



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Wednesday 3 June 2015

Session 4

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# Scottish Parliament

Wednesday 3 June 2015

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

## Portfolio Question Time

**The Deputy Presiding Officer (John Scott):** Good afternoon, everyone. The first item of business this afternoon is portfolio question time. In order to get as many members in as possible, I would prefer short and succinct questions and answers.

### Rural Affairs, Food and Environment

#### Seal Haul-out Sites

**1. Alison McInnes (North East Scotland) (LD):** To ask the Scottish Government what factors it considers when designating seal haul-out sites. (S4O-04394)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** In designating seal haul-out sites, the Scottish Government uses a methodology developed by scientists from the sea mammal research unit at the University of St Andrews that involves consideration of several factors, including the relative proportion of the regional population of each seal species that regularly uses a site, the persistence of the use of a site over time, whether the use of a site is increasing or decreasing over time and whether a particular site is a significant breeding site for grey seals.

**Alison McInnes:** The minister will perhaps be aware of the increasingly large seal haul-out on the estuary of the River Ythan in my region, North East Scotland. I know from correspondence with the Cabinet Secretary for Rural Affairs, Food and Environment that the Scottish Government is discussing with stakeholders and its statutory advisers whether the scientific evidence warrants the River Ythan site being granted designated status prior to the five-year nationwide review. Will the minister provide an update on those discussions and say what local circumstances are being taken into consideration? When does she expect a decision to be made on whether to give seals on the Ythan protected status?

**Aileen McLeod:** I am aware that Alison McInnes wrote to the cabinet secretary, Mr Lochhead, about this issue back in March and that she had a response from him. The Scottish Government is preparing a public consultation on the possible designation of the River Ythan site that it hopes to publish this summer. The site is a

relatively new one for the seals and it was identified as important too late in the original designation process to be included in the original list of 194 seal haul-out sites designated in September last year.

#### Local Produce

**2. Christian Allard (North East Scotland) (SNP):** To ask the Scottish Government what it is doing to ensure that more people can buy local and eat Scottish produce. (S4O-04395)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** The Scottish Government knows that we have a fantastic range of fine food and drink right on our doorstep. We support initiatives such as sourcing for growth, which links Scottish food producers with manufacturers; think local, which provides support to local food companies; and taste our best, which requires 40 per cent of local produce to be used. We are showing through that support our commitment to ensuring that the best of Scotland's food is available and promoted for our people and our visitors from around the world.

**Christian Allard:** As a member representing North East Scotland, I know how much the Cabinet Secretary for Rural Affairs, Food and Environment, Richard Lochhead, enjoyed tasting the fantastic local produce at the Scottish Seafood Association food stall last Friday at the skipper expo in Aberdeen. As an active member of the association in a previous life, I was delighted to see that the stall was a result of co-operation between the onshore and offshore fishing sectors, with the backing of the Scottish Whitefish Producers Association and the Buchan Braes coastal hotel. With the upcoming Taste of Grampian festival, will the minister ensure that, in the year of food and drink, such successes are replicated throughout Scotland so that as many people as possible have the opportunity to buy local and eat Scottish fish?

**Aileen McLeod:** Of course, the year of food and drink offers a wonderful opportunity to promote Scotland's food and drink to our people and our visitors through a dedicated £282,825 fund. Scotland's natural larder is being showcased throughout 2015 in 47 events the length and breadth of the country. Taste of Grampian and other events, such as Seafest Lossiemouth, Arbroath sea fest and Scotland's salmon festival, are being supported through the fund, providing a number of opportunities for people to buy and eat Scottish fish.

I highlight to the member that, as part of the year of food and drink, the month of October has the theme of sustainable shores, with the focus very much on promoting our fishing, seafood and salmon, with sustainability at the core.

**Claudia Beamish (South Scotland) (Lab):** The minister will know that the cabinet secretary attended the fantastic food and drink awards last week, for which there were a number of nominees from South Scotland, including Errington Cheese Ltd and CANAPE—Choosing A New And Positive Employment. With regard to the concerns expressed by Nourish Scotland and Christian Allard about local links and networks, what can the Scottish Government do specifically to support more rural employment and skills development in the producer and supplier chains?

**Aileen McLeod:** The Government is supporting a number of local food projects, such as sourcing for growth, which I mentioned earlier. There is also the think local project. The taste our best scheme encourages tourism businesses across the country to use fresh seasonal Scottish produce, showcasing our high-quality produce to visitors from home and abroad.

We also have our market-driven supply chain and our food processing co-operation and marketing grant scheme, which awarded grants worth up to £47 million to 175 projects to assist with the construction of buildings, the purchase of equipment, market research and product development and to aid co-operation and collaboration in the food chain.

A new capital-only scheme opened in May, with a non-capital element to open in the autumn. The new capital-only scheme will plough £70 million into food and drink processing in Scotland as part of the new Scottish rural development programme. Our £47 million investment levered in £114 million of private sector funding and safeguarded or created about 8,500 jobs. All of that is being fed back into the local economy.

#### **Barbed Wire (Effect on Leather Production)**

**3. John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government what steps it can take to reduce the use of barbed wire in the vicinity of cattle in order to protect the quality of hides for leather production. (S4O-04396)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** The Scottish Government considers the measures to protect the quality of hides a commercial matter between the leather industry and its suppliers. We would encourage tanneries, abattoirs and farmers to agree and apply their own standards.

**John Mason:** The minister may be aware that Andrew Muirhead and Son is one of the world's leading producers of leather and is based in my constituency. It produces leather for aircraft seats and the like. It and the United Kingdom Leather Federation have told me that, across the European Union, about €800 million is lost each

year because of damaged hide. In some countries, such as Germany, only 6 per cent of hides were damaged, whereas the figure for the UK was 70 to 90 per cent. Is there no way that the Government could do something to help the industry?

**Aileen McLeod:** The member raises an important issue for his constituency. The Scottish Government would certainly urge Andrew Muirhead & Son and other leather manufacturers to discuss this important issue with NFU Scotland in the first instance. I am aware that other countries such as Ireland have had some success in replacing barbed wire with electric fences, which has been incentivised by market demand for high-quality hide. If the member wishes further, more detailed information, I recommend that he also write directly to the Cabinet Secretary for Rural Affairs, Food and the Environment.

#### **Farmers Markets**

**4. Iain Gray (East Lothian) (Lab):** To ask the Scottish Government what support it plans to provide to farmers markets. (S4O-04397)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** In 2012, the Scottish Government announced £2.5 million of support for the think local initiative, to be delivered over three years. The initiative, which runs until the end of this financial year, provides targeted support to local food producers and suppliers, including farmers markets, local food retail and local food events. As part of think local, the community food fund allows food and drink producer groups, networks and community organisations to apply for up to £25,000 to establish farmers markets that celebrate and promote food and drink throughout the year.

The Scottish Government has also pledged more than £4 million to support food education from 2010 to 2016. That will ensure that pupils understand the food journey from plough to plate, with support being given to the Royal Highland Education Trust to facilitate pupil farm visits and farmers markets in schools.

**Iain Gray:** Haddington farmers market, in my constituency, is well established. Indeed, it has been providing a great outlet for local produce for about 15 years, from Falko German bread to Belhaven smoked trout, Black & Gold oils and Phantassie farm vegetables. It has to constantly keep up and refresh its promotional and development activities to grow and thrive. I appreciate the grants to which the minister referred for starting up farmers markets, but can she indicate what specific support an established market such as the one in Haddington might be able to access from Scottish Government funds?

**Aileen McLeod:** As I said in my answer, there is a £2.5 million think local fund to help champion local food, particularly with regard to adding value and supporting small and medium-sized enterprises, and the community food fund can be used to promote tourism and farmers markets.

Haddington farmers market is to be commended. The Scottish Government refreshed its national food and drink policy in order for food that is tasty, nutritious, environmentally sustainable and available to all to be a key part of what makes the people of Scotland proud of their country. One priority area for the work on becoming a good food nation is support for the local food movement, particularly with regard to its socioeconomic contribution.

We believe that Scotland's larder has a lot to offer and that access to Scottish food should be an integral part of our lives. As such, we are in the process of reviewing the local food initiatives and we will consider how best to support the promotion of local food from 2016 onwards.

#### **Scottish Agricultural Wages Board (Consultation)**

**5. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government when it expects to report on the outcome of its consultation on the Scottish Agricultural Wages Board. (S4O-04398)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** The cabinet secretary plans to issue a report on the consultation on the Scottish Agricultural Wages Board by 30 September 2015.

**Mark Griffin:** Given that the legislation that covers the board specifies the need for periodic reviews to ensure that it is delivering appropriate minimum rates of pay and other conditions of service for agricultural workers, why is the Scottish Government consulting on the board's potential abolition?

**Aileen McLeod:** The Scottish Government is asking whether the board should continue as it does now, be retained as an advisory body or be removed so that arrangements for agricultural workers are determined under general employment law. The functions of non-departmental public bodies—the board is one—are normally reviewed periodically, and the previous review that involved the board was concluded in 2008. The current review was announced as part of the Scottish Government's 2011 agricultural manifesto, which made a commitment to reviewing the board's function during the current session of Parliament.

#### **Fishing for Litter Project**

**6. David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what progress has been made with the fishing for litter project. (S4O-04399)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** The Scottish Government has provided support and funding for the duration of the KIMO fishing for litter Scotland project, which recently celebrated its 10-year anniversary. Fifteen Scottish harbours are now participating and to date the project has removed more than 800 tonnes of litter from our marine environment.

**David Torrance:** It is extremely encouraging to see such a number of boats and harbours participating in the Scottish scheme. However, other players in the North Sea must play their part. What discussions has the Scottish Government had with offshore wind farm developers to ensure that they sign up to the fishing for litter initiative, given that the Fife coastline has the potential for hundreds of offshore wind farms?

**Aileen McLeod:** The Scottish Government has not discussed the issue directly with wind farm developers, but Marine Scotland provides financial support to KIMO's fishing for litter project, which continues to raise awareness of the significant detrimental impact of marine litter and seeks additional funding from marine industries and society in general.

Seagreen Wind Energy and Beatrice Offshore Windfarm currently fund the KIMO fishing for litter project. I am pleased that the Scottish Government and other funders have been able to continue financial support for KIMO's work in co-ordinating and promoting this important initiative.

**Jamie McGrigor (Highlands and Islands) (Con):** I, too, commend the many Scottish fishermen who have contributed to collecting the 800 tonnes of litter. Is the Scottish Government committed to funding the scheme for the next five years? Can the minister provide information about how much of the waste that is landed is recycled?

**Aileen McLeod:** Marine Scotland has funded the project for 10 years, including a £40,000 contribution in 2015-16.

The member's second question is rather detailed. If he wants a detailed response, he should write to the cabinet secretary, who will ensure that he gets as full a response as possible.

**Christian Allard (North East Scotland) (SNP):** I point out to the minister that I met KIMO last week and wrote to the companies that are funding the project. Two of them are in the renewable energy sector—

**The Deputy Presiding Officer:** Question, please.

**Christian Allard:** —and one is from the oil and gas sector. I ask the minister to write to Oil & Gas UK and other companies to see whether they can help.

**Aileen McLeod:** I would be more than happy to speak to the cabinet secretary to take that suggestion forward.

### **Agri-environment Climate Scheme**

**7. David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Government what the take-up has been for the agri-environment climate scheme. (S4O-04400)

**The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):** As of 1 June 2015, there were 386 draft agri-environment climate scheme applications and 45 submitted agri-environment climate scheme applications.

**David Stewart:** The minister will be aware that Allan Bowie, the president of NFU Scotland, has raised concerns about the take-up of the scheme because of two factors: the complex online application system and the overlap with the basic payment scheme. I appreciate that the deadline for the basic payment scheme has been extended to 15 June, but will the minister listen to the pleas from farmers and crofters and extend the AECS deadline beyond 12 June, even at this 11th hour?

**Aileen McLeod:** An extension to the application window would put in jeopardy our ability to meet the deadlines for approving and issuing contracts and could have an impact on the work that the rural payments and inspections division is doing to ensure that pillar 1 payments go out as early as possible. We will keep the situation under review, but any shift in that deadline would have serious repercussions for the rest of the common agricultural policy delivery.

We expect most of the draft applications to be submitted by the deadline on 12 June, but we will allow supporting documentation, such as the farm environment assessment, to be submitted until 30 June.

### **Rural Payments and Services (Single Application Forms)**

**8. Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government whether the futures programme is on track to receive all single application forms for rural payments and services by 15 June 2015. (S4O-04401)

### **The Minister for Environment, Climate Change and Land Reform (Aileen McLeod):**

The Scottish Government is working hard in this transition year to implement the complex common agricultural policy. As of this morning, a total of 12,389 single application forms had been received: 7,675 have been received online through our new rural payments and services system and 4,714 have been received on paper.

With two weeks to go to the close of the extended application window, we have received just over half the expected applications. The rate of submission remains ahead of the comparable point in 2014, when we received 67 per cent of all single application forms in the final two weeks. Therefore, we are on track to receive the estimated 22,000 single application forms by the closing date of 15 June. However, we will continue to monitor the situation closely.

**Stewart Stevenson:** I thank the minister for the encouraging news that we are ahead of last year's progress. To be parochial, will she tell us what the response has been in the north-east of Scotland and whether the area is likely to benefit from significant funding?

**Aileen McLeod:** As of 2 June, the rural payments and inspections division had received 1,842 single application forms from north-east businesses, which is 19 per cent of the total received. That is about half the total expected, with about two weeks of the application window remaining.

On funding, the latest analysis indicates that the north-east of Scotland will account for around €94 million of the direct payment budget—or £68 million at the current exchange rate—at the end of the transition period. That is the highest share of any of Scotland's regions.

For the agri-environment climate scheme, the region accounts for 19 per cent of applications that are currently in the system. That is the highest total after the south-east of Scotland at 20 per cent.

**Alex Fergusson (Galloway and West Dumfries) (Con):** With respect, I say to the minister that the late rush of last year's application forms came under a system that was easy to understand and user-friendly. As the Rural Affairs, Climate Change and Environment Committee heard this morning, the current system is anything but that.

On 24 March, I asked the Cabinet Secretary for Rural Affairs, Food and Environment whether he would be prepared to issue pre-populated paper forms to Scotland's farmers if it became necessary to do so. His answer was somewhat non-committal. I understand that various agents and others were advised on Monday that pre-



populated forms are now available at Scottish Government department offices around the country.

Will the minister confirm whether that is the case? How will the Scottish Government make that information known to Scotland's farming population? There are only two weeks to go before the final deadline, so why has it taken so long to put the forms in place when they have been sitting in department offices for weeks?

**Aileen McLeod:** Our top priority is to ensure that the new system works well and enables the CAP payments to be made in time to farmers and crofters across Scotland. That priority is demonstrated by the very fact that we extended the deadline by one month to 15 June to allow customers to get used to the new system and the new rules of the CAP. That is in line with the flexibility that the European Union is offering. We will continue to urge our farmers and crofters not to delay registering for rural payments and services and to submit their single application forms as soon as they are finalised.

It is obvious that we have a much more complex policy this year, as well as the new online system. We are happy to cover the details that the member raised in a response from the cabinet secretary.

**Sarah Boyack (Lothian) (Lab):** I echo the concerns that were raised at the Rural Affairs, Climate Change and Environment Committee meeting this morning. The scheme was described as appalling and a nightmare to operate, and there is clear worry among our farmers and our crofters about their ability to finish the forms properly. Please will the minister look at the *Official Report* of the meeting, address the issue of a telephone hotline and better consistent guidance, and get the advice out there to help the thousands of farmers and crofters who have yet to submit the forms?

**Aileen McLeod:** I will be happy to look at the *Official Report* of the RACCE Committee meeting, as I am aware that the committee took evidence this morning on implementation of the CAP. If farmers and crofters need help with their single application forms and if they are encountering any issues, support is available from RPID local area offices, where blank paper forms continue to be available on request. Where necessary, pre-populated paper forms can also be made available. We are still aiming to be ready for payments to start from December as planned.

## Justice and the Law Officers

### Fiscal Work Orders

**1. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government what assessment it

has made of the effectiveness of fiscal work orders. (S4O-04404)

**The Cabinet Secretary for Justice (Michael Matheson):** The use of fiscal work orders was piloted in seven local authority areas. An evaluation of the four initial pilot sites that was published in December 2010 found the orders to be fair, efficient and effective. The evaluation also found that fiscal work orders filled a gap in the criminal justice system by providing an alternative for those offenders for whom a fine was not the most appropriate or the most effective disposal.

As a result of those successful pilots and in response to a specific recommendation from the Angiolini commission on women offenders, fiscal work orders were rolled out across Scotland from 1 April 2015.

A national implementation group, consisting of representatives from a range of organisations that are involved in the oversight and delivery of fiscal work orders, has been established to oversee the national roll-out. That group will have a key role to play in assessing the impact and effectiveness of the orders as numbers increase over time.

**Angus MacDonald:** Is the Scottish Government monitoring fiscal work orders to ensure that demand does not exceed capacity in each community justice authority area? If demand does exceed capacity, is there provision for the Scottish Government to provide financial uplift to CJAs to allow them to meet demand?

**Michael Matheson:** We have provided community justice authorities with an extra £0.5 million in this financial year to assist with and support the national roll-out of fiscal work orders. The matter is already being taken forward with CJAs.

As regards the work that we are undertaking to monitor the orders, we have asked all local authorities to provide us with bimonthly monitoring information on the operational delivery of fiscal work orders in their area between the months of June and December, to include the number of orders and any additional resources that may be required in relation to their delivery. The national implementation body will monitor that information.

We have already given a commitment to consider any further funding or other issues that are identified as part of that monitoring exercise.

### Scottish Fire and Rescue Service (Funding)

**2. Elaine Murray (Dumfriesshire) (Lab):** To ask the Scottish Government what its response is to the recent Audit Scotland report, which estimates that there may be a £42.7 million gap in the funding of the Scottish Fire and Rescue Service in 2019-20. (S4O-04405)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** The challenge of bringing together eight legacy fire services represented one of the biggest public sector reforms in a generation. In its recent positive report, Audit Scotland confirmed that the fire reform process has been a huge success, stating:

"The Scottish Government and the Scottish Fire and Rescue Service managed the 2013 merger of the eight fire and rescue services effectively ... and the merger followed good practice".

The Auditor General for Scotland said:

"This achievement provides a valuable opportunity to share the lessons of how this was done with other public bodies going through a merger process".

Audit Scotland singled out as especially effective local engagement with communities throughout the reform process, which has had no adverse impact on the public, and stated that the creation of the Scottish Fire and Rescue Service has allowed the performance of the service to improve over time.

**Elaine Murray:** The policy aims of the Police and Fire Reform (Scotland) Act 2012 were to protect and improve local services while not cutting front-line services. However, the chief officer of the Scottish Fire and Rescue Service, Alasdair Hay, stated in evidence to the Public Audit Committee on 27 May that there has already been a reduction from approximately 4,000 whole-time firefighters to 3,850 since the creation of the single service, and that if the SFRS is to take the amount of money indicated in the Audit Scotland report out of the budget, it will have to look at a further reduction in the number of whole-time firefighters across Scotland. Does the minister have any plans to avert that possibility, and does he believe that there should be a minimum number of whole-time firefighters in Scotland, as there are for police officers?

**Paul Wheelhouse:** In my initial answer, I recognised the challenge that the SFRS has faced in implementing reform, but I also celebrated the fact that that has been done largely successfully and without any adverse impact on the public—I am sure Dr Murray will be pleased to hear that.

We recognise that there is a challenge going forward. As I am sure Dr Murray is aware, we have to address the issue of VAT. We were aware of that issue at the time of the 2012 Act, when we objected to the UK Government's position. We continue to do that. Other issues such as changes to employer national insurance contributions or to single-tier pensions are impacting on the SFRS.

The SFRS is having to cope with a number of external budget pressures, but it is important to stress that to date there have been no compulsory redundancies and no station closures in Scotland.

By contrast, fire and rescue service reform has not been implemented in England, and across England and Wales there have been 39 station closures and 4,700 firefighters have been lost. We must look at the issue in context. The service is doing the best that it can to cope with budget pressures, and it will continue to deliver a good-quality service to the public. There has been no adverse impact on public safety so far.

**The Deputy Presiding Officer:** Thank you. Before I call Roderick Campbell, let me say that brief questions and answers would be welcome.

**Roderick Campbell (North East Fife) (SNP):** Does the minister agree with comments made by the chief inspector of the Scottish Fire and Rescue Service, Steven Torrie, when he said that Scotland "would have been in a far worse position"

without reform?

**Paul Wheelhouse:** I think that Roderick Campbell is alluding to the point that I just made in answer to Dr Murray, and he is absolutely correct. I also agree with Mr Torrie's further comments, when he said that the Scottish Fire and Rescue Service has done

"a pretty remarkable job of bringing in the reform, maintaining business as usual and making progress."—*[Official Report, Justice Committee, 28 April 2015; c 32.]*

It is impressive to see how the SFRS has coped with responding to budget pressures caused by steep cuts to Scotland's block grant, and it has achieved reform savings in each year since its creation. I reiterate the contrast with what is happening in England, where 4,700 firefighters have been lost and stations have closed across England and Wales. We should be grateful that we have not had that in Scotland so far.

**Hugh Henry (Renfrewshire South) (Lab):** The minister failed to answer two specific questions that Elaine Murray asked him. I hope he will reflect on that and reply to her in writing.

The minister mentioned VAT liability, but that was a problem wholly created by the Scottish Government's failure to take the advice that it was given by the Treasury. Notwithstanding that, he will have our support in hoping that the UK Government will now move to bail out the Scottish Government from the mess that it created.

**Paul Wheelhouse:** Mr Henry appears to have a short memory—his party voted for the 2012 act, which brought in the single fire and rescue service in Scotland, so it is a bit rich for him to claim some distance between that decision and now. I welcome his support in tackling the VAT issue with the UK Government. I hope that we can find common cause on that, and I look forward to working with Dr Murray and Mr Henry on the VAT

issue, as will the cabinet secretary, in relation to Police Scotland.

I apologise to Dr Murray for missing out her point about the establishment number, on which she seeks an answer. Bearing in mind the Presiding Officer's comments, I will come back to her on that in more detail,

### **Antisocial Behaviour**

**3. Alex Rowley (Cowdenbeath) (Lab):** To ask the Scottish Government whether it considers that there is an adequate joined-up approach to tackling antisocial behaviour. (S4O-04406)

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** Yes. We have a national strategy in place that is based on prevention, early intervention and diversionary activities. The strategy is having a positive impact in communities throughout Scotland, including in Alex Rowley's constituency, where school-based police officers undertake diversionary work to ensure that young people are guided away from antisocial behaviour.

We are making progress. Last year, the level of antisocial behaviour that was reported by members of the public decreased by almost 14 per cent in Scotland as a whole. Partnership working has been central to achieving that reduction, and I have been particularly impressed with the partnerships that have developed between Police Scotland and communities throughout the country. The partnerships have been working to identify areas of concern to allow the deployment of appropriate resources and proactively prevent antisocial behaviour.

**Alex Rowley:** I thank the minister for his response, but I suppose that it all depends on how we define antisocial behaviour. My concern is that too many of my constituents have reported to me the difficulties that they have experienced in getting the police to respond.

I am told that the Cowdenbeath constituency is now covered by Dunfermline district, which means that a police officer in Kincardine could be called out to deal with antisocial behaviour in Cowdenbeath. That journey is itself an issue, and often police do not come in numbers because there are not enough of them.

**The Deputy Presiding Officer:** And your question is?

**Alex Rowley:** Is the minister satisfied that Police Scotland is continuing to do the excellent job that was previously done by the police force in Fife in tackling antisocial behaviour?

**Paul Wheelhouse:** I take the matter that Alex Rowley raises very seriously, and I am happy to

look into the issue that he mentioned with regard to his constituents.

In general, however, I can say that work is on-going throughout Scotland—indeed, in Fife, the work is advanced—to develop local ward-level plans for policing based on local priorities. Those plans cover aspects such as how to tackle particular issues that have been flagged up, such as the query that Claire Baker raised about antisocial behaviour in relation to quad-bike thefts. That is a useful approach that is being deployed at a local level.

I am happy to look at the matter, and I am sure that the cabinet secretary will look into the problems in Cowdenbeath that Alex Rowley mentioned.

**Margaret Mitchell (Central Scotland) (Con):** Given the incidence not only of antisocial behaviour but of criminal offences such as vandalism, dishonesty and violence involving children under the age of 10, does the minister consider that parenting orders have the potential to make a positive impact on tackling such issues? Can he indicate how many of those orders have been issued in Scotland to date?

**Paul Wheelhouse:** I apologise, as I do not have the answer to the specific question that Margaret Mitchell raises, but we are happy to come back to her in correspondence on the number of parenting orders.

I certainly recognise the importance of involving families in ensuring that we have an understanding of the issues that relate to children and their welfare, and of the need to ensure that children have enough positive diversionary activities to keep them out of harm's way and away from those individuals who may wish to distract them towards crime. The diversion of people away from crime is a very important plank of Government activity on keeping children safe and reducing crime at a local level.

### **Cashback for Communities (Glasgow)**

**4. Bob Doris (Glasgow) (SNP):** To ask the Scottish Government how the cashback for communities scheme has contributed to supporting sport and physical activity opportunities for young people in the Glasgow region. (S4O-04407)

**The Cabinet Secretary for Justice (Michael Matheson):** We are rightly proud of our unique cashback for communities programme. Up to the end of March 2014, Glasgow's young people and their communities benefited directly from more than £5.3 million of cashback investment. More than 160,000 activities and opportunities have helped to develop important life skills through a

wide range of sporting, cultural, youth work and youth employability schemes.

Glasgow continues to benefit under phase 3 of the cashback funding. Given the extensive range of the different programmes that are being delivered in Glasgow, I am happy to write to Bob Doris with details of the programmes rather than trying to list them all now.

**Bob Doris:** I thank the cabinet secretary for that answer, and I look forward to seeing the list. Communities that suffer from significant crime often also have significant levels of deprivation that can make access to sport and physical activity opportunities more challenging and less affordable. Those communities also have significant health inequalities, which are a key cross-Government priority.

Will the cabinet secretary consider working with ministerial colleagues to refocus a larger share of future proceeds-of-crime cash in those communities, including areas such as Springburn, Royston and Possilpark, which could benefit the constituents that I represent?

**Michael Matheson:** Bob Doris raises a valid point. All cashback projects are required under the terms of their grants to focus activity in deprived communities identified in the Scottish index of multiple deprivation. Bob Doris may be aware that projects that are currently being funded through the proceeds-of-crime arrangements have their funding and provisions committed until the end of March 2017. Phase 4 of the cashback programme will commence in April 2017 and decisions on that tranche will be taken nearer that time.

Bob Doris raises a valid point that we should consider further, and I assure him that that will be part of our thinking on how we can improve the operation of the cashback programme.

### **Police Scotland (Accountability and Government Intervention)**

**5. Hugh Henry (Renfrewshire South) (Lab):** To ask the Scottish Government how Police Scotland is held to account and on what occasions Scottish ministers have intervened in relation to policy issues. (S4O-04408)

**The Cabinet Secretary for Justice (Michael Matheson):** The Police and Fire Reform (Scotland) Act 2012 established the role of the Scottish Police Authority in holding the chief constable to account for the policing of Scotland. Scrutiny of policing in Scotland has never been higher. The Scottish Police Authority, Her Majesty's Inspectorate of Constabulary in Scotland, Audit Scotland, the Police Investigations and Review Commissioner and 32 local authority scrutiny boards all have a key role. This Parliament also plays an important role and we

have seen that effectively undertaken over the past two years.

Scottish ministers determine the strategic priorities for the policing of Scotland and ensure that those are delivered along with key commitments in the programme for government. It is appropriate that a strong relationship is maintained between Police Scotland, the SPA and the Scottish Government. To support that, a framework for strategic engagement is in place that sets out how we engage on policing issues and, in turn, how we can ensure that effective decisions are being made.

**Hugh Henry:** I did not hear in that response any specific answer about the occasions on which ministers have intervened. I would be interested to know when Scottish ministers have met the chief constable to discuss policy issues either formally or informally.

The minister is living in his own little world when he says that scrutiny has never been more effective. The SPA has singularly failed to hold Police Scotland to account—armed police and stop and search are just two examples. If the SPA is failing, why is the Scottish Government sitting back and allowing that to happen?

**Michael Matheson:** I meet the chief constable very regularly—each month—to discuss a range of issues around policing and that is a matter of public record. We consider issues that are matters of concern.

I must confess that I think that Hugh Henry lives in some strange parallel universe if he thinks that, prior to the SPA's introduction, the eight forces that we had across Scotland were under detailed scrutiny in some way. The facts of the matter are that they were not under any great detailed scrutiny. Policing is under a greater level of scrutiny now than it has ever been. That is not to say that it is perfect, but it is under a much greater level of scrutiny. For example, the issue of armed police officers was investigated by HMICS, which made a range of recommendations that have been taken forward by Police Scotland. That was also the case with the SPA and its investigation.

Hugh Henry said that we sit back and do nothing on these matters. On the issue of stop and search, this Government has set up an independent group under John Scott to look at that very issue, in order to address the concerns that have been raised. If anyone is living in a strange, bizarre wee world it is certainly Hugh Henry.

### **Fatal Accidents (Support for Families of Victims)**

**6. Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** To ask the Scottish Government

how the justice system supports families of victims of fatal accidents. (S4O-04409)

**The Solicitor General for Scotland (Lesley Thomson QC):** The Crown Office and Procurator Fiscal Service recognises that nearest relatives in cases where a loved one has died require support and information about the circumstances surrounding the death. The Scottish fatalities investigation unit is a team of dedicated specialists in the COPFS who carry out investigations into reported deaths and who liaise with the nearest relatives to provide information.

However, I recognise that more needs to be done to explain to families what communication they can expect from the COPFS. Last week I advised Justice Committee members that I had requested that the COPFS prepares a milestone charter for that purpose. The charter will outline what families can expect from the COPFS in terms of the timing of investigations and our decision making. It will set out clearly how and when we will communicate with families, outlining the key milestones in the investigation and when information will be provided to them.

**Willie Coffey:** The Solicitor General will be aware of the case of my constituent Alison Hume who died in the Galston mineshaft accident in 2008. Since then, the family have had little or no support from any formal agency to help them to cope, get answers to the many questions and find closure. Will the Solicitor General further consider how best to provide support for families of victims of fatal accidents, either by extending the scope of organisations such as Victim Support Scotland or by supporting local organisations such as HALO Support in Ayrshire that provide that type of support free of charge?

**The Solicitor General for Scotland:** As I indicated, I am committed to improving communication on information and decision making by use of the new milestone charter. Through the victim information and advice service, which includes an officer dedicated to work within the Scottish fatalities investigation unit, we can assist families not just by providing them with information about our work, but by referring them to third sector support organisations that can support them through the trauma of the loss.

As well as Victim Support Scotland, a number of organisations, such as Brake and Scotland's Campaign against Irresponsible Drivers, provide valuable, focused support to families in certain circumstances such as homicides and road traffic deaths. I recognise, however, that there may be no single organisation that aims to provide comprehensive emotional and psychological support in all cases in which someone dies suddenly and unexpectedly.

I am sorry that Ms Hume's family have suffered such a lack of support since her death. If it would assist, I would be happy to meet them to hear of their experience and their concerns, to discuss where the potential gaps are and to listen to what they think needs to be put in place to help other families dealing with such a loss.

## Universities

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

The next item of business is a debate on motion S4M-13313, in the name of Liz Smith, on Scotland's universities. We are extraordinarily tight for time today.

14:42

### **Liz Smith (Mid Scotland and Fife) (Con):**

It does not really matter which academic, economic or social measurement is chosen—Scottish universities are held in high esteem throughout the world. That is because they have a long-standing and proud tradition of attracting the very best students and staff, of achieving academic excellence and of maintaining their international competitiveness. That, together with the fact that higher education is one of the key sectors of the Scottish economy, contributing £6.7 billion annually, makes them hugely significant institutions that both define and enhance the academic, social and cultural life of Scotland.

What are the features that have allowed them to do that? First, it is their diversity. We have 16 universities, including the Open University, and three specialist higher education institutions—Glasgow School of Art, the Royal Conservatoire of Scotland and Scotland's Rural College. Their ages range from two to 601 and their foundations reflect our diverse educational history, way back to ancient papal bull and royal charters. Five were established by the Further and Higher Education (Scotland) Act 1992 and one by Privy Council consent, and four are companies limited by guarantee.

Most importantly, that diversity reflects each institution's unique role when it comes to the pursuit of academic excellence and its contribution to world-class research and knowledge exchange. Time after time, those in the sector point to the crucial importance of maintaining that diversity if Scotland is to continue to lead the way—a point stressed by Louise Richardson in her recent speech to the Scottish Council of Independent Schools and by several other principals, who seem increasingly prepared to express in public their fears that increasing the amount of Government regulation is detrimental to the diversity of the university system. Their view is not just personal opinion; it is based on professional experience and the fact that Organisation for Economic Co-operation and Development studies across the world have found a direct correlation between institutional autonomy and the quality of the education offered.

Just three weeks ago, Professor Peter Downes of Universities Scotland, who is the principal of the

University of Dundee, said that the Scottish Government should

"reflect seriously on the wide range of evidence that says the proposals in the consultation paper"

on governance

"will damage universities' contribution to Scotland's success".

He added that that was a comment not just from the sector but from many voices in civic Scotland. It is a strong comment from a sector that bends over backwards to be non-political and objective in its analysis.

Until now, university autonomy has never been in question, for the simple reason that that autonomy has allowed the institutions to employ their expertise and professional judgment when it comes to teaching and to investing in the future—something that, quite clearly, gives them the versatility that is so crucial if they are to respond effectively to the demands of the global context. We should be in no doubt about the speed with which that versatility must operate, as universities respond to the intense international pressures that are constantly on them.

A third factor is the fact that our universities have enjoyed good governance through structures that have continued to evolve over the years to ensure that there is effective, inclusive and transparent management of the universities as they seek to be fully accountable for both the public and the private funds that they receive.

I have looked carefully at the submissions to the consultation, and there have been criticisms from some quarters. Notably, the University and College Union and the National Union of Students say that the opposite is true—that there is very little transparency in the management of the universities and that they are somehow out of touch. I have read their submissions carefully and note their concerns about the levels of principals' pay and references to freedom of information requests about senior management remunerations, which the UCU claims were not sufficiently transparent. Apart from those submissions, however, I am struggling to find any evidence whatsoever that supports the claim that the current form of university governance is a major issue.

That is a serious matter, because it seems that the Scottish Government is hell bent on meddling in that governance and exerting more control over the sector. To what end would it do that? Where is the evidence that the current governance structures are in any way having a detrimental effect on the educational experiences of our students, on academic standards or on the ability of institutions to attract the best staff?

One of the Scottish Government's proposals is to ensure that there are elected chairs of court, who would be voted in by a much wider electorate than just the members of the courts. However, what would happen to the crucial working relationship between the chairman and the board if the successful candidate was not one in whom the board had any confidence or for whom it did not vote? Do boards not already include staff, students and alumni as well as a diverse range of independent members who bring expertise from a very wide range of backgrounds, whether in the public, private or third sectors?

In any case, why should the composition of senates or academic bodies be a matter for any Government? Would it actually be legal for the Scottish Parliament to require those institutions that are constituted as companies, such as the Royal Conservatoire of Scotland, to change their articles of association? In the context of the charitable status that our universities enjoy, how would moves to amend the powers of boards sit with their regulation by the Office of the Scottish Charity Regulator?

Another worrying proposal by the Scottish Government is to legislate to include in the statutory requirement for academic freedom the "exploration of new ideas". Why should we do that? Have the universities not proved over many generations that they are perfectly capable of fostering new ideas without any Government telling them what to do? The Scottish Government also says that it wants to force university governing bodies and courts to include representatives of particular interest groups—something that would not only be contrary to the Nolan committee principles of probity within public life but undermine the independence of the governing council. Yet again, the Scottish Government has not provided one shred of evidence as to why that should be necessary.

Is it because the Scottish Government believes university governance perpetrates inequalities? I do not think so, because the current system of governance has the full support of the Equality Challenge Unit, the Equality and Human Rights Commission and the Scottish Further and Higher Education Funding Council. Is it because there is a gender equality issue, with too few women in governance positions? No, because no fewer than five out of the last six appointments to chairs of court have been women and 42 per cent of all the recent appointments to governing bodies have been women—and they are there on merit. Is it because the university governing bodies are not seen to be sufficiently accountable? I do not think that it is that either, because recent research has shown that universities are involved in no fewer than 550 lines of reporting to Government and

external agencies and that not one of those has made a complaint about reporting procedures.

I ask again: where is the evidence that there is any sense of failure among the current structures of governance that is undermining the performance of our universities? Would it not be better for the Scottish Government, instead of trying to tackle a problem that does not exist, to concentrate on the problems that do exist and on the real educational priorities such as raising literacy and numeracy levels, closing the attainment gap and providing better bursary support for poorer students?

All the Scottish National Party's boasting about free higher education hides the truth that students from poorer backgrounds are proportionately worse off now compared with when the SNP came to power. That has prompted Lucy Hunter Blackburn, who was the Scottish Government's higher education officer between 2000 and 2004, to say recently:

"Scotland is unique in having a system which assigns the highest student debt to those from the lowest income homes".

Indeed, in Scotland, non-repayable grants form a significantly lower percentage of total student support than is the case in other jurisdictions. Student support is a serious issue, and the facts do not sit well with the Scottish Government's claims that social justice is at the very centre of its policy focus.

Of course, all that raises the much wider issue about what is a more sustainable and equitable method of university funding. The SNP has made plain many times that it is committed to free higher education. That is its choice, but in making that choice it must explain how it will fund it. Will it cut college budgets again or will it cut other areas of public expenditure? Will it raise taxes? How will it close the funding gap, which is undoubtedly growing between Scotland and the other parts of the UK? Will it continue with its highly discriminatory policy whereby domiciled Scots and EU students pay no fees while their counterparts from the rest of UK and non-EU foreign students do? How will it raise sufficient bursary funds to support poorer students?

Those are the issues that the Scottish public wants answered before the Scottish election next year rather than some vindictive, bureaucratic and completely unnecessary attack on university governance, which shows no sign whatsoever of having any problems. How will the Scottish Government explain to the people of Scotland that that is its priority rather than all the other pressing issues in education?

As we await the Scottish Government's legislative response to the consultation, I ask that

it takes stock carefully and considers what is in our universities' best interests. Is that an autonomous and free-thinking sector, or is it one that is increasingly in thrall to Government and its restrictive practices?

I move,

That the Parliament recognises the outstanding contribution that Scottish universities make to the academic, economic, social and cultural life of Scotland and to the enhancement of Scotland's international reputation; believes that their ability to achieve excellence is dependent on their longstanding ability to attract both students and staff of the highest quality, their international competitiveness, their ability to act with versatility to take advantage of opportunities for the institution and the fact that they are autonomous institutions; recognises that current mechanisms of higher education governance are inclusive of staff and students, including them as members of the governing body, and are a central part of what is an open and transparent process for recruiting a university's principal and chair for the annual appraisal of those roles, and is concerned that the current funding arrangements for higher education and the principles that underpin the Scottish Government's proposals to reform university governance threaten to undermine the ability of Scottish universities to remain world class institutions and diminish the autonomy that has been the main driver of their success.

14:51

**The Cabinet Secretary for Education and Lifelong Learning (Angela Constance):** I am pleased that the Conservatives have chosen to discuss higher education, because that gives me the opportunity to celebrate Scotland's universities and the achievements of their staff and students.

I want to highlight this Government's commitment to invest in our universities to benefit all learners, to grow our economy, and to enhance the international reputation for teaching and research that is enjoyed by our institutions. It is clear that universities make a pivotal contribution to Scotland by enabling a better educated workforce, fostering inclusive economic growth, and supporting links and collaboration with our neighbours in the UK, the EU and other nations across the world.

Rankings from October 2014 show that Scotland has four universities in the top 200 in the world, which is more per head of population than any other country apart from Switzerland. Scottish higher education is thriving. In 2014, Eurostat figures highlighted that Scotland had the highest percentage of the population with tertiary education attainment of all European countries listed: at 46.5 per cent, that is 6 percentage points higher than the UK figure of 40.5 per cent.

**Liz Smith:** I absolutely agree with those statistics, but what are the grounds on which universities have achieved such outstanding success?

**Angela Constance:** The £1 billion annual funding to which this Government is committed has made some contribution. Of course, many others should be congratulated, not least of which are the staff, the students and the institutions.

I will move on to some of Liz Smith's substantive points. I make it clear that this Government values universities' autonomous nature. That is, in part, why we have had the confidence to invest more than £4 billion in the higher education sector since 2011, and why funding worth more than £1 billion is planned for the next academic year.

However, with many areas of Government expenditure under pressure, it is not easy to maintain that heavyweight financial commitment. As part of the return for the investment, we expect institutions to adhere to the highest governance standards.

Building on the work that has been done since the publication of the "Report of the Review of Higher Education Governance in Scotland" in 2012, we plan to introduce a bill to Parliament in the very near future. The new legislation will enhance governance arrangements in our universities.

As a Government, we want to work with universities to ensure that their governance arrangements are always evolving, modern, transparent and inclusive. Our legislative plans are designed to complement work that our institutions are already doing. The autonomous nature of our universities has many benefits, but in return for its substantial investment the Scottish Government wants to help ensure that all parts of the university community have their voices heard in a more consistent way.

**Liz Smith:** Why does the cabinet secretary think that Professor Downes said that the Scottish Government should

"reflect seriously on the wide range of evidence that says the proposals in the consultation paper will damage universities' contribution to Scotland's success"?

**Angela Constance:** We are indeed considering the wide range of evidence that is available in Scotland and across the developed world. In addition, as an open and transparent Government, we have published the consultation that was conducted earlier on this year; we have been very open about that. I appreciate and understand the views of people such as Professor Downes. On the other side, I have received representations from organisations such as the University and College Union Scotland, which delivered 1,400 postcards—one of which I have here; the rest are sitting in my office—that call for improvements in higher education governance.

It is important to stress that the existing governance structures, which have been informed



by the code of good governance, have served institutions well, but I believe that higher education is capable of further improvements. Greater inclusivity and more transparent governance can only help our universities to develop and adapt to the challenges that they will face in the future.

The Government is rightly proud of its defence and maintenance of free tuition. Elsewhere in these islands, students are expected to accumulate loan debt of up to £27,000 to pay for their period of study, and it is possible that the UK Government might allow that figure to increase.

We recognise the positive contribution that our universities make to Scotland's economy and society, and the benefits that they and Scotland derive from leveraging in additional funding from Europe and welcoming international students. The Government will continue to push for the reintroduction of the post-study work visa.

Scotland's higher education progress and achievements are all the more impressive in that they have been achieved against a backdrop of a UK Government that is focused on austerity, on restricting access to study in the UK for international students and on fostering instability by taking forward plans for an in/out referendum on membership of the EU.

**The Deputy Presiding Officer:** You are in your final 30 seconds.

**Angela Constance:** I want to briefly share a couple of facts on what universities and the Government have achieved by working together. We know that the number of Scotland-domiciled first degree university entrants has risen and that 57 per cent of those students are female. In the time available, it is difficult to tell the whole story of the collective success of our universities, but it is clear that Scottish universities have a world-class reputation for research, because 77 per cent of their research was assessed as "world-leading" or "internationally excellent" in the 2014 research excellence framework.

I look forward to the rest of the debate.

I move amendment S4M-13313.2, to leave out from "dependent on" to end and insert:

"linked strongly to their longstanding ability to attract both students and staff of the highest quality, their international competitiveness, their ability to act with versatility to take advantage of opportunities for the institution and the fact that they are autonomous institutions; further believes that autonomy should not, in the words of Professor Ferdinand von Prondzynski, the Principal of Robert Gordon University and author of the Report of the Review of Higher Education Governance in Scotland, which was published in 2012, 'shield them from legitimate expectations that they engage with staff, students and external partners, or from the need to behave in an accountable manner'; agrees that access to university should be based on the ability to learn not the ability to pay; recognises the commitment that the Scottish

Government has made to higher education, investing over £4 billion in the sector in the last four years, enabling universities to lever in money from other sources and helping Scotland maintain its reputation as a leading nation in higher education; calls for the restoration of the post-study work visa and continued membership of the European Union to ensure that universities continue to flourish, and looks forward to ongoing collaboration with Scotland's world-renowned universities to support their continued success."

14:59

**Iain Gray (East Lothian) (Lab):** The amendment in my name seeks to leave intact the first half or so of the Conservative motion, for the simple reason that there can be no disagreement with the statement that our universities make an outstanding contribution

"to the academic, economic, social and cultural life of Scotland and to the enhancement of Scotland's international reputation".

When it comes to our universities, we punch well above our weight. As has been pointed out even this early in the debate, we have four of the top 200 universities, which is the highest concentration of world-class universities per head of population anywhere in the world. Ms Smith highlighted the sector's economic impact, which is estimated at more than £6.5 billion, and the sector also generates £1.3 billion of export earnings. The cabinet secretary mentioned post-work visas and overseas students, and I note that some 30,000 students from 180 countries come to Scotland to study.

However, we know—and Ms Smith pointed out—that competitors in the rest of the developed world and in fast-growing economies are making rapid progress in competing with our higher education institutions. The truth is that, if we stand still, we will find ourselves going backwards. The Scottish Government has invested in the sector—certainly in comparison with further education, where 140,000 students have been lost to our colleges, or with schools, which have more than 4,000 fewer teachers than when the SNP came to power—but there are still worrying signs.

For example, this year's budget, which the Parliament approved just recently, allocated to higher education a flat cash settlement of just over £1 billion. Days later, however, university funding was cut by £21 million, resulting in the abolition of the global excellence fund, which had been launched only two years previously, as well as cuts to research funding in all our major universities. Moreover, that budget cut capital funding to a historic low.

Commentators have questioned transfers of HE resource to the Student Awards Agency for Scotland to support student funding, which have created funding pressures elsewhere. The transfer

now amounts to £14 million per year and, combined with the clawback, the reality is that the universities settlement this year is down by around 2.5 per cent. Those pressures are having an impact, with job cuts threatened in Aberdeen, in Dundee and at the Scottish marine institute in Oban. That shows exactly how a standstill budget can quickly turn into decline if the warning signals are ignored.

Nonetheless, our universities are the recipients of very large sums of public funding. They are autonomous, and that autonomy should be properly guarded, particularly over what they teach, what research they carry out and what academic challenges they might mount to whomsoever they choose. However, they also properly have an obligation to face a degree of accountability, transparency and consistency in their governance and administration. That was the conclusion of the Prondzynski review into higher education governance.

The lack of accountability has been symbolised, above all, by the high levels of principals' pay, with significant increases and bonuses paid in many cases, throughout a period of public sector pay restraint. All that happened while the sector was one of the worst offenders, at least in the public sector, on low pay and the use of zero-hours contracts. I am happy to acknowledge recent progress on the living wage, zero-hours contracts and governance in the sector, although one has to wonder about the degree to which the imminence of the potential legislation that is part of today's debate pushed the sector in that direction.

Moreover, progress has been slow and sporadic, which is why we cannot agree with the main thrust of the Tory motion. We do not believe that the Government's proposed legislation compromises our universities' academic autonomy or that the voluntary introduction of a governance review will provide the required transparency and consistency. We support the election of chairs, although much work has still to be done on the detail; greater diversity on ruling bodies; and direct representation for trade unions on governing bodies.

We say yes to autonomy, but responsible autonomy, and we say yes to ancient institutions, but ancient institutions that are redesigned for the modern world, as they must be to maintain their crucial and pivotal role at the centre of our nation.

I move amendment S4M-13313.1, to leave out from "believes" to end and insert:

"welcomes their continued successes in attracting high-quality students and staff from all over the world and in producing research of global renown; notes that they do so against a backdrop of budget pressures, including the loss of £21 million from the Scottish Government in research funding and a planned €2.2 billion cut to EU Horizon 2020

funding, and through the efforts of hard-working staff and researchers, some of whom are on zero-hours contracts and many facing significant pressure to win funding grants and publish papers; further notes the 150 planned job losses at the University of Aberdeen, as well as recent industrial action at the University of Dundee following the announcement of 170 job losses; supports the University and College Union's call for the Scottish Government to step in and save vital jobs at the Scottish Association for Marine Science, which is planning to make redundant 15 members of staff at the remote marine research centre near Oban, and calls on the Scottish Government to ensure that the higher education sector in Scotland remains internationally competitive."

15:04

**George Adam (Paisley) (SNP):** I agree that our university sector makes an outstanding contribution to Scotland academically, socially and culturally. That is why the Scottish Government is maintaining university budgets while the UK Government cuts its funding for English universities.

The major point for me is that Scotland is a leading nation in higher education, as the cabinet secretary said. It has been mentioned that four of its universities are in the world top 200, and our higher education institutions undertake research that is of world-leading quality.

It is an important fact that education is free of fees in Scotland. Compared with the cost of studying in England, free tuition saves more than 120,000 undergraduate students up to £27,000.

The final point that I will develop further is that the public have the right to expect universities to be accountable. That is why we must look at the governance of our higher education.

The Scottish Government is maintaining university budgets while the UK Government is cutting its funding. The investment in Scotland's universities supports their world-class and high-impact research and helps them to build links around the world. Many of my colleagues have mentioned how successful that has been. The Scottish Government is providing more than £1 billion a year for the higher education sector in 2014-15 and 2015-16.

Scotland's reputation in the university sector is well known throughout the world. That reputation is proven internationally by the fact that Scotland is a leading nation in higher education. The editor of the *Times Higher Education* rankings, Phil Baty, has said that Scotland is

"really standing out as one of the strongest higher education countries in the world".

That alone tells us what other people think of the higher education sector in Scotland.

My colleagues have mentioned that the public have a right to expect universities to be

accountable. That is why we rightly expect higher education institutions to adhere to the highest standards of governance. The aim of the proposed higher education governance bill is to modernise and strengthen governance and embed the principles of democracy and accountability in the higher education sector.

If we were looking at the higher education sector from day 1, we would not necessarily create the governance model that we have. Our universities and institutions have a rich history, which is part of the issues that we are dealing with. We have some of the most autonomous institutions in the world, but we must find a way to balance that and ensure that there is accountability for public money, that there are trade union and other organisations' representatives and that universities become part of their local community. One of the most important points is that we need to ensure that the universities continue to have strong democratic accountability in their governance arrangements and remain fit for purpose in modern Scotland.

The principal and vice-chancellor of Robert Gordon University, Professor Ferdinand von Prondzynski, has said:

"The proposals set out by the Government are important elements in getting this balance between autonomy and public confidence right. Scotland's universities are a great success story. They have nothing to fear from this proposed legislation and a lot to gain."

That is one of the most important points.

Any proposals that the Scottish Government brings forward will add to the fantastic work that our universities do. We must ensure that our universities continue to thrive internationally and locally and that they are open and accountable modern institutions that continue to deliver for Scotland.

15:08

**James Kelly (Rutherglen) (Lab):** I welcome the fact that the Conservatives are using their time to look at the key issue of how we organise our universities. The issues in the debate concern governance and the funding of universities, and they have to be seen in the context of what we are looking for from our universities.

We see universities as institutions that allow our young people to receive a good-quality education so that they can play a proper role in society and contribute to a growing economy; institutions that attract support and investment from overseas; and places of research and development that can develop the skills and specialities that Scottish education has become so famous for. It is against that backdrop that we need to look at the governance and funding issues.

The Conservatives seem to take a free-market approach to governance issues.

**Alex Johnstone (North East Scotland) (Con):** Will the member accept that what we are taking is not a free-market approach but a fundamentally liberal approach? Such an approach is completely missing around the chamber, except in this corner.

**James Kelly:** I was going to say that, whereas legislation should not be used for legislation's sake, as Mr Gray and others pointed out, huge amounts of public money are invested in our universities, and students, taxpayers and the wider public are entitled to a certain amount of openness and transparency.

**Liz Smith:** On what grounds is the member arguing that there is a serious problem in higher education? Where is the evidence that we are failing because governance is not good enough?

**James Kelly:** Let me go on to my next point.

There are more fundamental issues than simply governance that we have to address in the university sector. However, governance can be used to help with, for example, the skills shortage in the economy. We have real development in the app economy. There are 1.8 million app jobs across Europe, which is expected to grow to 5.8 million in 2018, but we have a skills shortage in Scotland. Across the UK, there are more than 900,000 job vacancies because of a lack of engineering and information technology skills.

There is a job for our universities, with proper leadership from the Government, in tackling the shortages in engineering and IT. To do that, they need proper governance, aligned with leadership from the Government and proper funding. That is why it is extremely regrettable that we see a £21 million reduction in university funding, which has affected research funding and therefore undermines our ability to contribute to specialities such as the app sector of the economy.

The debate has to be viewed in a wider context. Governance is one part of it. I accept that it is not just a case of introducing legislation; legislation has to be tested so that it works. We also need to look at fundamental issues such as the skills shortage.

15:12

**Stewart Maxwell (West Scotland) (SNP):** I very much welcome the opportunity to speak in this afternoon's debate on the important contribution that our universities make to Scotland. Liz Smith is right to highlight the educational, cultural and economic benefits that our universities bring to Scotland. As others have said, with four universities ranked in the world's top 200, there is no question but that Scotland's higher education

system is one of the best in the world. We continue to punch above our weight, as evidenced by the *Times Higher Education* rankings, which now rank Scotland first when measured by gross domestic product and second when measured by population. Recent studies have also suggested that Scotland is the most highly educated country in Europe and the best place to study in the UK.

That we have managed to create the circumstances in which Scotland's universities can thrive is testament to the support and the investment provided by the Scottish Government. Restoring free education to Scotland, and thereby ensuring that university education is based on the ability to learn rather than the ability to pay, is undoubtedly one of the Scottish National Party's proudest achievements.

Last year I asked the Scottish Parliament information centre to look at how much free higher education saves Scottish students. It was found that more than 120,000 undergraduate students save up to £20,000 compared with the cost of studying in England. To put that in context, tuition fees rose to £9,000 in the rest of the UK. In the first three years that they were in force, they cost students there around £14 billion, while Scotland-domiciled students attending Scottish institutions saved almost £1 billion in fees over the same number of years. That is an enormous sum of money that the Scottish Government has saved Scotland-domiciled students, and it is something that we should be proud of.

The current funding arrangements for universities down south result in tuition fees that put higher education out of the reach of many young people. In Scotland, we have been able to use this Parliament's powers to protect free university tuition and open the doors of opportunity to many young Scots.

We should be proud of our universities, which are a true national asset and world leading in many areas, but that does not mean that we should not strive to make them better. The Scottish Government has invested more than £4 billion in higher education over the past four years, which is a significant amount of public money. Our constituents have a right to expect their universities to be transparent and accountable and to adhere to the highest standards of governance.

Professor von Prondzynski's review of higher education governance has been integral to informing the Scottish Government's work on strengthening the sector. It is vital that the framework for the governance of our universities is fit for purpose for a modern Scotland in the 21st century. Writing in *The Herald* in April, Professor von Prondzynski referred to the importance of striking the right balance between restoring public confidence and protecting our universities'

autonomy—I do not think that there is any argument across the chamber that our universities have to retain their autonomy—and concluded by stating:

"Scotland's universities are a great success story. They have nothing to fear from this proposed legislation, and a lot to gain."

I agree very much with that sentiment.

The Tory motion suggests that the Government's proposals are somehow a threat to the success of our higher education sector in Scotland. However, I argue that the proposed reforms will go a long way towards ensuring that our world-class universities continue to thrive by creating a modern framework for decision making that benefits the institutions, the staff and the students.

The real threat to the international standing of Scotland's universities is the refusal of the Tory UK Government to reintroduce the post-study work visa in Scotland. We debated the issue at length in Parliament some weeks back, but the point remains that the UK Government's immigration policies are restricting Scotland's ability to attract and retain the best international students and graduates. International students make a valuable contribution to Scotland, but higher education statistics show that there has been a drop in the number of them who attend Scottish universities. A strong case has been made for the restoration of the post-study work visa.

I am proud that the SNP has defended free education throughout our time in office. The Scottish Government continues to invest strongly in the higher education sector and I look forward to our world-renowned universities going from strength to strength in the years ahead.

15:17

**Annabel Goldie (West Scotland) (Con):** Presiding Officer, let me declare an interest: my alma mater is the University of Strathclyde, of which I am an honorary fellow. Not surprisingly, I hold my former university in high esteem—I owe it a lot.

When I was established in my career as a lawyer, it was a privilege for me to be invited to serve on the university court, a role that I discharged for a considerable number of years. Uncertain at first about what was involved, I rapidly realised that I was part of an exciting and fascinating forum with challenging responsibilities. I found myself in inspiring company: impressive academics, people from other professions and businesses, leaders of industry, a member of Glasgow City Council—one Hanzala Malik—and, if I recall correctly, a recently retired very senior civil

servant, a representative of the non-teaching staff and the president of the student union. There was even then a significant presence of significant women.

The backgrounds were diverse, but that grouping aggregated into a powerhouse of knowledge, skill, experience and wisdom, reflecting a collective ability that was impressive. We did not represent sectoral interests. Our collegiate focus was the best interests of the whole university. The group was also comfortable, given the members' knowledge of one another, about deciding who was best placed to chair the court. The discussions were among the most well informed and well argued it has ever been my privilege to take part in, and the university benefited from enlightened and strategic decision making and effective governance.

Now, I know that some politicians feel uncomfortable about that. Shortly after I entered this Parliament, a political opponent—a former MSP—observed that because universities were public bodies receiving public money, they should be more under the control of Government, a sentiment that I think is being echoed by the cabinet secretary. Well, fortunately, having attended a university where I was encouraged to question such intellectual candy floss, I pointed out that, although universities derive a proportion of their funding from Government, they raise the rest themselves, hence in no way conforming to the definition of being a public body.

As Liz Smith has said, we now know from the OECD survey across Europe that there is a direct link between the autonomy of universities and the quality of universities. Each university is very different in character and culture. Far from demonstrating any weakness of inconsistency, that vital diversity is a huge strength. In Scotland, our universities over decades and centuries have showcased the best in learning, research, academic freedom and independence of approach. That is no casual platitude. That is the intellectual forum that is the life-blood of any seat of learning. Universities should exist to question, to challenge, to stimulate the mind, to explore and to discover the new, by examination, by analysis, by research and by deduction.

Above all, universities should be free of any whiff of political control or state intervention in or state prescription about governance. Without any supporting evidence, the Scottish Government wants to wreck that autonomy, trample over freedoms and demolish the fundamental elements of good governance. This has echoes of the chaotic debacle that surrounded the botched attempt to abolish corroboration.

Let me now utter a platitude: fools rush in where angels fear to tread. The cabinet secretary is a

highly intelligent woman—she is no fool. When the Scottish Government proposals to change university governance meet serious and compelling criticism from Universities Scotland; from the principal of the University of Dundee, Professor Peter Downes; from the principal of the University of St Andrews, Professor Louise Richardson, who is moving to a very senior position at the University of Oxford in the near future; from the Royal Society of Edinburgh; from the Scottish Council for Development and Industry; and from numerous others—and when the system of governance has the full support of the Scottish funding council, the Equality Challenge Unit and the Equality and Human Rights Commission—I would not be treading where the cabinet secretary proposes to go. Only one conclusion will be drawn.

Please have the courage and wisdom to withdraw these unnecessary, dangerous and inept proposals.

15:21

**Nigel Don (Angus North and Mearns) (SNP):** I am grateful to Annabel Goldie for describing how things can be done very well. The point in any sensible society is that we want to ensure that things are always done very well. Alex Johnstone tells me that it is all about a liberal approach. A liberal approach is undoubtedly what I would want to see, but we do want to follow the public pound, at least well enough to ensure that the bodies to which that money goes are accountable. I am hearing some very loose descriptions of accountability and control. It seems to me that accountability to the general public—whether or not it is to the Parliament—is one thing, whereas control is something very different.

In our society, we have all sorts of discussions between those who have some kind of embedded value and vested interest and those who see an opportunity using their own talents and abilities. In classical economics, that is capital versus labour although, in this kind of educational debate, I would prefer the idea that it has something to do with the institutions—our universities are fine ones—and the opportunities that students and staff recognise.

I will briefly pick up—this inevitably has to be brief this afternoon—on three different issues that have emerged in the consultation. First, when reading through the summary of the responses to the “Consultation On a Higher Education Governance Bill”, I was struck by what I saw on several pages, which revealed some very different views from—I use the term loosely—the management of the universities and from everybody else. It is not universal, but it seems that there are two very different aspects and views

coming through from our universities. I find that slightly discouraging, as I would have hoped that there could have been slightly more unanimity among those who work there as to what the collective vested interest is and what the public interest is. That diversity of opinion seems to be sharp enough that those in charge might like to think about why that gap is there.

Secondly, I refer to the issue of elected chairs. It struck me that there were some very strange things among the responses. I will quote from paragraph 1.24, on page 4 of the consultation written responses document, which members will have seen. It says:

“Most universities opposed the proposal”—

referring to the proposal that chairs should be remunerated—

“with a common view being that the post of chair is essentially a voluntary one, with those putting themselves forward doing so on a ‘pro bono’ basis as part of a public service commitment.”

I think that that view belongs to a different generation, and possibly century—if that is not the same thing. Why on earth should we be restricting such posts to those who can afford to be there pro bono—or, if they cannot afford to do so and are being employed by somebody else, why on earth should somebody else be paying them to do the job? Everybody else in universities is paid—and quite well at the top—and I am not at all clear where that view comes from.

Lastly, I want to look at the issue of the way in which universities change. When I saw the motion and the amendments, I was reminded of my time as a student in Cambridge in the 1970s and remembered that we students wrote a report that we put to the college offices about how students might be represented on the college body. That was in 1975, and two of our recommendations were eventually acted on. First, our college allowed women to enter as students—that took 10 years. Secondly, students were allowed to be members of the college council—as far as I can tell, that was enacted in a 2009 statute.

One of my fellow students who was involved in that report was none other than the Rt Hon Oliver Heald QC MP, who I suspect will be known to my Tory colleagues. The point is that, as students, we saw things differently, and the issues that we raised then still apply.

15:25

**Richard Baker (North East Scotland) (Lab):** I am pleased that Parliament has this opportunity to debate the challenges that face our universities. In Aberdeen, the issue of support for our university sector is a fairly current concern. Our local university has announced that it is to lose 150

posts. That has caused great anxiety among the staff and students. It raises real questions about how universities are equipped to perform their vital role in our country. In Aberdeen, the impact on our local economy of the University of Aberdeen and Robert Gordon University cannot be overstated. Of course, the universities are of great importance nationally, given their support for our oil and gas industry and the skills and expertise that it needs. We must hear today from the cabinet secretary how the Government will ensure that our universities receive the resources that they need to recruit and retain the staff they require in the ferociously competitive global higher education sector, and, specifically, how it will support the University of Aberdeen and ensure that there are no compulsory redundancies.

Higher education is an area in which we have long had a competitive advantage. That is not an advantage that our nation can afford to lose. Staff at the University of Aberdeen should be rewarded for their efforts rather than being put in a position where they face redundancy. That demands a response from the Scottish Government.

Most of the speeches that we have heard today reflect a consensus that has been established that free tuition is the right policy for Scotland. Of course, Labour wanted to reduce fees in England, which would have provided a potential boost for the sector here. However, any temptation that there might be to say that the fact that we have no tuition fees means that the job is done in higher education should be resisted. I am not sure that it has been resisted over the past few years.

We have long debated the impact of the cuts in further education, and Universities Scotland's submission outlines funding challenges in the higher education sector in Scotland as well. On capital funding, we can understand why the constraints are there, given the context in which the Scottish Government works. However, cuts in research funding can only be damaging to institutions and our economy.

There are wider issues as well. Some of our institutions have the worst drop-out rates in the United Kingdom, and I would not be surprised if they were among the worst in Europe. That represents a wasted opportunity for the students who drop out and a wasted investment for the state. It is certainly not discussed enough in this Parliament. We want our universities to be the best that they can be and we want to be as proud of them as we can be. Therefore, ministers must get to grips with this issue and seek solutions to the problem. We are also still not doing enough to widen access, as has been discussed. Student support is a crucial part of both of those issues. The level of grant that is available to students from low-income backgrounds is of massive importance

to the success of their studies. Students here have benefited from free tuition but, in other parts of the UK, students have had better grants and student support. That issue requires more scrutiny and debate in Scotland.

On governance, of course it is important that university courts are properly inclusive and that staff are represented. Looking back, we previously had elected chairs of courts through the role of the rectors. As Iain Gray said, reform is important, as is accountability. However, in that context, the independence of universities must also be respected.

The Scottish Government has been quick to take powers to itself rather than devolve them and to seek to centrally control organisations such as colleges, which should be empowered to make the decisions locally that best fit their distinctive needs. In the same way, universities must have proper local accountability. However, beyond that, their independence is important.

**The Deputy Presiding Officer (Elaine Smith):** Could you draw to a close, please?

**Richard Baker:** That is not an argument against reform; it is an argument against an overbearing approach from central Government. There should be accountability to staff and students, not simply to ministers. Our universities are held in high esteem. They are high achievers. Our job is to enable them to continue to play that vital role for Scotland.

**The Deputy Presiding Officer:** I am afraid that I have to advise members that there is absolutely no time. Please stick to your time.

15:30

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** My constituency has two universities within its boundaries: Edinburgh Napier University and Heriot-Watt University. I take great interest in both institutions not only because I am a member of the Education and Culture Committee but because my sons graduated from those universities.

Edinburgh Napier University is in the top 20 UK universities for graduate employability, with 95 per cent of undergraduates and 92 per cent of postgraduates in employment or further study six months after graduating. Importantly, it has worked over many years with partners to build aspirations for higher education among people from low-participation neighbourhoods and non-traditional backgrounds. Community engagement takes place in schools and colleges and resulted in 2,292 students joining Edinburgh Napier University directly from Scottish colleges in 2013-14.

Heriot-Watt University is ranked second in Scotland and 18th in the UK by *The Guardian* university guide, although the UK ranking hides the fact that it is second in the UK for civil engineering and third in the UK for electronics and electrical engineering as well as for accounting and finance. To encourage a widening of access to its courses, Heriot-Watt University awards £6 million in scholarships and bursaries to more than 400 students each year.

As other speakers have said, Scotland is a leading nation in higher education, with four universities in the world's top 200 and each of our higher education institutions undertaking research of world-leading quality. That is, in part, due to the funding that our universities have received in recent years from the Scottish Government. Last year and this year, the Scottish Government is providing more than £1 billion per annum to the higher education sector. Given that level of investment of public funds in universities, something would be amiss if the Scottish Government did not take an interest in the sector.

The "Report of the Review of Higher Education Governance in Scotland", which was submitted to the Scottish ministers in January 2012, highlighted why governance is important:

"Universities in today's world play many roles of direct significance to society, going well beyond the personal interests of those embarking on higher education, well beyond the organisational ambitions of individual institutions, and well beyond the expectations of those who employ graduates. They stimulate economic development; they provide a focus for cultural growth; they are engines of social regeneration; they play a major part in establishing a positive view of Scotland internationally. Universities are major employers and providers of livelihoods, and they own and control buildings, land and infrastructure that are vital assets for communities. They instigate and nourish public debate, and provide necessary critical analysis of the ideas and actions of public bodies and politicians.

For all these reasons, university governance is not just a private matter. Indeed, the public interest in university governance arguably extends beyond that which applies to corporate governance in the business world. It is not just a question of assuring the integrity and transparency of processes, it is a question of allowing society to protect its broader investment in education, knowledge and intellectual innovation in a way that makes the most of a long Scottish tradition adapted to the needs of the 21st century world."

Our higher education institutions should reflect the society that we live in and, as the NUS Scotland president-elect stated in the press recently,

"As public bodies, rightly in receipt of well over a billion pounds every year, we want to see our universities open themselves up to greater transparency, democracy and accountability, staying relevant to and representative of the people they serve.

The proposed reforms to higher education governance give us a great opportunity to ensure that happens."

15:34

**Iain Gray:** Although short, this has been a two-pronged debate: there has been some debate on the success of our universities and their funding, but it has mostly been about governance and the need for reform.

Across the chamber, we have all celebrated the success of our university sector, but I have to say that there has been a degree of complacency about that from some of the SNP speakers and perhaps from the cabinet secretary herself.

For example, a number of speakers, including me, have referred to the fact that we have four universities in the top 200 in the world. However, we should remind ourselves that, a short 18 months or so ago, we had five universities in the top 200, so we have to be a little careful about the direction in which we are going.

Mr Adam spent some time saying that the Scottish Government had maintained funding in the higher education sector, whereas funding had not been maintained in England; in fact, I think that he said it three times. However, if he had listened to me earlier, he would have heard me quote figures from Lucy Hunter Blackburn, the former head of higher education in the Scottish Government, which show that that is not in fact the case. In this year's budget, the resources that are available to universities have been cut by 2.5 per cent, with £21 million clawed back after the budget was set and a further £14 million transferred to the Student Awards Agency. We could say that there has been a little bit of unusual accounting.

Mr Maxwell focused rather a lot on what a wonderful world it is for students in Scotland. That, too, rather stepped over the daily reality that students face.

I do not agree with Liz Smith that free tuition has created a funding gap between Scottish and English universities. I think that the helpful NUS briefing gives some detail—too much to go into in the short time that I have—which shows that the funding gap is rather illusory.

Mr Maxwell also said that the current set-up means that Scotland is the best place in Britain to be a student. However, as Mr Baker pointed out, that is certainly not the case for a student from a poorer family, because the level of bursary and grant support available to them will be significantly less and therefore, in order to live, their level of indebtedness will be significantly higher. Perhaps that is why we have a lower proportion of poorer students in our universities and—as Mr Baker pointed out—a higher drop-out rate.

As for governance, Liz Smith has asked on a number of occasions for evidence of failure. However, in her own speech, she indicated the

most egregious evidence of failure, which is the lack of transparency in and the very high levels of principals' pay. Even in the past year, principals' pay has risen by between 7 and 13 per cent, at a time when most public sector workers are lucky to have a pay rise of 1 per cent.

The UCU—Liz Smith referred to this—has pointed out that even though universities claim to be transparent now, when it asked for details of remuneration committee minutes, two thirds of institutions failed to provide it with that information. That is a failure—it is a failure of governance—and there is no reason at all why we should not consider introducing transparency and consistency.

If Liz Smith talks to those who take part in the current governance structure, such as staff reps, she will find that they do not believe that the governance system is working.

**The Deputy Presiding Officer:** I am afraid that you must close now, please.

**Iain Gray:** They are not trade union reps but they are often treated as such.

As I said in my opening speech, yes, there should be autonomy, but it should be responsible autonomy for the modern day.

15:38

**Angela Constance:** I say to Mr Gray that, although I have many faults—I am sure that he is familiar with a few of them—complacency is most certainly not one of them.

As I reflected on the debate, it struck me that Liz Smith, in her opening speech, used some uncharacteristically—certainly for her—strong language. She described the Scottish Government, in pursuing the higher education governance bill, as “vindictive”, “bureaucratic” and “meddling”. I would like to point out that the European University Association autonomy scorecard identifies Scotland's higher education sector as one of the most autonomous in the world. Our proposals are most certainly not about increasing ministerial control. I certainly welcome the fact that most members in the chamber recognise that having diversity, inclusiveness and partnership within the higher education sector is not just the right thing to do, but the smart thing to do.

We are now in a three-week pre-introduction phase for the higher education governance bill, and it is difficult for me to discuss in detail a bill that will be introduced to Parliament in the near future. I am confident that we will demonstrate that we have been listening to principals, chairs of court and—crucially—staff and students. After the bill's introduction, the Government commits to



continue working with partners, and to collaborate across the sector and the chamber. There must be a two-way process, and I want to ensure that where possible those in the sector can work together and move forward as a community.

As we would expect, we have had some discussion about funding, and it is important to stress that, via the Scottish funding council, the Government plans to invest £282 million in core research and knowledge exchange. That modest increase of half a per cent builds on increased levels of research funding since 2007. From 2011-12 up to financial year 2015-16, higher education resource funding has increased by 12 per cent in cash terms and more than 5 per cent in real terms, at a time when the Scottish Government's fiscal budget has been reduced by 9 per cent in real terms and our capital budget by 25 per cent in real terms. Nonetheless, in response to Mr Gray's point, we have told the funding council to proceed with firm commitments so that it can make firm spending plans for £1,041 million. We have asked it to hold back £22 million—roughly 2 per cent—so that we have flexibility across the post-16 education budget.

**Iain Gray:** Will the minister address the point about the transfers to the SAAS?

**Angela Constance:** Of course there has been a transfer of resources, but that has no impact on the level of support available to students. SAAS funding for student support is demand led, under criteria that are published and decided on by the Government. The funding is demand led and therefore responds to the needs of students. Where possible, the Government will always endeavour to increase resources to support students, within our available resources, such as the improvement to the overall living support package that I announced a few weeks ago.

There have been changes to the distribution of the research excellence grant. Six institutions have seen a reduction in their research funding, but 12 have received an uplift. It is therefore not true that every institution has had a reduction in its research funding, although the global excellence initiative fund—which was always a time-limited fund—no longer exists. Of course that has an impact on institutions and their deliberations, but the change in the distribution of the research excellence grant is due to the general improvement among Scottish universities in the UK-wide research excellence framework for 2014.

Mr Baker demanded a response from the Scottish Government on job losses in Aberdeen. Job losses in any institution or sector in Scotland are always regrettable, but the savings that are being sought at Aberdeen are not related to changes in research funding. The university is seeking to make savings of £10.5 million, but the

reduction in research funding is just £350,000 for the next academic year.

I will happily close my remarks there because I appreciate that time is pressing.

15:44

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

The debate has been very good, with wide-ranging and thoughtful contributions, including from Annabel Goldie, who described her experience on the board of governors at the University of Strathclyde. It has been an excellent opportunity for us all to put on record the success of our universities, which is a topic that is debated too rarely in the chamber.

I am pleased to hear that the cabinet secretary has listened to Universities Scotland and will respond. That is very helpful.

On this day of commemoration, in another place, for Charles Kennedy, I believe that it is worth putting on record his role as the rector of the University of Glasgow. I hope that members do not mind my doing so, given that we are debating Scotland's universities today and given that he was a Highland MP. *[Applause.]* I thank members for that.

No one who is, or aspires to be, connected with higher education in Scotland can be unconcerned about what the future holds. We need to look at how we protect and enhance our universities' traditions and their autonomy, which almost all members mentioned in their speeches. Given their incredible history and incredible success, our universities are consistently ranked among the best in the world. It is worth taking a brief look at that history, and at the success that demonstrates the importance of the traditions and autonomy of our institutions.

The University of St Andrews was founded in 1413—so it is only 602 years old—by a group of Augustine masters, mainly graduates of Paris, who initiated a school of higher studies in the town.

Our next oldest university, the University of Glasgow, was founded in 1451. The students of today walk in the footsteps of some of the world's most renowned innovators, such as John Logie Baird, and those of the best-selling author of his time, Adam Smith, who of course wrote "The Wealth of Nations".

The University of Aberdeen is a relative newcomer; it was founded in 1495 to train doctors, teachers and clergy for the communities of northern Scotland, and lawyers and administrators to serve the Scottish Crown. As many MSPs will remember, this Parliament once sat in Aberdeen

during our annual eviction from our old place for a week during the General Assembly.

The newcomer is the University of Edinburgh, which was founded in 1583 and has played host to scientists, philosophers and politicians who have shaped the modern world. Edinburgh graduates signed the United States declaration of independence, founded ivy league universities and wrote some of the world's most widely read books.

Scotland's long and distinguished tradition of first-class higher education continues, with four of our universities ranked in the top 200 universities in the world. As members will agree, that is no mean achievement. Scotland remains a popular destination for academics from all corners of the world, and excels in research, ranging from Peter Higgs's eponymous boson to Abertay University's burgeoning games industry and considerable world-renowned health research. We should be rightly proud of our traditions and ensure that that stellar work continues.

We have unprecedented numbers of entrants to higher education despite budget constraints, and we can hold our head high in terms of research in comparison with other countries not only in the UK and the EU but worldwide.

Something has been happening in university governance that few members have mentioned today. University governance was recently modernised, through the new "Scottish code of good HE governance", which was published in 2013.

A review of the new code and framework last year reported that, after only one year, achievements included the fact that five out of six new appointments of chairs were women—on merit, I should say—and 42 per cent of new appointments of independent governing body members were women. There is improved accountability, and greater inclusion of students and staff on nomination committees for principals and chairs.

The need for further action and interference is quite unclear, given the positive moves that have been achieved through the new code and through improved working between universities and the Scottish Government. As I am sure members will understand, although we can make some judgments after one year, many board appointments are for three to four years, so we will have to wait until those appointees have fulfilled their terms of office before replacements can come forward.

Surely the principle of academic freedom is fundamental to higher academic institutions. I make no apologies for repeating what Liz Smith said: the OECD conducted studies across Europe and found a direct correlation between institutional

autonomy and the quality of the institution. Furthermore, the Royal Society of Edinburgh's response to the Scottish Government's consultation on the higher education governance bill contends that the Government's proposals to interfere in university governance are

"inappropriate, unnecessary and potentially counter to good governance."

I hope that the cabinet secretary's reassurance that she has listened today and has taken on board many views will go some way towards allaying those fears.

Of course, we are in favour of legislation to address problems, and we always to seek to improve public spending and to further positive viable outcomes, but we do not see our universities as a problem, as broken or as being in any need of additional bureaucracy or interference from politicians. Our universities are clearly excelling, as they have been for centuries. I hope that the cabinet secretary will take on board the many contributions that have been made today and ensure that the success of Scottish universities continues.

## Nursery Vouchers

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

The next item of business is a debate on motion S4M-13312, in the name of Liz Smith, on nursery vouchers. Unfortunately we have already had to inform a member who wished to speak that there will not be time to call them. I ask members to keep to their time, because we are still short of time.

15:51

**Liz Smith (Mid Scotland and Fife) (Con):** On 20 November last year, in her first First Minister's question time, Nicola Sturgeon gave a very firm commitment that her door would always be "open for sensible discussion". A month later, on 11 December, at First Minister's question time, she assured Ruth Davidson that she would listen to sensible suggestions from all Opposition parties. Since then, the Scottish Conservatives have tried on three occasions to ensure that the First Minister keeps that promise and today we will try for the fourth time. We will do so, to use a line from the Cabinet Secretary for Education and Lifelong Learning's speech at the University of Glasgow two weeks ago, on the basis of "what works" and not dogma or ideology.

On Thursday last week, Ruth Davidson cited the case of Marisa, a single mother in Glasgow who had turned down three job offers because she could not find a nursery that could take her daughter during the hours that suited. We believe that that situation is not only unacceptable on educational and economic grounds, but is directly contrary to the stated aims of the Scottish Government's social policy.

Although everyone in this Parliament supports the move from 475 to 600 hours of provision and the additional money that has been put in place to support that policy, we can surely never be content until all parents can access their entitlement. The issue is not so much about the number of hours on offer, but about parents' access to them and the current inflexibility in when the hours can be taken. The First Minister, although she acknowledges the concerns of some parents about the issue, does not seem to recognise that the situation cannot improve until there is a radically different approach. Additional hours are no use unless they can be properly accessed.

I will spend a little time on the detail of the problem before I set out what we think to be the solution. In the first instance, the problem relates to the fact that neither the Scottish Government nor the local authorities seem able to provide the full facts. That is because data is weak,

incomplete or, in some cases, meaningless. For example, the Scottish Government persists in using what is described as the registration figure, which it believes shows a 98.5 per cent uptake. Parents groups, however, struggle to understand that statistic, given that the evidence on the ground shows something entirely different. From the evidence that they have compiled, their opinion is that the uptake figure is closer to 80 per cent, which obviously tells us that the problem is still acute for one in five children.

Fair funding for our kids looked at the 2014 nursery census and found that 2,802 children were registered in partnership providers in Glasgow. However, the number of places was only 2,089. In other words, 713 children are not receiving the funding that had been included in the registration statistics, which incidentally correlates with almost £1.5 million-worth of funding.

**Bob Doris (Glasgow) (SNP):** The member may be aware that Glasgow City Council runs a nursery application management system, which registers any child at a partnership nursery where there are partnership funding places, irrespective of whether that child is in receipt of a partnership funding place. Glasgow City Council has to get its ship in order so that it counts accurately the number of children in the local authority area.

**Liz Smith:** That is only half the story. Registrations also include children on waiting lists, and they could be on more than one list. Those children do not have the entitlement that they deserve. Registration figures are not an accurate reflection of demand.

Statistics from the fair funding for our kids group, which has spoken to the First Minister about the issue, show that 29 out of 32 local authorities have registrations of three-year-olds that are more than 100 per cent, which tells us that there is a serious problem.

In the 47 partnership nurseries in Glasgow, 873 children out of 1,608 eligible children received their entitlement. In West Lothian, in 23 partnership nurseries only 335 children out of 673 eligible children had their funding. Those statistics, which have been compiled extremely methodically by parents groups, tell quite a lot about the story.

The Scottish Government faces criticism from local authorities, which are clear that they do not have enough money to make the necessary provision for the additional places because the fatal mistake has been made of thinking that costs rise in the same proportion as the additional hours provided. That is incorrect. The local authorities say that the Scottish Government fails to recognise the need for additional staff and infrastructure. They point out that, from August 2015, the definition of a vulnerable two-year-old

will change. There is therefore no chance that local authorities will fulfil their statutory duties as set out in paragraph 159 of guidance on the Children and Young People (Scotland) Act 2014, which says:

“Annual incremental increases in funding from the Scottish Government will enable education authorities to increase flexibility and choice on an annual basis.”

That is simply not happening. It has an added detrimental effect, which is that, because many providers are not receiving as much money as they need from the local authority, they are pushing up the costs for the privately funded hours, making it more expensive for parents and, in some cases, defeating the purpose of the policy.

While we are on the subject of choice, can we deal with the myth that private nurseries are making a profit? They most certainly are not. What they are in the business of doing is providing the additional flexibility that state nurseries cannot; for example, they are often open for longer hours and they offer holiday cover. Let us also remember that some families using childminders and nannies are unable to access free hours at all.

However, the real issue for parents is the restriction of choice. East Dunbartonshire Council, East Lothian Council and Glasgow City Council have all restricted the number of places that they fund in partnership nurseries, which means that many parents have had to move their children from one nursery to another if they can no longer get a funded place at the existing nursery. That is why many parents believe that thousands of children are missing out on provision because local authority nurseries are unable to provide suitable hours for working parents. This was a flagship policy before the referendum, but it is some flagship if thousands of children are not getting that entitlement.

There is a marked variation throughout Scotland in the allocation process, which means that parents are often open to a lottery. Local authorities purchase partnership places using different procurement processes, set against different criteria. In Glasgow, for example, geographical lots are drawn that give the most places to nurseries that have the highest rating, which is 5. That has the potential to be a good thing if it drives up standards, but it is not a good thing if the same practice is not applied to other nurseries. It could mean that very good nurseries that receive a rating of 4—which is pretty good, but not quite a 5—in an area of the city with a high number of successful nurseries will lose out. That system is unfair. It comes back to the evidence that has been provided by many parents.

Those issues combined make the current funding arrangements restrictive and unfair. They

are happening at the same time as the Scottish Government persists in its perverse logic, which denies all children born in the winter months the same nursery provision that is afforded to those born in the summer months. When the First Minister was questioned on that at First Minister's question time back in November, she said that her commitment to ensuring that level of childcare was “real, genuine and strong”. So far, however, nothing has happened, so that was patently disingenuous. There is absolutely no equitable defence of that birthday discrimination, and I ask the Scottish Government to have a look at it.

Many times, there has been consensual agreement in this Parliament about the importance of the early years and, therefore, of the policies that surround them. However, we need to translate warm words and manifesto commitments into reality. It is patently clear at the moment that we have the warm words, but we are very far away from a workable policy that would allow all children to access their entitlement. Not for the first time in this Parliament, members have rejected a Scottish Conservative policy simply because it contains the word “voucher”, but let us be clear about the motion. It reflects exactly what is happening in the City of Edinburgh Council, whereby activation of a code given to a parent by the council allows the parent to access the necessary care. It is a virtual voucher, if you like, and it works because it allows the money to follow the child. That model has been patented by an SNP/Labour-led council, so I hope that it will not be rejected on the ground of any dogma or ideology.

The Scottish Conservatives see this as a hugely significant issue—indeed, we will make it a priority manifesto commitment for 2016. Parents must have choice and the system must have the flexibility to deliver the entitlement that has been promised by the Scottish Government.

I move,

That the Parliament notes the recent survey by the Family and Childcare Trust, which stated that fewer than one in six councils in Scotland had enough childcare capacity to meet the needs of working parents; recognises that most council-run nurseries do not provide the flexibility needed by working parents; believes that, in order to help more parents remain in, or re-enter, the workforce, parents need to be able to take up their child's nursery entitlement at an establishment offering hours that fit in with their working patterns; welcomes the Scottish Government's pledge to give every three and four-year-old 600 hours of government-funded nursery provision, but is concerned that too many parents are unable to access their entitlement due to the hours or location on offer from local authorities, and therefore calls on the Scottish Government to introduce greater flexibility into the system through a virtual childcare voucher to ensure that all children in Scotland are guaranteed their entitlement by allowing parents to use any nursery that meets Education Scotland's and the Care Inspectorate's standards.

16:01

**The Minister for Children and Young People (Fiona McLeod):** I welcome this timely debate, which comes only 10 months after the commencement of the Government's huge commitment to 600 hours of early learning and childcare, which represents a 45 per cent increase in the number of free hours of early learning and childcare since we came to government in 2007.

The Scottish Government is committed to developing a high-quality, flexible system of early learning and childcare that is affordable and accessible for all but which will, in the first instance, focus on those who are most in need. We know that high-quality early learning and childcare benefits children, especially those who are most in need, and can contribute to narrowing attainment and inequality gaps. We also know that a lack of accessible and affordable childcare is a major concern for families and a barrier to work for many parents. Our aims are to improve the outcomes for all children, especially those who are most disadvantaged, and to support parents to work, train or study, especially if they need those routes into sustainable employment and out of poverty.

The Children and Young People (Scotland) Act 2014 ensured that all three and four-year-olds are now legally entitled to 600 hours a year of funded early learning and childcare. The 2014 act also extended that entitlement to our vulnerable and disadvantaged two-year-olds. The act created, for the first time, a statutory duty on local authorities to introduce flexibility and choice based on local consultation.

**Liam McArthur (Orkney Islands) (LD):** I very much welcome the steps that the minister has outlined. She will be aware that, although the Liberal Democrats welcome the move in relation to disadvantaged two-year-olds and its extension this summer to 27 per cent of two-year-olds, we are keen to see that figure rise to around 40 per cent, which is the figure south of the border. Does she have an update on when the Government expects that further extension to be achieved?

**Fiona McLeod:** Mr McArthur knows, from our debate in committee yesterday, that the extension to 15 per cent of two-year-olds last year targeted the children of parents who were out of work and the extension to 27 per cent of two-year-olds this year is targeting the children of parents who are in low-paid employment to ensure that they get the support that is needed. This is about phased and sustainable support for the most vulnerable children in our society.

I know from going around local authorities and nurseries in the past few months that local authorities are consulting and engaging parents

and families to ensure that the design and delivery of provision will be flexible enough to meet local parents' demands. In fact, I have heard on my travels that some local authorities are providing extended hours following the consultations.

The purpose of the legislation is to set the stage for longer-term expansion and improvement. To that end, the First Minister has announced a commitment to increase further the hours to match those delivered in primary schools by the end of the next session of Parliament.

**Liz Smith:** I have listened carefully to the minister. She recently provided a response to my written question in which she said that the model on which the Government's spend has been adapted was the same model that it had used to determine the spend for the 475 hours. Where is there sufficient funding to do what she has just outlined?

**Fiona McLeod:** I refer Liz Smith to that parliamentary answer. She is right that we took our work from last year with the Convention of Scottish Local Authorities and our providers to upscale the provision to 600 hours. We then used that work to upscale to the further increased hours. All that information is in the parliamentary answer.

We introduced the 600 hours policy last year, and we have extended the hours this year. We understand that the timescales are challenging. We must look at the debate in the context of the additional hours, children and flexibility. In that context, it is reasonable to expect that an increase in flexibility and choice will be achieved on a phased and sustainable basis, with year-on-year growth.

It is also important to say that the Scottish Government fully funded the groundbreaking policy with £329 million committed over the first two years of its implementation. That figure was arrived at with our delivery partners in local government.

We are talking about early learning and childcare, and part of its importance is to support women back into work. We have begun to see results. Recent figures show that Scotland has the lowest rate of female unemployment of any European country, while female employment in Scotland is at a record level. Furthermore, the gap between male and female employment is at a near record low.

The Conservatives have suggested that one way of increasing flexibility would be to let parents have vouchers. However, we need to ensure that any such decision is made so that we can manage our education system to be the best that it can be for our youngest children. We must consider the policy and whether we think that a market-led,

consumer approach to purchasing early learning and childcare will guarantee sufficient quality; integration with our education system and the curriculum for excellence; and integration with policy objectives such as getting it right for every child. Education Scotland and the Care Inspectorate are there to inspect and ensure quality in our providers and to help them to improve their provision.

We have committed to extending universal early learning and childcare to 30 hours a week by the end of the next session of Parliament. We believe—I hope that everyone agrees—that we should test the proposals for early learning and childcare against the principle of high-quality support to our youngest children to give them the best start in life.

I move amendment S4M-13312.3, to leave out from “notes” to end and insert:

“welcomes that, under the Children and Young People (Scotland) Act 2014, all children aged three and four are now legally entitled to receive 600 hours of free early learning and childcare a year, more than under any previous administration; notes that local authorities have received £329 million in new money to fund implementation of this groundbreaking policy; further notes that local authorities are developing plans to engage with parents and families to ensure that the design and delivery of provision is flexible enough to meet families’ needs; welcomes that this unprecedented investment in early learning and childcare enables more parents, and in particular women, to return to work, as evidenced by Scotland now having the lowest rate of female unemployment of any country in Europe; condemns the UK Government’s proposals to only increase provision in England for parents who work, excluding those who need help most, and supports proposals to extend universal, free early learning and childcare in Scotland to 30 hours per week for the school year by the end of the next parliamentary session.”

16:09

**Cara Hilton (Dunfermline) (Lab):** Transforming childcare is certainly one of the most important challenges that we face. As a mum of three young children, it is an issue close to my heart, so I welcome the opportunity to speak in the debate.

Last night, along with the minister, I attended the launch of One Parent Families Scotland’s programme for change. At the heart of the priorities identified by single parents is the need to transform childcare not only to ensure that it is high quality, flexible and affordable, but to enable parents to work and study, while also meeting children’s development needs and addressing the inequalities that continue to impact on children’s life chances. Earlier this year, the Family and Childcare Trust revealed that only 15 per cent of councils in Scotland have enough childcare capacity to meet working parents’ needs. That compares with 43 per cent in England.

As Liz Smith has outlined, one of the biggest challenges is the fact that many thousands of children are missing out on the 600 hours of early education that they are entitled to right now. We often hear in the Parliament about the apparent 98.5 per cent take-up of free places, but that does not reflect the reality on the ground. The fair funding for our kids campaign says:

“For many children and working parents ... the system is not delivering a model of childcare that matches the needs of the modern working family ... Right now, thousands of families across Scotland are unable to access their legal entitlement to free childcare because most council nurseries do not offer suitable hours for working parents.”

For parents who work full time, accessing a free space that is available for only three hours and 10 minutes a day, 38 weeks a year, is simply not an option.

How many children across Scotland are offered places that are so inflexible that working parents cannot access them? How many children are unable to access their 600 hours at all because they attend a private nursery and all the funded places have been allocated? How many children attend a nursery that is not a partnership provider, which means that no money is available to fund their place? How many children who attend a pre-school nursery are not benefiting from the full 600 hours to which they are entitled because the provision does not fit in with the school day? That poses a problem for parents with children at school.

**Fiona McLeod:** I do not deny that we do not yet have full flexibility in the system, but does Ms Hilton agree that we are 10 months into what is a huge programme of improvement that we want to roll over to 2020 and that we are not doing badly?

**Cara Hilton:** Yes, but we are talking about a pledge that was made back in 2007, so the Government has had plenty of time to get things right. The reality is that parents are missing out.

The answer to the questions that I asked is that we can only speculate, because no one knows how many parents are missing out on the 600 hours of provision that are a universal right for every child in Scotland, because there is no national oversight or scrutiny of this flagship policy to ensure that it is being delivered and that the spirit of the 2014 act is being fulfilled. That is why Scottish Labour is calling for effective national oversight of the policy. We want to ensure that it works for every child, and we want a full audit to be carried out of how it is being delivered in each local authority area.

Too many parents feel that they are being robbed of their rights. They want action to be taken to ensure that their children receive the free childcare that they have been promised; they do

not want a promise of change in the future, when their children will probably be at school.

Although we support much of Liz Smith's motion, like Fiona McLeod we do not accept that the introduction of a virtual voucher scheme is necessarily the best way forward. We agree with the fair funding for our kids campaign and Reform Scotland that all—

**Liz Smith:** Will the member give way?

**Cara Hilton:** Yes.

**Liz Smith:** Does the member accept that that is exactly what is happening in the Labour and Scottish National Party-led City of Edinburgh Council? Does she support that?

**The Deputy Presiding Officer:** You are approaching your final minute, Ms Hilton.

**Cara Hilton:** That may well be the case, but the concept of vouchers for public services could be a slippery slope. More discussion is necessary. It is certainly not an idea that we are supporting today.

We will abstain on Fiona McLeod's amendment on the basis that we do not accept that the 600 hours policy is fully funded. Local authorities tell us that they do not have the resources to deliver it fully, for the reasons that Liz Smith outlined earlier. We are also sceptical about the claim that more women with three and four-year-olds are re-entering the labour market thanks to the policy of providing three hours of childcare a day. I do not know of many jobs that fit around a nursery place of three hours and 10 minutes.

Our amendment highlights the observation in the commission for childcare reform's interim report that the focus on three and four-year-olds

"has not been matched by coordinated investment in ... the needs of working families for pre-school childcare, out of school care and holiday provision."

Although we rightly call on the Scottish Government to take steps now to ensure that 600 hours of provision is a reality for every eligible child, we know that that will not fix the childcare challenges that Scotland faces. Those challenges do not begin when a child turns three and they do not end when a child starts school. The spiralling cost of childcare in Scotland is a huge headache for working parents.

Unfortunately, I have run out of time, because of all the interventions that I have taken. I will conclude by citing the view of the fair funding for our kids campaign, which says that no one has a grip on childcare policy. The promise of 30 hours of provision in the future would sound a lot more convincing to parents if they were receiving the 15 hours to which they are entitled now. We must ensure that parents right across Scotland get a better deal.

I move amendment S4M-13312.2, to leave out from "notes" to end and insert:

"welcomes that, under the Children and Young People (Scotland) Act 2014, all children aged three and four are now legally entitled to receive 600 hours of free early learning and childcare a year, more than under any previous administration; notes that local authorities have received £329 million in new money to fund implementation of this groundbreaking policy; further notes that local authorities are developing plans to engage with parents and families to ensure that the design and delivery of provision is flexible enough to meet families' needs; welcomes that this unprecedented investment in early learning and childcare enables more parents, and in particular women, to return to work, as evidenced by Scotland now having the lowest rate of female unemployment of any country in Europe; condemns the UK Government's proposals to only increase provision in England for parents who work, excluding those who need help most, and supports proposals to extend universal, free early learning and childcare in Scotland to 30 hours per week for the school year by the end of the next parliamentary session."

**The Deputy Presiding Officer:** We come to the open debate. We are very tight for time, so speeches should be of four minutes.

16:14

**Bob Doris (Glasgow) (SNP):** First of all, I should say that I have met the fair funding for our kids campaign on a number of occasions and have engaged directly with many of the issues that it has raised.

I think that Cara Hilton and Liz Smith are being a bit churlish in not recognising the huge increases in childcare provision across Scotland. Because of the time constraints, I will not list all the achievements—

**The Deputy Presiding Officer:** Mr Doris, could you move your microphone up? I am having difficulty hearing you.

**Bob Doris:** That is not something that I am usually told, Presiding Officer. I am happy to speak louder.

There have been significant and profound advances in childcare provision right across Scotland, but I concede that we have to go further and provide more choice and flexibility. Nevertheless, it is churlish not to suggest that substantial, significant and sustained improvement has been made across Scotland. That point is certainly not reflected either in the motion or the Labour amendment.

As the fair funding for our kids campaign has made clear, more than 1,000 children in Glasgow have not accessed their entitlement. It has also identified limitations in Glasgow's childcare structures as well as the need for working parents—not just mothers but fathers, I point out to our front-bench spokespersons—accessing five

half-day placements over the course of a week to block those placements together for a solid two and a half days of childcare arrangements with the local authority or partnership nursery. That is not something that Glasgow City Council has been particularly good at. The council also has fewer than 2,000 extended places in the city, and there is a need for more. Things are improving, but there are problems and issues to address in Glasgow.

I should also point out that the old local authority model of using the local school nursery might not fit in with today's working patterns. Sometimes mothers and fathers need to use the nursery that is close to where Gran stays, close to where their work is, close to where their former partner lives if they are operating a joint parenting strategy or, indeed, close to the primary school that a sibling attends, because they use the breakfast club there. At this point, I should put on record that I am rather worried about Glasgow City Council seeking to close breakfast clubs right across the city, which, as far as my constituents are concerned, will have a direct impact on childcare and the anti-poverty strategy.

There is, of course, guidance on the statutory duty to make a place available for each child, and that provision should be flexible. However, we have to tease out what a reasonable offer should look like. That offer is not always going to be of a nursery place around the corner from a person's place of employment, Gran, a former partner or whoever, but what should be offered should be reasonable.

**The Deputy Presiding Officer:** You are in your final minute.

**Bob Doris:** There is a concern that local authorities—in this instance, Glasgow—would sometimes rather see a local authority nursery place sit empty in order to save cash instead of funding a partnership nursery place, and we have look at how we scrutinise and put pressure on them.

Speaking of Glasgow City Council, I know that many of the parents in the fair funding for our kids campaign quite deliberately took up places at a partnership nursery for their two-year-olds in the expectation and hope that there would be a place for them there when the child turned three. However, when that happened, the places were withdrawn from the partnership nurseries as part of the council's procurement strategy and no place could be offered there for those parents' three-year-olds. That was just wrong, and the council has to get better at doing that sort of thing.

**The Deputy Presiding Officer:** Could you draw to a close, please?

**Bob Doris:** I will, Presiding Officer. My point is that vouchers are not the way to go, because the

funding should always follow the child. However, we have to increase the number of partnership nursery places significantly. We do not need legislation for that, because if Labour and the SNP can do it jointly in Edinburgh—

**The Deputy Presiding Officer:** I am sorry, but you must close.

**Bob Doris:** —we can do it right across Scotland.

**The Deputy Presiding Officer:** I am afraid that I will have to cut members off if they do not keep to their four minutes.

16:18

**Liam McArthur (Orkney Islands) (LD):** I thank Mary Scanlon for her very generous remarks in the previous debate about Charles Kennedy, following his sudden and untimely death. He was a gifted politician, a Liberal to his core and a Highlander first and last. I had the privilege of being able to call him a friend, but I know that his passing is mourned by those across the political spectrum and far beyond.

The minister is well aware that we share her aspiration for a revolution in childcare; indeed, in consecutive budgets, we have pushed for extended provision for two-year-olds. As a result, 27 per cent of Scotland's two-year-olds will benefit, as the minister has confirmed. However, although that is good, I am concerned that we are still lagging behind the 40 per cent of those from disadvantaged backgrounds who are benefiting elsewhere in the UK. I hope that the next phase of this revolution will see more of Scotland's two-year-olds getting access to these opportunities.

There is, after all, overwhelming evidence that investment in the first few years of a child's life is crucial in shaping their life chances. Investment in childcare later on is welcome, but if the attainment gap is to be addressed and inequality is to be reduced, a ruthless focus is required on investment in quality learning and childcare in the very early years. I have made that argument many times before, and I make no apologies for making it again.

As we look at future provision, we must ensure that what happens now is of high quality and meets the needs of children and their parents, and that it is not simply determined by the constraints of local government. As others have said, increasing flexibility is key to achieving that. By the Government's own admission, that flexibility is not yet available in the way that we would like it to be.

Across Scotland, delivery of the current childcare offering is sketchy. Some councils offer partnership arrangements to many nurseries that fit parents' wishes; others are more cautious and



severely limit the partnership funding and partnership status. I encourage the minister to consider what more could be done to encourage councils to provide genuine flexibility through an increase in the number of partnership nurseries, taking into account the wishes and needs of parents.

In the time that is available to me, I want to briefly address the issue of the workforce, which is not referred to in the motion or the amendments but which is obviously key to the success of childcare and early learning in Scotland. The pressure on those who work in the sector has inevitably increased through the expansion in entitlement. With further expansions on the horizon, we must ensure that Scotland has the early years workforce that it needs to provide first-class care and education for our children. That means training more specialists as well as ensuring that those who already work in the sector remain content in their careers and are equipped to deal with the new demands that we place on them.

I understand that a review is under way. It would be helpful perhaps if the minister could update members in her closing remarks on the progress with that review and when we might expect recommendations to emerge from it.

Like others, I welcome the fact that we continue to have a focus on early learning and nursery provision. I think that there is cross-party support for more hours of high-quality childcare, but there is a long way to go before the delivery catches up with our aspirations. That is something that we must be aware of and that we must work quickly and creatively to resolve.

16:22

**James Dornan (Glasgow Cathcart) (SNP):** Over the past months, I have seen a considerable number of parents who have been upset and disheartened by the way that Glasgow City Council has dealt with the partnership nurseries in Glasgow. The council must recognise that the needs of many parents and children cannot be met by local authority-run nurseries and that it should be doing much more to ensure a wider availability of nursery provision. There seems to have been an arbitrary dropping of funding from one year to the next for no apparent reason in many of the partnership nurseries in my constituency and, I suspect, across the city.

On the different types of nurseries and nursery provision, I want to talk about the great work that Cassiltoun Stables Nursery in Castlemilk is doing as a community-led nursery. In 2007, Cassiltoun Stables Nursery transferred from council to community ownership, and the facility has since

developed into one that hosts community events, offices, training suites and, of course, a nursery.

The nursery, which opens five days a week, from 7.30 am until 6 pm, including on public holidays, is available for all. It is open during the vast majority of people's working hours, and it solves the problem that a lot of parents have with part-time nurseries that are found to be open for only a section of the day, which, as we have already heard, makes it impossible for parents to drop their child off or pick them up, as those times will likely clash with their working hours.

Any child from just six weeks old up to the age of five can attend the Cassiltoun nursery and enjoy opportunities to develop their social skills and take part in a wide range of activities under the supervision of the excellent, professional and highly qualified staff who run the organisation, ably led by their manager Susan Palmer.

The nursery is the only nursery in Glasgow to provide a forest kindergarten for children aged three and under. That initiative works in partnership with Forestry Commission Scotland, which has helped to train the staff and has participated in activities such as walks in the forest, setting up camp, building dens, balancing on logs and sitting down for a quick drink and a snack if there is time.

Flexibility is one of the key aspects of the nursery. There is flexibility for the parents who use it and an ability to react to local circumstances. I thoroughly believe that it is a great example of a community-led nursery and a model that could be usefully utilised across Glasgow and across the country as a whole.

Unfortunately, the flexibility that is inherent in that nursery is lacking in a lot of the work that Glasgow City Council in particular is doing. Many of the constituents who have contacted me have been turned down for a place in a partnership nursery because the council will not fund that place although, as we have heard, funding is being made available from the Scottish Government. Instead, it is only offering a place in a nursery that might not be suited to the parents and, crucially, the children, for a whole number of reasons.

The services must be run for the benefit of children and parents and not for the convenience of the council. That is why I welcome the provisions of the Children and Young People (Scotland) Act 2014, which has introduced a statutory responsibility for local authorities to consult parents on the flexibility that they require in nursery provision, as well as the commitment to look further into how we gather data around nursery provision to ensure an increasing level of flexibility and choice. From discussions with

parents, it is clear that flexibility is key in nursery provision.

Instead it is only offering a place in a nursery that might not be suited to the parents and, crucially, the children, for a whole number of reasons.

Those services must be run for the benefit of children and parents and not for the convenience of the council. That is why I welcome the provisions of the Children and Young People (Scotland) Act 2014, which has introduced a statutory responsibility for local authorities to consult parents on the flexibility that they require in nursery provision as well as introduced the commitment to look further into how we gather data around nursery provision to ensure an increasing level of flexibility and choice. From discussions with parents, it is clear that flexibility is key in nursery provision.

**The Deputy Presiding Officer:** You are in your final minute.

**James Dornan:** We know that there are examples of good practice around the country, such as by the councils in Edinburgh and Dumfries and Galloway. Much like taking lessons from the good practice of Cassiltoun Stables Nursery, I would implore Glasgow City Council in particular to investigate how it tenders for partnership places and the number of those places that it offers to parents.

If Glasgow City Council started looking at its statutory duty to provide nursery places in a different way that was more reflective of the needs of parents and children across the city, I know that it would have a hugely positive impact. The funding is there from the Scottish Government to do so, the want is there from parents to look into it more and the benefits to children across Cathcart, and Glasgow more broadly, are huge.

16:26

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I welcome the Government's 600-hour policy and its on-going work to deliver more flexibility. I also support much of the Conservative motion, although I had a bout of *déjà vu* when I saw the words "nursery vouchers" at the top of it because, before the 1997 election, they were a major point of controversy. I even managed to find my speech of 29 January 1996 to wind up a Scottish Grand Committee debate that Michael Forsyth introduced. I will spare members the contents of that speech.

However, I am a bit mystified about why the Conservatives want to revisit those words. Clearly a virtual voucher is a bit different from the real

thing, but I think that it would have been wise not to use the word "voucher" at all.

In that speech, quality was emphasised. I will talk about what the City of Edinburgh Council does. Edinburgh has been mentioned several times. I do not have a clue whether it uses virtual vouchers, but I rather admire what it is doing. The starting point of its policy is quality. It will accept partnership nurseries only if they meet strict quality criteria, and many do.

The cabinet secretary will expect me to mention North Edinburgh Childcare, because I always do in childcare debates. It is of the highest quality. I declare an interest in that I am on its board. It meets the criteria, as do many other providers.

Forty per cent of the provision in Edinburgh is from partnership nurseries. Parents can generally get a place in such a nursery if it suits them.

I heard recently about a problem with the funding arrangements that surprised me. Apparently, the City of Edinburgh Council also ends up paying for children from West Lothian, East Lothian and Midlothian. I think that there is work on solving that.

The problem with Edinburgh is not too little partnership provision but in some cases too little council provision. I pay tribute to the council, however, because it is on the case. As we speak, it is building a new nursery at Wardie primary school in my constituency, and I know that there are similar building works in other parts of the city with which I am not so familiar.

The council is also working on developing more flexible options. I have heard of one for children to use all their entitlement over two days. That is being piloted, although I do not know how many parents will find that attractive.

Because of the need for more capacity in the council sector, some children are getting only one year in a council nursery. If we think about it, some parents only want that much provision, as they may be working only part time or not at all, and in a partnership nursery it is not possible to get just the 600 hours.

There is a particular problem for children who are born after August. I can think of at least one nursery in my constituency that tends to fill up in August, because that is after everybody has left in the summer, and then getting a place throughout the year is difficult.

That compounds the problem that Liz Smith reminded us of, as she has done before—that anyone who turns three after August does not get two years of nursery education, even in the best of circumstances. A child born in November gets five terms as a best scenario; a child born in January gets four terms as a best scenario. We must also

remember that some will get only three terms because of the problem that I described.

I worry that the youngest children going into primary school—who are only four—are those who have had the least nursery education, so there is a double disadvantage. I am not sure what the solution is, but we ought to be aware of the problem.

16:30

**Murdo Fraser (Mid Scotland and Fife) (Con):**

My colleague Liz Smith opened the debate by referring to a shocking statistic from the Family and Childcare Trust, whose research showed that just 15 per cent of local authorities in Scotland have enough nursery places for parents who work full time. That is simply not good enough.

The Governments at Westminster and in Edinburgh talk a great deal about the benefits of flexible childcare. We now have record employment levels—something that we should all be proud of—but there are still too many parents who want to work or to work longer hours than they do but who are held back by a lack of childcare places and inflexibility in the system. The Scottish Government has made a welcome promise to increase provision, but those words will appear hollow if the Government cannot sort out the inadequacies in the existing arrangements.

I have experience of the issues as the parent of two young children who are both now in primary school but were recently at nursery. Our experience was positive, because our local council engages with partnership providers, and as a result we were able to choose the nursery that we wanted for our children. We chose one close to where we live that has an excellent reputation, and we were impressed by the staff and the management. Our experience was entirely positive. I say to the minister that there is no evidence of poor standards or inadequate curriculum development and that, if parents choose their nurseries properly, they will not face those problems.

However, I know that too many parents are not as lucky as we were. Rather than have the right to choose and flexibility, they are left having to take their children to the nursery place that the local authority provides. They are left with the inflexible hours that are on offer, which means that trying to fit in childcare with working is virtually impossible.

For us, flexible childcare provision meant that our children could attend nursery three days per week on a full-time basis. However, as Cara Hilton pointed out, too many parents are left in a situation where they are offered a block of three hours each day—either 9 to 12 in the morning or 1 to 4 in the afternoon—five days a week. There are few jobs,

if any, that a working parent can do that would fit in with that childcare pattern. If we are to have proper support for working parents and allow parents to take up employment opportunities, we must have flexibility.

**Bob Doris:** Will the member give way?

**Murdo Fraser:** I will not, if the member will forgive me, because I have only two minutes left.

Liz Smith referred to the fact that at least three local authorities—East Dunbartonshire Council, East Lothian Council and Glasgow City Council—have restrictions on the number of places that are funded in partnership nurseries. That causes headaches for working parents and needs to change. That is precisely why we are calling for more flexible arrangements and virtual vouchers. I say to Malcolm Chisholm that I do not care what we call the vouchers, because the principle of allowing flexibility in the system is what is important. The current piecemeal approach is not working.

Another issue that needs to be addressed—we have raised it consistently—is the birthday discrimination. Again, I can illustrate the issue from personal experience. My daughter was born in late August and was entitled to seven terms of funding for a nursery place, but my son was born in January and was funded for just five terms. On no level does that make any sense.

We know that there are substantial benefits from early childhood education and we know that the Scottish Government promotes the concept of two years of nursery provision for pre-school children, but in reality very few children get the full two years of funding. When Liz Smith attempted to amend the relevant provision in the Children and Young People (Scotland) Bill, every party in the Parliament, bar the SNP, supported her.

The SNP talks a good game on nursery provision and talks about fairness, but it is defending a system that is inherently unfair and discriminates against children born in the first six months of the year. That costs parents and does nothing to spread the benefit of early years education to those who need it. This is not an area where more powers are needed; it is an area where action could be taken today. We need flexibility for working parents and we need to end the unfair birthday discrimination.

16:34

**George Adam (Paisley) (SNP):** I welcome the debate, as it gives us an opportunity to discuss the progress that the Scottish Government is making on nursery provision for families across Scotland. We must work with local government to deliver the policy. I come to the debate as a former councillor

and as an MSP, so I have seen both sides of the argument when a local council has to deliver Government policy.

We have heard much about councils that can deliver the policy and about councils that do not do so. Surely there is a way in which we can work to ensure that all councils find out what the best practice is so that they can move forward. As a councillor, I was frankly sick of hearing about how we were going to share best practice and ways forward with other local authorities. This is a perfect example of how we should take what is good in certain areas and move it elsewhere. We all want to move towards that.

As the minister said, since the Government came to power, there has been a 45 per cent increase in nursery entitlement for three to four-year-olds, from 412.5 hours in 2007 to 600 hours in 2014. The Children and Young People (Scotland) Act 2014 set out to expand free childcare provision and to increase flexibility year on year. That investment is important for our children's future, which is why the Scottish Government is looking to expand it further. We must work with our partners in local government to ensure that that expansion can be delivered.

At the same time, we must continue to look to the future. We must develop the provision further and provide further support for Scotland's families. Childcare is expensive, but what it delivers is priceless. The Scottish Government is looking to the future and has pledged that the SNP's 2016 manifesto will set out a plan to increase childcare provision by the end of the next session from 16 hours to 30 hours per week. The First Minister described the move to increase free early learning and childcare provision to 30 hours as

"one of the best investments any government can possibly make."

As I think the minister has mentioned, by 2019-20, annual revenue spend on early learning and childcare will have increased from an anticipated £439 million this year to around £880 million. As I have said, childcare is not cheap, but it is worth making the investment. We all agree that that provision is important to families throughout the country.

There is also the promise of extra capital spending by the Scottish Government. The First Minister made it clear that, if the SNP is re-elected, the great infrastructure project of the next Parliament will be investment in care and learning facilities, to ensure that our early years provision matches our primary school provision. That is ambitious and it shows the way forward.

The big capital spends during the past couple of Administrations have been on big, massive bridges, roads and infrastructure. Childcare may

be less visible than the Queensferry crossing, and it might not be as sexy as a nice, shiny new bridge, but what a difference it can make to the start of our young people's lives, by giving families the support that they need and ensuring that women get the opportunity to go back to work. All those things are priceless, and the proposals will show that Scotland leads the way in childcare.

16:38

**Alex Rowley (Cowdenbeath) (Lab):** Fiona McLeod's amendment says that we should recognise that the progress that has been made under the present Government is more than was achieved under any previous Administration. We would want to think so, given that the current Government has been in power for more than eight years. I readily acknowledge the progress that has been made during that time.

There are a couple of points to make. First, the brief from the fair funding for our kids campaign group asks for a place at the table. I heard the minister on BBC radio this morning saying that local authorities have got to consult parents. I would very much support a place at the table so that parents have some representatives in every local authority area.

I heard Liz Smith speaking about the Edinburgh example, which I will certainly follow up. I will ask the City of Edinburgh Council about it so that we can consider that example. That ties back to the fact that each local authority should be engaged more.

On the radio, the minister spoke about working alongside the Convention of Scottish Local Authorities. COSLA no doubt has a role but, if we are serious about delivering a lot of services, the more localised we can go in working with local authorities, the better. No doubt each local authority will come up with a different solution. If Edinburgh is an example of best practice, we should highlight it to other local authorities so that they can look at it.

Crucially, we should then engage with parents locally. When my granddaughter went to nursery, there was a mix-and-match approach to her care that involved the council nursery, a private nursery and me and her gran. I saw how difficult the situation is and how costly it can be for working parents. That is a barrier.

Earlier, a group of parents from Inverkeithing visited me in Parliament. They talked about the need for more flexibility. In Fife, there was a move to having an extra half hour in the morning—with an 8.30 start—and an extra half hour in the afternoon. That caused some difficulty for parents who have kids at school.

There is no doubt that council provision is not set up to support working parents who work different hours. One of the parents who was in here today pointed out to me that a lot of jobs these days require evening and weekend working. She is a single parent and was talking about the fact that the major barrier to her going into employment is the lack of affordable and accessible childcare. That is a major issue.

We also need to consider capacity, as there must be alternatives. If we had been able to purchase childcare in the local authority system, we would have probably gone for that option. However, there was not enough capacity to do that.

Through a localism agenda and working with local authorities, we can achieve the objectives that I believe that the Scottish Government is trying to achieve.

16:41

**Mark Griffin (Central Scotland) (Lab):** A lot of the comments in the debate have focused on the campaign run by fair funding for our kids, which highlights the difficulties that parents are having in accessing their very welcome legal entitlement to 600 hours of free childcare. It also highlights the need for an audit of the spending in this area, which is not insignificant, as George Adam pointed out, to cover the current spend and the projected spend. I think that, when we hear about the problems that some parents are facing and think about the importance of the policy to young families, the Government should listen to that call.

As Liz Smith noted, the campaign has flagged up an issue with registration figures. They are being used to show an overwhelming success story on uptake, but the campaign feels that they mask an underlying issue of children not accessing their legal entitlement. The Scottish Government uses registration statistics from the annual early learning and childcare census to assess the uptake of funded places, but the fair funding for our kids campaign believes that that method is

“grossly over-estimating the number of children in receipt of their entitlement”.

As was pointed out, the Government has suggested that less than 2 per cent of children are not receiving their entitlement, but the campaign believes that the real figure is closer to 20 per cent.

In its briefing for today's debate, the campaign set out the reasons for that statement. It noted that partner provider registrations include all children attending partner providers, regardless of whether funding has been allocated by the local authority. It gave the example of Glasgow, where, according

to the 2014 census, 2,802 children were registered in partner providers, but the number of funded places that were awarded at the time of the census was 2,089, which means that 713 children who were not receiving funding were included in the registration figures in one local authority alone.

I take the point that Bob Doris made in an intervention about local authorities getting their houses in order, but the big question is this: why is the Government using those registration figures to measure the uptake of entitlement when we all accept that the figures do not represent the reality, given that there is a disparity of more than 700 in Glasgow, which calls into question the statistical accuracy of the calculations relating to uptake?

Despite the 600 hours being a right for every child in Scotland, there is no effective oversight at the national level to ensure that it is delivered, as Cara Hilton said. That is why we are calling for such oversight of the policy, to ensure that it works for every child. We support the call from the fair funding for our kids campaign for a full audit of how the policy is being delivered and we want action now to ensure that every child receives the funding to which they are entitled.

16:45

**Fiona McLeod:** There was quite a lot to cover in the debate, but it was useful. The tone and temper of the debate show that everybody in the chamber, across all the parties, understands how important early learning and childcare is, not only for our young people but for our economy and to support parents, especially women, into work.

I will go through a number of the points that members raised and try to answer them in the short time that I have.

Liz Smith, Cara Hilton, Mark Griffin and almost everybody mentioned data. I will not justify everything that we are doing, but I will answer the question. In September every year, we do a census, which is a well-established method of counting heads in educational establishments. Many of the figures about the 1,000 children here and the 800 there who do not have places are based on results from only two councils, so we have to use our figures carefully. I accept that that is the case on both sides of the argument.

**Liz Smith:** I agree with some of what the minister just said. Notwithstanding that, does she accept that the registration definition is not accurate?

**Fiona McLeod:** Everybody is clear that our statistics are not robust for either side of the argument and that there is variability across councils, never mind on either side of the argument. The First Minister has charged the chief

statistician with considering how we go about making them robust.

On 11 June—how many days away is that?—the statutory guidance group that we set up to develop the statutory guidance to support the Children and Young People (Scotland) Act 2014 will talk about the matter at its meeting. That group has been working together to deliver the policy for a long time so, in only a few days, we will start to think about the matter in much greater detail.

Liz Smith and Cara Hilton said that the policy was not fully funded. I say to both of them that, since January 2014, when we set out our ambition to have 600 hours of childcare by August 2014, we have worked closely with COSLA and our delivery partners to ensure that the £329 million funding that we gave was what was agreed was needed. We have continued to work with all our delivery partners until, most recently, I was able to say at the Education and Culture Committee yesterday that we have worked out that it will cost us £600,000 to increase coverage to 27 per cent of two-year-olds and budgeted for that estimate. The funding is well worked out with all our partners.

On timescales, Cara Hilton said that we had had plenty of time to work on the 600 hours, when I said that 10 months was pretty good for where we had got to already. It was in January 2014 that the former First Minister said that he hoped that the 600 hours would be provided by August 2014, so we have made great strides but, as we said at the time, we are also determined to do it in a sustainable and phased way.

Everybody is talking about flexibility. I reiterate what I said in my opening speech: flexibility must never be provided at the expense of quality. We heard from James Dornan about the quality that Cassiltoun Stables Nursery can give, as well as the flexibility of the hours that it can give. We also heard from Murdo Fraser about his exceptionally good experience in relation to his own children. I come back to the point that flexibility must never be at the expense of quality. We can ensure quality because we have regulators in the Care Inspectorate and Education Scotland to ensure that when we go as parents—or when a local authority goes to look for partners—we can look at the registration and regulation experience and know with confidence that those nurseries will provide quality education and childcare for our youngest people.

**The Deputy Presiding Officer:** You are in your final minute.

**Fiona McLeod:** I will rush through things. In response to Liam McArthur, I point out that on 1 June, the Cabinet Secretary for Education and Lifelong Learning responded to the Siraj report on development for the childcare workforce. She said

that we will answer all the recommendations by autumn this year and she also announced £1 million to put into workforce development for the early years childcare workforce.

Flexibility is not just about nurseries. We are working really hard to talk to employers about being flexible employers. We are funding the family friendly working Scotland partnership to ask employers to think about how to be family friendly. There is much else that I wanted to talk about but I really do not have the time.

I finish by making the same point that I started my speech with: today's debate has shown that we have a lot in common across the parties with regard to our commitment to early education and childcare in order to ensure that every child in Scotland gets the best start possible.

16:51

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

I thank all the speakers for their contributions, and I am very pleased that Fiona McLeod talked about what we have in common, because that is exactly the point with which I would like to start my speech. I want to look at what we all agree on. We agree with and welcome the Scottish Government pledge of a legal entitlement to 600 hours of free early learning and childcare.

We all support proposals to extend universal free early learning and childcare to 30 hours a week—for the school year—by the end of the next parliamentary session. We all value highly the work that is done in our nurseries, as Liam McArthur and others mentioned, and we welcome the increased training for staff, as well as the quality-driven Care Inspectorate and Education Scotland regime.

There is the issue of low pay for many staff in the sector—where, historically, low pay has prevailed. That should be changing, given the qualifications and training that are required, as well as the need to meet the high Care Inspectorate standards.

The responsibility of assessing each and every child when they enter nursery, planning how to support and help that child throughout the year, then evaluating the progress that has been made, is an exemplar model of identifying development issues and providing support in preparation for school. We would all commend that model.

We welcome and agree with all of that. We cannot even criticise the Scottish Government for not putting money in. However, what we are focusing on today is how the policy is implemented. Can every child access the 600 hours of free childcare? The answer is no.

For a start, the provision of free childcare is available in many nurseries only during term time, which does not suit most working parents with the normal statutory entitlement of holidays and public holidays and is even more difficult for single parents. Secondly, the 600 hours is not available in every nursery in Scotland, which means that some parents would have to take their child to the nursery—mainly council nurseries offering the free childcare—for three hours a day during term time, then pick them up after three hours and take them to a nursery that offered full day care.

I am sure that all members will understand that that is just not practical from a work point of view and is also likely to be very disruptive for any child. Therefore parents are forced to use full-time nurseries in order to fulfil hours of work. In many cases, such as in SNP/Labour-led Edinburgh, we commend the council for allowing 600 hours of free childcare to be purchased at these independent partnership private nurseries, or whatever we call them, but in other cases that is simply not allowed. If that can be done in Edinburgh by Labour and the SNP, why can it not be done elsewhere in Scotland?

All nurseries must achieve the standards set by the Care Inspectorate and Education Scotland on the environment, staff training and early learning, to ensure that there is no issue about the quality of the provider—public or private—given that they all have to meet the same requirements. I do not often say this—indeed, this is not often said on this side of the chamber—but I commend James Dornan and Bob Doris because I thought that they had a crystal-clear grasp on what is happening in Glasgow. They understood the nurseries and the problems that parents face, and I commend them for that. In Glasgow, hundreds of families are unable to access their legal entitlement to free childcare because most nurseries do not offer suitable hours for working parents. Not all parents of eligible children are able to access their entitlement in partnership nurseries, due to the limited number of funded places.

As I said, the majority of funded places are in council nurseries and are made up of a three-hour session in the morning or afternoon. As Cara Hilton and others have said: try getting a job that fits in with a three-hour stint at the nursery. In those circumstances, a private nursery is a necessity for parents in full-time work, not a parental choice. The fair funding for our kids campaign estimated that around half the children in Glasgow and West Lothian are currently unable to access their entitlement. We cannot ignore that, and it should not be ignored by the SNP after eight years—it seems longer—in government. If a legal entitlement is not available to many children, we should ask the Government to listen to parents and address the issue.

The National Day Nurseries Association in Scotland carried out research on this issue last year. It discovered that average funding per child per hour in Scotland was £3.80, with some local authorities paying as little as £2.80. I hope that the Government will work with local authorities to ensure that every nursery is resourced to provide a quality standard of care, and to ensure that staff are paid a reasonable wage for the responsible work they do—work that we all value.

Even more worrying is a quote from the NDNA, which said that the knock-on effect of low funding was

“a rise in the cost of parent paid for hours as nurseries are forced to make up the losses”.

As the number of funded hours rises from 475 to 600, and to more than 1,000 in the next session, the increased hours of lower-rate funding will mean that more will be required from the parents who pay in order to make up the losses. Given that 87 of the nurseries surveyed stated that the hourly rate from councils did not cover their costs, resulting in an average loss per hour of £1.72, the burden on those other parents will be significant. In other words, the increase in Government funding for increased hours will result in some parents paying more due to the losses in council funding.

When a Government policy with a legal entitlement to 600 hours of free childcare cannot be delivered in a way that is accessible to the many parents who work, the Government must step in. Our answer is that funding should be more flexible and should follow the child; it should be respectful to parental choice and not disruptive to the child.

## Business Motions

16:59

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of business motion S4M-13346, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 9 June 2015

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: Publication of the 2013 Greenhouse Gas Inventory

*followed by* Scottish Government Debate: EU Referendum

*followed by* Scottish Parliamentary Corporate Body: Appointment of a Member of the Standards Commission for Scotland

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 10 June 2015

2.00 pm Parliamentary Bureau Motions

*followed by* Portfolio Questions  
Health, Wellbeing and Sport

*followed by* Scottish Labour Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 11 June 2015

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

*followed by* Scottish Government Debate: Protecting Employee Rights and Access to Justice

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 16 June 2015

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 17 June 2015

2.00 pm Parliamentary Bureau Motions

*followed by* Portfolio Questions  
Culture, Europe and External Affairs;  
Infrastructure, Investment and Cities

*followed by* Stage 3 Proceedings: Community Empowerment (Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

7.00 pm Decision Time

*followed by* Members' Business

Thursday 18 June 2015

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Scottish Elections (Reduction of Voting Age) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time—[Joe FitzPatrick.]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S4M-13347, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a stage 2 timetable for the Scottish Elections (Reduction of Voting Age) Bill.

*Motion moved,*

That the Parliament agrees that consideration of the Scottish Elections (Reduction of Voting Age) Bill at stage 2 be completed by 12 June 2015.—[Joe FitzPatrick.]

*Motion agreed to.*



## Parliamentary Bureau Motions

17:01

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of two Parliamentary Bureau motions. I ask Joe FitzPatrick to move motion S4M-13348, on approval of a Scottish statutory instrument, and motion S4M-13349, on the suspension and variation of standing orders.

*Motions moved,*

That the Parliament agrees that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 [draft] be approved.

That the Parliament agrees that, for the purpose of consideration of the Scottish Elections (Reduction of Voting Age) Bill:

(a) Rules 9.5.3A and 9.5.3B of Standing Orders be suspended; and

(b) in—

(i) Rule 9.7.8B, the words “third sitting day before the day” be substituted for the words “end of the second week before the week”;

(ii) Rule 9.7.10, the word “second” be suspended;

(iii) Rule 9.10.2A, the word “third” be substituted for the word “fourth”.—[*Joe FitzPatrick.*]

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

## Decision Time

17:01

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

The first question is, that amendment S4M-13313.2, in the name of Angela Constance, which seeks to amend motion S4M-13313, in the name of Liz Smith, on Scotland's universities, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)

Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

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

**The Presiding Officer:** The result of the division is: For 101, Against 14, Abstentions 0.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S4M-13313.1, in the name of Iain Gray, which seeks to amend motion S4M-13313, in the name of Liz Smith, on Scotland's universities, as amended, 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)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Gavin (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Buchanan, Cameron (Lothian) (Con)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Carlaw, Jackson (West Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)

Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Glasgow) (Con)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

**The Presiding Officer:** The result of the division is: For 38, Against 77, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S4M-13313, in the name of Liz Smith, on Scotland's universities, as amended, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hilton, Cara (Dunfermline) (Lab)  
 Hume, Jim (South Scotland) (LD)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kelly, James (Rutherglen) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)

Martin, Paul (Glasgow Provan) (Lab)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McDougall, Margaret (West Scotland) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McMillan, Stuart (West Scotland) (SNP)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

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

**The Presiding Officer:** The result of the division is: For 101, Against 14, Abstentions 0.

#### *Motion, as amended, agreed to,*

That the Parliament recognises the outstanding contribution that Scottish universities make to the academic, economic, social and cultural life of Scotland and to the enhancement of Scotland's international reputation; believes that their ability to achieve excellence is linked strongly to their longstanding ability to attract both students and staff of the highest quality, their international competitiveness, their ability to act with versatility to take

advantage of opportunities for the institution and the fact that they are autonomous institutions; further believes that autonomy should not, in the words of Professor Ferdinand von Prondzynski, the Principal of Robert Gordon University and author of the Report of the Review of Higher Education Governance in Scotland, which was published in 2012, 'shield them from legitimate expectations that they engage with staff, students and external partners, or from the need to behave in an accountable manner'; agrees that access to university should be based on the ability to learn not the ability to pay; recognises the commitment that the Scottish Government has made to higher education, investing over £4 billion in the sector in the last four years, enabling universities to lever in money from other sources and helping Scotland maintain its reputation as a leading nation in higher education; calls for the restoration of the post-study work visa and continued membership of the European Union to ensure that universities continue to flourish, and looks forward to ongoing collaboration with Scotland's world-renowned universities to support their continued success.

**The Presiding Officer:** I remind members that, in relation to the debate on nursery vouchers, if the amendment in the name of Fiona McLeod is agreed to, the amendment in the name of Cara Hilton falls.

The question is, that amendment S4M-13312.3, in the name of Fiona McLeod, which seeks to amend motion S4M-13312, in the name of Liz Smith, on nursery vouchers, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Goldie, Annabel (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)

Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)

Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 64, Against 18, Abstentions 33.

*Amendment agreed to.*

**The Presiding Officer:** The amendment in the name of Cara Hilton falls.

The next question is, that motion S4M-13312, in the name of Liz Smith, on nursery vouchers, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Central Scotland) (SNP)  
 Allard, Christian (North East Scotland) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Biagi, Marco (Edinburgh Central) (SNP)  
 Brodie, Chic (South Scotland) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burgess, Margaret (Cunninghame South) (SNP)  
 Campbell, Roderick (North East Fife) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Nigel (Angus North and Mearns) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Eadie, Jim (Edinburgh Southern) (SNP)  
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Ind)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
 Johnstone, Alison (Lothian) (Green)  
 Keir, Colin (Edinburgh Western) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lyle, Richard (Central Scotland) (SNP)  
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 MacKenzie, Mike (Highlands and Islands) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West Scotland) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McDonald, Mark (Aberdeen Donside) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLeod, Aileen (South Scotland) (SNP)  
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)  
 McMillan, Stuart (West Scotland) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robertson, Dennis (Aberdeenshire West) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Urquhart, Jean (Highlands and Islands) (Ind)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wilson, John (Central Scotland) (Ind)  
 Yousaf, Humza (Glasgow) (SNP)

#### Against

Brown, Gavin (Lothian) (Con)  
 Buchanan, Cameron (Lothian) (Con)  
 Carlaw, Jackson (West Scotland) (Con)  
 Davidson, Ruth (Glasgow) (Con)  
 Fergusson, Alex (Galloway and West Dumfries) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Goldie, Annabel (West Scotland) (Con)  
 Hume, Jim (South Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McInnes, Alison (North East Scotland) (LD)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Rennie, Willie (Mid Scotland and Fife) (LD)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Liz (Mid Scotland and Fife) (Con)

#### Abstentions

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)  
 Dugdale, Kezia (Lothian) (Lab)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Henry, Hugh (Renfrewshire South) (Lab)  
 Hilton, Cara (Dunfermline) (Lab)  
 Kelly, James (Rutherglen) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Malik, Hanzala (Glasgow) (Lab)

Marra, Jenny (North East Scotland) (Lab)  
 Martin, Paul (Glasgow Provan) (Lab)  
 McDougall, Margaret (West Scotland) (Lab)  
 McMahon, Michael (Uddingston and Bellshill) (Lab)  
 McMahon, Siobhan (Central Scotland) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McTaggart, Anne (Glasgow) (Lab)  
 Murray, Elaine (Dumfriesshire) (Lab)  
 Pearson, Graeme (South Scotland) (Lab)  
 Pentland, John (Motherwell and Wishaw) (Lab)  
 Rowley, Alex (Cowdenbeath) (Lab)  
 Smith, Drew (Glasgow) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**The Presiding Officer:** The result of the division is: For 63, Against 19, Abstentions 33.

#### *Motion, as amended, agreed to,*

That the Parliament welcomes that, under the Children and Young People (Scotland) Act 2014, all children aged three and four are now legally entitled to receive 600 hours of free early learning and childcare a year, more than under any previous administration; notes that local authorities have received £329 million in new money to fund implementation of this groundbreaking policy; further notes that local authorities are developing plans to engage with parents and families to ensure that the design and delivery of provision is flexible enough to meet families' needs; welcomes that this unprecedented investment in early learning and childcare enables more parents, and in particular women, to return to work, as evidenced by Scotland now having the lowest rate of female unemployment of any country in Europe; condemns the UK Government's proposals to only increase provision in England for parents who work, excluding those who need help most, and supports proposals to extend universal, free early learning and childcare in Scotland to 30 hours per week for the school year by the end of the next parliamentary session.

**The Presiding Officer:** The next question is that motion S4M-13348, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that the Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015 [draft] be approved.

**The Presiding Officer:** The next question is that motion S4M-13349, in the name of Joe FitzPatrick, on the suspension and variation of standing orders, be agreed to.

#### *Motion agreed to,*

That the Parliament agrees that, for the purpose of consideration of the Scottish Elections (Reduction of Voting Age) Bill:

(a) Rules 9.5.3A and 9.5.3B of Standing Orders be suspended; and

(b) in—

(i) Rule 9.7.8B, the words "third sitting day before the day" be substituted for the words "end of the second week before the week";

(ii) Rule 9.7.10, the word “second” be suspended;

(iii) Rule 9.10.2A, the word “third” be substituted for the word “fourth”.

## Public Contracts (Employment Practices)

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

The final item of business is a members’ business debate on motion S4M-12073, in the name of Neil Findlay, on encouraging good employment practices in Wales. The debate will be concluded without any question being put. I remind members that, for the purposes of the standing order rule on sub judice, no mention should be made of any live cases during the debate.

I call Neil Findlay to open the debate. You have seven minutes.

*Motion debated,*

That the Parliament congratulates the Welsh Government on its publication of the policy advice notes, *Blacklisting in the construction industry* and *Employment practices on publicly funded projects*; understands that these provide clear guidance to contractors on what is expected of them if they are to be engaged on publicly-funded projects; considers this to be a welcome and proactive approach, and notes the calls for the Scottish Government to follow what it sees as this example of good practice and to stop awarding public contracts to companies that engage in poor employment practices in Lothian and across Scotland.

17:09

**Neil Findlay (Lothian) (Lab):** This members’ business debate is linked to a number of issues around public procurement and the use of procurement to advance fairer employment practices, on which the Labour-led Welsh Assembly has often led the way across the United Kingdom. On tackling abuses of agency working, bogus self-employment and blacklisting, public procurement in Wales has been a vehicle for improving the rights of people at work and building a mutually respectful partnership between employers and employees.

The Welsh Government has sought to extend good practice wherever it is found. The memorandum of understanding on direct employment at the Olympic games, the Hinkley Point agreement and industrywide agreements such as the Scottish joint industry board are cited in Welsh policy advice notes as exemplars of good practice, and procurement bodies are strongly encouraged to follow suit.

At the pre-contract stage, employers have to set out how transparency in employment practices will be ensured throughout any contract. That is reported on for the duration of the contract. Contracting authorities are expected to monitor and audit the employment practices adopted throughout the supply chain, with collective agreements respected. Dodgy practices, such as of the exploitation of agency workers and the use

of bogus self-employment and umbrella companies, are being proactively tackled.

In a previous members' business debate, I went through the history of blacklisting and the impact on construction workers and their families. Some of the victims are in the middle of legal proceedings, so as you say, Presiding Officer, those cases are sub judice. I do not intend to rehearse all of that again. What I will address is what has happened since that members' business debate and what actions we need to take here in Scotland, while learning from elsewhere.

The Welsh Assembly was the first legislature in the UK to act on blacklisting, when 111 Welsh workers' names were found on the Consulting Association database. When that came to light, the Welsh finance minister, Jane Hutt, moved to ensure that the Assembly took proactive steps to prevent any further blacklisting from taking place. In doing so, she sent a clear message to the companies involved that they would not secure publicly funded contracts unless they put their house in order.

The Scottish Government followed the Welsh lead with its November 2013 procurement advice note.

**The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown):** Would Neil Findlay acknowledge what Jane Hutt has said, which is that the Welsh Government started looking at the issue only in June 2013, a month after the Scottish Government had shared its draft of blacklisting guidance with the Scottish trade unions? The Union of Construction, Allied Trades and Technicians has said that

"the Scottish Government published a Scottish Procurement Policy Note that goes beyond the general advice given by the Welsh Government".

**Neil Findlay:** I do not think that this is a competition, Mr Brown. I will raise some of those issues as I go on because there are still problems throughout the UK on a range of issues.

I welcome the Scottish Government's publication of its advice note. However, when we passed the Procurement Reform (Scotland) Bill, Parliament was advised that the accompanying guidance would be backed by secondary legislation. That was, it was said, to make it more flexible than primary legislation and mean that it could be amended to meet changing circumstances if that was deemed necessary. While I disagreed with that approach and pushed my amendment for legislation, I accepted that the then Cabinet Secretary for Infrastructure, Investment and Cities—now the First Minister—acted in good faith.

It is now clear that the Scottish procurement policy note is not being adhered to and that many

public authorities—perhaps out of fear of legal reprisals from the companies that they might exclude from competing for public works—are still awarding contracts to companies that were complicit in blacklisting. The Scottish policy note, as it currently stands, is clearly not working because, since its introduction, the national health service's Common Services Agency has awarded a £660 million contract to a consortium of contractors, including Balfour Beatty, Kier Construction and Laing O'Rourke.

**The Deputy Presiding Officer:** Mr Findlay, because of the sub judice element, I would be grateful if you did not mention names and confined yourself to allegations rather than assertions of fact.

**Neil Findlay:** Presiding Officer, none of what I have said relates to any issues in court. This is publicly available contract information from the Scottish Government and the Scottish Parliament information centre. You may be conflating two issues, if you do not mind me saying so.

We have witnessed the Scottish Prison Service award a £2.5 million project to Carillion. Network Rail has awarded a £245 million contract to Costain. Transport Scotland has awarded Balfour Beatty a £10 million contract. Kier, BAM Nuttall, Skanska and Costain have all won bids for public works. Councils in Moray, East Ayrshire, Fife, North Lanarkshire and East Ayrshire, and NHS Ayrshire and Arran, Scottish Hydro, Robert Gordon University, Scotland Excel, Lerwick Port Authority and others have all awarded contracts to companies involved in the blacklisting conspiracy.

**Mike MacKenzie (Highlands and Islands) (SNP):** I appreciate that Mr Findlay may have suspicions that those companies are involved in that kind of activity but, in these matters, mere suspicions are not good enough. Can he assure the chamber that he has exact knowledge that each and every one of the companies that he has mentioned has been legally convicted of the offences that he alleges?

**Neil Findlay:** Dear, dear. No one has been legally convicted because the cases are on-going at the moment, but the Scottish Affairs Committee at Westminster investigated the matter and the companies were brought before it to give evidence. I suggest that Mr MacKenzie read the two reports that have been provided by the Scottish Affairs Committee and look at the legal proceedings that are on-going. If he wants to defend companies that have been involved in a human rights abuse, he can just carry on.

Not a single company has self-cleansed. Not one has owned up or apologised, and not a penny of compensation has been paid. The public procurement note advises that no company that



has been involved in blacklisting should get a contract unless it has taken remedial action, but no remedial action has been taken and still the contracts are being given. A blacklisted worker who spoke to me this week expressed his disgust that that is happening despite all that we now know of what went on.

I ask the Scottish Government whether, when the subordinate legislation and the full guidance is introduced later this year, it will prevent companies that have been involved in this practice, such as those that I have listed, from getting a public contract until they have taken remedial action by accepting their guilt, apologising and providing justice and satisfactory compensation to their victims.

The Scottish Government said that it would wait for the publication of the Scottish Affairs Committee's report before deciding what to do. That committee has now reported twice, and with the election of a Tory Government it is highly unlikely that there will be any UK inquiry. Scottish workers were blacklisted in disproportionately high numbers—more than were blacklisted anywhere else in the UK—so I call on the Scottish Government to recognise that and initiate a Scottish inquiry into the scandal. Only through such an inquiry will we find out why so many Scots had their lives ruined by this illegal practice.

**Keith Brown:** I acknowledge that we probably both very much regret the election of a Tory Government. Given that, does he now regret that his party argued so strongly against the devolution of employment law, which would have allowed us to take action on such things much more effectively?

**Neil Findlay:** The Scottish Government does not need any further powers to hold an inquiry on the issue in Scotland now. I am more than willing to take another intervention from Mr Brown if he wants to tell us that the Scottish Government will hold such an inquiry.

**Keith Brown:** I will answer that question in my response to the debate. I ask Neil Findlay to answer my question: does he now regret arguing for employment law to stay at Westminster?

**Neil Findlay:** So there is no inquiry, no commitment—

**The Deputy Presiding Officer:** Mr Findlay, you must draw to a close, please. You have gone over 9 minutes.

**Neil Findlay:** The Welsh Assembly has led the way on a number of positive developments, using legislation where it can but also using its influence and spending power to address workforce matters and labour market abuses. It is now for the

Scottish Government to use its power and influence to make its guidance more robust.

The current policy note is not working. The Scottish Government must ensure that the subordinate legislation that is to come prevents the awarding of yet more contracts to the guilty and leads to the self-cleansing of the construction industry that we all want to see. Crucially, it must deliver the long-awaited justice that the brickies, joiners, sparks, plumbers, engineers and others are looking to this Parliament to deliver for them.

**The Deputy Presiding Officer:** Before I call Johann Lamont, I remind members that they should avoid discussing on-going litigation, mentioning companies that are involved and suggesting any appropriate or inappropriate levels of compensation. Please confine your remarks within those parameters.

17:19

**Johann Lamont (Glasgow Pollok) (Lab):** I welcome the opportunity to support the debate. I congratulate Neil Findlay on securing it and on how he has pursued the issue. I recognise the work of the unions and, as has been mentioned, the Scottish Affairs Committee's important work, too. I hope that, whatever its new make-up, that House of Commons committee pursues these important issues for workers in Scotland and across the whole of the United Kingdom with the same energy.

The issue goes back a long time. I can remember Maria Fyfe pursuing the blacklisting question many years ago, when lists were being provided to companies so that they knew which folk were in unions and who they should not take on. That highlighted what some companies were willing to do in order to exclude those who they regarded as a problem.

It is appalling that blacklisting was used to deal with those who were doing that most decent of things: keeping people safe at work. We know that the construction industry's record in health and safety is still a scandal. We know that the issue is a greater problem in Scotland than elsewhere. The very idea that when someone raises a question about safety the instinct is not to make the workplace safe but to get rid of the person who is raising those questions is almost beyond belief. Over many years, this Parliament has, for example, pursued the asbestos scandal and the implications that that has had for people's health. We know that this country has been scarred by silence over those issues. Therefore, I am sure that everyone across the chamber understands how important the exposure of blacklisting is.

We must fear a culture in which a person loses their job because they open their mouths. People

would keep quiet and, by doing so, they would be put at risk not just in that workplace but elsewhere when doing similar work. I am sure that no one in here wants to defend blacklisting. The only question is how we ensure that we underline its unacceptability. Dancing on the head of a pin as Mike MacKenzie appears to be doing does not assist in that regard.

It is important to have an inquiry, if simply to have an act of justice for those who have suffered, and for people to confront how much being blacklisted has meant to people and what the consequences of that were. This was not just about an employer being unkind to their workforce; rather, the abuse was unacceptable and systematic, and people have had to live with the consequences for a long time.

An inquiry would be a good way to create standards in the workplace and to give voice to those who have suffered. We want companies to own up, clean up and pay up. That would not be difficult. I am sure that there are many companies that did not involve themselves in blacklisting, but they, too, must agree to an inquiry, because they are tarnished and damaged by that activity.

I urge the Government, and the Cabinet Secretary for Infrastructure, Investment and Cities in particular, to recognise the importance of looking at how power should be used in order to challenge those who practised blacklisting and to ensure that it never happens again.

I recognise the steps that the Scottish Government has taken. I simply say that it should be confident enough to see whether we can learn from where other measures are being taken. I am not saying that because any other group of politicians is better than those in this Government. I am simply asking the Government to draw on the practice, to see whether we can strengthen our protections in this country.

We have the power of the public purse, which we should use to drive up standards. Those who are not willing to drive up or commit to those standards should not benefit from the public purse. That is a general truth in this area in particular, but also in relation to wages and so on.

The Opposition can raise questions, we can pursue such scandals alongside the unions, and we can stand with those who have suffered, but the cabinet secretary has the privilege of power. All I ask is that he exercises it, where he can, to stop such unacceptable practices and to press for the change that we are agreed on right across the chamber. We are not in dispute with the cabinet secretary; we simply urge him to look again at what else he can do to ensure that those who acted in that way are exposed for what they have done, and that they are forced to own up, clean up

and pay up. Our workforce across Scotland, particularly in the construction industry, would be a great deal the better for that.

17:24

**Mike MacKenzie (Highlands and Islands) (SNP):** I am pleased to speak in the debate as someone who has run a construction business for more than 30 years. I say at the outset that I am sympathetic to Mr Findlay's concerns about blacklisting, the use of umbrella companies and payment of the living wage. Some of the companies that he named may indeed be guilty as charged, but some of them may not be, and I can never agree to Mr Findlay being judge, jury and executioner on this or, indeed, any other matter.

**Neil Findlay:** Will the member take an intervention?

**Mike MacKenzie:** No, I do not have time. *[Interruption.]* All right, then.

**The Deputy Presiding Officer:** We will not have any naming of companies from now on; any member who does so will have to sit down.

**Neil Findlay:** I am not acting as judge, jury and executioner. The information on all the cases that I mentioned has been put on the public record by individuals who have been associated with the organisations in question. All I ask is that Mr MacKenzie research and look into the matter. It is not me who is acting in the way that he suggests.

**Mike MacKenzie:** If Mr Findlay had listened properly to the point that I made, he would not have intervened to say what he said.

I put on record the fact that I am not yet an accredited living wage employer, although I pay at least the living wage, and in my many years of business I always paid above the industry's recommended rates. I did so not so that I could put a plaque on the wall; the reward that I received and which I continue to receive was the pleasure and the privilege of working with a team of people who were, and are, committed, conscientious and capable. I say to those businesses whose only concern is profit that that investment in people has paid for itself many times over over the years.

The umbrella company was undoubtedly dreamed up by the same tax lawyers who advise the UK Government on taxation policy from time to time and then go back and advise clients on how to circumvent it. It must be borne in mind, however, that the umbrella company is not illegal and is one response of an industry that has to deal with the difficult problem of an intermittent and fluctuating workload, and a complex and, at times, incomprehensible tax and employment regime.

As usual, the victims of blacklisting and umbrella companies are the workers. To that extent, as I have said, I very much sympathise with at least part of Neil Findlay's motion. Unfortunately, though, Mr Findlay lives in the black and white world of oversimplification. What he fails to recognise is that the Scottish Government has to abide by UK and European Union legislation without having any real say over either. The legislation is complex, overlapping and, in some cases, obscure. If the Scottish Government fails to abide by it, any legislation that it produces or any actions that it takes in awarding contracts will most surely be challenged in the courts.

**Johann Lamont:** Could Mike MacKenzie tell us what is oversimplified about someone losing their job and not being told why they have lost it? What is so complex that an inquiry could not establish exactly what was done so that we could be clear about who was responsible and who was not responsible? An inquiry would make it possible to separate those companies that have an honourable record from those that do not.

**Mike MacKenzie:** I am sure that Johann Lamont will know that employment legislation is a reserved matter—it is reserved to the UK Government. If those powers were devolved to the Scottish Parliament and the Scottish Government, we could undoubtedly simplify the legislation.

Legal actions can be costly and the losers in such actions are often the public, who suffer the loss of best value and inordinate delays in the provision of necessary infrastructure, and construction firms, which face uncertainty. The victims are often workers, who suffer the loss of meaningful and secure work. That is the reality in the increasingly litigious world that we live in.

The Scottish Government has issued guidance on blacklisting and umbrella companies; in fact, in some respects, it has gone further than the Welsh Government. It has encouraged the payment of the living wage, and it is doing what it can do with the powers currently available.

There is, of course, a simple solution and that, as I have said—

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

**Mike MacKenzie:** I will do, Presiding Officer.

The simple solution is for full powers over employment law and taxation to be devolved to this Parliament. We have been promised a powerhouse Parliament, not the palliative care Parliament that we have, which is unable to do anything more than mitigate a little bit of the pain inflicted on us by the UK Government. If Mr Findlay really cares about these issues—

**The Deputy Presiding Officer:** Mr MacKenzie, I am afraid that you must close now. You have had six minutes.

**Mike MacKenzie:** —he should support our calls for those powers to be devolved to this Parliament.

17:30

**Jackie Baillie (Dumbarton) (Lab):** It is customary to be very reasonable in members' business debates, but I think that we have been provoked unduly by Mr MacKenzie into being not quite so reasonable this evening.

Nevertheless, I will try, and I will start by congratulating Neil Findlay on securing the time for the debate and on the passion in his speech. However, I say to Mr MacKenzie that the issue really is simple: this Parliament has powers that it can use to have an inquiry, and not to use them is a dereliction of duty to the people whom I believe the cabinet secretary actually cares about.

**Keith Brown:** With regard to that comment from Jackie Baillie and Johann Lamont's remark about the privilege of power, when did the Labour Party in its eight years in government here or its 13 years in government south of the border use that privilege of power to hold an inquiry?

**Jackie Baillie:** The scandal first came to light in 2009, which means that we in this Parliament were not in a position to do what the cabinet secretary has suggested. However, his Government was.

In any case, the issue is not about who carries out an inquiry. We will support the Government in taking such action because, irrespective of who has the power and which Government is carrying out the inquiry, bad employment practices should not be tolerated. The cabinet secretary and his Government says that inequality and unfairness are bad for the economy. Guess what? I agree, but there is nothing more unequal or unfair than the bad employment practices that we have witnessed.

As my colleagues know well, I often quote Richard Leonard from the GMB, and this debate will be no exception. Mr Leonard was absolutely right to say:

"The construction industry blacklisting scandal is not a tale of a few bad apples but an entirely rotten system which operated in a supposedly advanced democratic state"

Blacklisting has flourished for far too long, but when one heard the denials at the time and saw the innocent faces of the businesses engaged in the practice, one could have been forgiven for thinking that somehow it had all been imagined.

**Mike MacKenzie:** Will the member give way?

**Jackie Baillie:** I am not going to take any interventions from Mr MacKenzie—I have heard quite enough from him this evening.

The harsh reality is that blacklisting is very real and is being used as a secret tool to keep out workers whom people do not like. When the scandal first came to light in 2009, it was revealed as something that was neither isolated nor rare. For 16 years, people had been compiling a secret database of thousands of construction workers that contained extremely detailed and personal information such as names, addresses, national insurance numbers and even comments by managers. More than 500 workers in Scotland and more than 3,000 across the UK were affected.

Let me be very clear in condemning this shameful practice. Blacklisting is nothing short of a gross abuse of human rights. As Johann Lamont has pointed out, many of the workers affected were union members who had raised health and safety concerns, and their files contained phrases such as “will cause trouble, strong trade union” or “ex-shop steward, definite problems”. The effect on those people’s careers, their lives and the lives of their families was devastating.

We must therefore ensure that blacklisting is outlawed. For a start, we should learn from our neighbours. Wales, which has been held up as an example this evening, is committed to an ethical and responsible procurement policy that facilitates better employment practices. I am sure that the cabinet secretary agrees that we should ensure that procurement is used to achieve better employment practices in Scotland, too.

We have witnessed the increasing casualisation of the workforce, zero-hours contracts, changes to terms and conditions, and reductions in hours so that many workers are now underemployed. We could have done more in the Procurement Reform (Scotland) Act 2014, but I echo Johann Lamont’s comments. Let us agree that blacklisting is bad—I do not think that anybody in the chamber thinks otherwise—but the challenge for the Government is in what more can be done to protect the workers whom we have a common interest in protecting.

Of course I welcome the Scottish Government procurement policy notes—anything that helps is to be welcomed—but we need to remember that they are simply guidelines for public authorities. They are not legally binding. The Government’s ambition was to introduce secondary legislation, but that ambition has not yet been met. We would like to see that happen, and I hope that the cabinet secretary wants to see it happen, too. Let us work together to make it happen. Let us put the secondary legislation in place, because we share a common agenda to protect workers in Scotland who are engaged in public contracts and more widely.

I say to the cabinet secretary that having an inquiry here would also help to shed light on some of the bad practices to ensure that they do not happen again. I hope that he can find it in himself to take forward the ambition of the Parliament across the entirety of the chamber to do exactly that.

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

**Jackie Baillie:** After all, the services that are delivered—I will finish on this point—are public services. We should expect the same ethos, consideration and approach to the delivery of services, irrespective of whether that is in the public sector or the private sector. The cabinet secretary has an opportunity to do something good. I hope that he will seize it.

17:36

**Alex Rowley (Cowdenbeath) (Lab):** I, too, applaud Neil Findlay for securing the debate and call for support for his call for the Scottish Government to once and for all hold an inquiry into blacklisting and review the current guidelines to consider whether they are fit for purpose.

The minister has responded to that call in some sense. I was disappointed when he decided to blame someone else before we have heard his speech. A previous Scottish Government cannot be blamed for not holding an inquiry, given that the exact extent of blacklisting was not known then. It was in 2009 that the names of 3,300 people, including more than 500 workers from Scotland, were discovered on a blacklist in the offices of a consultancy agency. That is why the Government and the Parliament would be right to hold an inquiry and why we must hold one.

It strikes me that the advances that have been made in health and safety and in workers’ terms and conditions and rights in my lifetime did not happen by accident; they happened because men and women shop stewards and trade union members throughout the country fought for better terms and conditions and better health and safety arrangements. Many of those people who are no longer with us will be turning in their graves at seeing their fellow trade unionists being treated in such an appalling way.

**Mike MacKenzie:** I have listened carefully to what Mr Rowley has said. Does he agree with me or with the Scottish Trades Union Congress that trade union and employment law should be devolved to the Scottish Parliament, particularly in light of the anti-trade union proposals in last week’s Queen’s speech?

**Alex Rowley:** The minister seemed to want to divert us from the question by blaming Labour,

and Mr MacKenzie seems to want to do so by looking at powers that we do not have. However, we have the power to hold an inquiry. That is the whole point. We have the power here to hold an inquiry, so we should not be blaming anybody else for not doing so.

I return to trade unionists. Men and women were dedicated to fighting not for themselves but for the rights of workers and for health and safety so that, when workers went out in the morning, their families knew that they would come back at night. They made advances.

For me, Michael Meacher summed it up when he described blacklisting as

“arguably the worst human rights abuse against workers in the UK since the war. It is worse than imprisonment in that it is usually imposed on the victim without his being given any opportunity to defend himself and it lasts for an indefinite period—often decades.”—[*Official Report, House of Commons*, 23 January 2013; Vol 557, c 368.]

It has had an impact on workers and their families. We know that there have been at least 500 blacklisting victims in Scotland, and we need to do something about it. I appeal to the minister to listen to the call that Neil Findlay makes for an inquiry into blacklisting to be held once and for all and for the current guidelines to be reviewed to consider whether they are fit for purpose.

17:40

**Hugh Henry (Renfrewshire South) (Lab):** I congratulate Neil Findlay not just on his powerful and emotional speech but on his forensic contribution, in which he set out the facts and figures of this scandal in our country that has come to light.

In a way, it is apposite that we are having this debate in the week when there is controversy about whether the Scottish national football team should play Qatar in a friendly match. Many people have become concerned that it is inappropriate for Scotland to play Qatar against the backdrop of the thousands of deaths among the immigrant workers in that country who are building stadia in preparation for the world cup.

When we look at the conditions that those workers operate in and at their appalling death rate, when we consider what happened in the terrible factory collapse in Bangladesh, and when we look at the scandal of Bhopal, we see a common thread running through. It is that companies—often multinational companies—can exploit workers who cannot organise in trade unions or defend themselves. Those companies will seek to exploit those poor workers right up to the point of death in order to maximise profits.

Alex Rowley paid tribute to the generations of men and women who fought in factories and

workplaces in this country to make sure that ordinary working people in Scotland and elsewhere in the United Kingdom could go to work with a degree of certainty and assurance about their working conditions and safety. Now we know, tragically, from the events in Maryhill some years ago that that does not provide a 100 per cent guarantee. However, when we contrast this country's health and safety record with the examples that I mentioned, we can see the advantage of brave men and women standing up to defend their friends, colleagues and workplaces by pressing for conditions that benefit the workers.

It is because of the track record of determination among many shop stewards and trade unionists that the multinational companies—they were not local companies—sought to blacklist those who were effective in standing up for ordinary working people's rights. As other speakers indicated, this is a scandal that has blighted the lives of those affected, with many not able to work again and some able to work only at jobs that are less well paid than those that they previously had. What those companies had been doing has come to light only recently.

This should not be a debate about whether someone else was right or wrong or whether someone should have taken action earlier; nor should it be a debate about what further powers we need to have. By all means, let us debate the powers, but for the moment, let us look at what we can do here and now to make a difference.

**Keith Brown:** Will the member take an intervention?

**Hugh Henry:** No, thanks—I am about to finish.

Even incrementally, we can do something now that will improve people's lives. We have heard the calls to have an inquiry, which we could do. An inquiry would help to guide future investment decisions by the Scottish Government and the Scottish Futures Trust; if they found unacceptable practices, I hope that that would make them think twice about where investment was to go.

Equally, let us look at the procurement note, because it would be wrong to pass the buck or responsibility to local councillors without giving them assurances and guarantees about the investment decisions that they make. They need the back-up and support of the Scottish Government so that they know that the law and the guidelines will protect them when they take action against companies that refuse to face up to their responsibilities.

Yes, this is a scandal; yes, the companies are still making massive profits; yes, their shareholders are still benefiting; yes, their senior management are being awarded payments that are grotesque, given the damage that they have

caused; and yes, it is surely right that we at least show some good faith to those brave men and women who tried to do something to make life tolerable for those they worked with.

17:46

**The Cabinet Secretary for Infrastructure, Investment and Cities (Keith Brown):** This is an extremely important issue to debate and for that reason I congratulate Neil Findlay on securing the debate. However, I think it essential that I strongly refute the suggestion that the Welsh Government has taken action on the issue that the Scottish Government has not taken, and that it has been quicker or gone further than we have.

First, however, I will agree with some of the points that have been made. In fact, Hugh Henry used a word with regard to the blacklisting that I had already noted for my speech: “blighted”. The simple fact is that many people’s employment and promotion opportunities were blighted, and the welfare of their families was blighted as a result; as has been said, that often happened without them even knowing about it. That is an absolutely scandalous and abhorrent way for employers to behave.

During my 19 years as a trade unionist, we discussed that kind of thing regularly—the practice is not recent. Usually there was a suspicion that somebody had been passed over for promotion, or had been first to go on a list for redundancies, because of their trade union activities. We have heard different versions of when that practice started. Some members said that it is a recent thing that has been known of only since 2009, whereas Johann Lamont said that it has been going on for years. Maria Fyfe, who has been mentioned in the debate, tried in 1988 to take forward the Blacklists (Access to Information) Bill and spoke about one of her constituents who she believed had been blacklisted by the Economic League. The issue has been known about for a long time.

**Neil Findlay:** Mr Brown is absolutely right, and we agree on that point. The issue is that the raid got the full information—or rather, not the full information but information on individuals who could be identified and companies that were blacklisting. That is the big difference; the evidence from the raid made all the difference.

**Keith Brown:** I accept Neil Findlay’s point up to a point. Of course, had Maria Fyfe’s bill proceeded, the information from the raid could have been gained far earlier and long before 2009. I appreciate that the bill was introduced when a Conservative Government was in office, and I presume that it did not succeed for that reason. However, a similar bill could have been introduced

subsequently and the information that was unveiled in 2009 could have been known much earlier—that is the point that I am trying to make.

**Neil Findlay:** The logic of the cabinet secretary’s argument with reference to that bill leads me to say that he has the opportunity to introduce an inquiry. Let us not wait and blame someone else. He can do something now, just as the Government at the time could have supported Maria Fyfe’s bill. It chose not to. Will the cabinet secretary also choose not to?

**Keith Brown:** I have two points to make in response to that, but I will come on to the issue of an inquiry later. I know that Labour members do not agree with our view that we have no control over employment law, and that they think that that is irrelevant. However, it is a very big issue that also impinges on the worth of having an inquiry; I will return to that point in a minute or two.

The guidance that we published in 2013, which was first shared in draft with the Scottish trade unions and the STUC in May 2013, is clear: firms that engage in blacklisting have committed grave misconduct and should be excluded from public procurement unless they can demonstrate appropriate remedial action. That guidance is a strong deterrent to those who might blacklist. It is having a positive effect on contractor behaviour, and encouraging contractors to take steps to put things right.

**Neil Findlay:** Will Mr Brown take an intervention?

**Keith Brown:** No—I am trying to make progress and I do not have much time left.

Neil Findlay’s concerns seem to be that some companies that are alleged to have blacklisted have won contracts since the guidance was published.

Two points are important here. First, as I have already said, employment law is still reserved. We have taken the firmest action in the UK to use public procurement to prevent blacklisting but, until that employment law is strengthened and effectively enforced, and judgments are made against offenders, it is extremely difficult in practice for purchasers to exclude companies for blacklisting.

**Drew Smith (Glasgow) (Lab):** Will the cabinet secretary give way?

**Keith Brown:** No, I will not.

Secondly, and as is relevant to the debate, according to the Welsh Government’s procurement website, Sell2Wales, 13 companies that have been named by the Information Commissioner’s Office as subscribers to the

Consulting Association have won public contracts in Wales since November 2013.

**Neil Findlay:** Will the cabinet secretary take an intervention?

**Keith Brown:** No.

Seven of those contracts were awarded by the Welsh Government itself. *[Interruption.]* I know that that is uncomfortable for some members, but it happens to be a fact. Of course, that did not make it into Neil Findlay's motion—*[Interruption.]*

**The Deputy Presiding Officer:** Mr Findlay, please allow the cabinet secretary to make some progress. Perhaps he will take an intervention once he has done so.

**Keith Brown:** Much has been made of the idea that the Labour-led Welsh Assembly has acted ahead of everyone else and has gone much further, but it has been pointed out that that is untrue, even in the words of UCATT. Neil Findlay said that it is not a competition, but he cannot have it both ways.

I highlight the points that have been made about Wales not to denigrate our colleagues in Wales, who are equally opposed to blacklisting, but to tackle the false premise of the motion lodged by Neil Findlay: that the Welsh Government is taking action that we are not.

**Neil Findlay:** Will the cabinet secretary give way?

**Keith Brown:** Without control over employment law—*[Interruption.]* Has there been an inquiry in Wales? No, there has not been an inquiry in Wales. The Welsh Assembly does not have control over employment law, and the Welsh Government faces the same difficulties that we face. If only it had been acknowledged—perhaps in the same tone in which Johann Lamont made her speech—that perhaps we agree on the fundamentals, although there are major problems in how we deal with the matter.

On broader employment practices, we condemn the inappropriate use of umbrella companies, particularly where that has a detrimental effect on workers' terms and conditions, and we congratulate the Welsh Government on following our lead in providing guidance to promote positive employment practices in public contracts. However, the Welsh guidance does not, as has been reported, ban the use of umbrella companies in public contracts. It provides details on the instances in which discrepancies between pay and the rights of workers who are not directly employed by contractors may occur.

The Scottish Government policy guidance on workforce matters and employment practices goes

further and addresses workforce matters, including the living wage and zero-hours contracts.

**Johann Lamont:** For clarification, will the cabinet secretary explain why the Government cannot have an inquiry, given that it has held inquiries on other very serious matters? We are not debating who has done what, where, and who is better, but why can we not have an inquiry to inform us as to what we might be able to do in the future?

**Keith Brown:** I do not think that what Johann Lamont has just said is true. We are debating who has done what; the debate has been littered with such references. Let us not pretend that the call for an inquiry is being made in a completely non-partisan manner, because that is not the case. We certainly agree on things, and I appreciate the way in which Johann Lamont has put forward her point.

Regarding an inquiry—Neil Findlay did not care to mention this—I have agreed to meet Neil Findlay and other representatives to discuss the issue. I want to hear from him, having looked into the matter myself, regarding what could be achieved through an inquiry. I genuinely want to know what he thinks could be achieved by that, especially in the absence of power over employment law. I am waiting to hear about that.

I will meet Neil Findlay to discuss those issues, and we will take the matter forward from there. All that I can do is bring an open mind on the subject, having done a fair bit of work myself to find out what we could possibly do.

**Johann Lamont:** I say with respect to the cabinet secretary that he can bring the weight of Government to testing whether an inquiry would be worth while.

**Keith Brown:** I have answered the point that has been made. I am happy to continue the dialogue if it is wanted. If it is not—if it is simply about saying, as always seems to be the case with Neil Findlay, "Let's see how we can have a go at the SNP"—there is not much point in having that dialogue.

**Neil Findlay:** He has got a chip on his shoulder.

**Keith Brown:** I have just said that I am willing to take an open-minded approach to discussions—

**Neil Findlay:** Will the cabinet secretary take an intervention on that point?

**Keith Brown:** No, I will not.

I will bring an open-minded approach to the discussions that we are about to have—*[Interruption.]*

**The Deputy Presiding Officer:** Mr Findlay, be quiet.

**Keith Brown:** We will see whether what is proposed is actually a dialogue or whether it is a monologue, as is usual with Mr Findlay.

As I have said, the Scottish Government policy guidance on workforce matters and employment practices goes further. It addresses workforce matters, including the living wage and zero-hours contracts. Our guidance introduces transparent tender evaluation criteria for relevant contracts, but the Welsh Government's guidance does not do that. I am not saying that to have a go at it, but members cannot say that the Welsh Government has gone further than the Scottish Government when the facts do not sustain that argument.

We fully support the living wage and recognise the difference that it can make to the lives of the people of Scotland. We are funding the Poverty Alliance to promote take-up of the living wage accreditation scheme in every sector across Scotland. In the past 12 months, the number of Scotland-based living wage accredited employers has increased significantly from just 30 to more than 200. This morning, the First Minister hosted a living wage summit with business leaders and representatives from sectors in which the living wage is not widely paid, and the Scottish Government has today confirmed its status as a living wage accredited employer. We have been paying all staff at least the living wage for some time now, and I am happy to say that we are among the number of officially accredited employers.

Although we cannot make the living wage mandatory in public contracts, we can strongly encourage it. It was the Labour Party's position that we could do that and that the Government had voted against it but, of course, that was not borne out by the Labour Party's manifesto in the recent general election. The Procurement Reform (Scotland) Act 2014 allows us to provide the encouragement that I talked about by providing statutory guidance on workforce matters in procurement, including matters relating to the living wage. However, promoting the living wage through public procurement is a weak alternative to having powers over employment law, which we asked the Smith commission to deliver—of course, the Labour Party argued most forcefully against our gaining those powers.

I am grateful for the opportunity to again place on record the Scottish Government's commitment to fair work. I am proud that we have shown the way, and that others are now following in our footsteps.

Despite some of the comments, there is agreement across the chamber—at least, those elements of the chamber that are represented here tonight—about the importance of tackling these issues. However, I cannot help reflecting on

how much easier it would be to tackle them head on if this Parliament had control over employment law.

*Meeting closed at 17:56.*



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