is, that amendment S3M-5926.3, in the name of Michael Russell, which seeks to amend motion S3M-5926, in the name of Elizabeth Smith, on the management of schools, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5926.2, in the name of Des McNulty, which seeks to amend motion S3M-5926, in the name of Elizabeth Smith, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Whitefield, Karen (Airdrie and Shotts) (Lab)
Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Adam, Brian (Aberdeen North) (SNP)
Aitken, Bill (Glasgow) (Con)
Allan, Dr Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Grahame, Christine (South of Scotland) (SNP)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Hepburn, Jamie (Central Scotland) (SNP)
Hume, Jim (South of Scotland) (LD)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kidd, Bill (Glasgow) (SNP)
Lamont, John (Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)
McArthur, Liam (Orkney) (LD)
McGrigor, Jamie (Highlands and Islands) (Con)
McInnes, Alison (North East Scotland) (LD)
McKee, Ian (Lothians) (SNP)
McKelvie, Christina (Central Scotland) (SNP)
McLaughlin, Anne (Glasgow) (SNP)
McLetchie, David (Edinburgh Pentlands) (Con)
McMillan, Stuart (West of Scotland) (SNP)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Morgan, Alasdair (South of Scotland) (SNP)
O'Donnell, Hugh (Central Scotland) (LD)
Paterson, Gil (West of Scotland) (SNP)
Pringle, Mike (Edinburgh South) (LD)
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
Russell, Michael (South of Scotland) (SNP)
Salmond, Alex (Gordon) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, John (Ayr) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Smith, Iain (North East Fife) (LD)
Smith, Margaret (Edinburgh West) (LD)
Somerville, Shirley-Anne (Lothians) (SNP)
Stephen, Nicol (Aberdeen South) (LD)
Sturgeon, Nicola (Glasgow Govan) (SNP)
Swinney, John (North Tayside) (SNP)
Thompson, Dave (Highlands and Islands) (SNP)
Tolson, Jim (Dunfermline West) (LD)
Watt, Maureen (North East Scotland) (SNP)
Welsh, Andrew (Angus) (SNP)
White, Sandra (Glasgow) (SNP)

Wilson, Bill (West of Scotland) (SNP)
Wilson, John (Central Scotland) (SNP)

Abstentions

MacDonald, Margo (Lothians) (Ind)

The Presiding Officer: The result of the division is: For 44, Against 69, Abstentions 1.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S3M-5926.1, in the name of Margaret Smith, which seeks to amend motion S3M-5926, in the name of Elizabeth Smith, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-5926, in the name of Elizabeth Smith, on the management of schools, as amended, be agreed to. Are we agreed?

Members: Yes.

The Presiding Officer: The motion is agreed to.

Members: No.

The Presiding Officer: Make it plain, please.

Members: We did.

The Presiding Officer: You did not make it plain enough for me to hear it. There will be a division.

For

Aitken, Bill (Glasgow) (Con)
Allan, Alasdair (Western Isles) (SNP)
Brocklebank, Ted (Mid Scotland and Fife) (Con)
Brown, Keith (Ochil) (SNP)
Brown, Robert (Glasgow) (LD)
Brownlee, Derek (South of Scotland) (Con)
Campbell, Aileen (South of Scotland) (SNP)
Carlaw, Jackson (West of Scotland) (Con)
Coffey, Willie (Kilmarnock and Loudoun) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perth) (SNP)
Don, Nigel (North East Scotland) (SNP)
Doris, Bob (Glasgow) (SNP)
Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
Fabiani, Linda (Central Scotland) (SNP)
Finnie, Ross (West of Scotland) (LD)
FitzPatrick, Joe (Dundee West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Highlands and Islands) (SNP)
Harvie, Christopher (Mid Scotland and Fife) (SNP)
Hepburn, Jamie (Central Scotland) (SNP)
Hume, Jim (South of Scotland) (LD)
Hyslop, Fiona (Lothians) (SNP)
Ingram, Adam (South of Scotland) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Kidd, Bill (Glasgow) (SNP)
Lamont, John (Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
Marwick, Tricia (Central Fife) (SNP)
Mather, Jim (Argyll and Bute) (SNP)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West of Scotland) (SNP)

McArthur, Liam (Orkney) (LD)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMillan, Stuart (West of Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Morgan, Alasdair (South of Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Adam, Brian (Aberdeen North) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Patrick (Glasgow) (Green)

Abstentions

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)

McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

The Presiding Officer: The result of the division is: For 67, Against 3, Abstentions 43.

Motion, as amended, agreed to,

That the Parliament agrees with the Cabinet Secretary for Education and Lifelong Learning that "choice and diversity are the hallmarks of a mature and confident society" in the provision of state-funded education and that it is now time to explore alternative models for delivery of school education with a view to empowering head teachers, raising standards and increasing parental choice; welcomes the community trust model for schools put forward by East Lothian Council as worthy of further examination and believes that this and other models to be found elsewhere in Europe should be the subject of detailed consideration and debate; recognises that Scottish education is generally of good quality with many important strengths; believes that any alternative models that are considered should build on these strengths and preclude academic selection as a legitimate criterion for school entry, and calls on the Scottish Government to publish an options paper on models of school organisation to facilitate this; believes that any changes to the model of school organisation should be motivated by raising attainment and improving pupil outcomes rather than profit and dogma; recognises the benefits of greater community and parental involvement in the management of schools; notes that the implementation of a new curriculum, falling teacher numbers and straitened budgets remain key areas of concern for education professionals, and recognises the cross-party consensus behind the Education, Lifelong Learning and Culture Committee's examination of the management of schools.

The Presiding Officer: The next question is, that amendment S3M-5929.2, in the name of Richard Baker, which seeks to amend motion S3M-5929, in the name of Kenny MacAskill, on serious and organised crime, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brocklebank, Ted (Mid Scotland and Fife) (Con)
 Brownlee, Derek (South of Scotland) (Con)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Carlaw, Jackson (West of Scotland) (Con)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Foulkes, George (Lothians) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Glen, Marlyn (North East Scotland) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gordon, Charlie (Glasgow Cathcart) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Glasgow Rutherglen) (Lab)
 Kerr, Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Roxburgh and Berwickshire) (Con)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Tom (Hamilton South) (Lab)
 McConnell, Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McLetchie, David (Edinburgh Pentlands) (Con)
 McMahon, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Park, John (Mid Scotland and Fife) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Elizabeth (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Whitton, David (Strathkelvin and Bearsden) (Lab)

Against

Wilson, John (Central Scotland) (SNP)

Abstentions

Adam, Brian (Aberdeen North) (SNP)
 Allan, Alasdair (Western Isles) (SNP)
 Brown, Keith (Ochil) (SNP)
 Brown, Robert (Glasgow) (LD)
 Campbell, Aileen (South of Scotland) (SNP)
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Don, Nigel (North East Scotland) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Finnie, Ross (West of Scotland) (LD)
 FitzPatrick, Joe (Dundee West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Highlands and Islands) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Harper, Robin (Lothians) (Green)
 Harvie, Christopher (Mid Scotland and Fife) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Central Scotland) (SNP)
 Hume, Jim (South of Scotland) (LD)

Hyslop, Fiona (Lothians) (SNP)
 Ingram, Adam (South of Scotland) (SNP)
 Kidd, Bill (Glasgow) (SNP)
 Lochhead, Richard (Moray) (SNP)
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 Marwick, Tricia (Central Fife) (SNP)
 Mather, Jim (Argyll and Bute) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West of Scotland) (SNP)
 McArthur, Liam (Orkney) (LD)
 McInnes, Alison (North East Scotland) (LD)
 McKee, Ian (Lothians) (SNP)
 McKelvie, Christina (Central Scotland) (SNP)
 McLaughlin, Anne (Glasgow) (SNP)
 McMillan, Stuart (West of Scotland) (SNP)
 Morgan, Alasdair (South of Scotland) (SNP)
 O'Donnell, Hugh (Central Scotland) (LD)
 Paterson, Gil (West of Scotland) (SNP)
 Pringle, Mike (Edinburgh South) (LD)
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Alex (Gordon) (SNP)
 Smith, Iain (North East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Somerville, Shirley-Anne (Lothians) (SNP)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow Govan) (SNP)
 Swinney, John (North Tayside) (SNP)
 Thompson, Dave (Highlands and Islands) (SNP)
 Tolson, Jim (Dunfermline West) (LD)
 Watt, Maureen (North East Scotland) (SNP)
 Welsh, Andrew (Angus) (SNP)
 White, Sandra (Glasgow) (SNP)
 Wilson, Bill (West of Scotland) (SNP)

The Presiding Officer: The result of the division is: For 56, Against 1, Abstentions 58.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5929.1, in the name of Bill Aitken, which seeks to amend motion S3M-5929, in the name of Kenny MacAskill, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S3M-5929.3, in the name of Robert Brown, which seeks to amend motion S3M-5929, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S3M-5929, in the name of Kenny MacAskill, on serious and organised crime, as amended, be agreed to.

Motion, as amended, agreed to.

That the Parliament recognises that serious organised crime can have a devastating impact on communities and businesses in Scotland; further recognises that tackling this menace should be a key priority for a Safer and Stronger Scotland; supports the role of the Serious Organised Crime Taskforce in spearheading Scotland's commitment to address this type of crime; supports Scottish law enforcement in implementing the taskforce's serious organised crime strategy, *Letting our Communities Flourish*

and supports the view that serious organised crime cannot be seen to pay; believes that the Scottish Government should ensure that there are no further delays in the construction of the Scottish Crime Campus at Gartcosh, which was originally due for completion this year but is now not expected to be fully operational until mid-2013; supports the crucial role played by the Scottish Crime and Drug Enforcement Agency in ensuring that there is a co-ordinated strategy to tackling serious and organised crime in Scotland, and also believes that the Scottish Government must make progress in implementing the findings of the *Joint Thematic Report on the Proceeds of Crime Act 2002*, published by HM Inspectorate of Constabulary for Scotland and the Inspectorate of Prosecution in Scotland, to ensure that there is greater success in seizing and recovering the assets of those who profit from crime and asks the Scottish Government to keep the entire issue of serious and organised crime under review in order that any further measures that may be deemed necessary can be considered; believes that, while good progress has been made on the recovery of assets under the Proceeds of Crime Act 2002, the Serious Organised Crime Taskforce must ensure that police and prosecutors use the Act to its full extent; notes with concern that there are no current convictions for human trafficking in Scotland, despite Glasgow being considered to be second only to London for the extent of people trafficking, and calls on the Scottish Government to take urgent, concerted and properly resourced action to break the misery of sex trafficking and to identify and support women being trafficked to Scotland, particularly in the lead up to the Commonwealth Games in Glasgow in 2014.

St Margaret of Scotland Hospice

The Deputy Presiding Officer (Trish Godman): The final item of business today is a members' business debate on motion S3M-5336, in the name of Des McNulty, on the St Margaret of Scotland Hospice. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with deep concern the decision of NHS Greater Glasgow and Clyde to remove the funding for 30 continuing care beds from the St Margaret of Scotland Hospice in Clydebank by 2013, which will impact adversely on the service model provided by the hospice's dedicated staff as well as on the hospice's finances; notes that this decision came immediately after an inspection by the Care Commission that rated provision at the St Margaret of Scotland Hospice as being excellent on every indicator, and believes that the approach adopted by NHS Greater Glasgow and Clyde in its dealings with the hospice is unacceptable.

17:06

Des McNulty (Clydebank and Milngavie) (Lab): Looking back over my notes for parliamentary questions, for my appearances at the Public Petitions Committee and for the speech that I delivered during the previous members' business debate on St Margaret's of Scotland Hospice, I discovered that the last time that a big contingent of people came through from the hospice to the Parliament was for the carol service in the run-up to Christmas 2008, when we were graced with the presence of Cardinal Keith Patrick O'Brien. This time, the debate takes place during Lent, which for Christians is the time of atonement before the joy of the resurrection. I hope that today's debate will be the precursor to joy. If so, it will be widespread joy because no issue unites the community of Clydebank and neighbouring areas like the wish to secure the future of St Margaret's hospice.

Although the St Margaret's of Scotland Hospice is run by a religious order, the hospice is a non-denominational unit that has developed into a facility with 60 beds, comprising 30 continuing-care beds for frail adult patients who require ongoing complex medical and nursing care and 30 palliative care beds. That makes St Margaret's the biggest hospice in Scotland. The hospice believes that the two types of provision are complementary: qualified and dedicated nursing staff care for both groups of patients. The reputation of St Margaret's is absolutely outstanding both locally and in the opinion of the care commission, which recently reported the hospice to be excellent on every count.

St Margaret's is under threat because of decisions taken by Greater Glasgow and Clyde NHS Board that have serious consequences for

the hospice's financial viability. The issue dates back to a consultation in 2000 on a proposal for a new facility on the site of the former Blawarthill hospital that was to include

"a number of NHS beds for the frail elderly and elderly mentally ill people but also social care beds and other services".

At that stage, there was no indication that any decision on elderly care provision at Blawarthill hospital would have an impact on provision at St Margaret's, which was not a special consultee in that exercise. Subsequently, in 2004-05, a study of need for elderly care was commissioned whose findings suggested a reduced need for NHS continuing care beds in the western part of Glasgow and an increased need for other forms of residential care, including care for patients with various forms of dementia. That is the factual background to the situation.

The health board produced proposals that suggested that St Margaret's should lose its continuing care provision, which was to be consolidated on the Blawarthill site. Other proposals suggested that St Margaret's should become a residential care facility and provide care for mentally ill patients. The hospice feels—and I feel—that those proposals are inappropriate, given the particular mission and circumstances of St Margaret's.

A palliative care institution whose first purpose is the care of the dying should not be used as a long-term facility for elderly day care or for mentally ill people who also might require care over a long period. A continuation of the particular combination of services that is provided at St Margaret's is the correct solution. I have received a lot of support from people in the area who also believe that what St Margaret's is doing is the right thing and that NHS Greater Glasgow and Clyde should have accepted that St Margaret's is a centre of excellence in the area and built its service around it. I am not saying that what has been proposed for Blawarthill should not go ahead in some form or that there should be no complementarity between the different provisions in the different areas, but it seems passing strange that the health board seems to want to take services away from St Margaret's, where they are provided very well, put those services elsewhere and require St Margaret's to change to something that St Margaret's feels does not fit.

I do not want this to be a party-political issue. This is a community issue. There has been a huge response from the general public to the situation at St Margaret's. The petition that was launched by the hospice attracted more than 100,000 signatures, which makes it the second-largest petition that this Parliament has ever received. St Margaret's enjoys continuing support, not only from those who are involved in it directly—the

relatives of past patients, the people who volunteer to support the hospice by rattling collecting tins, the people who pop in and out of the hospice to visit patients—but from the broader community. People support what St Margaret's has done in the past and want it to continue doing it in the future.

Surely we can all come together in a consensual way and find a way forward that protects what St Margaret's currently offers and can offer in the future; something that maintains the quality and support that is given by the dedicated staff, many of whom are here tonight. The hospice is seen as a valuable treasure in my constituency, and it serves the constituencies of many of my colleagues, who I am sure will speak tonight.

The right solution is to secure the future of not only the continuing care beds but also the palliative care beds, which could be at risk if the funding arrangements change.

Margo MacDonald (Lothians) (Ind): From what I know of St Margaret's—not nearly as much as someone local would know—it is an excellent facility. That is why I am worried about why NHS Greater Glasgow and Clyde would take the attitude that it is taking. Is it down to an economy of scale that will be achieved with the new provision? What rationale has it advanced?

Des McNulty: It is not for me to get into the head of the health board, but I might be able to offer Margo MacDonald a possible answer. It seems to me that the health board thinks that the NHS should be the provider of continuing care and that voluntary sector organisations should not be responsible for providing that category of mainstream care. If that is the case, I do not understand the reasoning. St Margaret's, as a voluntary sector institution, provides continuing care and palliative care extremely effectively, in terms of not only quality but cost effectiveness.

The optimum solution is one that maintains the integrity of St Margaret's and meets the demands and concerns of the local community. That would be in the best interests of the patients whom the health board serves.

I hope that, when she responds to the debate, the minister will say that there is a way forward and that there is a route map to a sensible solution. The issue has gone on for too long and the uncertainty is too great. I want to find an answer to the question, as do many other people. I hope that we can make progress today.

17:15

Gil Paterson (West of Scotland) (SNP): I am grateful to Des McNulty for bringing this important debate on St Margaret of Scotland Hospice to the

Parliament. I congratulate him and I put on record that what he is doing is worth while.

St Margaret's provides care that is second to none, as is evidenced by a petition that has been signed by 130,000 people. The hospice has the full support of East Dunbartonshire Council and West Dunbartonshire Council. Contrary to the claims of NHS Greater Glasgow and Clyde, West Dunbartonshire Council has never supported the plans for St Margaret's, and I think that East Dunbartonshire Council is in the same category.

No one has challenged the cost of the beds at St Margaret's compared with provision at other establishments, so it is not cost that has put the hospice under threat. We do not understand why the long-term future of St Margaret's is in jeopardy, as it will be if the plans to remove the 30 long-term care beds go ahead. Indeed, there is a complete lack of coherent reasons for the decision.

If St Margaret's can do the job well, at the right price, why move the beds to Blawarthill? Could it be that the only way to get the numbers to stack up and make the private finance initiative project at Blawarthill work is by shifting the St Margaret's beds to the new PFI hospital? When I consider the concerns that John Bannon has expressed, that is the only logical conclusion that I can come to.

All the vital decisions about the switch of beds were taken in Glasgow by a Glasgow-centric committee and have been adhered to by the current health board. Is it Greater Glasgow and Clyde NHS Board in name only? Does the board exist only to consider Glasgow issues? Should it be renamed Glasgow NHS board? How else can we rationalise the shifting of provision that is successful both in quality and cost? Why move beds a mile and a half up the road—six minutes by car—from Clydebank to Glasgow, into the custody of a provider that has a poor track record?

John Bannon's revelations give us hope and comfort. He has insisted that he was unaware of all the information on the Blawarthill-St Margaret's deal. We know that St Margaret's now has support from members of the health board who take a different view of the original plan. We must convince more people on the health board of the benefits of retaining the beds at the hospice. When board members have all the information, they might come up with a different solution.

People who are arguing for provision to remain at St Margaret's know that it is not about a choice between Blawarthill and St Margaret's. I have always said—from day 1—that Blawarthill and St Margaret's can and should prosper. If there is a little more open dialogue and understanding of the entire proposition, the security of both

establishments can be achieved for the long term, to the benefit of the whole of the west of Scotland.

17:19

Jackson Carlaw (West of Scotland) (Con): I congratulate Des McNulty on securing the debate. He and I disagree on many things, but I was happy to participate in a public meeting in his constituency in support of St Margaret of Scotland Hospice, and to say on that occasion that the community that he represents has been well served by his efforts on behalf of the hospice.

I have been quite happy to fall in behind his considerable leadership, in partnership with the hospice, in fighting to retain this valuable facility. I do so as well in tribute to the formidable Sister Rita and the considerable team of people who have been working tirelessly in the community in support of the hospice. Both Des McNulty and Gil Paterson referred to the petition, which has more than 100,000 signatures.

Like many, I have personal experience of St Margaret's, as an aunt of my wife spent the last few weeks of her life there. Many people have a connection with the hospice because a loved one approaching the end of their life received the best of care there. That is not to say that St Margaret's is the only hospice in the west of Scotland, because there are others and I am sure that many of us have visited them. In my capacity as health spokesman, I try to get round all of them, and I find a consistent theme: they are supported financially by health boards, but the vast majority of the funding that they receive comes from the community itself. Communities therefore feel a tremendous sense of ownership of and commitment to the facilities, and are concerned to see that they survive. Undoubtedly, in the case of St Margaret's, strong wills are being employed by all those seeking to find a solution. I certainly realise that it would not be too strong a statement to say that one could quite easily be strongarmed—if that is not a contradiction in terms—by Sister Rita in her support of the hospice and all the people surrounding her.

I have also been struck by the way in which the health board has approached the issue. As a West of Scotland MSP, it would be easy for me to say on all occasions that the health board is misplaced, that it is acting irrationally and that it consists of a woeful bunch of people who take no cognisance of public opinion.

I am afraid that it is true that, as a regional list member, I can cite a number of examples in the NHS Greater Glasgow and Clyde area where the community feels that the consultative process that should have been embarked on has not been as comprehensive or as genuine as it should have been. It is against that background that I find it

extraordinary that, after all this time since the first debate that Des McNulty arranged for us to have in the chamber on the issue, we seem to be no clearer, no wiser and no nearer a solution that will secure the future of St Margaret's. The people working there are not doing so to spend the best part of their careers campaigning for the hospice to stay open; they are spending the best part of their careers—they hope—caring for the patients in the hospice. The interminable debate that we are having about its future requires to be brought to a conclusion.

It is pretty clear to me that our standing or sitting here and wishing that the various parties concerned will, between them and on their own account, arrive at an agreement is simply wishful thinking—it is not going to happen. There has been an extension, because there was a threat that the funding would cease from April this year and that we would have nowhere else to go. There is now a window of opportunity, but it is only an opportunity if proper and extensive use is made of it.

I accept that the Cabinet Secretary for Health and Wellbeing's favoured way of resolving areas of major service change—the appointment of an independent scrutiny panel—would not be appropriate in the case of a hospice in the west of Scotland. However, I am afraid that we are past the point at which it is possible for the cabinet secretary not to intervene to broker a solution of some kind. I accept that it is not possible for her to micromanage each health board, but it is time now for somebody to be charged with brokering an agreement between both parties involved: the health board and St Margaret of Scotland Hospice. It must be somebody who has the cabinet secretary's authority and the good will and authority of West of Scotland members of the Scottish Parliament and the wider Scottish Parliament. They must be charged with ensuring that we arrive soon at an equitable solution that secures the future of the hospice and the valuable care that it provides. Time is running out and we have had enough debate. It is time for somebody to intervene to ensure that agreement is reached.

17:24

David Whitton (Strathkelvin and Bearsden) (Lab): I, too, thank my colleague Des McNulty for raising the issue again, and I am delighted to support him. As he mentioned, it is more than two years since we last discussed the matter. Mr McNulty's constituency lies next door to mine. As a result of that close proximity, many of my constituents have been, and continue to be, beneficiaries of the excellent care that is provided by St Margaret of Scotland Hospice.

I use the word "excellent" deliberately, as that is the score that the hospice received on all counts

when it was inspected by the Scottish Commission for the Regulation of Care in October last year. On quality of information, quality of care and support, quality of environment, quality of staffing and quality of management and leadership, it was rated as excellent. I am sure that the cabinet secretary will agree that there are many NHS establishments that could learn a few lessons from the people who provide such tremendous support and service to their patients at St Margaret's.

When we had the debate two years ago, 60,000 people had signed the petition that my constituent Marjorie McCance organised and, as we have heard, the number of signatures has more than doubled. Despite that, NHS Greater Glasgow and Clyde has taken the decision to remove the funding for the continuing care beds from 2013. That will obviously have a dramatic financial impact on the hospice. I am advised by my constituents that St Margaret's is the most underfunded hospice in Scotland, and I would welcome any comment from the cabinet secretary on why that is the case. Equally, moving the patients from St Margaret's to other facilities will have a cost for NHS Greater Glasgow and Clyde. Perhaps the cabinet secretary can quantify how much that is.

Like other members, I have had the opportunity to visit the facilities in the purpose-built Mary Aikenhead building. It was a fine sunny day when I went there, and I have to say that those facilities would be hard to beat. They would certainly be extremely expensive to replicate elsewhere, and that would be difficult for a health board that is having to cut several million pounds from its budget to do.

In my constituency of Strathkelvin and Bearsden, the age of the population is higher than the national average and many residents live well into their 80s and 90s. That demographic brings with it many medical problems that are related to an elderly population. We rightly want people to live independent lives for as long as possible, but the types of illness that old age can bring require a great deal of palliative provision. As I said, we know that that can be provided at St Margaret's and that the quality of provision is excellent.

Gil Paterson is promoting the proposed palliative care (Scotland) bill. To be fair, he has been heavily involved in the St Margaret's campaign, and I hope that he keeps up the pressure on the cabinet secretary—I am sure that he will. She can rest assured that the 130,000 signatories to Marjorie McCance's petition, who include many of my constituents, most certainly will.

The health board must justify its decision to the cabinet secretary on cost as well as care grounds. As we move into a period in which there is much

greater scrutiny of every pound from the public purse that is spent, it is incumbent on all in the public sector to justify their financial decisions. The decision on St Margaret's must also be justified as a medical decision. I believe that the services that it provides are value for money, and I hope that it will be able to continue to provide them long after 2013.

17:28

Ross Finnie (West of Scotland) (LD): I, too, congratulate Des McNulty on securing the debate. He asked whether it is a party-political matter: it is self-evident from what has been said in the debate that it is not and that there is clear all-party support for securing the future of St Margaret's hospice.

As Jackson Carlaw said, we must accept how sad it is that the dispute between Greater Glasgow and Clyde NHS Board and St Margaret's has gone on for so long. That is the issue. I share his view that we seek greater assistance from the cabinet secretary, if that is possible, in resolving the situation. Those of us who have met her or who have exchanged correspondence with her know that it is not the case that she is not interested in the matter. As Jackson Carlaw said, there are issues about micromanagement.

However, we must understand the high level of distrust that has arisen between St Margaret's and the board. Letters from the board saying, "Good gracious! There isn't a problem here. We've offered you all these options. There is no difficulty. You really are the stick-in-the-mud. It's all your fault," are not helpful. However, that is not to suggest that both sides have not taken difficult positions, or that either side might have expressed itself differently.

NHS Greater Glasgow and Clyde wrote to Sister Rita and Professor Martin last year to say that all sorts of options are available. However, the appendix to the letter contained the option that the health board wants and the one that the hospice does not want—"Take it or leave it." There are ways of writing letters, and that is not one of them.

One of the issues is a sense of trust. St Margaret's rejected a proposed mental health bed provision outcome, and having tried to persuade St Margaret's that it should take that line, the health board's letter of November 2009 said that it has reviewed the situation and, although it knows that St Margaret's does not like the outcome, it has decided to consolidate the beds at Gartnavel. How on earth can there be any trust in the propositions that are being put when an offer is made with one hand and taken away with another, and no choice is offered at all?

Gil Paterson made the point that is not really about a connection between St Margaret's and Blawarthill, and that is all right, up to a point. If

there is really no connection, it is strange that the funding for St Margaret's is to be withdrawn when so-called much better super-duper Blawarthill is put in place, and the health board is saying, "St Margaret's, we don't care about you. You're no use. You're gone." That is another failure to induce trust into the discussions.

I wholly agree with Jackson Carlaw that the matter has reached the point at which neither side is capable of productive exchanges. That is not a criticism; it is just a fact. I have written to the cabinet secretary suggesting the very point that Jackson Carlaw made that there should be some form of arbiter to seek a solution. I do not believe that the trust that has been lost can readily be restored. It is not helped by the allegations that have been made by the non-executive member, Mr John Bannon.

The conduct of that relationship is also difficult. Mr Bannon continues to seek information from the board that it refuses to disclose, so Mr Bannon is now no longer in discussion with the health board. If the cabinet secretary receives a report on the incident, she will receive it in the knowledge that the health board has been unable to discuss the matter with one of the parties to the complaint, which will make it difficult for any report to be even-handed.

I join in supporting the call in the motion that the dispute must be resolved. The facility is a community facility and any health board worth its salt should not be spending public money on building other buildings if it has looked at the wider picture. St Margaret's is at the core of that wider picture and it should not be ignored and swept aside come 2013. There is no logic, rationale or anything at all to support NHS Greater Glasgow and Clyde's proposition.

17:33

Jackie Baillie (Dumbarton) (Lab): Like others, I start by paying tribute to my colleague Des McNulty for securing this debate on St Margaret's hospice. I know that he has campaigned hard alongside many other members, irrespective of their politics, to secure a positive result for the hospice. As Gil Paterson did, I acknowledge the continuing support of West Dunbartonshire Council and East Dunbartonshire Council.

However, it is the support of ordinary people from all walks of life that gives me a sense of just how much the hospice is valued and loved: we have heard about the petition of well over 100,000 signatures, which shows us that. Spending just a little time in the hospice with the "formidable" Sister Rita—I use Jackson Carlaw's word—and her team lets us begin to understand what a special place it is. I know that some might regard that as just an emotional response, but no such

charge can be laid at the door of the care commission. As others have said, a recent report on the care that is provided at the hospice rated it as excellent across every indicator, so there can be absolutely no argument whatever about the quality of the provision or the scale of support for the hospice.

Others have explained the history of how we got here, so I need not rehearse it. Suffice it to say that at the heart of the issue is the funding for 30 continuing care beds for the elderly.

I think that my colleagues around the chamber would agree that NHS Greater Glasgow and Clyde has not covered itself in glory—indeed, some members may choose to use stronger language. It has been less than transparent with the press—I commend Scottish Review for its investigative journalism, which has helped to expose this sorry tale—and it has actively obstructed its own board members, such as John Bannon, who sought only to understand what lay behind the board's decision not to fund continuing care beds at St Margaret's. Now, John Bannon has been threatened under the code of conduct by the health board on which he serves. Is that the behaviour that we should expect from a health board—the pursuit of a non-executive member, appointed by the minister, who is merely after answers to perfectly legitimate questions? I trust that it is not.

The cabinet secretary has asked for an urgent report, and I am grateful to her for intervening in the matter. I hope that she can tell the chamber in her summing up what action she is able to take. I have made it clear, on behalf of my party, that Scottish Labour is committed to funding the 30 continuing care beds at St Margaret's if we are successful in the Scottish Parliament elections. That is a clear and unequivocal commitment. For the benefit of Jackson Carlaw, I will explain the basis of that decision. I was deeply disappointed with his press statement today, which was entirely at odds with his very considered speech this evening, the terms of which I entirely support and agree with.

Members will be aware that the decision on provision of continuing care beds at Blawarthill hospital was made by Greater Glasgow Health Board in 2000. At that time, the modelling of future needs was based on the territory that was served by the board as it was constituted then. The health board expanded in 2006 to include the Clyde part of the former Argyll and Clyde Health Board area. Consequently, the likely demand for continuing care beds should reflect the additional population of the whole of West Dunbartonshire and parts of Argyll and Bute, as well as the population south of the river, many of whom already make use of the hospice. There is, therefore, a need for the additional capacity that could be provided at St

Margaret's alongside that which is provided at Blawarthill. We are all, unfortunately, getting older although, helpfully, we are living longer. This would not be profligate use of taxpayers' money, as Jackson Carlaw might contend. Rather, it is a considered position that seeks the retention of a much-valued facility. I hope that he would genuinely welcome that.

I will support any measure that makes progress for St Margaret's and secures the funding of continuing care beds, wherever that suggestion comes from. Two things are abundantly clear to me. First, we must shine a light on the lack of transparency and the obstruction that has taken place by NHS Greater Glasgow and Clyde. Secondly, and above all, we must end the uncertainty for the hospice. The Parliament is at its best when we work together; let us do that tonight for St Margaret's.

17:38

The Deputy First Minister and Cabinet Secretary for Health and Wellbeing (Nicola Sturgeon):

Like other members, I congratulate Des McNulty on securing tonight's debate. I recognise his commitment to the issue and the commitment that has been shown by many other members, including Gil Paterson. I also recognise the strong commitment of the many people who are involved in the campaign; they have worked hard to highlight the issues that St Margaret's hospice faces. I welcome those who are with us in the public gallery tonight, and I am sure that there are many others who could not make it here tonight; it is important to recognise their interest and commitment as well.

The presence of so many MSPs in the chamber and the level and intensity of the debate reflect the importance that we all place on the services that are provided to people who require palliative and end-of-life care, especially those services for people who have complex needs as they reach the end of their lives. Given the number of letters I receive and the work of the Public Petitions Committee, I am under no illusions about the affection in which people hold St Margaret's hospice and the support it receives from them.

I would like, before I consider the specific issues that are raised in the motion, to take the opportunity to thank everybody who is involved in the provision of palliative and end-of-life care for the commitment that they show in the jobs they do and in implementing the recommendations of "Living and Dying Well: A national action plan for palliative and end of life care in Scotland". As Jackson Carlaw said, there are many hospices the length and breadth of the country that are doing excellent work. I am sure that all members want me to place on record our grateful thanks to them.

I take this opportunity to state unequivocally in the chamber that there has never been any issue with the quality of care that St Margaret's provides. Like other members, I commend St Margaret's on its performance, which was documented in the recent care commission inspection. I have visited the hospice. That visit—along with what I know about the hospice in general—made it clear to me that it provides a high standard of care.

It is important to point out that St Margaret's provides two types of care in two discrete areas of the hospice. The beds that are subject to the decision that we are debating this evening are not for those who face the imminent end of their life and are in need of palliative and end-of-life care, they are for those who require NHS continuing care, which is a package of continuing health care that is provided and solely funded by the NHS. The 30 palliative care beds at St Margaret's are not directly affected by the decision, because they are funded under a separate arrangement.

NHS Greater Glasgow and Clyde is, like all health boards throughout the country, responsible for offering the services that meet the needs of the local population. The board's decision on continuing care beds is based on an assessment of the future need for such beds. The response to Jackie Baillie's point is that that assessment was updated in 2008, so it takes account of the area that is now served by NHS Greater Glasgow and Clyde.

The board concluded that just over 300 beds are required. Its conclusion takes account of the projected increase in the number of people in the population who are over 80 and of the development of community services. I understand that the projection allows for a 15 per cent increase in demand in admissions during the next decade, if that becomes necessary. The impact of bed reductions is affecting not only St Margaret's—26 beds will be removed from the Mansionhouse unit, which is an NHS facility. I will touch on the point about Blawarthill, but I will come back to John Bannon's concerns at the end of my remarks.

There is a suggestion that the redevelopment of Blawarthill is the reason for the reduction of beds at St Margaret's. Right now, Blawarthill has 60 beds and, following the redevelopment, it will have 60 beds. There is no increase in provision at Blawarthill, and beds are not being moved from St Margaret's to Blawarthill. Indeed, the number of beds at Blawarthill has actually halved during the past number of years; the issue that we are discussing is part of a bigger debate about the provision of continuing care beds.

I want to look to the future because that is what is most important. I make it clear that NHS Greater Glasgow and Clyde does not wish to end its

relationship with St Margaret's—on the contrary, it wants to continue the relationship and has offered, as Des McNulty said, a number of options and the palliative care managed clinical network is considering a specific proposal from St Margaret's. I expect Greater Glasgow and Clyde NHS Board to work with St Margaret's to find a good solution and I hope that St Margaret's will take part in that process. Des McNulty said that there would be great joy this evening if a commitment was given to secure the future of the hospice. I will be clear: there is a commitment to secure the future of St Margaret's. I have given that commitment, but both sides will need to sit down and be prepared to find a solution.

Margo MacDonald: Will the cabinet secretary outline the timeframe for the process?

Nicola Sturgeon: NHS Greater Glasgow and Clyde has made it clear that the continuing care beds will remain at St Margaret's until 2012—it has said that the hospice will not require the beds after that. As Jackson Carlaw said, there is a window of opportunity to find a solution. I hear what Jackson Carlaw and Ross Finnie say and I will reflect on it because I have respect for both members, but it is important that we do not absolve NHS Greater Glasgow and Clyde or the organisations that it works with of their responsibility to come together and find a solution. I believe that it is possible to find a solution.

In the few seconds that I have left I want to say something about the decision-making process. As has been mentioned, I received a letter from John Bannon, who is a non-executive member of NHS Greater Glasgow and Clyde. I was concerned to read that letter as it raised some very serious questions. I therefore asked the chairman of the health board, Andrew Robertson, to provide me with a report on the decision-making process. I have received that report and I am in the process of considering it. The decision to redevelop the site dates back to 2000, so there is a great deal of paperwork to consider, but I hope to be in a position to report to John Bannon soon.

I think that all members in the chamber will unite around the desire for a solution that allows NHS Greater Glasgow and Clyde to provide the services that it assesses to be required, alongside its responsibility to assess the needs of the populations it services, and allows St Margaret's hospice to continue doing the excellent work that it does. If both sides work together with a willingness to find that solution, I have every confidence, even given the events of the past couple of years, that it can be found.

Meeting closed at 17:46.

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