

MEETING OF THE PARLIAMENT

(GLASGOW)

Thursday 18 May 2000

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Scottish Parliament

Thursday 18 May 2000

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

Community Care

The Presiding Officer (Sir David Steel): Good morning. Our first item of business is the debate on motion S1M-868, in the name of Iain Gray, on community care, and amendments to that motion.

09:30

The Deputy Minister for Community Care (Iain Gray): Today's debate provides a welcome opportunity to restate the importance of community care to the Scottish Executive's agenda of improving the lives of the people of Scotland. I want to report on progress across the community care programme, update the Parliament on some initiatives and indicate some milestones ahead.

Community care services look after some of the most vulnerable people in society. A significantly falling number of vulnerable people, but still too many, live in hospitals. The vast majority of people with care needs live in the community. A relatively small number live in residential and nursing homes. Most live either on their own or with their families. A lot get help from informal carers, be they family, friends or neighbours.

Community care services have to deal with a growing case load. We are all living longer. Family situations are changing and informal care is not always available. People with severe disabilities are surviving at birth and living longer and people with high levels of dependency are now living in the community rather than in hospital. Quite rightly, the expectations of people who use services and their carers are also rising.

The aim of community care is to improve people's lives and opportunities. We aim to do that by: putting people at the centre; enabling them to be included in the community by supporting them, preferably in their own homes; providing services that are flexible, cost-effective and appropriate to people's needs; ensuring quality services by regulating care services and staff; and encouraging joint working towards a joint future for service agencies. Those are the cornerstones. But community care does not stand still. In some areas, we are doing what was unthinkable not that long ago. Community care must constantly progress and improve. That is our aim.

The Executive's programme for government set out our commitments and our priorities. We have launched a strategy for carers. Next year, we will establish a social services council to increase the professionalism of the social care work force; we will also establish the Scottish commission for the regulation of care.

Last week, I launched the Executive's review of services for people with learning disabilities. People have waited for more than 20 years for this review, and many have waited a lifetime for the changes that it heralds. We are gathering responses, to further refine it between now and August, and it is my intention that this Parliament should have the opportunity, as part of that process, to debate the learning disability review in its own right.

The review proposes: a new kind of care organiser, a local area co-ordinator, to organise individualised support for people, to ensure that the services that they receive are those that they need; more access to direct payments, to allow people with learning disabilities to build for themselves the service and care package that serves them best; lifelong service planning, to manage the transitional times in people's lives. Too often, support can fail when someone moves from school to adult life, from the parental home to independent living, or when they are living on their own, when carers die and are no longer there to care for them. The review also proposes the closure of all remaining long-stay hospitals for people with learning disabilities by 2005.

Within a month, I intend to set in motion the creation of a Scottish centre for learning disabilities, to ensure that the momentum behind the review is maintained. However, I do not claim credit for the review or its launch: it was people with learning disabilities and their carers who created and launched it. The review made visits and spoke directly to people in their homes. It held seminars that people were able to attend and set up an interactive website that many people made good use of. People who use services and their carers were also members of the review's national steering group, had their own consultative group and carried out 11 road shows throughout Scotland.

That is exactly how we want to go about making the new Scotland: through genuine and comprehensive consultation, outside the usual suspects and vested interests. We want to involve service users throughout the system, and to put people's experiences at the heart of our thinking. People's experiences will not be just at the heart of the Executive's thinking, but at the heart of the thinking of every agency that is involved.

When I launched the carers strategy, in November last year, we doubled resources that

were earmarked for carer services. I undertook to ensure that local authorities consult local carers organisations in developing new and improved services. That dialogue is taking place as we speak, and I have taken part in some of it. It is a tough negotiation, but a real and meaningful one that will shape the services that are available to carers throughout Scotland.

At the same time, the carers legislation working group that was promised in November, which includes carers and their organisations, has met on several occasions to develop proposals for new carers legislation. A few weeks ago, in this city, I launched the biggest-ever Scottish Executive social services media campaign to put hidden carers in touch with services for the first time. Hundreds of people have responded to our adverts in the newspapers and on local radio. They have responded to the national health service helpline, which, since 1 April, has been expanded and extended to include advice for carers. The helpline staff were trained directly by carers and their organisations. The publicity materials for the hidden carers campaign were produced in conjunction with the carers organisations. Every step of the way, we have moved this strategy forward in partnership with carers themselves.

Carers organisations have welcomed their role, but they have pointed out to me, quite rightly, that I have increased their work load. I am pleased, therefore, to announce that I am making available a further £200,000 to help voluntary organisations that represent carers to play their part in supporting the implementation of the carers strategy. That will enable them to work more closely with local authorities and health boards, and with carers themselves, to develop the new and innovative services that carers need and want. I shall write to carers organisations today, to invite them to submit bids for those resources.

Mr Duncan Hamilton (Highlands and Islands) (SNP): Although any new money for voluntary organisations is welcome, will the minister concede that the £200,000 he has just announced does not even make up the shortfall in his budget in the health board allocations to voluntary organisations? The new money does not come close to the cuts that he has introduced.

Iain Gray: As is so often the case, Mr Hamilton has missed the point. This is specific funding for a specific task that we have asked the organisations to undertake. It is right that we resource them to do that task.

Dr Sylvia Jackson (Stirling) (Lab): As the minister knows, the Relatives Association Scotland provides invaluable support and advocacy for relatives of adults in, or about to enter, continuing care. As the association is also

playing an important part in the partnership network of carers in Scotland, will he confirm that the Relatives Association Scotland is the type of association that will be eligible for the funding that he has just outlined?

Iain Gray: I am happy to acknowledge the work that Sylvia Jackson has done with the Relatives Association Scotland, bringing representatives to meet me to discuss the role they feel that the association can play. I acknowledge that it may fill a place in the continuum of caring that is not covered by other associations. That association is of the kind that could and should bid for the money I have announced. I will ensure that it is included when we write to organisations about the money.

Involving users in service design is the best assurance of quality standards, but we also have a duty to secure standards. Plans are well in hand to legislate next parliamentary year and to establish in 2001 the Scottish commission for the regulation of care and the Scottish social services council.

The commission will regulate services in a systematic, sensible and balanced way. It will cover not just those services regulated at present but also home care and local authorities direct provision. It will ensure a level playing field for providers and quality assurance for users of services. We have set up the national standards committee to prepare the ground for the commission. It is developing standards, in close consultation with all stakeholders, including users and carers.

I am pleased to announce today that I have authorised the publication of the first tranche of standards, covering residential care for older people, children and people with mental health problems. That will be sent out later this week for wide consultation. Further sets of standards will be issued in due course; home care will be included in the next set.

The Scottish social services council will regulate staff. We have two aims in that: we want to protect vulnerable people by ensuring that those providing services are appropriately regulated; but the need to encourage the professionalism, education and training of staff is at the heart of our policy. We have been very pleased by the responses received to the consultation paper. A policy paper will be issued next month containing our proposals for both bodies.

We are also making significant progress on mental health. The mental health framework is now beginning to deliver. I met recently with some of those benefiting from its implementation in Aberdeen. Success there is firmly based on user participation in the planning group—not token but 50 per cent user participation. Earlier this year, Susan Deacon and I hosted a mental health

summit to hear at first hand how we should accelerate progress. The outcomes will help shape the way ahead, with the mental health and well-being support group driving progress throughout Scotland.

For the elderly, our work on care standards, on the carers strategy and on the encouragement of more user-focused, integrated services all serve to meet many of the recommendations of the Royal Commission on Long Term Care for the Elderly. We will extend direct payments to people over 65 this year, extending the opportunity to purchase flexible care packages suited to their individual needs—another recommendation of Sir Stewart Sutherland's commission. Funding for care is being actively considered as part of the spending review. People need a system that is sustainable, fair and consistent, and I am determined to deliver that.

If user involvement is common to all those initiatives, so too is joint working, which has moved on enormously since community care as we know it was implemented in 1993. However, there is still a long way to go. The crux of the matter is that we must stop organisational, cultural and other barriers affecting the way in which we deliver services. I do not want to hear that the services that people need are delayed by debates or disagreements about who is responsible for providing them.

People want speedy, reliable and effective services. They want just one assessment wherever possible. They do not know or care who provides the service. They want to avoid duplication, delay and frustration. Those were the key themes of "Modernising community care: an action plan", and we have provided funding of £7.5 million this year to back the changes outlined in that document.

There are signs of positive change, but too often change is project-based or applies only at an operational level. The level at which strategic and financial decisions are made is often where such ideas are not well developed. Agencies need to concentrate on using the knowledge that they have gained on joint working and applying it further upstream. For example, I would like programme budgets to be developed for the whole of a client group or an area, or more substantial change such as that envisaged under the Perth and Kinross Invest to Save project. Everyone now has some experience of joint working. The time for piloting and analysis has passed; it is time to move onwards and upwards.

Driving that movement is exactly the purpose of the joint futures group, which I chair. Our main task is to agree a list of joint measures that local authorities, boards and trusts should have in place, and to set deadlines by which that is to be

done. The group has identified a range of subjects that are well known and well recognised. It is considering how to develop better systems and approaches for shared assessments, and how to share information better between social care, health and housing. We know that those things should be in place. They will help to overcome the professional, organisational and cultural boundaries, and they will focus on more integrated services, reducing the bureaucracy and improving outcomes for users and carers. The group is also considering other issues, such as the balance of care between residential and home care, options for charging for personal care at home and how to share best practice among the relevant interests.

There are many examples of good practice. Care services have changed enormously. Between 1994 and 1998, community care services have supported a reduction of more than 7,000 long-stay beds and increased respite admissions to residential care homes by 54 per cent. Staff numbers in home care have increased by 13 per cent, and more and more packages of intensive care of over 10 hours are being delivered.

Those figures illustrate the positive overall trends, but the examples are all around for us to see.

We have successfully closed Gogarburn hospital in Edinburgh and successfully provided alternative care services in the community. Joint working was at the heart of that. The closure plan was sustained through two restructurings in the health service and the reorganisation of local government, but the will was there to make it work, and it has worked.

In Glasgow, Inclusion Glasgow creates packages of care that comprise a mix of funding from health, social care and housing. Of 28 people who used to be in Lennox Castle, all have their own home, seven own them and some have jobs. None has returned to hospital.

In Ayr, two local NHS trusts and the local council formed a rapid response team to prevent hospital admissions and facilitate early discharge, and there is close working with all professions. As a result, between January and March this year, 819 acute bed days were freed up, there were 108 early discharges and 85 admissions were prevented.

Joint working does deliver, but it can deliver much more than better services. I do not doubt that we will hear criticism of service provision this morning. I would be astonished if we did not. Some of that criticism will be justified and some of it will not be. I do not doubt that we will hear much talk of where resources are and how many resources there are. I hope that we will also hear something of the vision and the imagination that

we need—the vision that drives the best of community care in Scotland.

That vision should fire our imagination, as anyone who was at the launch of the learning disability review will know. That review started off as an examination of services, but it quickly turned into an examination of people's lives. After all, it is not only the NHS that saves lives, nor is it only surgeons who give back the possibility of participation in the richness of life, but our social workers, care assistants and home helps. It is not only the Prison Service that incarcerates but, too often in the past, the learning disabled hospital, the acute psychiatric ward and even the residential care home.

Too many lives have been lived in the shadows. The common thread in our community care agenda—its purpose—is to bring those lives out of the shadows. That thread runs through the carers strategy, the learning disability review, the new care standards, intensive home care packages and the extension of direct payments.

Dorothy-Grace Elder (Glasgow) (SNP): Will the minister give way?

Iain Gray: No. I am winding up.

That approach is not cheaper or easier, but it is better. It is also possible, if we hold to the vision of support for those with disabilities, the elderly and those with mental health problems. We must support them to live their lives to the fullest; to have, or to continue to have, a home, friends, a job, respect and dignity; to be as free as they can be; to have the things that we all want; and to be, as the learning disability review puts it, "the same as you".

I move,

That the Parliament commends the Executive's approach to community care, which aims to put the people using services and their carers at the centre, building on *Modernising Community Care: an Action Plan*; welcomes progress on the Strategy for Carers in Scotland, published in November; welcomes the work of the National Care Standards Committee to ensure the quality of care provision through national standards; welcomes the consultation on proposals for the independent regulation of care services and staff; welcomes the setting up of the Joint Future Group in December; welcomes the publication of the Learning Disability Review report *The same as you?* on 11 May 2000, and calls upon the NHS, local authorities and the voluntary and private sectors to make joint working a reality in every aspect of community care, in a Scotland where everyone matters.

09:50

Kay Ullrich (West of Scotland) (SNP): We thought that last week's Executive amendment was self-congratulatory and full of touchy-feely soundbites, but—credit where credit is due—the minister has truly excelled at that today. I humbly

suggest that his next motion should simply say, "Mirror, mirror on the wall, who is the fairest of them all?", at which the Labour back benchers can shout, "You are, minister, you are".

Iain Gray: We have heard many quotations—for example, we heard an interesting Karl Marx quotation yesterday. I simply make the point that Kay Ullrich's quotation comes from a fairy story.

Kay Ullrich: Is that it?

Quite frankly, the motion beggars belief. Either the minister does not know what is happening in community care or, worse, he is choosing to ignore the reality. I suggest that he gets out more and listens to the elderly and the disabled, to their carers and to the hard-pressed social workers and health workers who simply are not being given the tools to do their jobs.

I am surprised that the minister did not mention the problem of delayed discharge, which causes so much distress. The Tory amendment mentions it, but I am disappointed that the Tories chose to use the term "blocked beds", because, unfortunately, that term has become common currency. It seems to imply that around 3,000 elderly people are deliberately refusing to vacate their hospital beds. Nothing could be further from the truth. Those elderly people are being left to languish in totally inappropriate conditions, unable to get the kind of care that they have been assessed as needing. That care is not just residential or nursing care, as they may be waiting for the community care package that would allow them to return to their homes with support. The majority of older people want to be in their own homes. The main reason for the present situation is that Scotland's local authorities are unable to provide the required funding.

On yesterday's evidence, Presiding Officer, I am tempted to ask for an adjournment so that a researcher can find out when the £200,000 that has been announced today was announced previously. When it comes to money from the Executive, no one knows where it comes from, no one knows where it has been and it is anybody's guess where it will go next.

The minister can spin like a peerie as far as I am concerned, but local authorities are not receiving sufficient funding to fulfil their duty to provide client-centred care in the community. I am not talking only about residential and nursing care, but about—

Dr Richard Simpson (Ochil) (Lab): We are going down another critical path. Will Kay Ullrich tell members how much the SNP proposes to spend on care and from where it proposes to get the money? If the SNP is going to be critical of policy, Kay Ullrich must say what the SNP would do instead.

Kay Ullrich: It is a Labour party motion—stick with it.

Community care is about enabling the elderly, the disabled and the mentally ill to remain in their own homes with support services that are provided not only by local authorities, but by voluntary organisations and the private sector.

What we find, however, is that the services on which the most vulnerable people depend are being slashed by almost every local authority in the country. Every member in the chamber must be aware that home help hours are being cut. The Government's latest figures to March 1999 indicate that they are being cut by no less than 30,000 hours a year. There is no doubt that that figure will have risen substantially in the past year.

Home help charges have been increased and much-needed day centres have had to close their doors. Sheltered housing wardens have been removed.

Trish Godman (West Renfrewshire) (Lab): How much will the SNP put into community care and where will they get the money?

Kay Ullrich: It is a Labour motion. If anybody should know about the crisis in community care, Trish Godman should, with her background.

Members must have had letters about the removal of sheltered housing wardens and their replacement by alarm systems. Residents of sheltered housing are being charged about £2 a week for that. That more than takes care of the 75p increase in their pensions.

To the Executive's eternal shame, 10,000 fewer elderly and disabled people in Scotland receive home help since Labour came to power. Who would have thought it? New Labour is delivering less than the old Tories. That is the truth. Do not take my word for it; take the word of the Association of Directors of Social Work, among others. That association stated:

"There has been a real-terms reduction in community care funding of £260 million compared with spending in 1994."

I can assure the minister from personal experience that ADSW is not a hotbed of SNP activists.

Let us examine spending. The mental illness specific grant has remained constant since 1996. So much for the Government's priority pledge about mental health. Grants to voluntary organisations are not merely at a standstill, but have decreased year on year. That is the way in which the Government treats the organisations that provide so much of domiciliary care that is so badly needed by those who depend on care in the community services.

Iain Gray is fond of trumpeting what he has

done, especially, as we have heard today, in terms of the Sutherland report. In substantive terms, however, he has done very little. However, I will give credit where credit is due—I am nothing if not bountiful. I welcome the decision to extend direct payments to people over 65, because their exclusion from the original direct payments legislation was, as we all know, simply discrimination against older people.

I also welcome the proposed introduction of a Scottish commission for the regulation of care, which will set and monitor national standards. I hope that it will also address the inconsistencies in the amounts that different local authorities charge for services and in the levels and quality of care that they provide. Where someone lives in Scotland should not affect the quality or the cost of care with which they are provided.

Hugh Henry (Paisley South) (Lab): Will the member give way?

Kay Ullrich: No, I have given way often enough.

I welcome the initiative for people with learning difficulties. However, I am somewhat underwhelmed by the carers strategy. The announcement in November last year of the diversion of £5 million to Scotland's carers—which was to be added to the £5 million that was already earmarked from local authority funding—fell well short of Sutherland's proposals for carers. The reality on the ground is very clear. Cash-strapped local authorities are cutting services to carers, rather than matching the £5 million announced by the Executive. Even if the whole £10 million were to reach Scotland's carers, who save the health service and local authorities £3.4 billion each and every year, it would amount to nothing more than 38p per week, per carer. If we consider that meals on wheels cost more than £1 a day, a home help £8 an hour and a week's respite care, which carers need so much, £350, we can see that the carers strategy falls well short of Sutherland's aspirations.

Of course, until the Government at Westminster tackles the tax and benefit system as it applies to carers, carers will continue to be penalised financially. For example, a carer who earns in excess of the grand sum of £50 a week—even if they spend every waking hour outside their working day caring for their relative—is denied invalid care allowance. If a carer gives up their job to look after somebody on a 24-hour basis—and many people do that—they will be the princely sum of £13.95 a week better off than they would be if they were on income support. If the minister agrees, as I sure he does, that that is not fair, will he tell us how many representations he has made on behalf of Scotland's carers to his Labour colleague, the Minister of State for Social Security?

Mr Andy Kerr (East Kilbride) (Lab): Will the member give way?

Kay Ullrich: No, I have said that I am not taking any more interventions.

The £5 million announced by the minister in November last year ought to be compared with the SNP's commitment in our Scottish Parliament manifesto to a £30 million initiative that would create 60,000 more respite care weeks and an extra 3,000 respite care packages of five hours per day each week.

However, the crux of this matter is the Sutherland report. Quite frankly, getting this Executive and Westminster to address the royal commission report is akin to drawing very strong teeth. Will the Executive agree to the abolition of charges for personal care? That is the one thing that Scotland's elderly most want implemented. It could be implemented today, by this Parliament. We could, by that one measure, go a very long way towards ending the misery that is faced by Scotland's elderly. It is a matter of priorities.

If the Minister for Health and Community Care claims that she cannot afford it, how about challenging her Chancellor of the Exchequer, who has a war chest of £60 billion, £20 billion of which comes from Scotland's oil revenues? What are the minister's priorities? Are they the nation's elderly and disabled, or the Tory voters in middle England for whom the chancellor is saving the money so that he can bribe them with further tax cuts?

I am proud to say that this issue has been a priority of my party since our manifesto for the Westminster election in 1997. That was two years before Sutherland. Our manifesto stated:

"We will abolish means-testing for the residential care of the elderly."

We envisaged that nursing care would be free and that the only charges would be for what we then called hotel charges and what Sutherland refers to as living costs and housing costs. It simply cannot be accepted that elderly people should have to pay for care, or indeed for aids or equipment, that should be provided free of charge. To use Sir Stewart Sutherland's phrase,

"to means-test and charge older people for such care is to place on a charge on frailty."

Make no mistake. A person usually needs personal care as a result of a physical disability, a mental illness such as Alzheimer's disease, or another chronic illness. As such, personal care should be provided free, as it is under the national health service.

It is obvious that the Executive will not act on the main recommendations of the Sutherland report—it has to wait for the permission of its political masters at Westminster—but how about easing

the situation? The introduction of a three-month disregard on the value of the family home would allow elderly people a period of convalescence in a residential setting, and allow a proper needs assessment to be done. The Executive could take that measure today, if it had the political will.

I feel anger not only as a politician but as a former social worker who has seen what is happening on the front line and, most of all, as someone with experience as a carer. The fact is that we, as a society, are stripping away the whole concept of care. We are stripping away fairness and the dignity of our elderly population. Remember, minister, that we are talking about the generation who, after the war, entered into a contract with the then Labour Government. Those people were told that if they worked hard and put their bit into the public kitty, they would be looked after when their working lives were over. New Labour and the Executive stand accused of a breach of faith with an entire generation.

I move amendment S1M-868.1, to leave out from "commends" to end and insert:

"supports the concept of care in the community; recognises the excellent work done in the Sutherland Report on long term care *With Respect to Old Age*; condemns the continued failure of the Executive to implement fully the recommendations of that Royal Commission; demands adequate funding for those providing services within local government and the voluntary sector; urges the Executive to accept responsibility for community care, and invites it to provide real leadership, and the necessary funding, to enable successful joint working in this field."

10:06

Mary Scanlon (Highlands and Islands) (Con):

I greatly welcome the debate on community care, which is one of the many serious health issues that face Scotland today. First, I want to address the Executive's motion. The word that really sticks in my throat—I think the same is true throughout Scotland—is "commends". We are invited to commend

"the Executive's approach to community care".

What is the Executive asking us to commend? The 2,500 patients who languish in Scotland's hospitals because councils have no money to place them? Is the Executive commending itself for slashing the home help service throughout Scotland? Is it commending itself for the cuts to councils and the voluntary sector? Those cuts led to a group in Highland Council having to decide how to save £220,000 and which services—Victim Support, Crossroads, or drugs and alcohol counselling—gave value for money.

How is it possible to put a value on the care and counselling that is given by Victim Support and compare that with the value that is given by a

respite carer? That is what the Executive is forcing people throughout Scotland to do. Fortunately, Highland Council found savings elsewhere in its budget, so the cuts were put on the back burner for a year, but the same problems will arise again next year.

Perhaps the Executive is commending itself for the bankrupt and semi-bankrupt residential and nursing homes. Or is it for the council fees freeze for social work funded places? Or perhaps for the many letters—I receive them, and I know that the minister and her deputy receive them, because I receive copies—about patients whose conditions have deteriorated so much as a result of their delayed discharge from hospital that they are now unfit to return home?

The Executive knows the price of everything, but the value of nothing.

Hugh Henry: Will the member give way?

Mary Scanlon: Not now, Hugh—later.

People in Scotland might have some respect for the Executive if, just for once, its policies honestly addressed problems and positively provided solutions.

Let us consider the solutions that have been outlined. Once again, I have to hand it to the Executive—10 out of 10 and another gold star for “Modernising community care: an action plan”, which is a wonderful-looking glossy brochure. The Executive really knows how to do them. Of course I welcome all of these packages, announcements, strategies and documents. I especially welcome the modernising of community care and the progress in the strategy for carers. The problem is, when I tried to find out yesterday about the progress on the strategy for carers, no one knew anything about it, including the Scottish Parliament information centre. I need, and Scotland needs, there to be a recognition of the needs of carers. When will the Executive’s words and spin become real? When will carers really be helped and supported, and how will that be done?

Of course I welcome—my party welcomes—the joint futures group that was set up in 1999. Again, I sought information yesterday on the progress of that group; again, from SPICe and elsewhere, no information is available.

Iain Gray: I tried to make clear to Parliament that the exact purpose of this debate is to report on progress on those initiatives. If Mrs Scanlon is looking for progress on the carers strategy, she should not ask SPICe; she should ask carers and the carers organisations who are making progress with the strategy as we speak.

Mary Scanlon: When the Executive is asking people to vote on its progress, it is only fair that a report of that progress is given to Parliament so

that even Labour members know what they are voting for.

I welcome the fact that the group has been set up, but we want action—not simply words and lots of meetings. I also welcome the point the minister made about it being time to move onwards and upwards, but does it really take a politician to tell social workers in the national health service to share their information? It is tragic that we have to tell them that.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Will the member give way?

Mary Scanlon: Just a second.

I strongly welcome the learning disability review, especially the changes that have been recommended. Recommendation 4 is on the change fund. Of course my party welcomes that. I would like to think that the money will go to help people who are most in need. That has not been the record of councils in the past. I also welcome chapter 2, paragraphs 46 to 51, on autism and Asperger’s syndrome. I have raised points on those issues in parliamentary questions and during education debates. I am looking for action, not simply recommendations.

We also welcome the lifelong plan. As they get older, many elderly carers worry greatly about how the people they care for will be looked after in their old age. However, the 29 recommendations all include the word “should”. I hope that “should” will become “will” or “must”. People know what they should do, what they ought to do and what they can do; we in Scotland have to get into mature, grown-up politics and we have to address needs. I sincerely hope that this is not just another glossy brochure that will gather dust; its recommendations are excellent and I hope that they will be implemented.

Margaret Jamieson: It is rich for Mary Scanlon to say that she welcomes the documents that have been issued. She should recognise that they represent a significant change from the days when her party was in power.

Mary Scanlon: Really, Margaret. I do not have to take any lessons from you. The Conservatives decided to spend more on services, more on patients and more on helping, to have fewer cuts and to spend less on glossy brochures. I welcome the wise words in the documents; I think Margaret Jamieson should accept that. What is said is excellent, but I hope it will be put into practice. I endorse the strategy and the practical measures.

We are, however, left with this cultural incompatibility and an attitude of professional preciousness between social work and the NHS. One radical solution is to be found in our amendment and is supported by many of the—

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Will Mary Scanlon give way?

Mary Scanlon: I will finish the point I am making. Actually, as you have interrupted me, go on.

Cathy Jamieson: I am sorry for putting Mary Scanlon off her stride.

As a former social worker, I take ill some of the criticisms that have been levelled at social work because I am well aware of the difficulties in the real world in relation to health and social care. I also take exception to the wording of Mary Scanlon's amendment, which talks of

"NHS resources wasted on blocked beds".

I am not suggesting that there are not difficulties, but I resent that sort of language. We are talking about people's lives. This amendment should be thrown out.

Mary Scanlon: The beds are certainly blocked. My information is based on submissions to the Health and Community Care Committee. One solution is to have one unified budget to deliver seamless, effective and appropriate health care. That would overcome the current two-tier system of community care, in which those who are self-funding are placed instantly and those who depend on social work wait for months or years. Neither can it be right that a social worker can override a consultant geriatrician's decision about where an individual should go for care. That point also was made to the committee.

We must also address another matter that was raised with the Health and Community Care Committee. Both the Accounts Commission and the Scottish Affairs Select Committee identified £166 million being spent on resource transfer, yet it is not clear how or where that money is spent. If we are to move forward, there must be transparency and accountability.

The Scottish Association for Mental Health stated:

"It is beyond dispute that mental health spending is not keeping up with general health service spending, despite the fact that mental health has been declared a priority."

Funding for mental health associations has gone down from £40,000 to £10,000 in the past three years. I was pleased to hear the minister say this morning that the framework for mental health, which is now two and a half years old, is beginning to make some progress, because a month ago SAMH was at the Health and Community Care Committee and said that no progress had been made on it. It said that too much time was being spent in long meetings between health and social work, that there were lots of strategy documents and that nothing much was appearing in front-line services.

Can it be right that, in 2000, mental health has a bed requirement of more than 100 per cent, with the result that, at the weekend, we have people with acute mental states taking over the beds of patients who are going out with weekend passes? That is the information we received from SAMH at the Health and Community Care Committee.

I have received other correspondence on community care. The Western Isles community care forum hardly commends the Executive's approach to community care. In an e-mail yesterday it stated:

"There are elderly, very elderly and infirm people living in their isolated houses, with no relatives or neighbours to help them, who receive half an hour's help in the morning for fire-lighting, half an hour in the evening and no attendance during the weekend."

It would hardly support the Executive's community care strategy in Ballachulish, where a community councillor returned home one day to find two elderly people sitting in his living room. They thought it was their home. That hardly gives us confidence in the assessments for community care.

The motion's commendation of the Executive's approach will ring hollow throughout Scotland. A letter I received yesterday from a care home in Nairn stated:

"Unless this deplorable situation is addressed as a matter of urgency, care in this community will have reached an even greater state of crisis come the heavy demand on services during the winter months."

People all over Scotland feel that they are letting down their old folks and their own people. They write to me that they feel guilty that they are letting down their mothers, fathers and grandmothers. Those people's guilt should be ministers' guilt.

I ask ministers to bridge the chasm between their spin and reality; not to assume that a glossy brochure equals success; and, for once in their lives, to accept the responsibility of their position and put patients, carers, and their families at the heart of the health service.

I move amendment S1M-868.2, to leave out from "commends" to end and insert:

"notes that the Scottish Executive's approach to community care has resulted in a 40% increase in blocked beds in acute hospitals since 1997, to a total of 2,400 in the latest delayed discharge census, and that this costs the NHS in Scotland up to £96 million per year compared with the cost of nursing home places; further notes that many local authorities across Scotland have been forced to reduce services and increase costs for community care clients as a direct result of the Executive's latest local government financial settlement; further notes that many nursing and residential homes are facing severe financial pressure, due to decisions by councils to freeze fees for social work funded places despite cost increases; calls upon the Scottish Executive to unify health and social work budgets within Community Health Trusts involving NHS

community services, social work services, the voluntary sector and the private sector; and believes that NHS resources wasted on blocked beds should be transferred to Health Trusts in order to provide more community care places and to deliver seamless and more effective community care services for clients. "

10:19

Nora Radcliffe (Gordon) (LD): This debate covers so many initiatives and areas that it is possible in the time available to address only some of the issues. The fundamental point is that we start with the needs of the individual and plan to meet them, rather than create packages and force people to fit them. Such an approach will be possible only in a culture of joint working and shared information.

Having a minister with the joint portfolio of health and community care, which we advocated in our manifesto, is one step towards creating such a culture. There is good practice. Some of it, I am glad to say, is in my area. Ten years ago, Grampian Health Board and the old Grampian Regional Council produced a joint community care plan that laid good foundations on which to build. However, we should recognise that good communication takes time, effort, motivation and will.

The motion mentions the national care standards committee. Its work is in preparation for a Scottish commission for the regulation of care, which was also proposed in our manifesto and which will be widely welcomed. I want to address one aspect of the commission: the proposed involvement of service users. I stress the importance of not taking the easy option of involving only the articulate and accessible service user. All service users should be given the opportunity to contribute, including people with mental health problems, people with learning difficulties, and offenders. To enable the less articulate and those who are usually passed over because communication can be difficult or slow—and we are all so busy—provision will have to be made for support, training and advocacy.

On registration, it will be good to get the right balance between setting standards and achieving consistency, and not creating a structure that is too rigid or prescriptive to allow innovation and choice. We must focus on the choice of the user rather than that of the provider.

In future, it will become the norm that people who wish to be registered will have formal qualifications. However, if we are not to lose good people who have valuable practical experience and skills that have been learned on the job, there has to be some way of accrediting that experience and those skills as an equivalent to a formal qualification. It would also be good practice for the

system to have an appeals mechanism for anyone who is refused registration.

It will be a huge job to introduce registration in such a wide range of professional activity, so it is understandable that that is being done in tranches. A decision has been made to start with residential care, but in many ways people who are cared for in their own home, or in a foster home, are more isolated and vulnerable. I am glad that there will be no hold-ups in dealing with that area. Finally on registration, any establishment that cares for children who are away from their homes for any length of time should be registered. That should include, by definition, boarding schools and hostels.

Carers are a huge part of the equation. For a long time they were pretty well invisible, but it is now recognised that they, too, have needs. Unfortunately, although legislation is in place, only a tiny percentage of carers have benefited, largely because there are not enough human and monetary resources to offer them the needs assessment to which they are legally entitled. That must be improved.

Employers are being urged to adopt family-friendly work practices. We need to make them aware that that encompasses all caring responsibilities, not just child care. More women care for an elderly relative than care for a pre-school child and 10 per cent of men in employment have caring responsibilities. Recognising that and making allowances for it could save employers money.

Flexibility and willingness to allow emergency time off could mean that an employee faced with a hiccup in caring arrangements would arrive for work an hour late, instead of phoning in sick and taking the whole day off. At the other extreme, the stress of trying to combine caring responsibilities with inflexible work responsibilities often results in a person giving up their job. I am told that the recruitment and retraining costs of replacing an experienced member of staff can equate to a year's pay. A caring-aware policy would clearly be cost-effective for employers.

One of the most invisible, vulnerable and needy group of carers are young carers—children shouldering burdens that even an adult would find heavy; often those that an adult has walked away from—who do not have an adult's knowledge of where and how to get help. There is an urgent need to raise awareness, particularly in schools and local communities, to identify such children and put them in touch with the help they need. More resources are needed to provide that support. All carers need respite, but young carers need it more than most. They need time to play and to be children; we are robbing them of their childhood. They also need support that is tailored

to their needs, even something as simple as leaflets that are written in language appropriate for their age.

Services should be available on the basis of need, irrespective of whether the recipient has a carer. If someone who is entitled to a concessionary fare or reduced entry fee needs assistance, the necessary escort should be give a concession too.

The voluntary sector includes everything from the large, professional service provider to the small organisation meeting particular local needs. I would make a special plea for small voluntary organisations, which are finding money harder to come by and that many sources of funding are drying up. An interesting pair of statistics illustrate what we owe the voluntary sector. It is estimated that the voluntary sector generates about £1.8 billion in income but delivers about £41 billion of services. That is the measure of what we owe volunteers.

I want to highlight briefly the importance of being aware of the special needs of people who live in rural or remote areas and of people from ethnic minorities. It is important to recognise that there are particular difficulties in delivering services to those people, who must be catered for.

I would like to finish with a short quotation:

"The willingness and capacity of carers to continue to care should never be assumed."

That should be carved on the desk of every service manager and funding provider—and probably framed and hung on the wall as well.

The Deputy Presiding Officer (Mr George Reid): The debate is now open. Speeches should last four minutes.

10:27

Malcolm Chisholm (Edinburgh North and Leith) (Lab): Debates such as this often become rather polarised. We have come a very long way, but there is still a long way to go. To find out how far we have come, I looked back at all the debates on health and community care in the House of Commons the year before the 1997 general election. It was not very hard, because there was only one. It was very ably summed up by Lord James Douglas-Hamilton and the Labour health spokesperson, Malcolm Chisholm. [*Laughter.*]

On reading the debate, I was struck by several things, including the fact that the Scottish Parliament has had many debates on care, whereas we had one a year in Westminster. Furthermore, the Scottish Parliament has a minister for community care, whereas Lord James was the minister for most things under the sun. There has been significant progress on many of

the issues that we raised in that debate, although I cannot list them all. Regulation was the main topic of the debate, and here we are, about to set up the Scottish commission for the regulation of care.

There was also some interesting information. Since it is rather bad taste to quote myself, I shall quote Willie McKelvey, who was chair of the Scottish Affairs Select Committee at that time. Quoting evidence received by the committee about my part of Scotland—Edinburgh—he said:

"Edinburgh city social work department has stopped assessing people for care services'—

all people, not just the elderly—

'and has a waiting list of 1,372 people . . . admissions to residential homes have been frozen.'"—[*Official Report, House of Commons, 26 February 1997; Vol 291, c 290.*]

We should have a sense of perspective in the debate. The Conservatives should remember the situation that we inherited. They quote figures about blocked beds; the reality is that such figures were not collected in those days. The Executive is collecting those figures, which invalidates the Conservative motion.

Dr Simpson: I should declare an interest, as it was my son who did the research—[*Laughter.*] He carried out the research around the time of the election in 1997. The number of blocked beds at that time was—guess what—2,400. It was as bad as that under the Conservatives.

Malcolm Chisholm: There is, quite clearly, action on bedblocking, on the carers strategy and on direct payments. I do not wish to repeat all Iain Gray's points, except to say that while I welcome the extension in direct payments, I hope that they will be extended to the carers of all people with learning difficulties.

The Parliament's other difference is not just the many debates that we are having, but that we have a Health and Community Care Committee that is carrying out a detailed study on community care. The cross-party group on older people that Sandra White and I convene has done quite a lot of work on that issue.

That, together, we are considering ways forward on this issue is a good example of how the Parliament is working and what it was set up for. It is clear that resources are one aspect of the matter, but it is not just about the totality of the budget; it is also whether they are being used effectively. That, in a sense, should be the key point of the debate.

There are charging issues, but the joint futures group is considering that closely. I hope that it will consider some of the evidence the Health and Community Care Committee has received. The Scottish Consumer Council, for example, recommends national guidelines and Age Concern

Scotland recommends national maximum charges.

The most important thing is to consider new ways of working. The committee is focusing on best practice, such as in the pilot project at Perth and Kinross Council, funded by the Scottish Executive. Pooled budgets, augmented home care and the possibilities of the new local health care co-operatives point the way forward.

Mr Hamilton: I take the member back to what he said about the joint futures group. As he rightly says, the group is addressing the issues surrounding personal care and who should pay. Is it right that although Iain Gray chairs that group, he will not tell the Parliament exactly what his position is, what the Government thinks and what he will do? Is that really effective leadership?

Malcolm Chisholm: It is part of the Scottish Parliament's new way of working, involving a wide range of people.

The Deputy Presiding Officer: Will the member wind up, please.

Malcolm Chisholm: I wanted the main part of my speech to be on mental health, but I have been told to wind up, so I shall have to be brief.

I was honoured to be invited to be the honorary president of the Edinburgh mental health users forum, which has taught me a great deal about mental health. To the credit of mental health services and the Executive, the framework has user involvement at its heart.

We were told by SAMH that user and carer involvement in service planning is tokenistic. That point has been made by the Accounts Commission in "A shared approach: Developing adult mental health services", by the clinical resources and audit group on mental illness and by a recent progress report on the framework for mental health. More needs to be done genuinely to involve users. An important part of that is advocacy. Again, the users forum, in its submission to the Health and Community Care Committee, points out that collective and individual advocacy is essential for mental health users to participate actively in making decisions about their lives.

Some of the concrete demands of users are for crisis services. They have acknowledged—and I know from my experience—the importance of community mental health projects such as the admirable stress centre in my constituency.

Sometimes, community care means spending more money. If we had proper crisis services and community mental health projects, we would save money, as many of the people who end up in beds unnecessarily would be more appropriately looked after in the community.

10:33

Mr Adam Ingram (South of Scotland) (SNP): Yesterday, the Minister for Communities talked at length about small solutions for small minds. I would not characterise the Executive's approach to community care in that way; on this issue, it is more a case of talking big and acting mean.

If we consider the Labour proposals in "Modernising community care: an action plan", we can compare the rhetoric with the reality of community care as practised in Scotland. The document sets out the ethos of care in the community—that people should be cared for in their own homes wherever possible. I am sure that all members in the chamber agree with that sentiment. The problem is that the resources necessary to provide community care have never been made available since the National Health Service and Community Care Act 1990 came into force. More people being cared for in their own homes means more demand on local authority social work services, which in turn means that more funding needs to be released.

Furthermore, let us consider what has been made available to social work budgets under a Labour Government. In the Government's first year in power, funding for social work services fell by 2.3 per cent. In its second year, the figure fell by 1.1 per cent. It fell again by 0.6 per cent last year. In this new financial year, social work budgets will be cut yet again by 2.4 per cent. Those are not SNP figures; they have been provided by the Labour-dominated Convention of Scottish Local Authorities.

Jack McConnell never passes up an opportunity to boast about the strict financial regime he has introduced to manage the resources made available to this Parliament by our masters in London. He echoes the iron chancellor—Gordon Brown's mantra, "prudence with a purpose"—but we are entitled to ask just what purpose is served by this continual squeezing and cutting of social work and community care services. The policy of helping people who can help themselves to become more productive while throwing mere scraps to the weak and vulnerable has some sort of warped Calvinistic streak.

Cathy Jamieson: As I am aware of Adam Ingram's particular concern for carers and mental health issues, I am a wee bit disappointed that he has chosen to reduce this debate to arithmetic. Does he agree that there has been a substantial change in culture to allow service users and others to be involved in the planning and delivery of services and that we are starting to target resources on the people who need them most?

Mr Ingram: I welcome a change in culture, but we cannot get away from the fact that resources

are fundamental to this problem. We need sufficient resources to target. My point is that we do not have those resources.

On council funding of social work departments, what purpose is served by forcing councils throughout the country to cope with what Councillor Andy Hill of South Ayrshire Council publicly denounced as

“the worst financial settlement in history”?

We should bear in mind the fact that he is a member of a Labour Administration, working under a Labour-dominated Executive in Scotland and a Labour Government in Westminster, being forced to implement service-destroying cuts.

The human cost of this financial prudence is devastating. I am sure every member can relate examples from their constituency. In the area I represent, warden services to sheltered housing and hostels have been cut. In East Ayrshire, there has been the shameful episode of old people dying in their hostel bedsit and lying there for three weeks before being discovered. In South Ayrshire, lack of resources for those assessed to be in need of home care has resulted in the closure of non-statutory provision for the elderly such as lunch clubs and the transfer of resources. If ever a measure could be described as desperate, that would surely qualify.

Ultimately, the closure of such facilities as the famous Carrick Street halls will prove a false economy. That facility was used by hundreds of pensioners in Ayr. It enabled them to maintain their independence, to keep their minds active through meeting and socialising with each other and, not least, to partake of a good meal every day.

Left to their own devices, and with only memories for company, many elderly citizens lose their purpose in life and can go downhill very rapidly. The call on our home care services can only increase as a result.

What is happening in community care provision shames this Parliament. If we aspire to be a nation in which social justice reigns and our weak and vulnerable people are cared for and protected, the rhetoric of Executive documents has to be matched with real resources—a challenge the Executive has failed to rise to and shows no intention of meeting.

10:40

Hugh Henry (Paisley South) (Lab): I regret the fact that, so far in the debate, there has been, in a sense, a wasted opportunity. We have heard so much about what the Scottish Parliament might enable us to do, and quite rightly. There has been progress in the work of committees, with thorough,

genuine and vigorous debate. It is extremely disappointing that, when we return to meetings of the Parliament, that spirit of thoroughness and vigour is lost in pettiness, mean-mindedness and negativity.

Mary Scanlon: Will Hugh Henry give way?

Hugh Henry: Some people start to howl even before I identify the culprits. They are obviously resting uneasy in their seats.

It was unfortunate that Kay Ullrich, in her extremely disappointing speech, failed to take the opportunity to tell us how much she would spend and where the money would come from. The same Kay Ullrich said that the debate was a matter of priorities. Matters of priority mean making difficult decisions sometimes. If money is to be found for one area, it has to come from somewhere else—she cannot have it both ways and needs to come up front at some point.

Mary Scanlon demonstrated some of the difficulties that the Conservatives continue to face. On the one hand, she was completely detached from reality in conveniently forgetting the Conservatives' history and experience. At the same time, she made some useful points, some of which were lost in the negativity. She said that we need to consider unified budgets and more efficient resources. The debate should be about building on practical experience and trying to take the Parliament and society forward. Whether we like it or not, there are financial difficulties, but Cathy Jamieson and others have been quite right to say that the culture and climate have changed, and that carers and people who depend on community care services want to go forward in a positive spirit and to see real, lasting improvements.

From my experience in Renfrewshire, I know about some of the changes and about the new moneys that have been allocated, including £161,000 to deliver the action plan there. When I hear the stories about cuts, cuts, cuts, I have to say that, over the past two to three years, Renfrewshire Council's social work budget has consistently been increased, increased and increased. Every penny received from the Government to that department is spent on social work, not directed to other services.

Mary Scanlon *rose*—

Hugh Henry: I am sorry, but I shall not give way.

I do not recognise—

Tricia Marwick (Mid Scotland and Fife) (SNP): Will Hugh Henry give way?

Hugh Henry: No, thank you. I will extend Tricia Marwick the same courtesy that I was given

earlier—so perhaps she could just sit down.

There are opportunities in the learning disability strategy. We should welcome improved joint working and partnership in practice. We should welcome the work of the local area co-ordinators. We should welcome the fact that we are closing hospital beds and moving care back to the community. That is not to say that there are not problems that need to be addressed. I welcome the carers strategy and I would always say that more money could and should be spent. Equally, I welcome the positive response that we get from carers who see real improvements in what is happening in local communities. For example, Carers Action Renfrew District runs the CARD centre, which is performing a magnificent job in the local community in improving the quality of life for carers.

We would like community care implementation to be incorporated into one reporting process. The minister needs to think about that, because there are inefficiencies in the service. We have seen huge improvements in work done by social work services, health boards and housing providers, but it is still not enough: we need to shake out the structure and ensure that money is being used properly.

I welcome, as do the social work providers in my area, the principle of a change fund. We think that it would help to implement the national learning disability strategy. We need new money in real terms, subject to a fair distribution rather than an annual bidding process. Welcome as the funding for the initiatives is, I ask the minister to ensure that we do not fund the initiatives through a bidding process, which involves a huge amount of work and often sets unrealistic deadlines. Resources spent on the bidding process would be better spent on care in the community.

10:46

Mr Keith Harding (Mid Scotland and Fife) (Con): I welcome the opportunity to debate community care again. It is worth recording what community care involves. It is the range of social care, health care and housing services provided in the community to enable citizens to maintain or improve their quality of life in the face of difficulties caused by poor health and disability from the effects of aging. It is intended to support carers, frail older people and citizens with dementia, physical disabilities, learning disabilities, mental health problems, substance use problems, HIV and AIDS. Those responsibilities were detailed in the National Health Service and Community Care Act 1990, which was introduced by the Conservative Government and which continues under the present Administration.

The responsibilities fall on local authorities and health boards, and the services are delivered through joint community care and housing plans. That joint working continues to bear fruit and make progress; the bodies concerned are to be congratulated. The plans are intended to ensure that health, housing, social services, the private sector and the voluntary sector, working with the community, make full use of scarce resources.

Regrettably, because of the recent local government settlements, councils are finding it increasingly difficult to maintain services in that important field of policy and are unable to pursue new initiatives. I acknowledge that the overall settlement grew, but so much was top-sliced or ring-fenced to meet the Executive's priorities that substantial cuts or reductions in other service areas had to be made throughout Scotland to ensure that councils met the Executive's spending guidelines. Those cuts, together with council tax increases—substantially above inflation—affect many services delivered under community care. In recent weeks, there have been either reductions or no inflationary increases in grants to the voluntary sector. Many voluntary organisations are involved in care in the community and are finding it more and more difficult to maintain services. That has an impact on people in need.

There have been substantial reductions in social services budgets, which have resulted in increased charges for home helps and meals on wheels, charges for residential homes rising well above inflation, closure of children's centres and day centres, reductions in grants to alcohol projects and to AIDS and HIV initiatives, reductions in learning disability funding and so on—the list seems endless. From other budgets, grass-cutting services for the elderly have been reduced, adaptations and aids in housing have been cut, and libraries and public toilets have been closed—the Executive is hardly meeting the objective of maintaining or improving the quality of life of vulnerable people.

I am the first to acknowledge that councils should pursue other ways of making efficiency savings. That would address many of the issues that I raised. However, unless there is a complete change of culture in councils or—better still—a Conservative-controlled council to lead the way, I remain pessimistic about that happening.

Elaine Smith (Coatbridge and Chryston) (Lab): Will the member give way?

Mr Harding: I will when I finish this point, which might answer the member's question.

Too many Labour-controlled councils still believe that they exist to provide jobs, not services. Alternative methods of delivery must be investigated.

There must be much more joint working among councils, the voluntary organisations, the public sector and the private sector. Perhaps councils should consider shared buildings, joint payrolls, joint council tax and rates collections, and shared legal, personnel and other administrative services. Until and unless that happens, and until the Scottish Executive allows councils to determine more of their spending within guidelines, community care will remain an unfulfilled and idealistic dream.

Elaine Smith: Does not Mr Harding think that the Conservatives have a brass neck to talk about cuts in local government after 18 years of decimation of local government by the Tories? The unnecessary, unwanted and expensive local government reorganisation that the Tories implemented seemed to be designed only to break up the Labour-controlled Strathclyde Regional Council because they thought that it was too powerful.

The Deputy Presiding Officer: You have one minute, Mr Harding.

Mr Harding: I did not hear a word that Elaine Smith said. I had already finished my speech.

The Deputy Presiding Officer: You said that you would take an intervention, which is why I allowed her to speak.

Mr Harding: I am sorry. I apologise for not listening to what she said.

The Deputy Presiding Officer: In that case, we will move on.

10:50

Christine Grahame (South of Scotland) (SNP): I am sorry that Iain Gray has left the chamber, as I intend to make him an offer that he cannot refuse. Perhaps he will read about it later.

First, I welcome the comments about an application by Relatives Association Scotland being considered. I adhere to what Sylvia Jackson said: they were smashing people, who deserve funds. Secondly, I also welcome—this is becoming a habit—the Scottish commission for the regulation of care. I hope that Iain Gray will take on board my concerns regarding mandatory police checks for those who care for the elderly, and will set about implementing that by establishing an official, regulated and approved carers register. Thirdly, I fully endorse everything that Nora Radcliffe said about the young carers, although that issue is not within my remit. They are lovely people who deserve all the assistance that the Parliament can give them.

I now move on to my main comments. Iain Gray—poor lad, he is not here to hear this—has

his heart in the right place, but we should be using our heads. I cannot agree with the last part of his motion, which reads:

“in a Scotland where everyone matters.”

That simply is not the case for the 61,000 sufferers of dementia and, more important, the carers who look after them. He knows where I am coming from: I am again pressing for the Executive to take on board changes in the regulations and rules for the payment of personal care for the elderly.

On the anniversary of the Sutherland report, Alzheimer Scotland said:

“The current system is viewed as fundamentally unfair because dementia is not treated on a par with other chronic illnesses such as cancer and heart disease under the NHS. People with dementia are means-tested for many essential services to meet their needs and many have to forfeit their house to meet care costs.”

That is a shame on all of us.

Further on that specific aspect of the Sutherland report, I refer to Carers National Association Scotland, which represents 500,000 carers. It says that implementation of the proposal—that is, the payment of personal care from the NHS budget—would reduce the confusion over charging for care, reduce the poverty caused by charging for care, increase carers' security in old age, and improve joint working between health and social work departments by removing disagreements over who should pay for services. We know that that is the reality.

Finally, I come to my offer that Iain Gray cannot refuse—my proposed bill, entitled the “Dementia and Related Illnesses of Old Age (Care) (Scotland) Bill”. Section 2(2) covers the apportioning of costs for the recipients of long-term care. Subsection (4) states:

“The costs attributable to personal care costs shall be paid from the Scottish Consolidated Fund.”

Subsection (5) states:

“This section shall apply notwithstanding the location of delivery of personal care.”

How would we pay for that care? I have a wee idea. The Government will receive £22 billion from the sale of mobile phone licences, Scotland's share of which will be £2.2 billion. The cost of providing care, under the bill, would be £100 million, which is cheap at the price. Iain Gray was looking for a vision—here is that vision. If the Scottish Parliament delivers that, he can take the credit—I do not care, as long as the job gets done.

10:55

Maureen Macmillan (Highlands and Islands) (Lab): I want to concentrate on the situation for carers in rural areas, particularly the needs of

carers in the Highlands and Islands. The Executive's strategy for carers in Scotland is excellent and I welcome the £200,000 announced today. The strategy identifies those most in need of help; there is a commitment that, through promotion in the media, they will be made aware of the help that is available to them. The extension of the NHS helpline to include information on social care, particularly information about local services, is valuable in rural areas. However, in rural areas, local services can be a hundred miles away and ways must be found for people in very remote places to access services.

I am pleased that the Executive has recognised the need for a single gateway for help and advice for carers. One of the things that I have found is that, although there is help, the number of groups offering help can be confusing. It is sometimes difficult to find what one is looking for, and it can be daunting for those who are seeking help to know where they should start.

Recently, I have had personal experience of the problem. My elderly aunt has developed dementia and I was faced with the difficulty of knowing whom to approach. As my aunt lives in Oban, I had to do it from a hundred miles away. I am tremendously impressed by the social work department in Oban, which responded immediately and has arranged an attendance allowance and an excellent home help. From having had my stomach in a twist worrying about her, I now feel relaxed and that she is in good hands.

Highland Council's carers strategy has pinpointed another issue that we need to remember, that carers often find it difficult to ask for help because their task seems private and personal. Highland Council's strategy quotes a young carer—the sort of carer Nora Radcliffe spoke about—a 15-year old girl called Jane, from Sutherland, who looks after her mother. She says:

"We can't really have our friends in because it upsets the routine, and a routine is the only thing that gets us through what has to be done."

She is 15—no longer a child, perhaps, but a young adult who has had to grow up exceptionally fast because of the responsibility that she has. One of the most important things that she needs is support and the possibility of meeting young people in a similar situation. In Sutherland and in all remote communities, it is difficult to form support groups.

Perhaps the biggest issue raised by the various groups that I have spoken to in the Highlands and Islands is the lack of choice that is a consequence of remoteness. A young disabled man who visited the Parliament said that if he wants respite care, he has to leave Fort William where he lives and go to Dingwall—could not there be residential care

that is nearer, so he can still see his family and friends? The rural issues are difficult to tackle, but I hope that in time we will do so.

Lack of transport is another major problem that affects carers. The community transport initiatives have done a great deal to help carers and disabled people in the Highlands. More support from the private sector would be useful. People in Lochaber said that they would like the supermarkets to run a customer care transport scheme; I do not think the situation there is untypical. Both public and private sectors must do all that they can to take account of the needs of the elderly, the infirm, the disabled and those who care for them, so that they can get to and from the shops—shops that might be 40 or 50 miles away—go to libraries and generally do what most of us take for granted.

Information technology holds the prospect of enabling better communication with carers and those for whom they care. The geography of the Highlands and Islands means that people, as I said, are often remote from services. The Highland community care forum is already accessing such technology, but I would like many more community centres, church halls, school libraries and local post offices to provide access to computers and direct people to the websites of relevant organisations, so that they can receive the information that they need. Many voluntary groups already use IT to keep in contact with members and with those who use their services. That is essential in overcoming the problems of remoteness in the Highlands and Islands.

This debate is further evidence of the fact that the Parliament and the Executive consider community care a priority. There are problems that must be tackled, particularly in rural areas, but I believe that the Executive has identified the right strategy for giving those who care the support that they need and those who need to be cared for the information and choice that they need.

11:00

Mr John Munro (Ross, Skye and Inverness West) (LD): We have heard many suggestions during this morning's lengthy debate on aspects of care in the community. Care in the community is a wonderful concept, an inspiring and ambitious ideal that was promoted to sustain and support the physical and medical needs of those who were in most need in our communities. Those who have medical and mental problems are found not only among the elderly; they are a cross-section from all age groups, from the very young to our senior citizens. In fact, the concept was of care from the cradle to the grave.

Care in the community was a brilliant and laudable concept, which I am sorry to say did not achieve the practical success that I am sure we all hoped for. Nor did it meet the demands and aspirations of communities and individuals who needed care and whom the scheme was designed to help. Although I accept that much excellent work has been undertaken by the administrators and carers in the scheme, it is only by their hard work, diligence and dedication that we can claim any degree of credibility for our community care project.

The problem has been a lack of adequate resources from the outset. When the project was introduced, there were no clear guidelines or identifiable costs that could be accepted as accurate. As a consequence, hurried calculations and assumptions were made and a suggested budget for the service was drawn up. From the start, that budget was grossly underestimated and its legacy unfortunately continues to restrict and undermine that very necessary service.

We are constantly reminded that the budgets for community care services are overspent. We hear that all local authorities are being got at for overspending on their budgets—by considerable margins, it is suggested. However, I suggest that their budgets have never been appropriate for their needs and have regularly and consistently been underfunded. Only this morning, I was listening to the chair of social work in the western isles on Radio nan Gaidheal, who highlighted that very problem. She described the problems associated with providing services in rural areas of Scotland and particularly in the island communities.

I ask any member who would like to calculate the expenditure required by care services over the next week or the next month whether they have any idea of what the demand on the services will be. Of course they do not, and neither do the project administrators. Let us therefore endeavour to ensure that sufficient financial recognition is given to the needs of carers and those who need care in our communities.

Mary Scanlon: Taking into account the points made by John Farquhar, who is the former convener of Highland Council's roads and transport committee, does he share my concern that from October 1999 to March 2000 people were unable to take up residential nursing care places, despite urgently requiring them, because of lack of funding? Does he share my further concern that, six weeks into the financial year, Highland Council's social work department's budget is

"already overspent by five persons"?

The Deputy Presiding Officer (Patricia Ferguson): I ask John Munro to finish his speech now.

Mr Munro: I thank Mary Scanlon for her intervention. I support her view, because the whole community care project has been underfunded from the outset. I hear the same pleas from Raigmore hospital, where, as of this week, some of the money that was allocated last year for service provision at the hospital has still not arrived.

I suggest that, were it not for the sterling work undertaken by the many voluntary organisations and the hundreds of home carers of all age groups, who willingly and on a daily basis give of their time and effort, our community care services would be in a much more difficult and discredited situation than is the case at present.

The minister suggested that the service requires vision and imagination. I can tell him that the vision in our communities is not a happy one. That image is not a figment of our imagination and the problem is evident to all—it requires resources, resources and more resources.

In conclusion—

The Deputy Presiding Officer: Quickly, please.

Mr Munro: I quote my dear friend, Kathleen Murray, of the Highland community care forum:

"I am hearing all the right things. I am reading all the right things. Now I would like to see the right things happen. I am putting my trust in you, as service planners and providers. It is time to make change happen."

11:06

Tricia Marwick (Mid Scotland and Fife) (SNP): I will start with a familiar quotation from the document, "Modernising community care: an action plan":

"Most people want home-based care. We need to shift the balance of current funding and target new resources to increase home-based care"

Home-based care is an essential thread of the strategy that takes people out of institutions and allows them to be part of their community or helps elderly people to remain in their homes.

We still have too little sheltered housing, too little furnished accommodation and too little accommodation for people who need support. Millions are being siphoned off from private sector grants to home owners, which would allow people to live in their own homes.

"Modernising community care" was described as "an action plan". Therefore, it is reasonable to expect that, having identified weaknesses, the Executive would be tackling those weaknesses and making improvements, rather than lodging

self-congratulatory motions. The things-can-only-get-better Government is now the Government where things could hardly be worse.

Between 1998 and 1999, the number of hours of home care services provided dropped by around 7 per cent. Since this year's local government settlement, things are getting worse rather than better. In my own area of Fife, where Labour runs the council, home care services have been cut to the point where there is simply not enough to go round. I am sure that Hugh Henry should be talking to his colleagues about how Renfrewshire Council is able to save its services while Fife Council has had to make cuts. Someone, somewhere is simply not telling the truth.

The cash constraints placed by the Executive on Fife Council's budget mean that 1,600 hours of home care services will be lost to vulnerable communities in Fife—that is a cut of 5 per cent on an already overstretched service.

In the past, I have spoken at length about housing waiting lists. Now there are waiting lists for home helps. Iain Gray said that the Executive is doing things that were unthinkable; waiting lists for home helps are unthinkable. How old, infirm or vulnerable does one have to be before one can get one's name on the list? How much older, more infirm or more vulnerable does one have to become before one reaches the top of that waiting list?

What is the motivation behind the change in Fife Council's policy? I will quote from a press release from that council:

"An increased demand for the service, limited resources plus more complex needs have led us to the introduction of waiting lists."

The council has done that to patch a huge hole in its budget—a hole such as has been made by Jack McConnell and the Executive in social work budgets throughout the country. The Labour party—which makes all those recycled announcements—is the same party that tries to spin a reduction in services into a good thing. Fife Council's press release says that home care services should focus on those who need it most, but it makes little mention of the fact that such services are being cut.

Has the Executive ever considered the burden that is placed on carers—the relatives and friends who are left to look after older and vulnerable people when the state has given up on them? The Executive has again produced a glossy document that talks a good game, but I will quote from Fife Council's press release again. Councillor Irene Connolly said, when commenting on the changes:

"This is the first time we have had to introduce a waiting list for this service."

I will repeat that to the Labour party:

"This is the first time we have had to introduce a waiting list for this service."

That did not happen through the long years of Tory government—throughout those years, Fife Council did not have to introduce waiting lists for home help services. In the first year of the Labour Executive, there are waiting lists for home care services in Fife.

Elaine Smith said that the Tories have a brass neck. They have, but the Labour party should be black affrontit that the day has come when waiting lists that affect the most vulnerable people in our society have been introduced in Fife.

11:11

Trish Godman (West Renfrewshire) (Lab):

The sooner we have a debate about what social work departments do, what their practices are and the size of their case loads, the better. I hope that when we have that debate the Tories will listen and the SNP will stop moaning and groaning.

The ethos of the National Health Service and Community Care Act 1990 was that it should enable people to have some means to allow them to live independently.

Tricia Marwick: Will the member give way?

Trish Godman: I have just started. There is no way that I am giving way.

That act expected that we would not end up in hospitals, but in our own homes or choice of residential home. That act did not prepare agencies for the partnerships that are essential for the act to work. Good practice is very clear—social work, health boards and those who provide housing should meet to discuss and plan together.

The Scottish Executive document "Direction on Choice" says that it is fundamental that we allow people to make their own choice in relation to what nursing home they go to or what home care package they use. Local authorities have no powers to impose residence in a specific establishment against the wishes of a client. There is, therefore, a significant correlation between the exercise of choice in relation to residential homes, bedblocking and home care packages. In the short term—although alternatives might be offered—there is no means by which social work services' wills can be imposed. The dilemma is how to resolve the conflict between individuals' right to choose and the requirement to make the most effective use of public resources

I want to talk about Glasgow and Renfrewshire. I was born in Glasgow; I live here, I have worked here and I did my community care assessments here. In Glasgow and Renfrewshire considerable

efforts are being made to ensure effective and integrated joint working between social work services and health services at local and strategic levels. There are many, sometimes complex, reasons why there is bedblocking and why there are delays in provision of home care packages. Those reasons include the number of national health continuing care beds, changes in clinical practice, levels of funding, levels of resource transfer between social work and health services following bed closures and the exercise of choice.

What can be done? Joint protocols that govern the time scales for assessment to placement can be very helpful. We can use protocols that involve consultant geriatricians in the assessment of frail and elderly people in the community who might require nursing home care. We can also use joint service plans. I give the example of the respite facility for children with special needs in Kilbarchan, which was created by a number of groups working together. As both Malcolm Chisholm and Richard Simpson have pointed out—and I hope that the SNP will listen to this—that has resulted in a reduction in bedblocking in Glasgow of 75 per cent since 1997, from well over 1,000 cases to under 100.

Community care still offers real opportunities to redesign social and health services in this new century. As Iain Gray said, services at Lennox Castle were inappropriate for people with learning difficulties—wrong type, wrong place. The move to good social services in the community for those people and their carers was correct.

Support for carers locally should be part of our wider regeneration strategy. Local public services are part of local economies. They create jobs and training opportunities for local people that need to be maximised as part of the shift in service provision. Community care needs strong and active communities. Partnerships between public services locally and strategically will make that work.

11:15

Bill Aitken (Glasgow) (Con): It has often been said that the measure of any society is the way in which it treats and looks after its vulnerable: the very old and frail, the very young, and those who are physically and mentally disadvantaged. I do not think that anyone who has spoken in this debate would disagree with that statement.

However, we need to stress the desirability of independent living. That is what we are attempting to do in the amendment that we are putting forward today. Earlier, a Labour member criticised us for including in our amendment a reference to bedblocking. Our aim is not so much to point out the financial cost of bedblocking, which is

considerable, but the human cost. We are seeking to achieve a situation in which, where possible, people can be cared for by loved ones in suitable circumstances at home. There is nothing in our amendment that does not seek to achieve that aim, which is shared by many people.

Iain Gray said that this was a report on progress, but it is not good enough for him to wallow in self-congratulation, as a great deal remains to be done. He must appreciate that and direct his mind to it.

Entirely inadvertently, Keith Harding failed to respond to Elaine Smith's point about cuts in local government expenditure. We have heard Labour councillors quoted—I could quote Councillor Baillie of East Dunbartonshire—as complaining bitterly about the recent local government settlement. Things changed—not for the better, in my opinion—in May 1997. However, often in debates of this type the Labour party seems to be living in a political time warp. That party has been in control of the situation for the past three years. When services fail to materialise or performance targets are not met, that is Labour's responsibility, irrespective of what may have happened previously.

Trish Godman: I said two minutes ago that in the very city where we are now meeting there had been a 75 per cent reduction in bedblocking since we took over in 1997. Why is the member talking such nonsense?

Bill Aitken: I am not talking nonsense. Does the member not agree that any bed blocked is someone being deprived of the opportunity to live in the community, and that one bed blocked is one too many? The issue must be addressed comprehensively.

Let us deal with the issue of pensioners, who are becoming an increasingly alienated section of our society. The Labour party has not been tremendously kind to pensioners. Not only was the pension increase derisory, but many pensioners now genuinely believe, with some cause, that there is a two-tier national health service, and that the treatment that they receive is unlikely to be the same as that given to a young person.

Those pensioners see the Administration's spending priorities and the spending that was agreed last week for the rehabilitation of drug offenders. They are entitled to ask whether drug addicts get priority over the elderly in the eyes of the Scottish Executive. If drug addicts do get priority, that is disgraceful.

The Executive is failing manifestly to look at what is really happening. The ticking bomb of the Sutherland report and the delayed-fuse time bomb of the changing demographic situation are not being recognised or dealt with adequately.

Progress must be much better than at present because, quite manifestly, the Executive is failing a substantial proportion of the population, who are finding themselves repeatedly excluded and alienated.

11:20

Marilyn Livingstone (Kirkcaldy) (Lab): I, too, welcome the opportunity to contribute to this important debate. I also welcome the Executive's strategy and vision for community care, as set out in the motion.

Any strategy must put not just people but their carers at its centre. People expect care to be delivered in a people-centred way. To those who are in need of care, who delivers the services is less important than the quality, flexibility and accessibility of the services that are provided.

I will concentrate on the promotion of joint working, which is vital to the success of any strategy, and on the learning disability review, in which I have an interest. I have seen many examples of good practices in joint working. We should talk today about good practice and the innovative work that we have seen.

Since the launch of the Fife carers strategy in 1996, Fife Council has made support to carers a priority and, in partnership with Fife Health Board, has committed resources to developing the Princess Royal Trust for Carers in Kirkcaldy, my constituency. The trust has provided vital support to carers and, equally important, has provided vital information to inform the future planning strategy, which will bring the role of carers out of the shadows and into the forefront of civic life and society.

The role of carers in our society cannot be overstated, and their commitment has been unparalleled. Like Nora Radcliffe, I recognise that young carers in particular are vulnerable and I welcome the Executive's commitment to introduce legislation to enable carers under the age of 16 to have, for the first time, a direct assessment of their needs. Those carers are the unsung heroes of our society. Our help and support is much needed, and they will now get that support to participate fully in education and social life.

We have seen many improvements in joint working and attitudes, but we must—and do—accept that much still has to be done if we are to provide the totally seamless community care programme that we want to provide.

Tricia Marwick: Will the member join me in regretting the fact that Fife Council could not find the resources to support the linking education and disability—or LEAD—project in Glenrothes, which provided services to allow people with disabilities

to get back into education?

Marilyn Livingstone: I am unaware of that issue, but will take it up with the council.

Before I became an MSP, I worked in further education for 16 years and did much work with people with learning disabilities. I welcome the learning disability review, which is the first review of such services for more than 20 years. I accept, and welcome, the fact that the main focus of the review is on social care and health, but I am pleased to note the recognition of the importance of education for people with learning difficulties. I welcome the choice that that will give those people.

The Scottish centre for learning disabilities that was announced on 10 May is a key part of the review. I was pleased to hear about that, because we must raise public awareness of the issue. It is widely acknowledged that better outcomes can be achieved by using better the considerable sums of money that we spend on learning disabilities, and by enabling people with learning disabilities to access mainstream activities and to have choice.

I also welcome the setting up of the new managed network for autism and the appointing of local area co-ordinators to support people innovatively in the community. The way forward is to strengthen people's entitlement to direct payment, to modernise day services and to focus on personal development, employment and educational needs. I welcome the review.

I make a plea on behalf of people in families where there are special learning needs. We are looking for choice: a choice of curriculum, a choice of employment opportunities and a choice of educational opportunities.

11:24

Michael Matheson (Central Scotland) (SNP): I welcome the publication of the learning disability review last week, even though it was slightly late. I understand that it should have been out at the end of last year.

Some important recommendations have been made, and I hope that the minister will make progress on them, especially for people who suffer from autistic conditions. There is considerable concern about the lack of services for such people. I am sure that the minister is aware that the Autism-Europe congress will be in this city tomorrow. More than 1,000 experts and parents from all over the world will come together to discuss the whole issue of autism. I am sure that all members will hope that the congress is successful here in Glasgow.

Having worked in community care for seven years prior to the elections last year, I resent the

implication of the comments of Conservative members that, in some ways, it is the staff in the community care services who are letting the system down. Unfortunately, Keith Harding seems to have disappeared. When I worked in the council that his party controlled, £400,000 was cut from three community care budgets. The results of that were extensive waiting lists for assessments and for nursing and residential home places. Two of our local authority residential homes were closed—two of the best that we had.

Such are the results of the Conservatives' spending commitments, the decisions of the council in Stirling and the Labour Government's decision to continue with the previous Conservative Government's spending plans. That is what staff in local authorities have to put up with. Staff are having to deal with the crises in funding brought about by the spending commitments both of the previous Conservative Government and of the present Labour Government.

John Scott (Ayr) (Con): The member has just heard Adam Ingram from his own party outline the way in which the Labour Administration has cut the budgets that the Conservatives provided. I am not going to take any of that nonsense from the member.

Michael Matheson: It is all very well to be in denial, but there is treatment for it. The member may want to look into that.

I would like to discuss the needs of disabled people, and especially equipment and adaptations for disabled people. Getting access to the equipment that they require is a minefield for many disabled people because such equipment is supplied by many different agencies—social work departments, the health service and education departments.

The complexity of identifying which department they should go to for equipment creates many difficulties for disabled people. Having worked in the system for seven years, I know that it was confusing for us at times to know whether it was our responsibility in the social work department to provide the equipment, or whether it was the responsibility of the health board. That issue has to be addressed. There is a lack of joined-up thinking in policy making across those agencies.

I would like to give an example of a way in which the system fails. A young girl with cerebral palsy was assessed by her education authority as requiring a special computer to help her with her education. The computer had to be specially adapted for her needs. When she left school, she could not have the computer. It was of no use to anyone else, as it had been adapted for her needs, but the equipment belonged to the

education authority so, when she left school, she could not have it. That lack of joined-up thinking in policy making must be addressed so that disabled people receive the equipment that they require, no matter what their age or who is providing it.

The extensive delays in getting the equipment that is required are largely linked to funding. The consequence of many disabled people not receiving the equipment that they require is that they become more dependent upon their carers. The carers then often require greater periods of respite. If we provided disabled people who are being cared for with the right type of equipment, they would be able to lead a much more independent life and their carer would be under less stress. In that sense, it is a false economy not to provide them with the equipment when they require it.

There is an increasing inconsistency across local authorities in the way in which equipment is provided by means of charging for it. I have heard of instances when people have been told to go to Argos because they would get the equipment quicker than they would from the local authority. Some local authorities means-test for every piece of equipment and others do not charge for anything. We must address that inconsistency so that we do not have service delivery for disabled people based on their postcode. I ask the minister, in summing up today, to ensure that there is a clear commitment to joined-up thinking across all the agencies and that there is consistency in the way in which equipment for disabled people is provided across all local authorities in Scotland and it is not based on postcode.

11:30

Irene Oldfather (Cunninghame South) (Lab): As a member of the Health and Community Care Committee, I welcome the opportunity to speak in this debate and in this city. As in my own constituency, there will be few families in Glasgow that are not touched in some way or another by care in the community. Malcolm Chisholm said earlier that we have come a long way, but we have a long way still to go. Few members would disagree with that sentiment.

I will concentrate on the need for co-ordination of services. Trish Godman said earlier that it is easy to talk about partnership, but it is much harder to deliver it. Anyone who has followed the Health and Community Care Committee's inquiry into community care will know how elusive that matter has been for us. Attention tends to focus on the relationship between health and social services. The problem is that those artificial divisions, as well as being unhelpful, can polarise the debate and leave out in the cold the voluntary agencies that are integral to keeping old people in

the community, but provide a service that falls between two stools.

An Age Concern group in my constituency provides meals, advocacy, social activities, advice and information on many matters relating to the elderly. Unfortunately, the health board regards it as a social service and the local authority, while it recognises the important role that the group plays, does not see it as a mainstream service provider. It has therefore been difficult to find mainstream funding; yet, if the project goes under, 35 frail elderly people will find independence in the community very difficult. The ethos of community care is to give elderly people independence and to enable them to live in their own homes, which most of us want.

We must find a way of moving the organisations and structures forward to take a more holistic view. The motion calls on service providers to make joint working a reality. I applaud that sentiment, but know that it will be difficult. There are many stumbling blocks: some are deeply ingrained in the system and some are at odds with the delivery of a patient-centred service. Today, we have heard about some positive examples of joint working. Those should be encouraged and developed. More comprehensive solutions include policy and practice agreements, joint commissioning, pooled budgets and the creation of local community care agencies.

In conclusion, joined-up proactive government has become one of the buzz phrases of the Parliament. There are few areas in which it is needed as badly as it is in community care. I hope that the solutions that agencies across Scotland are exploring will ensure that we can deliver it.

11:34

Shona Robison (North-East Scotland) (SNP): Yesterday, I spoke to an elderly woman who was part of the lobby by Strathclyde elderly forum outside this building. She wanted me to tell the chamber this morning about her experience of community care. For many people, the reality is different from the self-congratulatory smugness and complacency of the Deputy Minister for Community Care and the Minister for Health and Community Care, who was sitting next to him during his speech.

The husband of the woman to whom I spoke was terminally ill with cancer. They required aids and adaptations to be installed, including a shower, as she was no longer able to help him in and out of the bath. They requested an assessment by an occupational therapist. However, due to a lack of resources and, consequently, of occupational therapists, it was more than a year before a letter arrived to say that

the assessment would be carried out. Unfortunately, the letter arrived on the same day as her husband's funeral. Can members imagine how that woman felt?

That is not an isolated example. Similar stories are being told the length and breadth of Scotland, as Michael Matheson showed. Frankly, the system is not working and the complacency of the minister in denying that is staggering. Local authority budgets cannot be reduced without affecting community care services. The Convention of Scottish Local Authorities has identified a shortfall of no less than £299 million.

The minister spoke about a 13 per cent increase in home care hours, but the facts do not back up that claim. Figures that were obtained from the health department show that there was a drop of more than 25,000 hours between 1998 and 1999—a 7 per cent reduction. I will let the Deputy Minister for Community Care explain that discrepancy now.

Iain Gray: The explanation of the discrepancy is that the nature and configuration of home care is changing. There has been a 13 per cent increase in the number of people working in home care, and an increase in intensive care packages of more than 10 hours. Those are the packages that will produce the effects for which so many members have called today. I suggest that Ms Robison listens more carefully to the figures.

Shona Robison: I listened very carefully to the figures. The minister cannot escape the fact that there has been a drop of 25,000 hours. Those hours had been given to elderly people in the communities who required them. The figures confirm what we all know is the case, that many elderly people are having their home care services reduced and that many receive no services at all.

The funding problem is not just in home care. In my constituency, a very good project that is run by SAMH for people with mental health problems is under threat. That project provides a range of services, including training opportunities to allow people to get back into work. It is under threat because the cash-strapped Tayside Primary Care NHS Trust is struggling to find match funding to allow it to continue. It provides the very community-based services to which the minister referred earlier for people who used to live in institutions. The threat to the project is distressing for the users of the services that it provides because they require a stable routine, which is important for people with mental health problems. I would welcome intervention by the Minister for Health and Community Care to save the project, the threat to which I have brought to her attention.

There has been much talk today about a change of culture. That is welcome, but a culture change

will only deliver real change if it is backed up by adequate resources. Although I accept that finding additional resources is not necessarily an easy task, the fact that the minister continues to deny that there is a lack of resources does nothing to make the case to the UK Treasury that more resources are required. I urge the minister to change that policy.

11:39

Elaine Smith (Coatbridge and Chryston) (Lab): I was pleased to hear the minister's announcement of £200,000 specifically for voluntary organisations representing carers. Most members recognise the contribution made by carers in our society and the fact that any one of us could become a carer or require one at some point in our lives. Whether carer or cared for, I am sure that we all hope and expect that help and support will be available and that we will have certain rights.

The debate is wide-ranging and I am interested in all its aspects. However, I would like to focus on the right to respite. Disabled people must have their rights respected and should not have services imposed on them. However, if our society does not recognise that carers have rights too, the outcome of the caring relationship could be that carers exercise their right to walk away and choose not to care. In some cases, carers will not even have the right to make that choice because they will simply become unable to cope.

I vividly recall the story of Angela, which was told at the Shared Care Scotland conference in 1998. Angela was in her mid-40s and cared for her parents—one had Alzheimer's and the other had had a stroke—as well as her son who had Down's syndrome. All the professionals involved saw only part of Angela's difficulties. She felt that it was her duty to care for her parents and her son and felt inadequate because she was not coping. A neighbour occasionally sat for Angela, but then they moved away. When Angela told her GP that she was under stress, she was told that she was doing a good job. Angela had a complete breakdown and four members of that family ended up in residential care.

Research by the Carers National Association has consistently shown that carers and disabled people are not getting enough support. I recognise the changing culture that my colleague Cathy Jamieson mentioned and I commend the Executive for that. However, the services that are available do not always fit people's needs. Common needs exist, but carers and the cared-for also have individual needs. Ask any carer about their needs and most would say that they want to be recognised and respected, to be given the appropriate information and to have a bit of a

break. That does not seem to be a huge amount to ask.

We have not yet managed to empower disabled people and their carers and that means that there is still a lack of recognition, information and opportunities for breaks. Carers cannot receive services in their own right. That means that if the cared-for person refuses an assessment or services, the carer could be left unable to access support, yet still be expected to care. Services such as holidays, delivery services, domestic help and counselling should be provided to carers in their own right. Clearly, respite care and short-break care are services provided for the disabled person. However, carers are beneficiaries of such services and, in most cases, a right to respite would benefit and empower both cared-for and carer.

There is no compulsion for the carer to care, but most choose to do so because of the wishes of the disabled person, love for them and a sense of duty towards them. For those reasons, it is extremely difficult for carers to refuse to care, even when they are not receiving the help and support that they need. I hope that the carers legislation working group will come up with proposals to give carers their own right to direct services and will consider the issue of respite care in full. A statutory right to respite is a logical step in empowering the cared-for and their carers.

11:42

John Scott (Ayr) (Con): I have been interested to hear a variety of members extol the virtues of the new schemes outlined in the Labour motion. The one thing all those schemes share is the likelihood that they will be underfunded. A common complaint that I have heard in my constituency and a common theme of today's debate is that there is not enough funding to go around—even Elaine Smith mentioned that.

Another common complaint is that Labour is long on talk but short on delivery. We have new schemes, ideas and initiatives, but for people on the ground that simply means more red tape, bureaucracy, reviews and less money going into the services for which people are crying out. Indeed, it is hard to know where to start. Should we talk about how Labour has failed pensioners—the 73p insult dressed up as a rise? In South Ayrshire, a 5 per cent rise in council tax and a rise in water charges swallowed that up straight away.

Should we talk about bedblocking? Bill Aitken and others already have. The important fact is that the figures keep on rising month by month.

Margaret Jamieson: The member talks about the situation in South Ayrshire. Is he aware of the joint work undertaken by South Ayrshire Council,

East Ayrshire Council, the Ayrshire and Arran Acute Hospitals NHS Trust and the Ayrshire and Arran Primary Care NHS Trust to ensure that individuals were not admitted to hospital? People were discharged earlier, with appropriate support. Is he prepared to accept that that was an innovation and that it was fully funded and assisted?

John Scott: I am prepared to accept that a lot of people are trying to do a lot of good work, but the reality is that they are underfunded. I will address that point later.

The funding that was provided last month to address the problem of bedblocking will only tinker round the edges.

Should we talk about how residential care homes are closing down while the demand for places grows daily? Throughout Scotland, it is mostly private sector nursing homes that are closing down because, for ideological reasons, Labour-controlled social work departments will not put patients into them. South Ayrshire Council has the worst of both worlds, because the local authority is closing residential homes as well, Content House being the most recent example. That is a double whammy for people who are most in need.

South Ayrshire Council has removed overnight warden cover—Adam Ingram has already referred to this—in sheltered housing complexes. These are realities. Perhaps we should talk about the closure of Glenburn hostel, which offers residential respite care for the mentally handicapped, in Prestwick. I heard the minister describe—he almost boasted about it—how closures are to be regarded as successes. That is not how people see it.

Margaret Jamieson: Will the member take an intervention?

John Scott: I already have, madam.

Iain Gray: Will the member give way?

John Scott: Okay.

Iain Gray: That is an outrageous convulsion of what I said. I said that we are proud of the closures of long-stay hospitals for the learning disabled and of acute psychiatric hospitals. I am happy to boast of those closures because they are freeing people to live their lives more fully in the community.

John Scott: I still say that we cannot get away from the fact that the minister boasts of closures. However well-intentioned Labour is, its approach is not working—that boils down to a lack of funding, which has been a common theme throughout the day. The Executive says that the funding is not available.

To go off tangentially—that will surprise no one—many members will recall that, in 1997, Labour pledged to clamp down on welfare spending, and on fraud in particular. Members may have noticed last week that a Department of Social Security report revealed that welfare fraud is costing £7 billion a year. If Scotland's share—as it often is in such UK matters—of that is one tenth, £700 million is being fraudulently claimed in Scotland. The same report notes that 81 million people in Britain have national insurance numbers—20 million more than the population.

The Deputy Presiding Officer: Come to a close, please.

John Scott: I will.

If the Westminster Government could sort out the fraud, it could fund these areas. However, the Executive will probably not solve the fraud or provide the funding—that is the bottom line. The message to pensioners is to start looking out for themselves, because the Government will not do it. That is a stark message, but it is the reality.

The Deputy Presiding Officer: I call Cathie Craigie, to be followed by Dorothy-Grace Elder. I ask both members to keep their speeches as tight as possible.

11:48

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): Thank you, Presiding Officer—I will try to do that.

Like the minister, I want to boast about the closure of hospitals that have institutionalised people for years and to welcome those people back into the community.

The Tories and the SNP think that they have given us the answers to the problem of community care. The Tories are going to solve everything by dealing with welfare fraud and the SNP are going to use the windfall from mobile phones. I live in the real world, and welcome the coalition Executive's approach to community care. Thanks to the change of Government and the Scottish Executive, the importance of community care has been recognised and the issue has been placed high on the political agenda.

We have heard a lot about the many groups of people who require care. Like Elaine Smith, I want to talk about the people who provide the main care in the community—the half a million carers who see to the needs of their family and friends. Many of us will have experience of caring for a partner or elderly relative; many more of us will know what it is like to care for fit and able-bodied children. We have all experienced feelings of gratitude and relief when a friend or relative asks if they can take the kids out for the day, or when granny says that

the kids can stay over at her house so that we can have a night out.

It is easy enough to organise care for someone who is able-bodied; it is not so easy to arrange for someone to look after a young adult or a 30-year-old with special care needs. That is why respite care is a lifeline for many carers. Caring for another person takes a lot, and many carers suffer from stress and isolation. It is very important that the carer and the person being cared for can get a break. As we all know, many carers can be reluctant to ask for help, as they have a strong sense of responsibility and duty to the person for whom they care.

The importance of respite has been emphasised in the "Carers Agenda for the Scottish Parliament", which was produced by Crossroads and other voluntary organisations. The third point of that document demands a regular break for carers through the provision of flexible and appropriate respite care. We must emphasise that respite care is for the benefit of the person who is being cared for and the carer. We need a more appropriate balance that takes the needs of the carer more into account. All carers should have an assessment of their needs, which is available on request. Such an assessment is common practice in many local authorities and should be established across the board.

I have many things to say, Presiding Officer, but I can see that you are anxious for me to wind up. Expectations are high; carer groups have been campaigning for recognition for years and a great start has been made. Carers' expectations of the Scottish carers strategy must be met and I welcome the minister's commitment to do that. I hope that the minister will continue to work with everyone involved so that the work and dedication of carers is recognised. Furthermore, I hope that we can ensure that carers have the required support and back-up and that their needs are assessed.

11:53

Dorothy-Grace Elder (Glasgow) (SNP): I am the only Glasgow member of the Health and Community Care Committee and I have been shoved down towards the very bottom of the list, with the poorest chances—rather like Glasgow itself. That is not the Presiding Officer's fault. I will have to race through some of Glasgow's community care problems in a couple of minutes, which is an absolutely impossible task. Glasgow, more than any other area, deserves a strong representation.

It is only fair to acknowledge that the minister has put a lot of hard work into his plans. Whether we like somebody's projects or not, and whether

we attack them or not, we must acknowledge that hard work has been done—I just do not happen to agree with what the minister has done.

Like Mr John Scott, I take exception to the minister's remarkable comment about "successfully closing" a hospital. It seems that the minister—[*Interruption.*] Yes, "successfully closing" hospitals, minister. I mean, come on! What a bizarre expression.

Iain Gray: Will Dorothy-Grace Elder give way?

Dorothy-Grace Elder: Does he wish to explain it? Please do, minister. Enlighten me.

Iain Gray: We spent 18 months with people with learning disabilities on a review. Here is the one thing they asked above all: "Close those hospitals."

Dorothy-Grace Elder: I know the sort of hospitals the minister means, but I also know relatives who are very concerned about the closure of Gogarburn, for example. The minister's exact words were, "We have successfully closed Gogarburn." Only the long term will prove whether such decisions were entirely correct.

The minister is also closing day centres. It seems that every time he opens his mouth he closes a hospital or day centre. The minister should—please—visit the east end of Glasgow. Easterhill day centre in Baillieston is to close. It has been a marvellous centre for people with all kinds of disabilities, and for elderly parents who are the carers of children aged 40 or 50. Those people have been distributed against their will to other centres. I ask the minister please to visit the growing concern project at Daldowie in the east end. It is a magnificent project that involves youngsters with learning difficulties. It has been under threat for 18 months. It is a horticultural project, which the young people much enjoy. They want to remain on the land. I ask the minister please to end the uncertainty over such specific projects.

We all know that the phrase "care in the community" was first degraded by the Conservatives. It became a dirty expression and a euphemism for "going on the cheap". I am afraid that what we heard from the Tories this morning demonstrated their mass bout of amnesia: they cannot remember anyone called Margaret Thatcher, who started chucking people out of sheltered facilities, including hospitals, to no care in the community. That is where we must be extremely careful.

I will give a typical Glasgow case, involving an elderly couple. The wife is looking after the bedridden husband. She cannot get any proper home help service. Her health collapses and she has to be removed to hospital. Her husband is

then also taken into hospital. For lack of help—£30 or £40 a week with the home help service—the state will pay £1,000 to £2,000 a week because they have been forced to stay in hospital. Bean counting does not work. It is inhumane and it does not even make sense.

The Deputy Presiding Officer: That ends the open part of the debate. We now move to the winding-up speeches. I call Margaret Smith to close for the Liberal Democrats.

11:58

Mrs Margaret Smith (Edinburgh West) (LD): I welcome today's debate. Many speeches have offered the minister nuggets of good information, truth and guidance. However, I have been quite shocked by some others, particularly from Conservative members, which have been very unfortunate and done the Conservatives and social services staff a great disservice. I would like to think that some of it was down to a basic lack of understanding. I hope we can leave it at that and that they will go off and learn a bit more before they return to the chamber and attack people of high integrity in the social services.

Community care is about dignity and quality of life. It is about giving our fellow citizens real choices about where they live, how they live and the type of care they receive. Trish Godman is right: some of the time, that gives us problems. Choices about where people go after leaving acute service are sometimes difficult but, as the minister said, one of the choices open to people is to live their lives as we choose to live ours. It is our job to give them the chance to do just that.

As many members of the Health and Community Care Committee have mentioned already, we are considering this important issue. All members felt that we ought to consider it. There is frustration at the lack of activity on the Sutherland report. I have a great deal of sympathy with much of the SNP amendment—although I lost much of it when I heard Kay Ullrich's comments—and I agree that the Sutherland report should be implemented in full and quickly. I call on the Executive to bring pressure to bear on Westminster to do that as part of the comprehensive spending review.

Mr Hamilton: Will the member give way?

Mrs Smith: No. I have a lot to get through in very little time. I know Duncan wants to lead me astray, but I will have to say no on this occasion.

Sutherland's proposals would have a beneficial impact on the issue of delayed discharge that Mary Scanlon's amendment raises. For that reason, the proposals are worth considering.

The Health and Community Care Committee has been taking evidence on this issue in recent

weeks. Many good speeches today have mentioned the 500,000 carers in Scotland. Everybody welcomes the Executive's carers strategy. As the minister said, we have to ensure that we involve service users and carers at every stage of the process to deliver good-quality services. We have to get better at that level of consultation. Nora Radcliffe made a number of good points about young carers and the benefits to employers who encourage carers whom they employ. That support can have a beneficial impact on their work.

The Executive is committed to modernising and redesigning health services. The newly established primary care trusts and the local health care co-operatives have a big part to play in joint working and bringing together all the relevant professionals from social work, health boards, the housing sector and the voluntary sector. Many people are working to deliver good-quality community care.

As John Munro said, community care has always been underfunded. No one denies that more can always be done. Michael Matheson was absolutely on the button when he gave us a classic example of the kind of thing that we all know goes on. We all know that a little bit of common sense applied to such a problem would have a major impact on people's lives. Money is important but the issue is not entirely about money.

While putting together its report, the Health and Community Care Committee has come across a number of funding issues. There is concern about the lack of transparency in resource transfers, which has led to difficulties with the delivery of seamless service. There is also a problem with mistrust between health boards and councils—people wonder what is going on with the money, who is making best use of the money and where the money is being spent. Evidence that we have heard suggests that social work departments do not always spend their indicative amounts on community care in certain areas.

Dr Simpson: Will the member give way?

Mrs Smith: Yes. Dr Simpson will not lead me astray.

Dr Simpson: On resource transfer, does Margaret Smith agree that, rather like a joint investment fund, the health board and social work department should agree on the total amount of funding that is involved and on its application? That would ensure transparency about what is happening with the funds. Whether the funding for mental health is spent by the health board or the social work department, there should be a joint agreement.

Mrs Smith: Dr Simpson's intervention shows

why I gave way to such a mature and responsible member. I agree with his point entirely.

Almost 50 per cent of the voluntary sector is involved in the provision of community and social care. We all know of the struggle such organisations have to keep their head above water and ensure that services are delivered. Susan Deacon was told by the Health and Community Care Committee that we had concerns about the apparent drop in voluntary sector funding and the standstill in the mental illness specific grant. Both would have a damaging impact on community care provision. I was glad that the minister gave us assurances that she will examine mental health in the voluntary sector as part of the £173 million budget surplus.

I welcome much of what Iain Gray talked about today. The joint futures group will be absolutely essential in trying to put together good practice in joint working. The minister is right: pilot schemes have been undertaken before and they go only so far. It is now time to take the pilots forward and put them into action. We all know that a lot of work is going on throughout Scotland, which is very good. We know that there is a need to improve the standard, and some of the work that is being done by the Executive, such as the proposed national commission for the regulation of care and the Scottish social services council, will play a big part in that.

As I said at the beginning—Malcolm Chisholm summed up the situation well in his remarks—there is still a long way to go, but the Executive is on track and is taking on board the comments that I made earlier about the Sutherland report. We are on the way to delivering better care in the community than we have delivered in the past.

12:05

Ben Wallace (North-East Scotland) (Con): In October, I received a letter from Mrs Low, of Dundee, in which she expressed her gratitude for the care and help she had received over many years from her Crossroads assistant. My constituent hoped to participate in the UK's caring about carers award. She said:

"Now, I thought, I can put in words all that I think about my carer and perhaps give her the recognition and reward".

She went on to describe her disappointment when she found out that the Scottish Executive had withdrawn Scotland from that awards scheme—a scheme that aims to go some way to recognising the real contribution that is made by the thousands of carers.

As I investigated Mrs Low's concerns, I found that the many national carers organisations were also bewildered by the Executive's decision. Rather shockingly, when I contacted the Minister

for Health and Community Care's department and asked for the reasons for the withdrawal, I was told by an official that the department was too busy to participate. No doubt it was too busy because of the continued pressure to produce glossy documents. That seems to have been the story all along. The Executive has been too busy to read, let alone implement, the Sutherland report on old age. I do not understand why; it commissioned the report. Although the Conservatives do not agree with all aspects of that report, at least we had the courtesy to respond to it.

The Executive seems to be too busy to free up the hundreds of hospital beds that use up more than £50 million of precious NHS money, by placing the patients in appropriate care. It also seems to be too busy to ensure that £116 million of resource transfer from health boards to local authorities is being spent in the right areas of social services. Now it seems that the Executive is just too busy to recognise the value of hard-working carers throughout the country.

The minister's motion reflects the Executive's attitude and mentions many strategies and glossy documents, one of which was delivered only last week. The fact of the matter is that for all its glossy documents, the Executive is failing in its task. People who deliver community care are confused by local authority assessments and are being penalised as a result. Although the Carers (Recognition and Services) Act 1995 gives a carer the right to an assessment of their ability to care, that assessment is not being undertaken. Glasgow City Council stated that carers assessments and reviews are not routinely part of social work practice in Glasgow. I would have thought that the Executive should be busy monitoring local authorities' practices to ensure that the act is being observed—or is it too busy?

Mary Scanlon observed the pressures that are being put on care homes because local authorities are refusing to acknowledge the rising costs when they set their fees. I hope that the Executive will take note of those pressures. There is no point in shifting people from blocked beds if there are no homes to go to.

The Conservative record is clear: it was the Conservative party that introduced the legislation to recognise fully the role of carers. The Carers (Recognition and Services) Act 1995 underlines two main elements: the right of carers to receive an assessment of their ability to care, and the local authority's duty to take into account the assessment of results when considering what support to provide for the person who is cared for.

Iain Gray: I acknowledge that the Conservative party introduced that act very recently. One of the things that, unfortunately, has kept us very busy is

setting up the carers legislation working group to work on replacing that act with the kind of legislation that carers need and want.

Ben Wallace: The deputy minister should pay attention to the submission from the National Carers Association. It said that the minister should concentrate on implementing fully the Carers (Recognition and Services) Act 1995 before he starts producing new legislation.

Under the Conservative party, the person being cared for was better off. In 1996 we doubled the capital disregard for continuing care costs from £8,000 to £16,000. The chancellor has still not reviewed that. Between 1993 and 1997, Scottish local authorities received £339 million towards community care. Between 1979 and 1997 the number of sheltered houses provided by public agencies increased from 7,500 to 34,000. Specific housing for the disabled increased fivefold. That is what happened under the Margaret Thatcher and John Major Governments and it is a record I am proud of.

The Conservative party wants to improve on that, with proper, seamless care between health and social care, joint management and unified budgets. Above all, we want the barriers between health workers and social workers to be broken down. Only through innovation can health care work alongside social care. I recently visited Dr Beattie in Inverurie. He wants to build a new surgery co-located with social work, voluntary groups and community activities, with health promotion, medical care and community care all in one place. That must be the way forward.

The SNP's contribution today has been the usual criticism plus funding commitments from fairytale land. When Kay Ullrich looks in her magic mirror all she will see is Pinocchio.

Christine Grahame *rose*—

Ben Wallace: No, I must finish.

I agree with what Nora Radcliffe said about the needs of young carers and the effect for them of full-time commitments. We should all agree with Hugh Henry's very positive contribution on the way forward for social care, but while, according to him, Renfrewshire Council may be passing on Government money, he should also think about authorities such as Lanarkshire Council, which has frozen fees to care homes for the past five years without recognising any of the increased costs such homes now face.

Christine Grahame is an exception to the SNP more generally. I agree with her that dementia should be recognised. I hope that we will make it possible to do as she hopes. Trish Godman said that Glasgow has had a 75 per cent drop in blocked beds. If that is the case it is very welcome,

but across Scotland bedblocking is rising again and there are hundreds of people still in inappropriate beds in Labour local authority areas outside Glasgow.

The Conservative party welcomes the steps towards independent regulation of homes and the Executive's pilot scheme for seamless social work and health care, as in Perth, but we are well aware that all gloss and no action will give the impression that the Government is more concerned with image than with the people working every day on the front line. A Government that is too busy to keep in touch and to participate in awards schemes will soon not be a Government at all.

12:12

Mr Duncan Hamilton (Highlands and Islands) (SNP): I want to say this to Margaret Smith, on the question of being led astray. She did not take an intervention from me on the ground that I might lead her astray but then took an intervention from Richard Simpson on the ground that he is older—has it occurred to her that perhaps he is too old to lead her astray properly?

It is always a pleasure to discuss an issue of such importance, but I cannot be the only MSP suffering from a sense of *déjà vu*—or perhaps *déjà écouté*—because it was only two weeks ago that we had a debate in Parliament about community care, and nothing substantially new has happened in the intervening period. That makes me wonder about an Executive that has nothing new to say. It is an odd choice of topic for the second day in Glasgow, because in the previous debate, the Executive took a bit of a pounding on the ground that its record did not stand up to scrutiny. To bring that record back before the public in a different part of the country is generous in the view of the Opposition parties, but it might be an act of political suicide.

Trish Godman: Will Mr Hamilton give way?

Mr Hamilton: No, I will not. Trish Godman might be attempting to lead me astray—perhaps we can come back to that later.

I have been trying to fathom why we are having this debate again. We were all primed for some huge, groundbreaking announcement that would set the scene for a whole new era of community care. I thought that we might have heard something about the carers strategy, or the usual Government reannouncement of the £10 million from November—which was, in fact, only an extra £5 million, but we will not squabble about Government double counting today.

However, we heard none of those things. When it was pointed out, to the dismay of Labour back benchers, that that £10 million—or £5 million—

equates to 38p a week for every carer in Scotland, all of a sudden the silence was deafening. It became clear then that, on that front, the Government had nothing to brag or boast about.

The minister moved on, in a seamless transition, to the voluntary sector. He managed to announce £200,000 this morning, but after I intervened to ask him about the real-terms drop in the transfer of funds from health boards to the voluntary sector, we heard not a squeak about that £200,000. Not one other member dared to mention it, because it seems to have disappeared into the ether.

Maureen Macmillan: I mentioned it.

Mr Hamilton: I beg Maureen Macmillan's pardon. It was mentioned by one solitary back-bench member who is looking for promotion.

Let us be clear about what is proposed for the voluntary sector. There is that £200,000 windfall—extra money—but the Government's own figures, which the Health and Community Care Committee is currently analysing, show a real-terms drop from 1999-2000 to 2000-01 of about £333,000.

If the Government wants to receive congratulations, it should not cite those figures as a shining example of the Executive's commitment to joined-up working and recognising the contribution of the voluntary sector. If we exclude the elderly—and we tend to forget that community care is not just about the elderly—80 per cent of residential care is provided by the voluntary sector. I would have thought that everybody in the chamber, cognisant of the fact that throughout the election there was no bigger issue than community care, would have been aware that the voluntary sector is the one area that needs more money from the Government's spending priorities rather than less. When it comes to future spending announcements, I suggest that the minister looks at his own figures before he comes to the Parliament expecting congratulations on money that actually represents a real-terms cut.

If today's debate was not about the voluntary sector or about carers, was it about the Sutherland report? Perhaps today was going to be the day when the Sutherland report finally got a fair wind from the Executive. I was pleased to hear that the Liberal Democrats were minded to support the SNP amendment. If anything that has been said subsequently has dissuaded them from doing so, they should ignore it.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Will Mr Hamilton give way?

Mr Hamilton: No, I will not.

During this period of coalition government, the question for the Liberal Democrats is this. If they favour full implementation of the Sutherland report's recommendations, what pressure are they

bringing to bear on their coalition colleagues? What will be the tangible proof that the coalition is a partnership and not a takeover? What is the key point that they will drive home? We have not heard about that and I do not think that we will.

The Sutherland report was published in March 1999. Since then, all we have had is inactivity and prevarication. I know that the minister will say that various committees are studying the report in great depth and that he sits on many of them. However, he must understand that the role of Government is to provide clear leadership. That is why the SNP amendment emphasises the need for clear, strong leadership.

Way back in the mists of time at the beginning of the debate, Kay Ullrich asked about the abolition of charges for personal care and about a three-month disregard. What is the minister's view on those questions? He responded by saying that he was considering them. I suggest that that is not enough; we need to know his view. I asked Malcolm Chisholm, in an intervention, why the Executive had no policy and whether he thought that it should have one. He said, "Well, that's just the way we do it now." Well, that is not the way it should be done.

By all means, let us consult and invite the broadest possible spectrum of opinion to ensure that we make the right decision, but the minister should at least tell us—for 70 grand a year and a company car—what his view is. Does he not even have an opinion? Does he not even have the faintest clue as to whether he is broadly in favour or broadly against? Or is he just going to tease the Parliament on every occasion?

The SNP has been accused of not being constructive in the debate, but Christine Grahame brought perhaps the most constructive thing that anyone could ever bring to a debate—her own bill. It does not get much more constructive than that. What is it, if not constructive, to be able to say that the SNP's personal care policy of two years ago was precisely where the Sutherland report finally ended up? Is not that constructive politics? Malcolm Chisholm says that there is much more work to be done and gets a rousing round of applause, while when the SNP suggests that there is more work to be done, we are carping, moaning and whining. I suggest that those are double standards.

On the issue of leadership, I look forward to hearing in the summation by the Minister for Health and Community Care an indication of the views of the Deputy Minister for Community Care. I know that he has not come to a conclusion, but how is he minded? He is paid to decide, so he should make those decisions.

Let us consider what people have said about the

Sutherland report. Age Concern and Help the Aged have been four-square behind the attempt to implement the report's recommendations as quickly as possible. The report's author, Sir Stewart Sutherland, said that there had been

"no substantive response from the Government on the crucial issue of funding".

The SNP's apparent obsession with resources is shared by the author of the report that the Government commissioned. I suggest that the area of resources is important.

Iain Gray: When I spoke to Sir Stewart Sutherland only last Friday, he said, "I have to admit that there has been substantial progress on all the other recommendations of the report."

Mr Hamilton: I would welcome with open arms Sir Stewart Sutherland being the driving force behind the minister, because he would want to implement all his report's recommendations. If Sir Stewart is now the minister's source, he should give us a commitment to implement fully the report's recommendations, in which everyone in the chamber—bar the Executive—believes.

I dare say that Sir Stewart told the minister that it was important for the Executive to go back to Westminster to fight the corner for people in Scotland. He meant that the Executive should ensure that the Treasury opened its coffers to give people a fair, just and dignified lifestyle. I hope Sir Stewart told the minister that, and that the minister was listening to him.

Joint working was the final area emphasised by the Government today. Margaret Smith made a good point about the need for transparency in resource transfer, which certainly comes up time and again in the Health and Community Care Committee. However, is the minister listening to members of the joint futures group? I presume that Oonagh Aitken of the Convention of Scottish Local Authorities, who is an advisory member of the group, has taken the opportunity to tell the minister that the shortfall in local government funding is £299 million—that is COSLA's figure.

The minister wants to get into the idea of joint working, but has the reason why joint working has not come to fruition crossed his mind? It is not that anyone is against it. Who could be against the idea of coherent government? Rather, the reason is the lack of resources, which makes people defensive about their budgets. They do not want to share. If the Government's response is not to increase resources, I want the Executive to tell me how, in the absence of those resources and in the light of the scarcity of money in the system, it expects to break down the cultural barriers that have been outlined.

The Presiding Officer (Sir David Steel): Mr Hamilton, you are into your last minute.

Mr Hamilton: We have not heard a great deal that is new during the debate, but it has been a useful opportunity to flag up some of the challenges facing the Executive. The motion congratulates the Executive and welcomes this report and that committee, but I suggest that John Munro's point about the need for action is the way to go.

Rather than setting up a committee, what will the Executive do to make joint working a reality? What will it do about resources for local government, to break down the cultural barriers that the Executive admits exist? What will it do about carers, to ensure that they are adequately provided for? What will it do to make good the shortfall in home helps and home-based care? Most important, what will it do to implement the recommendations outlined in the Sutherland report? That will be the acid test of the Executive's commitment to community care. If it fails that test, it will fail Scotland and then, I hope, it will be turfed out.

12:23

The Minister for Health and Community Care (Susan Deacon): It has been an interesting morning. I am pleased and proud to have the opportunity of closing this debate and, in doing so, I am bound to reflect on the debate that has taken place over the past three hours.

I was reminded of a leading trade unionist's contribution to a Labour party conference a number of years ago. He made one of those great soapbox faux pas when he referred to the motion in front of him as being a bit like the parson's nose—good in parts. Today's parson's nose has been good in parts, but, sadly, not quite so good in others.

I will start by focusing on the positive, because there was much that was positive in today's debate. I found that one of the most encouraging aspects of the debate. I hope that people listening will also have been encouraged by the number and range of MSPs from all political persuasions who truly care about community care. They brought to the debate an insight into and feeling for community care, based on their professional and personal experience. That is important and encouraging.

I will also say, in the spirit of the new politics—as my colleague the Minister for Enterprise and Lifelong Learning might say—that it is important to identify some of the things that we all agree about. We agree about the importance of community care, despite the fact that it might not have the high profile of other aspects of care and the health service. We have also acknowledged and agreed

that it is, in many circumstances, better that people are cared for in their own homes and communities, when that is possible.

We have agreed that people must be at the heart of our community care agenda. We must build services around the needs of individuals and—crucially—their carers. The carers' concerns must be at the heart of our policy agenda on service design. We have agreed—not only today, but on other occasions—on the importance of giving a voice to those who have not had one for so long. That includes the mentally ill, many frail and elderly people, people with physical and learning disabilities and carers. I am proud and glad that Parliament has, early in its development, placed so much emphasis on the needs of those groups. I hope that that will continue.

I will tell members something else on which we have agreed—that community care needs additional investment and that money must be invested in the right places. We have also agreed that for that to happen, people have to work together. They must work jointly and work effectively in partnership. Those are the things that have been missing in the past, and that has stood in the way of community care delivering for people in the ways in which they need and want it to be delivered.

Tricia Marwick: The minister talks about joint working and working together and says that we all acknowledge the need for resources. Will she make representations to the Chancellor of the Exchequer, Gordon Brown—her colleague at Westminster—to open his war chest and provide the resources that we need for community care?

Susan Deacon: It is unfortunate that, after a year, the line of questioning in interventions is becoming no more original.

A joint ministerial committee has been established—which the SNP questioned—involving the four health ministers in the UK. The Prime Minister chairs the committee and our respective First Ministers have been present. The first meeting of the committee was about six weeks ago and the next will take place presently. The committee discusses how we are co-operating effectively throughout the UK, in the best interests of people in all parts of the UK, on all aspects of health and community care. We will continue to do that because effective co-operation is the way forward.

We acknowledge that things need to get better. I resent the suggestion that the Executive is being complacent or self-congratulatory. Let me tell members—and I am sure that I speak also for Iain Gray—that there is not a day when we do not get impatient about the need for change and the need to achieve more. A day does not go by when we

do not see at close quarters how much still needs to be done. A day does not go by when we are not prepared to push, to try and to try harder yet to ensure that we make a difference.

We have moved forward—community care is at the heart of the Executive's agenda. There is a minister whose remit is dedicated to work in community care. The fruits of that work have been shown this morning. We are investing more money and more energy.

It is easier in the community care agenda—perhaps more so than in many others—to identify problems, but it is so much harder to identify and deliver solutions. It is sad that we have heard so much empty rhetoric rather than contributions that suggest how results can be delivered. Open debate about where problems lie is important, and it is important that criticisms are heard.

I welcome Michael Matheson's speech. I welcome his identification of problems—identification that is based on his practical and professional experience. We might not agree about all the answers—that is fine. We must, however, have an honest debate about the problems and their complexities. Let us work together to come up with results. Rhetoric is not enough.

I want to comment on three issues that have been raised by the Opposition. The first is joint working. We would all like to think that joint working happens naturally and has happened naturally in the past. Sadly, that is simply not true. When last November Iain Gray and I brought together the leaders of the NHS and local government here in Glasgow, it was the first time that they had been brought together, with Government, to examine the whole community care agenda. Day in, day out, week in, week out, we speak to senior managers and figures in the NHS and local authorities, who tell us that only over the past couple of years have they started to plan and work together effectively. We are determined to build on that, not just through meetings and warm words, but by putting in place the levers, mechanisms and incentives to ensure that it happens.

Mr Hamilton: I want to drag the minister back to what was said about the complexity of solutions. Presumably, that complexity was the reason why the royal commission was set up. If it reached its conclusions only after a long time and after hearing much wide-ranging evidence, are not those conclusions ready-made solutions that the minister could simply adopt, instead of trying to reinvent the wheel?

Susan Deacon: That is precisely why we have moved forward on so many of the recommendations that were made by the royal

commission. That is why we have said time and again in Parliament that the remainder of the royal commission recommendations will form part of our considerations in the forthcoming spending review, when we will look to the future—when we will look to how we will spend the resources that are available to us.

On that note, I would like to refer to resources. Today, once again, we have heard calls for more, more, more. [MEMBERS: “Yes, yes, yes.”] “Yes, yes, yes” is easy to say, but half the equation is always missing from speeches by the nationalists—how and from where they will fund spending. Kay Ullrich said that this is a matter of priorities, and that is absolutely right. The Executive has set out clearly and firmly where its priorities lie. In our spending review, we will continue to address them to the best of our ability, within the resources that are available to us. That is what any Government has to do. We owe it to the people of Scotland to be open and transparent about our decisions.

I do not have time to take any further interventions, but I am keen to address some of the points that have been made in the debate. We have heard a blizzard of figures cited, but let us examine the level of resources in social work and the NHS, two of the key areas that are relevant to what we are discussing today. An extra £51.3 million was invested in social work in 1999-2000—that is a fact. An extra £43.3 million is being invested in 2000-01, and an extra £35.7 million has been committed for 2001-02. Cumulatively, that is an extra £300 million over three years. Local decisions still need to be taken and local authorities still need to decide on their priorities. We respect the right of democratically elected local authorities to do just that. However, we want to sit down around the table with the leaders of local government in Scotland and senior figures in the NHS, to agree shared priorities, for the benefit of the people of Scotland.

Alongside the additional resources in social work are the additional resources in the NHS. In the current year, an extra £0.5 billion is going into the NHS in Scotland. In the past two weeks, £60 million has been allocated to health boards across Scotland. One of the four key priority areas on which that money will be targeted is tackling delayed discharge. If we are to resolve deep-rooted problems that have blighted us for years, additional investment and input from the NHS and local government are required. We are moving forward in those areas.

I want to make a point about the future. Some disturbing things have been said, particularly by Tory members, about forms of care and the needs of individuals. Like Iain Gray, I was present at the closure of Gogarburn hospital. Like him, I was

proud to meet the many people who, over a number of years, had been involved in reprovisioning the services from Gogarburn hospital, and in working with parents and carers to reassure them and give them the support that they needed for reprovisioning to take place effectively. It did.

I have been proud to meet people in Scotland who are now, for the first time—after being institutionalised for, in many cases, 30 or 40 years of their lives—enjoying fulfilling lives in communities. For the first time, they are attending such things as evening classes; for the first time, very often, they are taking up jobs. I am proud of that, and the Executive will continue to be proud of its work in that area.

Today, in the main, has been positive. There is much that we have been able to agree upon. I hope that, in the spirit of the new politics, we can concentrate more of our time and energies on the things on which we can agree, rather than the things on which we cannot agree. Community care matters; it matters to the people who depend on the services, and to the people who deliver those services. We owe it to them to take forward our agenda with commitment, determination and energy. The Executive is doing that, and will continue to do that. I hope that members from all parts of the chamber will join us.

Point of Order

12:35

Dorothy-Grace Elder (Glasgow) (SNP): On a point of order, Presiding Officer. In view of the strong feeling in the Scottish Parliament, across all parties, against Mike Tyson, convicted rapist, being permitted to fight in Glasgow, can you provide further information on how that matter might be progressed?

The Presiding Officer (Sir David Steel): I understand that the two motions that are on our business bulletin—one from Dorothy-Grace Elder and one from Hugh Henry—have been signed by members of all parties. The total number of members who have signed those two motions constitutes a majority of the non-ministerial members of the Parliament. That being so, I propose to exercise the authority given to me by rule 3.1(d)—to represent the Parliament in exchanges with any governmental body—to convey that opinion to the Home Secretary immediately. I will do that. [*Applause.*]

Business Motion

12:36

The Presiding Officer (Sir David Steel): The next item on the agenda is consideration of business motion S1M-864, in the name of Mr Tom McCabe, on behalf of the Parliamentary Bureau.

The Deputy Minister for Parliament (Iain Smith): Before I move the motion, I draw members' attention briefly to three items. First, there is a change to this afternoon's business to include formal consideration of the Executive motion on the Learning and Skills Bill, which is UK legislation. Secondly, I advise members that the SNP has indicated that its business for the non-Executive day next Wednesday morning will be a two-hour debate on local government, focusing in particular on proportional representation, and a one-hour debate on the Scottish heart transplant unit. Thirdly, on the business for Thursday 1 June, I advise members that if they agree to pass motion S1M-865 this afternoon, the effect will be to allow the bureau to move members' business so that it takes place at 12 noon on that day.

I move,

That the Parliament agrees

a) as an addition to the Business Motion agreed on 11 May 2000—

Thursday 18 May 2000

after Stage 1 Debate on the Sea Fisheries (Shellfish) Amendment (Scotland) Bill, insert:

followed by Executive Motion on Learning & Skills Bill – UK Legislation

and b) the following programme of business—

Wednesday 24 May 2000

9.30 am Time for Reflection

followed by Non Executive Business – Scottish National Party

2.30 pm Ministerial Statement

3.00 pm Stage 1 Debate – National Parks (Scotland) Bill

followed by Financial Resolution on the National Parks (Scotland) Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the subject of S1M-724 Johann Lamont: Jobs and Training in the Construction Industry

Thursday 25 May 2000

9.30 am Executive Debate on Race Relations – UK Legislation

10.15 am Executive Debate on Rural Scotland
– A New Approach

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Stage 1 Debate on the Education
and Training (Scotland) Bill

followed by Financial Resolution on the
Education and Training (Scotland)
Bill

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the
subject of S1M-653 Mr Duncan
Hamilton: Dyspraxia

Thursday 1 June 2000

9.30 am Ministerial Statement

10.00 am Committee Business

followed by Business Motion

2.30 pm Question Time

3.10 pm First Minister's Question Time

3.30 pm Executive Business

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business – debate on the
subject of S1M-822 Mr Keith
Harding: Bell Baxter High School in
Cupar

and c),

that Stage 1 of the Education and Training (Scotland) Bill
be completed by 25 May 2000.

The Presiding Officer: The question is, that
motion S1M-864, in the name of Mr Tom McCabe,
be agreed to.

Motion agreed to.

12:37

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

National Health Service

1. Mary Scanlon (Highlands and Islands)
(Con): To ask the Scottish Executive how patient
care in Scotland will be affected by changes at the
heart transplant unit at Glasgow royal infirmary.
(S1O-1735)

The Minister for Health and Community Care
(Susan Deacon): I am pleased to reiterate the
assurance that I have given elsewhere that the
Executive's aim, and that of the North Glasgow
University Hospitals NHS Trust, is to do everything
possible to minimise the effect of those changes
on patients. Heart transplantation is now being
undertaken in Newcastle on an interim basis, and
most pre and post-operative care will continue to
be based in Glasgow. We are working closely with
the trust to put in place effective long-term
arrangements for this service.

Mary Scanlon: On the long-term arrangements,
given that the review of transplant units in England
recommends that the number of units should be
cut from eight to four, and that each unit should
have four surgeons, will the minister commit to
having four surgeons for Scotland's only heart
transplant unit, so that we never again have to
depend on the decisions of one individual?

Susan Deacon: It would be inappropriate at this
stage for me to give specific commitments about
the most effective way of ensuring that the
transplantation service is delivered in future. That
is the purpose of discussions that are under way
between the Scottish Executive, the trust and the
national services division of the Common Services
Agency, which is the national body in Scotland
that, on our behalf, examines needs and considers
the best ways of delivering services.

I am happy to give a commitment to work
tirelessly to ensure that we have an effective
service in future. I hope that there will be an
enhanced service. I agree with Mary Scanlon that
the previous arrangements were clearly not as
robust or stable as they should have been, and I
hope that we can rectify that in future.

Ms Sandra White (Glasgow) (SNP): I am sure
that the minister was aware that there was only
one heart transplant surgeon at Glasgow royal
infirmary, so why did she not do anything about
that? Why were contingency plans not put in place

years ago, instead of addressing the problem now? Will the minister admit to the chamber that this situation was handled with sheer incompetence? She should do the decent thing and resign.

Susan Deacon: I respectfully remind members—Mrs Scanlon’s line of questioning is perfectly in keeping with this, but, sadly, some comments that have been made in the chamber and elsewhere are not—that we are talking about a very important service for people who are, in many cases, seriously ill and who require us to do the best that we can to give them an effective service. It is important that they hear the facts.

Arrangements are being put in place for the future. There are issues about the past. If Sandra White cared to pay more attention to the facts, she would know that for several months efforts have been made to recruit for a post at the Glasgow royal infirmary. We are now taking the opportunity to examine the whole service to ensure that we put in place the staff resource that is required.

Ms White: We do not have a service.

Susan Deacon: I hear Ms White say that we do not have a service. That is precisely the kind of nonsense and scaremongering that the SNP has put into the press on this issue.

I feel duty-bound to make it clear once and for all that the unit has not closed and is not closing. The Scottish Executive has no plans to close that service. Currently, nine patients are waiting to be assessed to be put on the waiting list for heart transplantation; they are still being seen in Glasgow. There are 150 patients receiving follow-up treatment in Glasgow and the 26 people who are awaiting heart transplants will get that service through our co-operative arrangements with Newcastle. [*Interruption.*]

The Presiding Officer (Sir David Steel): Order. This is not a time for debate; it is question and answer.

Mr Kenneth Macintosh (Eastwood) (Lab): Does the minister realise that the issue is of great concern to many constituents? She will know that I have written to her in the past two weeks on the matter. Can she reassure me that the Executive will take steps to ensure that enough doctors are being trained in Scotland to provide services in the NHS not just in Scotland, but throughout the United Kingdom?

Susan Deacon: I am happy to give that assurance. We will continue to work to put in place effective training arrangements. I commend those members who have raised points with me, particularly those who have taken time to meet with patients and to discuss with me the concerns that patients have raised with them. I can assure

members that we will continue to bring the best skills into Scotland and to share skills across the UK.

Again, it is rather sad that some people want to suggest that there is some deep-rooted problem of a lack of specialists and consultants in the health service in Scotland, when nothing could be further from the truth. We will continue to build on our sound record.

Quality Meat Scotland

2. Richard Lochhead (North-East Scotland) (SNP): To ask the Scottish Executive what steps it has taken to address the concerns expressed by livestock producers in relation to the new promotion body Quality Meat Scotland. (S10-1712)

The Minister for Rural Affairs (Ross Finnie): I have consistently supported the creation of a new meat promotion body in Scotland to meet the challenges that unquestionably face our beef, sheep and pig sectors.

Mr Lochhead will know that it is widely acknowledged that the launch of Quality Meat Scotland has not been well handled by its sponsors. I have spoken with those involved in the steering group of the organisations responsible for the establishment of that body and they assure me that they are taking every step possible to dispel any lingering doubts about its foundation.

Richard Lochhead: I thank the minister for his answer. Given the difficulties experienced by the meat sector in recent years, it is obvious that the new promotional body has to get off to the best possible start. The Scottish Beef Council, the National Sheep Association and the Scottish Crofters Union have expressed many genuine concerns about the new body, in particular about the lack of representation of their sectors on that body. Those concerns must be addressed.

Will the minister give an undertaking to use the time resulting from the delay of the launch of the new body to personally intervene in order to iron out those concerns? Will he use this opportunity to clarify what influence the Milton Keynes-based Meat and Livestock Commission will have over the new body?

Ross Finnie: I will deal with the latter point first. Quality Meat Scotland will be composed of three principal shareholders: the National Farmers Union of Scotland, the Scotch Quality Beef and Lamb Association and the MLC. That equates as two to one against the MLC. The influence that the MLC will have in QMS is proportionate to its share of the three-way holding. That is quite a significant transfer of power. If Mr Lochhead is suggesting that we should eliminate the MLC, I suggest that that is a foolish notion. If we did that, we would

have to replicate the technical services that we get from Milton Keynes and, more important, from the MLC office in Brussels.

My department and I are closely involved in the steering group that is establishing the new body. However, we are not responsible for that body, which is responsible to its shareholders. I have made it clear to Quality Meat Scotland that the lack of representation by a number of the livestock organisations was an unsatisfactory way of proceeding. We have a chairman, Mr Kilpatrick, we will shortly appoint the managing director and we will be announcing the broader representation on the board.

Tavish Scott (Shetland) (LD): The minister will be aware that one of the issues that the predecessor bodies to the new one were concerned about was traceability. Is he aware of the concerns about the potential introduction of sheep tagging in the autumn of this year? A consultation paper has already come out from the Ministry of Agriculture, Fisheries and Food in England and Wales. Does he have some information for the chamber on that issue? What situation will livestock producers face in the autumn?

Ross Finnie: I regret that I am unable to give a definitive answer. The standing veterinary commission has been investigating transmissible spongiform encephalopathy and, as Mr Scott knows, whether there is any possibility that there is BSE in sheep. The question of whether we need to accelerate tagging and traceability, and to have a better record of the sheep flock, very much depends on the outcome of that. I will report on that matter soon, but it is not one that I wish to commit to at this stage.

Rural Economies (Capital Investment)

3. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what plans it has for capital investment in rural economies in the current year. (S10-1723)

The Minister for Enterprise and Lifelong Learning (Henry McLeish): The Scottish Executive's expenditure plans for 2000-01 and 2001-02 are set out in the recently published "Investing in You: The Annual Expenditure Report of the Scottish Executive", copies of which are available from the Scottish Parliament information centre.

Christine Grahame: I am obliged to the minister for his reply. I am sure that everyone welcomes capital investment, wherever it occurs. I welcome, for example, the £63 million investment in Motorola in Fife, to secure 700 jobs. Is the minister aware that the Borders rail feasibility study predicts 900 jobs for a £73 million capital

investment on track and so on? Will he therefore apply the Motorola principle—if I may call it that—and give a like capital commitment to Borders rail today?

Henry McLeish: Sarah Boyack is listening to the question and to my response.

It is important to stress that the Executive has taken a significant step forward by publishing the report on the feasibility study, which has identified options for the future. It is vital that we hand over to the stakeholders at this stage, to consider what further developments they will be involved in.

Scottish Borders Council is to be congratulated for showing such enthusiasm and such initiative. Once the process is undertaken, that may be the time for further consideration of the market. It is vital that the Scottish Executive has taken the first step and that the feasibility study has been completed. It is for the council and the other stakeholders to develop that.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): I commend to the minister the idea of joined-up government and suggest that a rail link would achieve it.

Henry McLeish: That is the kind of question that does not really need an answer. However, being a politician, I cannot resist the temptation.

It is crucial to say that, as far as Scotland is concerned, we want to ensure that we have a vibrant economy. That requires the best infrastructure and the best transport that we can provide. Sarah Boyack has already made a significant start in addressing those issues.

I would hope that, in partnership, the councils, the local enterprise companies, MSPs and MPs can move forward. At the end of the day, a modern economy needs modern infrastructure—that is the central objective of the Executive.

Health Statistics

4. Mr Kenneth Gibson (Glasgow) (SNP): To ask the Scottish Executive whether all the information contained in "Scottish Health Statistics 1999" is accurate. (S10-1714)

The Minister for Health and Community Care (Susan Deacon): As Mr Gibson is aware, an error occurred in the data for one table in that publication. I have no evidence to suggest that further inaccuracies exist.

Mr Gibson: I thank the minister for her reply, but how can anyone, in considering NHS statistics and expenditure, trust this minister and the Executive?

In answer to a supplementary question from Mary Scanlon last week, the minister stated:

"In 1998-99, the figure for capital spending on equipment

was £136 million.”—[*Official Report*, 11 May 2000; Vol 6, c 583.]

Only three days earlier, in reply to a written question, the minister advised that expenditure on NHS equipment in 1998-99 was only £25 million, less than half the real-terms expenditure of four years previously, and less than a fifth—a fifth—of the figure quoted last week by the minister.

Will the minister admit that she has misled the chamber and apologise to Parliament and to the people of Scotland, as her colleague Wendy Alexander should have done yesterday?

Susan Deacon: First, I congratulate Kenny Gibson on his forensic examination of the document “Scottish Health Statistics 1999”. We saw Kenny’s keen interest in numbers in yesterday’s debate, and I am happy to debate these figures further with him.

I have not misled—nor have I any intention of misleading—the chamber on the issue of capital spend. I will repeat the figures that I gave to Mary Scanlon last week: the total allocated expenditure on capital spend in the NHS in Scotland, which was £136 million in 1998-99, will rise to £194 million in 2001-02, which is before we allocate any additional resources for that purpose from the additional £173 million that has been added to the health budget through the Chancellor of the Exchequer’s budget earlier this year.

The Presiding Officer: Before I call other members, I should point out that this question is specifically about the document and nothing else—not life in general.

Phil Gallie (South of Scotland) (Con): Will the minister acknowledge the contribution that dentists make to her statistics? Is not it the case that dentists give up their time on planning and strategic committees, health trusts and health boards—

The Presiding Officer: No.

Phil Gallie: I have got them worried.

The Presiding Officer: Not even slightly worried.

The question is specifically about the document’s accuracy. Dr Simpson, is your question on this subject?

Dr Richard Simpson (Ochil) (Lab): Well, I will try to make it so.

Will the minister seriously consider whether all the statistics need to be collected every year? The confusion of Mr Gibson et al—as well as the amount of bureaucracy involved—might be reduced if fewer statistics were collected less often.

Susan Deacon: Dr Simpson raises an

interesting and important point. Post-devolution, there has been an ever-rising demand for information, statistical and otherwise, and it is important for all of us—not just the Executive, but the whole Parliament—to consider which information is most important and which is the best way to report it. By doing so, we can ensure that the time taken and the resources used for collecting data are put to the best possible use. The information and statistics division, or ISD, which produces this publication, continually reviews the data that should be included. However, I would always welcome suggestions on that point.

The Presiding Officer: Question 5 has been withdrawn.

Lead Solder

6. Nora Radcliffe (Gordon) (LD): To ask the Scottish Executive what information it has regarding the possible health consequences of the use of lead solder in water and heating systems. (S10-1711)

The Deputy Minister for Community Care (Iain Gray): The water byelaws prohibit the use of lead fittings which may come into contact with water that may be used for drinking. Where such contamination has occurred, the health consequences will vary according to the amount of lead ingested by the individual along with other factors.

Nora Radcliffe: Very high levels of lead have been recently found in the domestic water supplies due to the illegal use of lead solder. Does the minister agree that the practice could be stopped by requiring the water supply in any new building to be tested to ensure that it is lead-free before a completion certificate is issued?

Iain Gray: The important point that Nora Radcliffe makes is that the practice is already illegal, which means that byelaws should be enforced. The incident that she mentioned has led to some action: for example, all health boards have been asked to reiterate good practice in drinking water, which is to take drinking water from the mains tap wherever practical. A new leaflet is also being produced.

Furthermore, the Scottish Centre for Infection and Environmental Health is planning a survey for next spring of a significant number of new houses to identify the extent of the problem.

Linda Fabiani (Central Scotland) (SNP): Will the minister confirm that, in a review of building regulations, advice will be taken about considering the banning of lead solder in water-pipe applications?

Iain Gray: Lead solder is already banned,

except in certain applications such as central heating systems where the water cannot come into contact with people directly. The byelaws already exist and should be enforced.

Linda Fabiani: Can it be banned completely under the new building regulations?

Iain Gray: The point is that lead solder is a useful building material as long as it is used safely. The byelaws ensure that the only place where it can or should be used is where there can be no possibility of contact with drinking water.

Coach House Trust

7. Pauline McNeill (Glasgow Kelvin) (Lab): To ask the Scottish Executive whether it is aware of the activities of the Coach House Trust in the areas of community care, social inclusion, lifelong learning and the environment in the Glasgow Kelvin constituency. (S10-1739)

The Deputy Minister for Community Care (Iain Gray): I understand that the Coach House Trust assists people with mental health, drug and alcohol problems and people with learning disabilities to overcome barriers to living a full life in the community.

Pauline McNeill: Can I make the minister aware of the unique qualities of the Coach House Trust? It is involved in recycling local materials, creating beautiful gardens in the back courts of the west end, and in wood sculpture and glasswork, which benefit the community. Will the minister investigate the funding difficulties of such a scheme, which suffers because it is not located in a social inclusion zone, nor in a nationally known scheme?

Iain Gray: That is exactly the kind of work that we wish to encourage. It aims to help people return to the possibility of full-time, mainstream employment. I believe that the trust has been recently successful in a bid to the National Lotteries Board, and that that funding is matched by the local authority and the local health board. If Ms McNeill wishes to write with more detail on her question, I will be happy to look into the matter.

Trish Godman (West Renfrewshire) (Lab): I have to declare an interest. I was the local councillor when the Coach House Trust was first formed. Does the minister agree that the Richmond Fellowship Scotland ought to be congratulated on its commitment in providing workers and finances for the project when it started, and that the social work department of Glasgow City Council ought to be congratulated on contributing £30,000 after a walkabout with me? Does he agree that that is a good example of partnership in community care, which we were discussing this morning?

Iain Gray: I am happy to repeat the point: that is

an excellent example of different agencies and funding streams pulling together. I would suggest that, if a walkabout with Trish Godman brings success with £30,000 bids, I would be very happy to take her with me around many similar projects.

Breastfeeding

8. Elaine Smith (Coatbridge and Chryston) (Lab): I ask this question as this is national breastfeeding awareness week.

To ask the Scottish Executive what the most recent statistics are concerning the proportion of new Scottish mothers choosing to breastfeed in comparison to other EU countries, and what steps are being taken to increase the proportion of women, particularly from lower income households, who choose breastfeeding as opposed to formula milk for their babies. (S10-1699)

The Minister for Health and Community Care (Susan Deacon): Fifty-five per cent of women in Scotland breastfeed their babies at birth. However, the rate after six weeks is only 36 per cent. That is lower than most other European countries. Our target is that, in five years' time, 50 per cent of mothers will breastfeed their children for at least six weeks. The Executive is actively supporting a range of measures to encourage and support breastfeeding and this week published a code of practice for employers on the subject.

Elaine Smith: Given that new mothers from lower-income households are provided with vouchers to buy formula milk, does the minister agree that there seems to be anomaly and that there is an agreed need to promote breastfeeding? Will she therefore join me in supporting proposals to introduce a voucher-based system to help lower-income breastfeeding mothers to buy healthy foods? Will she commend Lanarkshire Health Board on its excellent campaign, "You can't get fitter than a breastfed nipper"?

Susan Deacon: I am pleased to join Elaine Smith in commending Lanarkshire Health Board's campaign to promote breastfeeding. It is an excellent example of community-based activity to encourage and support women in taking up breastfeeding.

I am familiar with the point about formula milk that Elaine Smith raised. The issue is part of the welfare food scheme, which is a reserved matter. It is under review at a UK level. Officials from the Scottish Executive as well as the other UK departments are participating in that review, which is due to report this summer. The provision of vouchers for food supplements for breastfeeding is one of the options under consideration.

Karen Gillon (Clydesdale) (Lab): I begin by

declaring a forthcoming interest in this subject. I join the minister in congratulating Lanarkshire Health Board on its excellent campaign that I was able to see at first hand at Law hospital on Monday.

Does the minister agree that the most effective way in which the Parliament could promote the issue of breastfeeding would be by not placing barriers in front of members of the Scottish Parliament, staff or visitors who choose breastfeeding as the best start for their babies and feed them in the Parliament complex?

Susan Deacon: There are many ways in which this Parliament can promote breastfeeding. One such way is through debates such as the one that I am delighted to be having now. The Parliament must decide what approach to adopt on this subject. I wrote to you this week, Presiding Officer, with a copy of the employers code of practice, and I hope that the Parliament will look favourably on the matter.

The Presiding Officer: I am considering the matter carefully.

Mrs Margaret Smith (Edinburgh West) (LD): Does the minister envisage any of the previously announced £26 million for public health being used for the further promotion of breastfeeding? If so, could that mean an increase in the number of community dieticians employed by the national health service in Scotland?

Susan Deacon: When I announced my decision to target £26 million on health promotion and health improvement, I said that one of the priority areas would be children, along with maternal health. We are in discussion with a range of health professionals on the most effective way of channelling those additional resources and on the most effective way to add to the work that has already been done on taking forward our health white paper. I fully anticipate that work to improve and develop diet in the community and to give support to the health of mothers and children will be one of the areas that part of the resources will be allocated towards.

Salaried General Practitioners

9. Lewis Macdonald (Aberdeen Central) (Lab): To ask the Scottish Executive what priority is being given to the introduction of salaried general practitioners. (S10-1745)

The Minister for Health and Community Care (Susan Deacon): The Scottish Executive health department's human resources strategy stresses the need for flexible, family-friendly employment options for all health care workers. The department is committed to taking forward options that make the best use of the skilled work force available. As such, salaried service for general

practitioners is being taken forward in the context of the pilots run under the Primary Care Act 1997. I have recently decided that pilot applications can be made at any time, which is a change from the previous practice.

Lewis Macdonald: The minister recognises that overdependence on GPs who are self-employed contractors can limit the access to primary care services of neighbourhoods such as Tillydrone, Fersands and Seaton in my constituency. Does she agree that it is sometimes easier to meet the needs of users with salaried practitioners directly employed by NHS trusts? Will she join me in welcoming the steps recently taken by Grampian Health Board using the Primary Care Act pilots to achieve a mixed economy in GP services?

Susan Deacon: I join Lewis Macdonald in welcoming the steps that have been taken in Grampian and other parts of Scotland to use flexible employment options, including salaried service, to improve provision of GP services in remote areas. The needs of different communities vary and the solutions will vary as well. We are committed to working with the medical profession and with other health professionals to ensure that a range of options is available for them, which will provide the best possible equity of access to services for people across Scotland.

Forestry Commission

10. David Mundell (South of Scotland) (Con): Before I ask the following question, I remind the chamber that this is forest festival week.

To ask the Scottish Executive whether it supports the proposal by Forest Enterprise to lease out part of the Forest of Ae for a landfill waste site. (S10-1713)

The Deputy Minister for Rural Affairs (Mr John Home Robertson): Oakbank Services has applied for planning permission to establish a landfill site in the Forest of Ae. The forest is owned by Scottish ministers and managed by Forest Enterprise, which is part of the Forestry Commission. The planning application is a matter for the local authority and it would therefore not be appropriate for the Scottish Executive to comment on the proposal at this stage. I know that the local MSP, Elaine Murray, has made representations on behalf of her constituents. She, of course, is the local MSP for Dumfries.

David Mundell: I am aware that Elaine Murray is the MSP for Dumfries.

Can the minister reconcile the use of forests for landfill with his Scottish forestry strategy document—which, curiously, does not mention landfill—and with Donald Dewar's statement that he wants to

“encourage even more people to discover the wonderful opportunities for enjoyment that our woodlands have to offer”?

Mr Home Robertson: The fundamental problem is that modern society generates an awful lot of rubbish. I am thinking, in particular, of junk mail from Brian Souter and others. Happily, a lot of that stuff can be recycled.

I am particularly pleased that we are taking steps to meet the targets that are set in the EU landfill directive to reduce the dumping of biodegradable waste by 25 per cent by 2006, as a first-stage target.

We still need landfill capacity, and local authorities have a responsibility for determining planning applications for sites that may be proposed. It is appropriate that sites in forests should be considered. However, Mr Mundell is quite right: we have some beautiful forests in Scotland, which must be protected. Therefore, landfill sites must be selected with great care.

Dr Elaine Murray (Dumfries) (Lab): I thank the minister for reflecting on my constituency interests. I have relayed to the Executive the concerns of my constituents on this issue.

On the more general point of getting rid of waste, does the minister agree that we need to promote other means of waste disposal, through renewable energy projects, to preserve the character of Scotland's rural areas?

Mr Home Robertson: Yes. The landfill site for the city of Edinburgh is in my back yard—if I can use that phrase of my constituency—and I fully understand Elaine Murray's concern as the constituency MSP for Dumfries. As I have indicated, the Scottish Executive is taking steps to minimise the amount of waste that has to be dumped.

Nevertheless, Dumfries and Galloway Council will need extra landfill capacity at some stage—there is no escaping that. The site in the Forest of Ae may or may not be suitable for that purpose, but I am sure that councillors in Dumfries and Galloway will consider any options carefully, as well as representations from the elected constituency MSP.

Drugs Education

11. Karen Whitefield (Airdrie and Shotts) (Lab): To ask the Scottish Executive what progress is being made in providing drugs education to Scotland's children. (S10-1720)

The Deputy Minister for Justice (Angus MacKay): We aim to provide every pupil in every school in Scotland with appropriate drugs education. An initial analysis of a recent survey of all schools in Scotland indicates that 96 per cent of

local authority schools are providing drugs education.

The Scottish Executive has established the school drugs safety team to advise on a number of drugs education issues, including the effectiveness of drugs education in schools. I expect that team to report on its findings in the summer.

Karen Whitefield: I thank the minister for his response. Is he aware of the excellent joint work that is being undertaken by Lanarkshire Health Board, Lanarkshire's drug action team and the police, in bringing out “What's the Score?”—a drugs education pack that is widely regarded as being the best in the whole UK? In addition, is he aware of the life skills training programme that was published by Dr Gilbert Botvin, which has been independently reviewed and evaluated as the best in the world? Finally, will he consider—

The Presiding Officer: I think that that is enough awareness. Will the minister respond?

Karen Whitefield: Will the minister consider combining the best of both those programmes?

Angus MacKay: Yes. I am very much aware of the educational pack that Karen Whitefield describes. We had the opportunity to review it this week, when I and my colleague Iain Gray visited the Lanarkshire drug action team.

Education in primary schools is a critical factor in preventing drugs misuse in later years. Members may be aware that this morning my colleague the Minister for Justice announced £8.9 million additional funding for the equivalent of 315 new police officers. The police play a critical role in delivering drugs education in all our primary schools, and that capacity is transformed by today's announcement.

Miss Annabel Goldie (West of Scotland) (Con): I have listened with great interest to the fullness of the deputy minister's response and to Ms Whitefield's comments. Will the deputy minister confirm that he is also aware of the excellent work being done by crime prevention panels, and can he satisfy the chamber that there is no duplication and wastage of precious resources in such a critical fight?

Angus MacKay: I am very much aware of the important work that crime prevention organisations do. Crime prevention is an important policy of this Administration—that is why we have committed £3 million a year through the challenge fund to supporting initiatives. In Lanarkshire earlier this week I discussed the possible replication throughout the rest of Scotland of the “What's the Score?” drug education pack, as we do not want such work duplicated between different drug action teams and crime prevention panels.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Does the deputy minister agree that one of the best ways of spreading drugs education and supporting young people at risk would be for the Scottish Executive to support the setting up of drop-in centres like Off the Record in Stirling and The Corner in Dundee? Both are excellent examples of what we need in every local authority area in Scotland.

Angus MacKay: Yes. The announcement of the drug action plan last week enabled me to commit an additional £1 million investment for treatment and an additional £1 million for rehabilitation. That money will be used as imaginatively as possible for the kinds of initiative that Keith Raffan describes. We are serious about tackling drugs. Our policy is accurate and we are putting in the finance to back it up.

Postgraduate Students

12. Maureen Macmillan (Highlands and Islands) (Lab): To ask the Scottish Executive when it expects the consultation on financial support for postgraduate students to be completed. (S1O-1728)

The Deputy Minister for Enterprise and Lifelong Learning (Nicol Stephen): Our consultation paper was issued on 3 May and we have asked for responses by 15 August. We will consider the views received alongside those in the Executive's wider student finance consultation, which will be published very shortly.

Maureen Macmillan: Thank you. I am particularly interested in the situation of graduates who want to proceed to the diploma in education. I believe we will soon face a severe shortage of teachers. There are already shortages in some subjects. Will the deputy minister assure me that the need to attract new graduates into teaching by offering substantial grants for their postgraduate diploma year will be taken fully into account in the consultation?

Nicol Stephen: Decisions on the postgraduate certificate in education are not part of the review. It is focused on the postgraduate students allowance scheme. However, the element that relates to the certificate in education is currently being considered by the McCrone committee. Any change from the current policy that will affect postgraduate teaching students will be a matter for the Minister for Children and Education.

Social Inclusion

13. Mr Duncan McNeil (Greenock and Inverclyde) (Lab): To ask the Scottish Executive what role it sees for information and communications technologies in actively promoting social inclusion. (S1O-1747)

The Deputy Minister for Communities (Jackie Baillie): ICTs have a major role to play in improving access to the wide range of education, training and employment opportunities necessary for social and economic inclusion. They also enable sharing of information, development of community interests and the delivery of more accessible and efficient public services, meeting the needs of the most disadvantaged.

Mr McNeil: Thank you. This morning, in Greenock, the Minister for Children and Education launched a joint project between local schools and IBM. It aims to promote social inclusion through IT by teaching information age skills along with e-business and lifelong learning. I am sure the Deputy Minister for Communities agrees that a true information revolution must be inclusive and not just for those who can afford it. [MEMBERS: "Question!"] It will come to those who wait.

The Presiding Officer: I am waiting.

Mr McNeil: Will the minister therefore agree that it is worth considering giving people in receipt of income support or jobseekers allowance a personal identification number so that they can have free access to the internet through public access points such as internet cafes, libraries and community centres?

Jackie Baillie: Mr McNeil's proposal is worthy of further consideration. The Executive is undertaking a range of activities in ICT. In new community schools, we are promoting IT access for the whole community. By 2002, colleges, schools, public libraries and community centres will all be connected up to the national grid for learning. In social inclusion partnerships, 90 ICT projects are under way—all with internet access—and there are partnerships with the business community. I will know that we have succeeded when I see Mr McNeil himself surfing the net. [*Laughter.*]

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): Speaking as a regular net surfer, I wonder whether the minister will join me in welcoming the project launched recently in Auchinleck by the Ayrshire electronic community, which provides exactly the sort of resources that she is talking about—access to the internet and direct communication with agencies such as the Benefits Agency. Can she confirm that the Executive has not ruled out consideration of options that would enable people on low incomes to have information technology in their own homes in future?

Jackie Baillie: I welcome the Ayrshire electronic community project, which my colleague Wendy Alexander visited on 3 May. It provides services online across agencies directly to local communities, which is critical. The digital Scotland

task force report is due out at the end of the week and contains a section that deals specifically with social inclusion. I commend that report to members.

First Minister's Question Time

SCOTTISH EXECUTIVE

Cabinet (Meetings)

1. Mr Alex Salmond (Banff and Buchan) (SNP): To ask the acting First Minister what issues were discussed at the most recent meeting of the Scottish Executive's Cabinet. (S1F-322)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): The Cabinet discussed several matters of significance to the Executive and to the people of Scotland.

Mr Salmond: Does the acting First Minister share the anger of women's groups, across party in the Parliament and throughout the country, at the Home Secretary's decision to allow Mike Tyson into this country to pursue his fight in Glasgow? [MEMBERS: "Shame."] Is not it the case that the norm would be that a convicted rapist would be refused entry? Why, then, are the rules being bent in Mike Tyson's case? Does the acting First Minister share my horror that among the exceptional reasons cited by the Home Secretary is the economic interest of the UK and this area in allowing the fight to go ahead? Does he agree that the people of Scotland and of Glasgow would rather have our national reputation intact than be bought and sold for Tyson's gold?

Mr Wallace: The views of the Parliament, of women's groups and of many people throughout Scotland have been well and clearly expressed and none of those groups will be giving any welcome to Mike Tyson if he should come to Scotland. We have always acknowledged that it is a matter to be decided by the Secretary of State for the Home Department; it is a decision that he has had to take in accordance with law. It was right that the Home Secretary was aware of the strong tide of opinion in Scotland. I believe that it was right for me to inform his department of that, and he has acknowledged it in his statement. However, as I have indicated, the decision is his and it is one that he must take in accordance with the law.

Mr Salmond: It is a pity, then, that the Home Secretary decided to ignore the advice of the acting First Minister and of Scotland. How does the acting First Minister think the Asian community in Glasgow will feel about the decision, given that applications for entry clearance visas from reasonable people who want to attend weddings, funerals and other family events are rejected every day? How do those people feel when they see a convicted rapist ushered in in this manner? As Scotland's Minister for Justice, will he inform the

Home Secretary of the damage to community relations that may be done by his decision?

Mr Wallace: As Mr Salmond well knows, immigration visas are also a matter for the Home Office. Matters that are the responsibility of this Executive include tackling violence and having zero tolerance with regard to domestic abuse. That is something to which the Executive is committed. The mood that has been expressed in Scotland is one of abhorrence of crimes of violence, particularly violence directed against women.

I take this opportunity to affirm the Executive's belief, backed up again today by more money for the police to ensure that they can tackle violence effectively, that violence is deplorable. That includes domestic violence, violence committed against women by celebrities such as Mike Tyson or violence committed by people who are anonymous but inflict violence day in, day out on members of their family or on other women. We will not tolerate such behaviour and where the Executive has powers to act, we will certainly use them.

Mr Salmond: Is the acting First Minister saying that the Executive and the Parliament are totally powerless in this matter? As the guardian of the public interest in Scotland—[*Interruption.*]

The Presiding Officer (Sir David Steel): Order.

Mr Salmond: Will the acting First Minister undertake that the Executive, as the guardian of the Scottish public interest, will seek a judicial review in the Scottish courts against the Home Secretary's decision, or is the only solution for Scotland for this Parliament to have the power to decide who shall and who shall not enter our country?

Mr Wallace: I am disappointed—[*Interruption.*]

The Presiding Officer: Order. Let us hear the answer.

Mr Wallace: When we discuss issues as serious as violence—and violence against women in particular—I am disappointed that Mr Salmond should seek again to be opportunist. [*Interruption.*]

The Presiding Officer: Order. We must listen to the answers, even if we disagree with them. [*Interruption.*] Order.

Mr Wallace: The devolution settlement clearly set out that matters of immigration were matters for the Home Secretary and the Westminster Parliament. We should think for a moment about the implications of Mr Salmond's comments. If Scotland were to have the power to grant visas—or not to grant them—and if Mike Tyson were to come to England, how in the world would the SNP stop him crossing the border into Scotland? Is

Alex Salmond genuinely suggesting that we have border guards at Berwick or checkpoint Alex at Gretna? He should not try to trivialise important matters of domestic violence by making an opportunistic point about his policies of independence.

Domestic violence and violence against women are important matters. I have indicated that in dealing with them the Executive will use the powers that it has to show zero tolerance of violence in our community.

The Presiding Officer: Members must not shout as answers are being given, even if they do not like those answers.

Dorothy-Grace Elder (Glasgow) (SNP): Does the Deputy First Minister accept that from now on any convicted criminal could be foisted upon Scotland by Jack Straw's one-man decision in London? Does he think that that is good enough for Scotland?

Mr Wallace: I simply repeat my comments of a moment ago. Immigration matters, such as the granting of visas, are reserved to Westminster. To follow the logic of Dorothy-Grace Elder's proposal, there would have to be the border controls that the SNP has always denied it would have. Otherwise, the SNP will have to answer to the people of Scotland how it would police what it postures in its proposals.

Secretary of State for Scotland (Meeting)

2. David McLetchie (Lothians) (Con): To ask the acting First Minister when he next expects to meet the Secretary of State for Scotland and what they intend to discuss. (S1F-320)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I speak to the Secretary of State for Scotland regularly on the telephone. We have a meeting planned for next month. The matters we discuss are, of course, private.

David McLetchie: I suggest to the acting First Minister that at his next meeting with the secretary of state they discuss the comments made by the incoming president of the Association of Scottish Police Superintendents when he spoke to the association's conference today in Peebles. He believes that the European convention on human rights is tantamount to a criminal's charter that is hampering and bedevilling investigations with unnecessary red tape.

Instead of stacking the odds against the police and the fight against crime, will the acting First Minister restore a sense of balance by putting more emphasis on other important human rights, such as the right to life, the right to live in a safe community and the right to peaceful enjoyment of

one's possessions?

Mr Wallace: On restoring a sense of balance, and as I hope my colleague Angus MacKay mentioned earlier, I was pleased to announce this morning a further £8.9 million for the police to help in the campaign against crime.

I have never shied away from accepting that the ECHR should be part of our domestic law. I campaigned for its incorporation for a long time. Anyone who reads the rights in the convention will see that they are basic, decent rights to which any civilised society should aspire. They have ensured for years that Governments have had to monitor the interception of communications properly. They have ensured, in the case of thalidomide, that newspapers were not strangled by Government secrecy. They have, at times, operated very much in the interests of the citizen.

The difference between Mr McLetchie's party and the Executive is that his party was always prepared to accept the ECHR—but only for people who had the money and the spare time to go to Strasbourg. We have brought human rights home to Scotland, but access to those rights will not depend on the size of someone's bank balance. People can vindicate those rights in their local courts—it need not be done in a neighbouring country.

David McLetchie: I remind the minister of two statistics. First, it will cost £10 million to deal with criminal and civil issues arising from the ECHR in our courts this year. That is more than the extra money he has been crowing about today. Secondly, all his announcement of additional money has done is reduce the cut in his department's budget this year from £61 million to £52 million. We will still have 100 fewer police officers than we had three years ago. While we are on the subject of extra police officers, will the minister assure me that his extra police officers are not the same as his friend Jack Straw's fictitious extra officers? Those officers illustrate an example of the creative accounting and deceitful presentation that are hallmarks of the Labour Government and the Scottish Executive.

Mr Wallace: Mr McLetchie recycles old questions. On the justice budget, he is trying—with the figures that he gives—to compare apples and pears. He compares the baseline plus end-year flexibility—which, for last year, included funding for the Lockerbie trial and Kosovan refugees and asylum seekers—with the baseline for the current year. If he compared baseline with baseline, he will see an increase in the justice budget. This year, of course, the baseline will have added to it end-year flexibility payments in respect of the Lockerbie trial.

I assure Mr McLetchie that the money that is

being spent is the consequential money that has come through from the budget. Subject to chief police officers deploying that money for recruitment—my conversations with chief police officers indicate that that is what they are keen to do—more than 300 new police officers will be recruited.

Mr McLetchie seems to have omitted to mention—or perhaps lost sight of—the additional 100 police officers who will be recruited as a result of the £10 million that will be invested this year and next in the Scottish Drugs Enforcement Agency. Together, the two figures ensure that there is provision in the budget to make police numbers higher than they were when the Conservatives left office in May 1997 and higher than they were when they last peaked in December 1997.

There will be new police officers. The chief police officer in Strathclyde was very welcoming about my announcement and indicated that he will be recruiting new officers as a result of the money.

Paul Martin (Glasgow Springburn) (Lab): We must welcome the investment in policing, but does the minister think that there is a need for a top-to-bottom review of policing in Scotland that considers poor police response times, the lack of community policing strategies and some of the other issues that members face in their constituencies?

Mr Wallace: I will meet chief police officers in Nairn later today, but I know from talking to them that they are always looking for ways in which policing can be improved. That is why the Executive has not only given them more money to recruit officers—for prevention and detection of crime—but last month gave them an extra £1.7 million to invest in DNA fingerprinting.

Criminals use very sophisticated techniques, so we must ensure that in all aspects of policing the police have the most up-to-date techniques to fight effectively the war against crime.

The Presiding Officer: I think question 3 has already been answered, but we will take it all the same.

Police

3. Bristow Muldoon (Livingston) (Lab): To ask the First Minister what measures are being taken to support police forces throughout Scotland. (S1F-329)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): I have announced today that the Scottish Executive is providing an additional £8.9 million to the police in Scotland, over and above the £10 million that is being invested in the Scottish Drugs Enforcement

Agency and the £1.7 million that is being made available to forces to fund an expansion in DNA testing. On any reasonable examination, that is a substantial investment that will boost police numbers, tackle the scourge of drug misuse and improve detection through new technology.

Bristow Muldoon: I welcome the additional police officers who will be recruited because of the extra resources the Deputy First Minister has announced today. I am sure that the announcement will be welcomed by Lothian and Borders police, whose chief constable has called for an increase in police numbers. Will extra funding for the police also be channelled into additional administrative and civilian support, as well as information technology and other new technologies, to allow our hard-working police to do their job where they are most needed—on the beat, defending Scotland's communities?

Mr Wallace: I thank Mr Muldoon for his welcome for the announcement. As I have said, it will be for chief constables to decide how the resources are used, but it is clear that they will want to concentrate on recruitment. As Mr Muldoon says, there has been a significant increase in the number of civilian support staff. We are not talking simply about people answering the telephone or typing, as was suggested to me in a radio interview today, but about statisticians, communications staff, driving instructors and forensic laboratory services—a range of support staff. They ensure not only that police officers are freed up for front-line duties but that people of considerable professionalism and expertise are employed to fight the war against crime.

Lord James Douglas-Hamilton (Lothians) (Con): Can the Deputy First Minister say whether the resources will be sufficient to allow Lothian and Borders police to recruit the 25 extra police officers for whom it has consistently asked and who are sorely needed?

Mr Wallace: The allocation to Lothian and Borders police will be £1.442 million. That will mean that it can have not only the extra 25 officers it has requested, but another 33 on top of that.

Michael Russell (South of Scotland) (SNP): The acting First Minister has already mentioned police support services. Given the information, which has come out this week, that the fingerprint support services in the Scottish Criminal Record Office are in a state of crisis, will the acting First Minister commit himself to carrying out a root-and-branch review of those services? There is worldwide concern about the case of Shirley McKie.

Mr Wallace: I am aware of Mike Russell's interest in this issue, not least the events arising out of the Shirley McKie case. As he knows, Her

Majesty's chief inspector of constabulary is currently investigating these matters. We are still awaiting the inspector's report, but I can assure Mr Russell that that report and the recommendations it makes will receive the serious attention from the Executive that they deserve.

Land Ownership

4. Richard Lochhead (North-East Scotland) (SNP): To ask the First Minister what the Scottish Executive's policy is in relation to private ownership of Scotland's mountains. (S1F-321)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): In respect of all land, the important issue is not so much who owns it as whether ownership is exercised responsibly. Our code of good practice for rural land ownership, which is to be published later this year, will set those responsibilities out clearly.

Richard Lochhead: As the acting First Minister is aware, the sale of Ben Nevis and the placing on the open market of the Cuillins have put land ownership back under the spotlight. Given that the people of Scotland deserve to know what type of Scotland the Scottish Executive wishes to create, will the acting First Minister inform the chamber this afternoon of his view—and the view of the Scottish Executive—on the ownership of Scotland's mountains? Does he believe that it is right or wrong that Scotland's mountains can be traded on the open market by private interests, be they private individuals or companies? Can he give us an unequivocal, clear-cut statement—yes or no?

Mr Wallace: Mr Lochhead asks a five-point question and asks me to answer yes or no. I repeat what I have said—it is the quality of ownership that matters. There are important issues here; I acknowledge that. It is important that the Black Cuillin, which is an important part of our natural heritage, should be properly protected. The Executive has powers—which it exercises—to ensure that. It is important that people have access to areas of outstanding beauty, such as the Black Cuillin, for recreation. Access exists, and the Executive is introducing legislation to buttress it in statute.

As my colleague Angus MacKay said in response to a debate initiated by John Farquhar Munro last week, the Scotland Office will take up with the Crown Estate the question of ownership of the Black Cuillin. Furthermore, we have said that we want to commission a research study into the possible need for improved information, which would enable us better to identify land ownership in Scotland.

Mr John Munro (Ross, Skye and Inverness West) (LD): I am reassured by the minister's

statement and pleased to hear that the Crown Estate will investigate and clarify the position for us.

Leaving the mountains aside, may I make the minister aware of a little piece of Highland culture that is generally accepted in west Highland communities? In seven days, it is said, the Lord made heaven and earth and all it contains—except the western isles, which he left to Caledonian MacBrayne. I seek an assurance from the minister that he will liaise with the Executive to ensure that that legacy is continued.

Mr Wallace: As John Farquhar Munro knows, Sarah Boyack made an announcement recently on the European regulations that will impinge on the work that is done by CalMac.

As there has been some misleading information, I will take this opportunity to emphasise the fact that the Executive has no intention of privatising CalMac. As a member for an islands constituency, I recognise the vital role that ferry links play for our island communities and—

The Presiding Officer: Order.

Mr Wallace: —it is our intention that those vital ferry links continue to be supported.

The Presiding Officer: Order. The question is about mountains, not boats.

Rhoda Grant (Highlands and Islands) (Lab): I am sure the Deputy First Minister will join me in welcoming the news that the Crown Estate is to investigate the ownership of the Cuillin. Will he also pay tribute to those who put on pressure for that decision—the Scotland Office, the Deputy Minister for the Highlands and Islands and Gaelic and members of the Scottish Parliament and the Westminster Parliament?

Does the Deputy First Minister agree that as the investigation continues, we must look at the new duties of environmental protection as well as the effective use of public money in the Executive's land reform legislation?

Mr Wallace: I pay tribute to the many people who have raised the issue and ensured that it has been debated properly on the Scottish agenda.

I said before that we will publish a code of good practice for rural land ownership. We will certainly study the scope for public assistance for supporting land use. That may well be conditional upon compliance with the code.

Points of Order

15:31

Michael Russell (South of Scotland) (SNP): On a point of order. There is increasing confusion—last week it occurred on the Tory benches, this week with the Liberals—about supplementary questions. We have seen some inconsistency; a member was able today to ask a question that was completely unrelated to the subject. Other members who have tried to do that—Mr Tosh last week, for example—have been ruled out of order.

Can we expect some clarification from you or from the Procedures Committee?

The Presiding Officer (Sir David Steel): I do not think that that point needs the Procedures Committee. I said that the question was about mountains, not about boats. I was a little slow in realising that John Farquhar Munro had changed the subject. That is my fault; it is not for the Procedures Committee.

Tommy Sheridan (Glasgow) (SSP): On a point of order, Presiding Officer. I hope you will give some thought to the fact that the example you have just used shows that you often allow members of the Executive parties, rather than Opposition members, to ask ministers supplementary questions. I had my button pressed on each of the six occasions—

The Presiding Officer: Order.

Tommy Sheridan: —but I was not allowed to question the minister.

The Presiding Officer: Order. I think the record will show that I keep a fair balance between all parties in the chamber, including the minority parties. I will continue to do so.

Tricia Marwick (Mid Scotland and Fife) (SNP): On a point of order, Presiding Officer. We reached question 13 during open question time—

The Presiding Officer: And yours was number 14. That is not a point of order, but a point of regret.

Tricia Marwick: The Minister for Health and Community Care took six minutes to answer question 1. Next week, will you instruct ministers that their replies to members' questions should be brief so that as many questions as possible may be asked during open question time?

The Presiding Officer: I appreciate the point the member makes, but the length of ministerial answers is often connected to the length of the questions. Questions and answers should be brief.

At the point to which Tricia Marwick refers, I said that it was question time, not debating time. That was intended to be a hint.

Early Education and Child Care

The Presiding Officer (Sir David Steel): We move now to a ministerial statement from Mr Sam Galbraith, who I know is always brief.

15:34

The Minister for Children and Education (Mr Sam Galbraith): I wish to make a statement on the regulation of early education and child care. In our programme for government, we committed ourselves to promoting a substantial expansion of child care. That is not just a matter of increasing the number of places that are available; we also committed ourselves to high-quality pre-school provision. In our child care strategy, there are therefore three key words: accessibility, affordability and quality.

How do we ensure quality provision? Regulation has played a key role, and we believe that it must continue to play a key role. Children are vulnerable: we need to ensure their safety and to ensure that they are not just minded, but receive enjoyable and stimulating care.

When we regulate, we must keep to two principles. First, regulation must treat similar services in similar ways. That is fair to providers; it is also fair to families. A level playing field will help to ensure that providers respond to families' needs. Secondly, regulation must also be proportionate to risk. Too much regulation will discourage provision and discourage innovation.

In March 1999, the then Scottish Office issued a consultation paper on early education and child care. We have considered the responses carefully. We have also looked at how provision and demand are changing, and we have tried to anticipate future developments. We must put in place a regulatory system that is adaptable and that does not quickly become out of date.

Today, we are issuing a paper that sets out the way ahead. These are complex issues, which I cannot consider fully in this statement. However, I will highlight a few key conclusions. All child care services that are currently subject to regulation—that is, nurseries, out-of-school clubs, and childminders who provide for children under the age of eight—will remain subject to regulation. At the moment, that regulation is limited to private and voluntary sector provision. In future, a local authority's provision for children from the age of nought to five will be regulated too. That is about ensuring safety and quality care; it is also about creating a level playing field.

We will extend protection to older children—an idea that was supported by most respondents to

the consultation. At the moment, care for the under-eights is regulated. Generally, because eight to 11-year-olds attend out-of-school clubs where younger children are also present, they, too, are in regulated care. However, we do not want there to be any loopholes. We therefore intend that regulation should apply to care for all children of primary school age.

We have also considered the regulation of care for children of secondary school age. Our child care strategy for Scotland recognises that facilities might be needed for children up to the age of 14, and for children older than that who have special needs. At the moment, facilities are limited, but demand—especially for holiday schemes—might grow. We intend to require that fit person checks be made of all staff. We believe that that limited form of regulation is in keeping with the level of risk.

Many people have had concerns about nannies. When parents choose to employ a nanny, we intend that they will benefit from a range of safeguards. Regulation of nanny agencies is being strengthened as part of the Government's approach to employment agencies more generally. A code of practice that is specifically for nanny agencies will be part of that.

For parents who engage a nanny directly, we have issued a booklet of guidance that deals with matters such as checking experience and references. However, we do not believe that restricting parents to employing registered nannies is a practical option. A register could not be based on qualification; many parents opt for an older person with experience, but not qualifications. Nor is there a clear dividing line between nannies and baby-sitters. We believe that, as part of checking suitability of a nanny, checking against criminal records should be available. The introduction of part V of the Police Act 1997 will enable a nanny to obtain a criminal conviction certificate. We also aim to make enhanced checks available. Our aim is to assist parents in making a fully informed decision.

For regulated services, the role of regulator will pass from local authorities to the proposed Scottish commission for the regulation of care. That will ensure consistency of approach across Scotland. The commission will regulate care services more generally; its operation has been the subject of a separate consultation.

Two issues must be mentioned. First, the commission will place a new emphasis on inspection of outputs—by that I mean the experience offered to children. We must advance from the current focus on input measures such as staff numbers and suitability of premises. Input measures will remain—and I will mention them briefly in a moment—but they are not enough by

themselves.

We have also addressed regulation of services for the three to five-year-old age group. Private and voluntary sector providers of child care may be commissioned to provide pre-school education. As such, they are subject to the Children (Scotland) Act 1995 and HMI inspection. Local authority nursery schools may provide wraparound care, but are inspected only as education providers. Many have suggested that the setting up of the commission gives us an opportunity for co-ordination or integration of inspection.

We recognise that good-quality care involves learning opportunities and that good-quality education includes attention to social, emotional and physical development. I intend that the commission will inspect all provision for nought to five-year-olds, including local authority nursery schools and classes. HMI will continue to make a periodic inspection of centres that deliver pre-school education. Both will base their inspection on common performance indicators, but adapted to different services or age groups. For those providing publicly funded pre-school education, we will require delivery against the full range of indicators, including those dealing with the curriculum. We will require very high quality.

Providers will be clear about what they are expected to deliver. An individual provider will have to meet one set of standards, not two as at present. HMI's continued involvement with pre-school providers will maintain an overview of quality and ensure appropriate links to primary education. In the year that HMI inspects, the commission will not need to make its regular inspection—that will keep the inspection burden at an appropriate level.

Those proposals recognise the related nature of child care and pre-school education and will encourage a culture of continuous improvement. They confirm our commitment to high-quality pre-school provision.

I said that input requirements will remain—dealing with staff numbers and qualifications. However, unlike at present, those will be the same for providers of a similar service. Regulations must be consistent. For example, we will move to a minimum adult:child ratio of 1:10 for three-year-olds and over, whether for provision in the private, voluntary or local authority sector. I believe that that minimum is appropriate as a safeguard. As I have noted, in future the focus of regulation will be on outputs—in other words, on the quality of care.

We will also align the position on teacher involvement in pre-school education for all centres in the private, voluntary and local authority sectors. We intend to move to a system of guidance that will recommend teacher involvement

in pre-school education for all centres.

Teacher involvement is a crucial component of quality, but we take the view of many consultees that the full-time presence of a qualified teacher is not necessarily a prerequisite of quality. The focus should be on ensuring the employment of suitably qualified teams of staff with an appropriate mix of skills. Guidance will offer flexibility and allow innovative solutions to meet local circumstances.

Our proposals for regulation will secure a system that treats providers consistently, meets the needs of parents and, most of all, protects the interests of children. I commend them to the chamber.

The Deputy Presiding Officer (Patricia Ferguson): The minister will now take questions on issues arising from his statement. I will allow approximately 20 minutes for questions. It will be helpful if any member wishing to ask a question presses their request-to-speak button now.

Nicola Sturgeon (Glasgow) (SNP): I thank the minister for his statement and the usual courtesy of providing an advance copy. There is a great deal in the statement that the SNP welcomes. Indeed, the SNP's submission to the consultation exercise stressed the need for consistency of regulation across the range of providers and for the extension of the age range for regulation, and the importance of appropriate input from qualified teachers. We welcome the fact that the Executive has listened to our pleas and those of many other people.

I have two specific questions. First, the minister will be aware that there is a shortage of suitably qualified child care workers in Scotland. In "Meeting the Childcare Challenge: A Childcare Strategy for Scotland", which was published in May 1998, the Government promised to provide 5,000 training opportunities in child care through the new deal—we have not heard much about that in recent debates on child care. How many of those opportunities have been created and how many have been taken up?

Secondly, although the SNP welcomes the statement and the increased regulation of child care to ensure the protection of children, the minister will be aware that regulation comes at a price. For example, child care providers will be able to attract well-qualified child care workers only if they are able to pay suitable salaries. Research that was published on Monday by the Daycare Trust shows that, in spite of the working families tax credit, three out of four parents think that child care costs are too high, and two thirds cite child care costs as the main factor hindering mothers who want to return to work. Will the minister guarantee that the costs of regulation will not be passed on to parents? Will he outline what

additional steps the Executive is taking to ensure that child care is affordable, which the minister said at the outset of his statement was one of the principles of the child care strategy?

Mr Galbraith: I am grateful to Ms Sturgeon for her overwhelming welcome of the Executive's statement. She asked about the number of qualified workers. She would be the first to complain if every week I came out with an update of the numbers. When we have achieved that target, I will let her know and will expect her welcome. We are well on the way to reaching that through the additional funds and the systems that we have put in place.

I will talk about the cost of regulation. Most of the cost will be absorbed in current budgets, because there is a change in the numbers that are involved. It is a bit disingenuous for Ms Sturgeon to ask us what we are doing about the cost of child care, given that we introduced the working families tax credit.

Nicola Sturgeon: Answer the question.

Mr Galbraith: I know that sometimes Nicola Sturgeon does not like the answers that I give, but she should have the courtesy to allow me to give them to her.

The working families tax credit provides 70 per cent of the cost of child care for the first child, and 30 per cent of the cost for the rest, and is available to people on salaries of up to £30,000. That is a highly significant start.

Nicola Sturgeon: Answer the question.

Mr Galbraith: As I listened to Ms Sturgeon without interrupting, she should afford me the courtesy of doing the same.

From a standing start, in a country in which there had never been a child care strategy and no money had been invested in child care, we have introduced a national helpline, a child care strategy and the working families tax credit. That is a credit to everyone who is involved. Rather than adopting the SNP position of constantly running down everyone involved in that strategy, I compliment every nursery care worker and provider throughout the country.

Mr Jamie McGrigor (Highlands and Islands) (Con): I congratulate the minister on his statement. I welcome the level playing field, which puts local authority child care under the same regulation as for other providers. I am glad that there is to be only limited regulation of the care of older children, because more regulation would discourage provision in an area in which more and more diverse provision is required.

I ask the minister to clarify the roles of HMI and the proposed commission for the regulation of

care. Some providers are already concerned about inspection by multiple agencies. It is not clear from the minister's statement how he will prevent that overlap from becoming excessively bureaucratic.

I am pleased that the minister has not given in to demands to nanny the nanning profession. Parental choice and judgment are surely most important in that respect and should never be undermined.

Mr Galbraith: I am grateful for those comments. As the member will appreciate, if anything should be free from party political values, it is this issue. Striving to reach the right solution took me considerably longer than I expected, but we made judgments based on everyone's views, including those of Nicola Sturgeon's party, which has made a significant contribution.

The role of HMI and the commission for the regulation of care was a difficult matter. I was faced with a range of options, such as fully to integrate the commission and to remove HMI from the inspection system altogether. That would mean that nursery education would come under the social care commission. I was very dubious about that, because there is an important educational link between nursery education and the preparation for primary school. Therefore, on balance, I decided that, although it made it slightly more complicated, it would be preferable to retain HMI's presence.

All pre-school education in the local authority, voluntary and private sectors will be inspected each year—at present, that happens only in the private and voluntary sector—by the care commission. HMI inspections currently take place periodically, within every seven years, although that may alter. In the years in which HMI inspections take place, the care commission will not inspect organisations. There will be only one inspection a year. The inspections will be carried out against standard performance indicators. That means that the inspections will be similar each year, although the performance indicators that are used may vary. That is how I tried to square the circle.

The question of nannies raises another difficult issue. However, parents have to take some responsibility. It was very difficult, because everyone said that we should regulate nannies, but not one person was able to tell us how to do it. There are several problems, such as where baby-sitters fit in, whether we should regulate those who are qualified and how we deal with the matter of parents who just want someone with experience of looking after their own family. We have taken steps on the regulation of employment agencies, the code of practice and fit person checks. We also produced the "Need a Nanny?" guide for

parents. If Karen Gillon is here, I will give her my copy.

Dr Richard Simpson (Ochil) (Lab): I welcome the minister's statement. For several years, I have been involved in medical approval of childminders and I wonder whether the extension of the regulations that we have been discussing will include childminders. Could the minister say a little more about how any charges that might be made in respect of fit person and criminal checks might be levied? Who would be responsible for those costs?

Mr Galbraith: As Richard Simpson probably knows, childminders are already regulated and there will be no change in the current position. The question of fit person checks is difficult, particularly in relation to voluntary organisations such as the scouts. That issue is still under discussion. For example, under part V of the Police Act 1997, a nanny could get a Scottish Criminal Record Office check, and so provide a certificate that stated that she had no convictions; that would be her responsibility. However, in other areas, such checks would be the responsibility of the organisations involved. That issue needs to be tightened up before we make final decisions. Further decisions on the consultancy index are being pulled together.

It is difficult to make the right judgment on costs and to find a balance between over-regulating and securing protection for all those involved. That is a matter that I will be considering further.

Ian Jenkins (Tweeddale, Etrick and Lauderdale) (LD): I, too, welcome the extension of protection and quality assurance in this area of child care. There is a nice balance between a laissez-faire attitude, which would not have done at all, and a nanny state—if members will forgive the pun—which we must avoid.

I am interested in the minister's thoughts on inputs, and on teacher involvement and adult:child ratios. He suggests that statutory provisions will still be there, but he is downgrading their importance a little.

I wish to ask about the progress of the working party on the issue of criminal checks and about bureaucracy. As the minister will know, something that upsets teachers is additional bureaucracy. I hope that there will not be too much bureaucracy, and regulations and rules, in an area of child care that has traditionally been less formal.

Mr Galbraith: Having considered the bureaucracy, I cannot help but agree with Ian Jenkins that we must stop the overload of initiatives.

I thank the member for his comments. I am trying to achieve a non-political balance. We are

all interested in the outputs. Until now, all regulations have been about inputs: the teachers, the numbers, the ratios, the class sizes and so on. We must change the whole attitude—the political debate that is obsessed with the amount of money that goes in. We need to get away from the input model that we are obsessed with, to the output model and what it does for those who are involved. Let us not forget that input measures are just proxies for output. It is much better if we can measure output.

If the performance indicators and output are right, the structures we use to deliver them are less important. We are not downgrading anything. The ratios are still there and there will still be the various inputs. The question is whether we only have teacher involvement—as members will appreciate, that leads to inflexibility. In the Highlands and Islands, for example, a teacher might not be there every day, because they might be needed in a series of schools. We want flexibility there.

I am sure that the member, when he mentioned the working party, was referring to the consultancy index. Various checks are available under part V of the Police Act 1997; those are the Scottish Criminal Record Office checks on convictions. Enhanced checks are also becoming available, and there is non-conviction material, which we are considering.

There is a consultancy index of people who are unsuitable to work with children in England, but not in Scotland. However, there is no index of people with criminal convictions—that has huge implications for human rights. That issue has been on-going since I picked up my job in 1997. We are almost ready to make some final decisions on that—I will ensure that everyone knows about it.

Fiona McLeod (West of Scotland) (SNP): The minister said that the second guiding principle behind his statement today was that regulation must be proportionate to risk. However, in his statement he is not meeting the Cullen recommendations that all young people up to the age of 16 should be encompassed in any regulatory framework. I should like to hear the reason for stopping at 14.

I press the minister further on the opportunity to update Parliament on his fellow minister Jackie Baillie's working group on investigating the costing and charges for SCRO checks—another item mentioned in the Cullen report. The working party was set up last October to consider, for example, who would bear the costs and charges of SCRO checks and the level that the checks would come in at. Can the minister update us on when we can expect to hear about that?

Mr Galbraith: I am sorry, but I cannot update

Fiona McLeod on that last point. However, I shall make it clear to Jackie Baillie that she should let the member know about that. It is important to get those things right, rather than to produce results early.

Cullen made a number of recommendations in his report, the most significant of which relates to Ian Jenkins's point on fit person checks, which involve a large number of complex issues. I am not trying to dodge the difficult issues that I have been wrestling with since I took over this matter in 1997. There are huge implications for human rights and in regard to the age at which regulations should apply to children. We must strike a balance and have decided that 14 is the best age. As Jamie McGrigor pointed out, we must ensure that the child is secure, without over-regulating. However, others might disagree with that judgment.

The Deputy Presiding Officer: Before calling the next member, I ask the minister not to turn away from the microphone when he responds. I know that it is tempting not to speak with one's back turned to a member, but turning round makes it very difficult for people to hear the minister.

Mr Galbraith: I am very sorry.

Maureen Macmillan (Highlands and Islands) (Lab): I also want to ask the minister about SCRO checks. I have received representations from the organisation Homestart, which is part of the social inclusion partnership in Easter Ross and is responsible for delivering the SureStart programme. The 20 volunteers who start on the programme every year do not stay very long because Homestart's training is so good that they often get full-time jobs quickly. As a result, the organisation is worried about the possible costs of SCRO checks.

Although I have written to Jackie Baillie on that issue, I thought that I would take the opportunity to mention it to the minister. Is it possible to have a portable SCRO check? As some volunteers might have been childminders, for example, before they came to Homestart and so have already been through the process, it seems a waste of time and money for the organisation to go through the process again.

Mr Galbraith: In deference to you, Presiding Officer, I will not turn round to answer the question.

I am grateful for that suggestion, as these issues are important. There is no need for people who have certificates from the SCRO saying that they are conviction-free to repeat the process every six months. I will certainly consider Maureen Macmillan's point about flexibility.

Irene McGugan (North-East Scotland) (SNP):

The minister talked about

“ensuring the employment of suitably qualified teams of staff with an appropriate mix of skills.”

Will he clarify what he means by “suitably qualified” and define the phrase:

“an appropriate mix of skills”?

Perhaps he could also take this opportunity to give us a progress report on the new SVQ level 4 award in early education and child care.

Mr Galbraith: Progress has been made on the SVQ award and other measures, to produce the so-called ladder of qualifications. If we are to meet the 5,000 training opportunities that Nicola Sturgeon mentioned, it is important that we make teaching a worthwhile career. The member will know more than me about the mix of skills that is needed for these forms of education; however, there will have to be a range of qualifications that will involve teaching skills, the ability to relate to and handle children and so on. As I said, the member could provide a better list of such skills than I can.

Karen Gillon (Clydesdale) (Lab): I thank the minister for his statement and particularly welcome the extension of regulation to all children of primary school age.

In the code of practice that will be developed for school inspections, will the minister consider the possibility of establishing a proper link between pre-school and primary school education? Furthermore, what will be the role of the inspector in such links?

Mr Galbraith: Those links are very important. One of the great advantages of pre-school education—with every four-year-old and 60 per cent of three-year-olds whose parents want a place able to have it—is that it prepares children to make the natural steps within such areas. Those steps are greatly enhanced if the information and the skills developed in pre-school education are transmitted to make the transfer simple, effective and to the child’s benefit as they move forward to secondary education. I can reassure Karen Gillon that we intend to enhance and develop such areas.

Mary Scanlon (Highlands and Islands) (Con): How will the proposals affect the current regulations for foster carers?

Mr Galbraith: The situation regarding foster carers is slightly different. Although we will soon be considering consultations on the regulation of foster carers, the current system of registration and regulation will remain.

The Deputy Presiding Officer: That concludes questions on the minister’s statement.

Bruce Crawford (Mid Scotland and Fife)

(SNP): On a point of order, Presiding Officer. This point of order is genuine, as I am very concerned by the way in which statements are brought to the chamber and how they are dealt with. I fully understand that members of the Executive must make statements in the chamber so that they can explain the Executive’s direction. Is it possible for you or for Sir David to give some protection to this Parliament, so that, when ministers make statements, they are actually prepared or able to answer questions? Frankly, it has been a travesty this afternoon.

The Deputy Presiding Officer: We will consider that point, and it would be very helpful if the member could drop me a note about it.

Sea Fisheries (Shellfish) Amendment (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Patricia Ferguson): The next item of business is a debate on motion S1M-852, in the name of Tavish Scott, on the general principles of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill.

16:04

Tavish Scott (Shetland) (LD): I am pleased to be able to move the motion for stage 1 of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill here in Glasgow. I would like to start by thanking all those who have assisted me in preparing and lodging this bill. In particular, I thank those in my own office and MSPs from all parties who have supported this measure, many of whom are in the chamber this afternoon, and without whom this bill would not have reached this stage.

I would also like to thank the clerks, who were of great assistance in drafting the bill—although, effectively, it is but two sentences—and in providing guidance on procedure. I also appreciate the work of the members of the Rural Affairs Committee, many of whom are here. Their report helped me in my consideration of the measure. I should mention their tight schedule. The committee has a particularly heavy work load at this time, and it produced the report with minimum delay.

I would like to set on record the encouragement that I have been given by the Association of Scottish Shellfish Growers and by its chairman, Doug McLeod. Its members watched with frustration when an earlier version of this bill fell in Westminster, tripped up by a procedural hurdle, despite the best efforts of Jim Wallace MP and Lord MacKay of Ardbrecknish. The association had the vision to see that our new Scottish Parliament could deal not only with the great issues of the day, but with such small, but nevertheless important, matters.

My bill is a simple, straightforward measure that seeks to remove an avoidable source of conflict between shellfish farmers and creel fishermen. The two can happily exist side by side, but have been forced into a position of rivalry by the terms of the Sea Fisheries (Shellfish) Act 1967. Under the act, a shellfish farmer wishing to control an area of sea bed on which to farm his scallops or whatever can apply for a several fisheries order. However, the terms of the act mean that, should the farmer be successful in his application, the order issued will ban most fishing operations in his area in order to protect his stock.

The problem is that the prohibition covers such fishing activities as fishing with creels, even though that would not damage the farmer's scallops. That means that, for a farmer to be successful, creel fishermen may well be banned from fishing in areas in which they have fished for generations. Not surprisingly, that leads to conflict, and applications for several fisheries orders have met with considerable opposition.

I am sure that those who drafted the 1967 act did not wish to create what is an entirely unnecessary conflict, but the drafting ensured that that happened. This bill therefore aims to amend the 1967 act to allow several fisheries orders to be drafted so that fishing with specified non-destructive equipment such as creels can continue.

The problem with the 1967 act was first discovered about 10 years ago, when an application for a several fisheries order in Loch Crinan ran into opposition over exactly this problem. An examination of the act found that the secretary of state could not issue an order which permitted creeling. The result was an unnecessary public inquiry. When the order was eventually issued, the creel fishermen lost an area that they had traditionally fished.

Since then, other applications have run into similar problems, once in Loch Ewe and three times in the area of sea between Skye and Raasay, in the constituency of my colleague John Farquhar Munro. Those applications were all eventually successful, but the applicants had to face the cost of arguing their case at public inquiry and the long delays in the issue of the orders. Yet again, creel fishermen lost out for no reason other than the wording of an act. That is the unnecessary conflict that this bill seeks to avoid.

I welcome the Rural Affairs Committee's support for this bill in its report. I note that all 16 of the organisations that responded to the consultation exercise supported the bill. It is notable that they included fishermen's associations, which have generally not been favourably inclined towards the issuing of several orders, and which will presumably continue to oppose them in areas where their members dredge for scallops. They nevertheless recognise that this bill would remove a source of conflict for those of their members who fish with creels.

I note the committee's recommendation that the Executive should consider amending existing orders if this bill is passed. I commend this recommendation to the Executive. While I am not normally in favour of retrospective legislation, I would be happy to accept at stage 2 suitable amendments permitting that, provided that any amendments to existing orders were carried out with the full agreement of the shellfish farmers

holding the orders and with the full consultation of local fishermen. I welcome the minister's views on the matter.

I will set out my perspective on the role of various fishing orders in the wider area of fisheries management. I believe that fishermen recognise that our shellfish stocks need to be better managed and that this management is best controlled by those with an interest in the continued health of the stocks: the fishermen and those who buy and process their catch. I am delighted that Shetland has led the way with a successful promotion of a regulating order for fisheries that puts the control of the shellfish fishing around Shetland into the hands of local management organisations. I am pleased that the Executive has supported that and other initiatives to introduce regulating orders in Orkney and down the west coast of Scotland.

I am sure that the minister will ensure that when Parliament debates the National Parks (Scotland) Bill, particularly the marine parks section of the bill, the Executive will not, on one hand, support a measure that reduces conflict and, on the other hand, establish a mechanism, albeit unwittingly, that could create difficulties. I am sure that, in the spirit of joined-up government, discussions will be going on across departments to ensure that sensitivities are recognised and that no such problems will emerge.

Several fisheries orders can fit in with regulated fisheries orders by setting aside areas for controlled farming of shellfish for commercial or restocking purposes. The future that I want will include carefully controlled management of our seas, with a large input from the people who understand those areas—local fishermen, fish farmers and shellfish farmers. The bill aims to remove an unintentional barrier to the smooth and effective management of our coasts and seas.

I move,

That the Parliament agrees to the general principles of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill.

16:11

The Deputy Minister for Rural Affairs (Mr John Home Robertson): I congratulate Mr Scott on the introduction of his member's bill. The Executive is pleased to support the bill, which will assist not only those interested in developing several orders but also those fishermen who will be given access to several order sites using gear that is appropriate and non-damaging to the sites.

Perhaps I should explain the meaning of the term "several order". It does not, as members might suppose, mean a number of orders; it means an order which has the effect of severing the right to fish for shellfish in a designated area of

water from the general right to fish in the sea. The orders confer rights to named fishermen to cultivate and take certain species of shellfish in designated areas. We believe that appropriate several orders can help to develop and expand the Scottish shellfish industry.

As Mr Scott reminded the Parliament, similar bills were presented in Westminster in 1998 and 1999 and had widespread support but were obstructed by certain unmentionable members of Parliament. I will not embarrass the Tory party by naming names. This is the first piece of legislation to be initiated in Glasgow, so it is appropriate that the bill has particular relevance to the west coast of Scotland. I trust that the Scottish Parliament will be able to support the specific requirements of shellfish producers there by delivering this bill after those setbacks at Westminster.

The bill is consistent with the Executive's general approach to fisheries management. We have demonstrated our strong commitment to the interests of Scottish fishermen. We are working hard to protect Scottish interests in the European Union, not least in the vital area of the forthcoming review of the common fisheries policy.

The Executive is also committed to greater local involvement in fisheries management. We have worked with local interests already to deliver local management of shellfish in Shetland through the Shetland regulating order. I welcome the comments that Tavish Scott made on that. We are practising what we preach on close co-operation with local fishermen, by setting up the Scottish inshore fisheries advisory group, to address issues that affect the inshore fleet.

Having participated in some meetings of that group—SIFAG, to those who are in the know—I appreciate that there can be conflict between the interests of different groups of fishermen. This bill should benefit both several order site operators and local fishermen. However, some issues are rather more complicated, such as the dispute between mobile and static gear operators in the Torridon area, which I heard about when I visited that part of Scotland a few months ago. That dispute has also been drawn to my attention by Rhoda Grant and John Farquhar Munro, whom I met when I visited his constituency. The rural affairs department has just received the socio-economic advice that was commissioned on that issue, and I hope to be able to make an announcement on it soon.

This bill will help local shellfish producers, mainly in the remote coastal communities of Scotland. Fishing for shellfish, either by traditional means or by farming, is recognised as an important and valuable sector of the Scottish fishing industry. With pressure on the main white fish species, and with concerns over many wild

shellfish stocks, it is important that we do everything that we can to ensure the sustainability of shellfisheries. There is much scope for the development of shellfish farming in Scotland and we want to promote that development. Consumer demand for high-quality seafood is expected to continue to grow, and the Scottish industry can cultivate high-quality shellfish: that must be our objective.

The Scottish shellfish sector can offer opportunities for a valuable economic activity, particularly in economically fragile coastal communities, provided that it is managed in a sustainable manner. There have been well-publicised problems in the aquaculture industry in recent years, but the Executive is determined to work with the industry to achieve the highest standards. I regard that as a very high priority. The image and quality of Scottish shellfish depend on the quality of our sea water. Clean water is a key marketing factor in the promotion of our shellfish, and the Executive recently announced that 11 additional areas are to be designated under the EC Shellfish Waters Directive.

I am pleased to note that the Rural Affairs Committee's consultation has confirmed the unanimous support that exists for the general principles of the bill. I am also reassured by that committee's report that several orders are, in general, viewed in a favourable light, as facilitating the sustainable exploitation of coastal resources. The majority of respondents clearly welcome the amendment as a means of reducing unnecessary and avoidable conflict between the aquaculture and inshore fisheries sectors.

The Rural Affairs Committee made one recommendation about the possible retrospective application of the bill to existing several orders. It recommended that

"the Scottish Executive give serious consideration to the question of whether existing Orders should be amended if this proposed legislation is passed, in order to ensure consistency."

The committee noted that

"Orders may be granted for up to 60 years."

I understand the point about the risk of misunderstandings over the distinction between old and new orders, and I note what Tavish Scott said about that in his introductory speech. The Executive will consider that proposal seriously. However, the vast majority of existing orders have been granted for much shorter periods than 60 years, to allow review of the sustainability of the operations. The usual term for orders is 15 years, and existing orders can be varied only after public scrutiny—which was the point that Tavish Scott was worried about.

It is right that several orders should be subject to

proper public scrutiny, and we are pleased that the Rural Affairs Committee has confirmed that it does not view this amendment as reducing the force of objections that mobile gear operators might have to particular several order applications. We do not expect the process of the public scrutiny of orders to change. I know that Tavish Scott has supported the Shetland Islands Regulated Fishery (Scotland) Order 1999, under the Sea Fisheries (Shellfish) Act 1967. Despite the fact that there were very few objections, we judged that a local public inquiry was needed there to consider the widest possible views. Minority and even individual interests must be taken into account.

The committee emphasised the need for a greater integration of aquaculture and inshore fisheries policy, and we have been addressing that point. Last year, we gave the inshore branch of our sea fisheries division in the rural affairs department the responsibility for assessing several order proposals.

I take the point that Tavish Scott raised about national parks. Certainly we want to avoid any unnecessary confusion in that area. Officials in my department and in other departments will pay attention to that.

The amendment has widespread, virtually universal, support, not only from creel fishermen but also from the Association of Scottish Shellfish Growers, which represents a large proportion of the shellfish farming sector. It has described the bill as a win-win provision—I apologise for the cliché but it is legitimate in this case. That is how the Executive sees it and I am happy to confirm our support for Tavish Scott's bill. I again congratulate him on a legislative initiative that must be the first in Glasgow in modern history.

16:19

Richard Lochhead (North-East Scotland) (SNP): It is a pleasure to make my first speech in Glasgow. This is an unusual occasion because we have the fisheries spokespeople from all the parties and the Minister for Rural Affairs here. This is an uncontroversial fisheries matter, and we are all in agreement. I am not going to disrupt that.

In the first speech in the Parliament in Glasgow, by Wendy Alexander, she mentioned the former fish market and, quite appropriately, that there was once salmon fishing in the city. I congratulate Tavish Scott on the subject of his first member's bill—one of the first such bills in the Parliament. He is lucky to be put in such an historic position. In Glasgow lucky people are described as being able to fall into the Clyde and come out with a salmon in their pocket. Tavish may want to put that theory to the test later on. If he does, we will have to let *The Shetland Times* know so that someone can

take a photo.

That this is one of the first members' bills highlights the importance attached to fishing by the Scottish Parliament. It has been the subject of many debates already and that is welcomed by the industry. We have had debates on amnesic shellfish poisoning, the fishing boundary, the European negotiations and infectious salmon anaemia, all in a matter of months. The Rural Affairs Committee has also spent a disproportionate amount of time on fishing. We have had three committee reports on fishing matters: on amnesic shellfish poisoning, on the boundary issue and the report on Tavish Scott's bill.

That we can move so quickly on an uncontroversial issue highlights the difference between the Westminster and Scottish parliaments. The Scottish Parliament is much more positive. We recognise the merits of a case, take out the politics and will push it through because it is sensible and the right thing to do, as opposed to the archaic, draconian, undemocratic events we see at Westminster time and time again when perfectly sensible private members' bills are put through their system. That happened on two occasions with similar bills to the bill before us.

The SNP unreservedly supports the bill. It is a very positive measure and we support any such measures to assist the inshore fisheries sector and shellfish farmers. At the moment they need assistance more than ever because of the difficulties facing the industry. The bill irons out anomalies in fishing legislation. There are many more anomalies that should be addressed but at least we are making a start.

I think I am the only member of the Rural Affairs Committee speaking in the debate. The committee spent some time looking into the proposal and found it very sensible. As Tavish Scott said, the committee consulted 40 organisations and those that responded were unanimous in their support for the bill. We had an e-mail just a couple of days ago from Doug McLeod, chairman of the ASSG, to say that, although he would not be present today,

"I shall be there in spirit! It's been many years along the road, to create this positive legislative flexibility and to reduce unnecessary friction between the fishing and aquaculture communities."

He said that he hoped that the bill

"passes with the all-party support it deserves",

which it will do.

I do not want to repeat too much of what has been said before. People have referred to the benefits that the bill will bring to creel fishermen, particularly on the west coast inshore fisheries, and to shellfish growers. As the minister said, it is

a win-win situation. It will even save fishermen money, which I guess will be welcomed by the industry, as fewer public inquiries will arise as a result of conflicts.

The Rural Affairs Committee's report raised two issues to which Tavish Scott and the minister both referred. Members of the committee ask them to take those views on board. I am sure that, like the SNP, members of the Rural Affairs Committee will welcome the minister's statement that he will look into the idea of retrospective application of the bill. The bill is a welcome boost for the sea fisheries sector in Scotland and I am glad that ministers support this positive measure, which offers an opportunity to the industry.

However, with Tavish Scott's permission, I take this opportunity to mention a threat to the fishing industry—the multi-annual guidance programme mid-term review proposed by the European Commission. Tavish's bill may provide an opportunity, but that review is a threat on the horizon. I hope that ministers will take a positive attitude towards the review. The cuts in the Scottish fleet proposed by the Commission must not see the light of day, as they would be devastating for the industry. I see that the minister would like to intervene.

Mr Home Robertson: I am not sure that this has anything to do with the bill that we are debating but, as Richard Lochhead has raised the point, I am happy to confirm and reiterate the statement that has been issued by the Executive challenging the logic of the Commission's ideas on MAGP, which fail to take account of other measures taken to restrict the efforts of the Scottish fishing fleet. We shall resist those proposals very vigorously indeed.

Richard Lochhead: I welcome the minister's comments. I close by saying that the SNP supports Tavish Scott and congratulates him on his bill, which is a positive measure for the industry. I hope that we will continue to deliver positive measures for the fishing industry in Scotland.

16:26

Mr Jamie McGrigor (Highlands and Islands) (Con): To answer John Home Robertson's jibe, every party has a few landlocked MPs hidden in its cupboards. I congratulate Tavish Scott on introducing this extremely sensible amendment bill, which will go a long way to righting an old wrong and is a big step towards creating greater harmony between traditional fishermen and aquaculturists in Scotland.

Quite naturally, there is always opposition when people are no longer allowed to practise what they have deemed to be their right for centuries. When

a new technology appears that is beneficial to the perpetrators and, in this case, also to stocks of wild shellfish in surrounding areas, sometimes it cuts across the traditional rights and practices that have been adhered to in the past. Recently, we have all been made aware of the importance of the scallop industry, because of the unfortunate occurrences of amnesic shellfish poisoning that have plagued the industry for more than a year. The losses to fishermen and fish farmers have been enormous and they have received no compensation whatsoever.

Although the restrictions in many areas have now been lifted, there is the strong possibility that those toxic algal blooms will appear again as the water warms. I call again for a different testing regime that will allow processors to attempt to rid the shellfish of any toxins before they go on to the market and into the food chain. At least that would keep the industry alive and allow the boats to go on fishing.

Regarding the explanation of and reasons for the amendment bill, I do not intend to repeat what has been said today and written in the excellent and concise research note produced by the Scottish Parliament information centre. I only wish to add that I myself was once a part-time lobster fisherman on the island of Coll, and I know how pleased the small coastal fishermen will be with the bill.

I have one caveat. I do not consider it absolutely necessary that an implement requires to be specified in an order. Any implement that does not cause damage, or is used in such a way as not to cause damage, should be permitted, as that would allow for implements not yet invented to be permitted without the necessity of producing a new order.

I am also slightly unhappy about the definition of use. The meaning of the words "not to" is unclear. In my view, that part of section 1 should read either "so used in a manner as to not", or "so used as shall be calculated not to". The first test is absolute, so that whatever the intention of the implement, if it causes damage, an offence is committed. The second gives a defence that there was no intention to cause damage. In the interests of justice, the second definition seems better, because the effects of the implement cannot be seen once it disappears towards the bottom of the sea, where it may cause damage when it lands.

I will expand more on the need for greater harmony between aquaculturists of all descriptions and traditional fishermen, as undoubtedly there are other areas of conflict, which, in my view, could be at least lessened by more diplomatic approaches. Fishermen object to several orders in principle, as they do not like the idea of ownership of the sea bed being put into private hands, unless

for scientific, conservation or experimental purposes in the interests of the fishing industry. The argument that money could be generated from a cordoned-off area has always been countered by the claim that livelihoods had also been made from the same areas when they were open to traditional fishing methods, which is a difficult case to argue or prove.

Another bone of contention is that the areas protected by several orders often block off large areas to traditional fishermen, who have to travel across those areas to reach fishing grounds in which they can fish legally. That means added expenditure of time and fuel for creel fishermen as well as for trawlers and dredgers.

Public inquiries were held in Crinan and Portree, where it was stated that the applicant for the several order would have no objection to creel fishing, as the catching of predators such as lobsters and crabs would be beneficial to the scallop beds. Under the chairmanship of Lord MacKay of Ardbrecknish, the Seafish Industry Authority actively encouraged creel fishing on its site in Loch Ewe. Once this amending bill is passed, any future objections will have to be based on trawling and dredging methodology. It would be inappropriate to try to secure a several order on ground that was fished heavily by those methods, as that would meet with great opposition from fishermen.

To avoid conflict between fishermen and growers, I believe that there should be a code of practice and a better consultation system, as the present system is distinctly inadequate and can prove expensive to objectors and applicants alike. At present, when objections are received and a public inquiry is mounted, if the recorder finds that the objections were frivolous, the objectors carry the costs. Objectors and applicants should be invited to try to resolve matters at meetings. Consultation between the interested parties is the key. The fishermen can suggest alternative sites, a solution that has been achieved quite often between fishermen and sea cage salmon farmers in recent years.

I will give an example of good practice. A recent applicant for a several order in the summer isles consulted the Mallaig and North West Fishermen's Association for advice. The result of that diplomacy may have meant support for the applicant from the very people who would most certainly have objected under normal circumstances. Good sites for salmon growers can be found in ground that is unsuitable for trawlers. The inland sheltered sea lochs of Scotland's west coast will doubtless have more several orders granted without objection as a result of this amending bill, and other types of aquaculture, such as salmon farming, flourish in those sea

lochs. I will spend a moment on that point, as it is important.

The Scottish farmed salmon industry is the third largest in the world. Not only does it support a large number of jobs in remote rural areas, but the salmon produced are noted worldwide as being of the highest quality. France has given that product the label *rouge*, which is the highest acclaim for a food product and is not given lightly. Unfortunately, conflict has arisen over suspected damage to the wild salmon and sea trout runs, which are of great importance to the angling fraternity and to the Scottish tourist industry.

The Deputy Presiding Officer: Please wind up.

Mr McGrigor: I am sure that the Deputy Minister for Rural Affairs is aware of the recent impact survey of the western isles, which showed that sport fishing brought some £5 million a year into the local economy and supported 260 jobs in that area alone. In order to have a fishery, there must be a reliable surplus of the fish stock that is being exploited. Stocks of salmon and sea trout have dwindled and declined dangerously. It would be tragic if Scotland lost this wild sea trout and salmon fishery, which has been so valuable and important for centuries.

The Deputy Presiding Officer: Wind up, please.

Mr McGrigor: May I have one more minute, please?

The Deputy Presiding Officer: No. Come to a close, please.

Mr McGrigor: I will wind up.

The contentious matter seems to be that there could be large escapes of farm stock that is infected with the sea louse that harms wild migrating salmon and sea trout smolts. That would spread disease and harm the gene pool of wild stock if interbreeding occurred. The effluent that falls from sea cages could cause pollution.

I have been made very aware of those problems in the Highlands and Islands and I am sure that the minister will acknowledge the problem. I would also like to know how near is the tripartite group to solving the problems between the interested parties.

16:34

Mr John Munro (Ross, Skye and Inverness West) (LD): I thank the Deputy Presiding Officer for calling me to speak and I thank Jamie McGrigor for plundering half of my allotted time.

Mr McGrigor covered all aspects of the fishing industry very well, as did my colleague Richard Lochhead. I am pleased to support Tavish Scott in

his efforts to promote the bill. I am sure that it will have great benefits to fishing communities, with regard not only to their sustainability and viability, but to the preservation, conservation and quality of fish stocks. That quality will, at the end of the day, be reflected in the prices of fish.

From where I sit on the west coast, I can see that we will have far more co-operation and harmony between the various sections of the fishing industry if the legislation is implemented. The restrictions that it was assumed would be imposed by the fisheries orders seemed, in the past, to generate aggression.

I need tell no one here that the shellfish industry in the past few years—especially last year—has been almost wiped out because of restrictions that were imposed to deal with amnesic shellfish poisoning caused by consumption of fish that had, in turn, consumed the algal bloom. I am, however, reliably informed that the algal bloom is appearing on the west coast of Scotland in some of our inland lochs.

The problem has been that, where there has been no regulatory order and application is made to introduce one, the habit of the fishing community that will be excluded by such an order has been to object to it. That has been for no good reason other than that that community imagines that it will lose its source of income on the loch that the order applies to. We should not merely satisfy their aspirations and desires, but demonstrate that a regulatory order would be to their advantage and to the benefit of everyone.

In my area around the Sound of Sleat, there has almost been trench warfare between the shell fishermen and the creel fishermen and other more invasive fishers. When the shell fishermen have laid down beds of scallops and other shellfish, they object strongly to any other type of fishing being carried out within the boundaries of their fishery. Tavish Scott's bill proposes co-operation and harmony that will demonstrate to the creel fishermen and other invasive fishers that they have nothing to lose by supporting the application of regulatory orders. I am pleased to rise in support of the bill as proposed by my colleague.

The Deputy Presiding Officer (Mr George Reid): There is still too much ambient noise and it is extremely difficult to hear speeches from the chair.

16:39

Rhoda Grant (Highlands and Islands) (Lab): I am glad to support the bill and to congratulate Tavish Scott on introducing it. It is possibly the least contentious bill the Rural Affairs Committee has had to deal with. The length of the debate does not reflect the importance of the bill, but it is

difficult to fill several hours of debate with people saying, "This is a good thing."

When carrying out its consultation, the Rural Affairs Committee received responses from many organisations on the subject of several orders. They are contentious, but they are not what we are considering today. What we are considering is an amendment to legislation that would allow aquaculture and inshore fishermen to work together. Previously there was conflict between anyone who wanted to set up a shellfish farm—for which they required a several order—and local fishermen. The order prohibited any fishing taking place around the farm, regardless of whether it would cause damage. This bill would permit non-damaging fishing, allowing the fishing community to work together.

As Tavish Scott said, the bill was introduced at Westminster but was unsuccessful—not because there was a problem with it, but because it is extremely difficult to take a private member's bill through Westminster. That highlights the benefits of the Scottish Parliament to small sectors in Scotland. Because of the small number of people affected by it, this bill would never have found its way into the Westminster Government's legislative programme; the same may be true of the Executive's programme.

The procedures of this Parliament, however, make it easier for a member's bill to become law. I hope that this bill, if not the first, will be one of the first to be passed. That would show that this Parliament is accessible to all sectors of society, even those that do not have the backing of large organisations. That is especially true of the community from which I come and about which John Home Robertson spoke earlier, on Loch Torridon.

I suggest that those who say that the Parliament is not working or making a difference speak to the small communities affected by this bill. Only a Scottish Parliament could take it forward. We must continue along that road. While looking at the big picture, we must never forget the issues that affect smaller sections of our communities.

As I have said before, the Executive has taken the lead in empowering fishing communities. Shetland now manages its fishery locally and I hope that that will be extended to other areas of Scotland. By introducing legislation that helps people to make decisions at local level, we can empower communities. We must remember that one size does not fit all.

In the e-mail to which Richard Lochhead referred, Doug MacLeod finished by saying:

"I hope all goes well, and the Bill passes with the all-party support it deserves."

I hope so too. I urge all members to support the bill.

The Deputy Presiding Officer: I call Tavish Scott to wind up the debate.

16:41

Tavish Scott: I would like briefly to deal with the points that members have made. I take Rhoda Grant's point about people standing up and saying, "This is a good measure," although I thought that that was what coalition back benchers had to do every day.

I am grateful to all the parties, across the political spectrum, that have expressed support for this measure. In his opening remarks, the Deputy Minister for Rural Affairs not only expressed the Executive's support for the bill, for which I am grateful, but defined what a several order is, which will be helpful, at least to those who read the *Official Report* tomorrow, for future occasions.

The minister mentioned the increased role of fisheries management in a local sense, which is an important theme in fisheries management today across Scotland. I welcome his commitment in that area.

Rightly, the minister pointed out the problems of mobile and static equipment that is not addressed by the bill. I do not ignore those problems—they will have to be dealt with—but I believe that the bill goes some way towards addressing the overall issues.

The point that the minister made about marketing and the quality of the product was also important. I hope that, indirectly, this measure will help in that area.

In particular, the bill would bring benefits to rural and isolated areas of Scotland. In that sense, as Rhoda Grant said, it shows the relevance of this Parliament to what is happening across our community, not just in certain parts of it.

I take the minister's point about retrospective legislation and welcome his commitment that the Executive will consider that point. The Rural Affairs Committee will also have a chance to consider it further. I also welcome what was said about the regulating order in Shetland, which fits in with the overall theme of local management of fisheries, to which the Executive parties are committed.

I thank Richard Lochhead for the support he expressed on behalf of the SNP. Richard made a remark about salmon in my pocket. I am usually accused of being in the pocket of the salmon farmers. However, I take that point on board, as well as what he said about the ability to deal with measures quickly and effectively in this place, as

compared with Westminster. Other colleagues made the same point.

Richard Lochhead referred briefly to the multi-annual guidance programme, which showed an interesting ability to move directly or indirectly off the point. The minister's response on that issue was important; I hope that Parliament will note that and take it seriously, because the issue will be important over the coming weeks.

I thank Jamie McGrigor for his support—and that of his party. There is only so much to talk about on a two-line bill. Jamie McGrigor—like Richard Lochhead—managed, quite rightly, to find other issues to talk about, in particular the testing regime. Mr McGrigor had concerns about some of the wording. I recognise where he is coming from on the representations that were made by the Clyde Fishermen's Association in its evidence to the Rural Affairs Committee. The committee will come back to those points at stage 2. Consideration could be given to modern developments in fishing and aquaculture techniques—that is a fair point—but there was only one representation on that, despite the 16 other representations that were received. The committee will have to weigh that in the balance at stage 2.

Jamie McGrigor also made good and relevant points about conflict resolution, in particular with regard to the summer isles, which was the example he used.

I thank my colleague John Farquhar Munro for his support. He raised an important point about co-operation between the various sectors of the industry and mentioned the objections procedure that has caused so many problems in the past; he used the example of the Sound of Sleat. He also spoke of the role that can be played by the regulating orders that he sees in his part of Scotland.

I also thank Rhoda Grant for pointing out, again, that the bill is not contentious and that we can make a difference in Scotland when it is not possible to do this at Westminster.

The bill, although simple, can prove that the Parliament works for all the communities of Scotland. In that sense, I am very grateful for the support from across the chamber this afternoon.

Learning and Skills Bill

Motion moved,

That the Parliament agrees that the regulation-making powers relating to Scotland in respect of learning accounts in the Learning and Skills Bill should be devolved to the Scottish Ministers.—[*Henry McLeish.*]

Parliamentary Bureau Motions

Motions moved,

That the Parliament agrees that Rule 5.6.1(c) of the standing orders be suspended for the duration of the Meeting of the Parliament on Thursday 1 June 2000.

That the Parliament agrees that the Finance Committee considers the Protection of Wild Mammals (Scotland) Bill and reports on the provisions referred to in Rule 9.12.2 and 9.12.3 and that Rule 9.12.5 and Rule 9.12.6 of the standing orders be suspended for the purpose of the Parliament's consideration of the Bill.

That the Parliament agrees that the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations be approved.—[*Mr McCabe.*]

The Deputy Presiding Officer (Mr George Reid): Parliament is ahead of time today. We have a half-full chamber, but there is no agreement across the parties that we should go for an early decision time. I propose, therefore, to suspend the meeting of Parliament until 16:59 and to take decision time at the usual time. I do so under the powers that are vested in the chair under standing orders, rule 7.4.1(d):

"The Presiding Officer may, if he or she considers it appropriate, suspend a meeting of the Parliament . . . where debate on a particular item of business has concluded before the time set out in the daily business list".

Mr Jamie McGrigor (Highlands and Islands) (Con): On a point of order, Presiding Officer. If there is so much time left, why was I not allowed an extra minute to make an important point? My friend John Farquhar Munro—

The Deputy Presiding Officer: You are well aware that Ms Ferguson allowed you two minutes over your allotted time. That was more than generous.

16:48

Meeting suspended.

16:59

On resuming—

The Deputy Presiding Officer: I reconvene this meeting of Parliament.

Tricia Marwick (Mid Scotland and Fife) (SNP):

On a point of order. During question time today, the First Minister's press officer was on the floor of this chamber wearing what appeared to be a Labour party neck cord. Will you comment on the appropriateness of a civil servant, who is paid out of the public purse, parading his party loyalties? Will you refer the matter to the head of the civil service, with a view to considering whether the special advisers code of conduct has been breached?

The Deputy Presiding Officer: It was perfectly in order for the gentleman to be on the floor of the Parliament, as arrangements had been made with the Presiding Officer for him to be there, as indeed they had been for representatives of the non-Executive parties. However, it is expected that anyone who is granted access to the chamber should have regard to the appropriateness and possible impact of their appearance and behaviour.

Your third point is not a matter for the chair, although no doubt it will be noted.

Decision Time

17:00

The Deputy Presiding Officer (Mr George Reid): The first question is, that amendment S1M-868.1, in the name of Kay Ullrich, which seeks to amend motion S1M-868, in the name of Iain Gray, on community care, be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)

Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Harper, Robin (Lothians) (Green)

The Deputy Presiding Officer: The result of the division is: For 28, Against 79, Abstentions 1.

Amendment disagreed to.

The Deputy Presiding Officer: I ask all members to switch off their mobile phones, because they are interfering with the voting equipment.

The second question is, that amendment S1M-

868.2, in the name of Mary Scanlon, which seeks to amend motion S1M-868, in the name of Iain Gray, on community care, be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brown, Robert (Glasgow) (LD)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 Lyon, George (Argyll and Bute) (LD)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)

MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, Mr John (Ross, Skye and Inverness West) (LD)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Scott, Tavish (Shetland) (LD)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Ullrich, Kay (West of Scotland) (SNP)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

The Deputy Presiding Officer: The result of the division is: For 16, Against 89, Abstentions 0.

Amendment disagreed to.

The Deputy Presiding Officer: The third question is, that motion S1M-868, in the name of Iain Gray, on Glasgow regeneration, be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

The Deputy Minister for Parliament (Iain Smith): On a point of order, Presiding Officer.

The Deputy Presiding Officer: You cannot raise a point of order during a vote.

Iain Smith: It relates to the vote. You called the wrong motion. I would be grateful if you could take the vote again.

The Deputy Presiding Officer: You are quite right. I am afraid the script was wrong. I will put the question again, giving the correct version.

The question is, that motion S1M-868, in the name of Iain Gray, on community care, be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Finnie, Ross (West of Scotland) (LD)
 Galbraith, Mr Sam (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Green)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lyon, George (Argyll and Bute) (LD)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 MacLean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)
 Oldfather, Irene (Cunninghame South) (Lab)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Scott, Tavish (Shetland) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Margaret (Edinburgh West) (LD)

Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnston, Nick (Mid Scotland and Fife) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Ben (North-East Scotland) (Con)
 Young, John (West of Scotland) (Con)

ABSTENTIONS

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Elder, Dorothy-Grace (Glasgow) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hyslop, Fiona (Lothians) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Salmond, Mr Alex (Banff and Buchan) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 63, Against 16, Abstentions 28.

Motion agreed to.

That the Parliament commends the Executive's approach to community care, which aims to put the people using services and their carers at the centre, building on *Modernising Community Care: an Action Plan*; welcomes progress on the Strategy for Carers in Scotland, published in November; welcomes the work of the National Care Standards Committee to ensure the quality of care provision through national standards; welcomes the consultation on proposals for the independent regulation of care services and staff; welcomes the setting up of the Joint Future Group in December; welcomes the publication of the Learning Disability Review report *The same as you?* on 11 May 2000, and calls upon the NHS, local authorities and the voluntary and private sectors to make joint working

a reality in every aspect of community care, in a Scotland where everyone matters.

The Deputy Presiding Officer: The fourth question is, that motion S1M-852, in the name of Tavish Scott, on the general principles of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill, be agreed to.

Motion agreed to.

That the Parliament agrees to the general principles of the Sea Fisheries (Shellfish) Amendment (Scotland) Bill.

The Deputy Presiding Officer: The fifth question is, that motion S1M-810, in the name of Henry McLeish, on the Learning and Skills Bill, be agreed to.

Motion agreed to.

That the Parliament agrees that the regulation-making powers relating to Scotland in respect of learning accounts in the Learning and Skills Bill should be devolved to the Scottish Ministers.

The Deputy Presiding Officer: The sixth question is, that motion S1M-865, in the name of Tom McCabe, on the suspension of rule 5.6.1(c) of standing orders for the duration of the meeting of Parliament on 1 June, be agreed to.

Motion agreed to.

That the Parliament agrees that Rule 5.6.1(c) of the standing orders be suspended for the duration of the Meeting of the Parliament on Thursday 1 June 2000.

The Deputy Presiding Officer: The seventh question is, that motion S1M-866, in the name of Tom McCabe, on the designation of a committee, be agreed to.

Motion agreed to.

That the Parliament agrees that the Finance Committee considers the Protection of Wild Mammals (Scotland) Bill and reports on the provisions referred to in Rule 9.12.2 and 9.12.3 and that Rule 9.12.5 and Rule 9.12.6 of the standing orders be suspended for the purpose of the Parliament's consideration of the Bill.

The Deputy Presiding Officer: The eighth question is, that motion S1M-867, in the name of Tom McCabe, on the approval of the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations, be agreed to.

Motion agreed to.

That the Parliament agrees that the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations be approved.

Prisons (Slopping Out)

The Deputy Presiding Officer (Mr George Reid): We now move on to members' business. I ask members who are leaving to do so quickly and quietly.

The final item of business today is a members' business debate on motion S1M-704, in the name of Dorothy-Grace Elder, on slopping out in Scottish prisons. The debate will be concluded after 30 minutes, without any questions being put.

Motion debated,

That the Parliament agrees that urgent action must be taken in the 21st century to end "slopping out" at affected Scottish prisons, particularly Barlinnie Prison, Glasgow which is 90% without basic sanitation; acknowledges that Barlinnie cannot start its third century with this stomach churning and degrading practice continuing and that the practice of emptying chamber pots around five times a day is not only inhumane for prisoners but for also for staff who supervise and who deplore the practice; notes that Barlinnie's high international status as an innovative prison and its excellent rehabilitation work is impaired seriously by the time consumed by slopping out, with around 400 staff hours a day wasted away from essential rehabilitation work with prisoners due to the security need to be on duty at sluice rooms, and urges that the money removed from the Scottish Prison Service budget for the Drugs Enforcement Agency must not result in any delay to plans to end slopping out as feared by prison officers.

17:07

Dorothy-Grace Elder (Glasgow) (SNP): I have been trying to secure this debate for the past five months and I am grateful for the backing from members of all parties, who have shown genuine concern.

I dedicate this debate to the work of Scotland's prison officers, prison visitors and chaplains, and to those prisoners who are in despair.

The Scottish Parliament is here to do something about prisons. We must send out the message that a prison is not some remote Chateau D'If on which we can shut our mental doors. We cannot escape our responsibilities. We now have full responsibility for Scottish prisons. We must end a mentality that dumps on prison officers by mouthing politically correct clichés about reform without giving them the basic tools. We cannot reform prisoners by degrading them and we cannot show society's appreciation of prison officers by imprisoning them in foul conditions, too.

HM chief inspector of prisons, Clive Fairweather, has described the conditions in Barlinnie prison as "squalid". His report states:

"It has been nothing short of a national disgrace that over the years, so many remand prisoners have had to pass through and endure the squalid conditions in Scotland's largest prison".

Mr Fairweather highlighted untried prisoners; I am concerned with all prisoners and with prison officers who are highly trained in many skills and were not intended to be used as toilet attendants.

Mr Fairweather's criticism was, however, no reflection on the staff or the governor of Barlinnie. I have known the old Bar-L since the 1970s and the days of the special units. I have known successive governors to plead for basic sanitation. We are finalising plans for a new Scottish Parliament building. How would we react if one commodity were left out of those plans: toilets? It is unthinkable in the 21st century, yet we have responsibility for up to 1,000 human beings locked away in Glasgow without adequate sanitation. Slopping out has been abolished in England, but it is still foisted on more than a quarter of Scotland's prisoners.

Slopping out is a Victorian nightmare transplanted into the 21st century. Lack of sanitation at Barlinnie is the worst I have seen in prisons outside Russia—and I have visited Russian prisons. Barlinnie has five Victorian halls. B hall is closed, still awaiting renovation. Only one major hall has toilets in cells. The other halls hold approximately 800 of the 1,000 men in Barlinnie this night. They have 75 toilets between them. Just think of that: 800 men with only 75 toilets on landings and in sluice rooms, not in cells.

Let me describe dawn at Barlinnie—this is not for the squeamish. It is 6.30, and long lines of humiliated men shuffle along the great galleries, each holding a chamber pot or a urine can. If we saw a film of that from a third-world country we would call in Amnesty International. Indeed, the Scottish Prison Service may be in contravention of the European convention on human rights.

However, it is not only those 800 prisoners who suffer. Another 600 men and women are locked up in Barlinnie: the prisoners and ancillary staff. They all loathe slopping out. They know that the prison's work on reform is harmed every day by it—not just through the degradation. Did my fellow parliamentarians know that slopping out consumes up to 300 hours of officer time a day at Barlinnie—300 hours that the staff are forced to waste, away from their real job of rehabilitation? Many enter the service thinking that they can help to change society. Instead, along with their charges, they find themselves cast into degradation.

The stench is intolerable. Clouds of foul-smelling steam rise up from the faeces into the halls and permeate the cells, where the men must eat as well as sleep. Most of them are locked up for 23 hours of the day.

The horrible practice happens between three and five times a day. A woman prison officer was accidentally covered in urine the other day—such

accidents happen all the time. The horrible scene ends with the prisoners trying to clean pots encrusted with human dirt. Then they have breakfast.

I hear that the Scottish Prison Service is touting the idea that officers should remain in those halls for six hours at a stretch, locked up, eating their meals with the prisoners. That is unacceptable. Prison staff are unsettled enough, and there are fears over the proposed privatisation of the dedicated prison doctor and prison nurse service.

Remember that most of the tiny cells contain two men and two chamber pots. I have heard young prisoners, close to tears, tell me of their suffering. They say, "It's sore holding it in overnight, trying not to go to the toilet." Men are trapped in cells overnight with stinking faeces. That can be a 13-hour night, because, at the weekends, they are banged up from 5 o'clock until the morning slop-out at 6.30.

There used to be something called the Barlinnie turd bombs. Desperate prisoners trapped overnight with faeces would wrap them up in something and chuck them out between the bars—for some poor trusty to sweep up in the morning. When the health and safety regulations stopped that, did the SPS install toilets in cells? No, no, no—it put on heavy steel mesh to prevent the turd bombs flying into the yard. Some prisoners then hooked temporary nooses through the mesh and attempted suicide.

Such degradation sends up the risk of suicide. Since 1986, there have been 39 suicides in Barlinnie. No wonder prison officers are absolutely horrified at the Scottish Executive's removal of £30 million from the SPS budget while Barlinnie's B hall still lies empty, waiting for toilets to be installed in every cell. I implore the Deputy Minister for Justice to give us a starting date for those renovations—and let that date be soon.

Barlinnie prison was built in the reign of Queen Victoria. It is now the 21st century, but we would have to pinch ourselves to remember that if we saw that shameful dawn scene in the prison. Nevertheless, there have been many positive developments, such as an excellent drugs rehabilitation programme; a training scheme for men getting jobs; and a special high-care unit that is doing marvellous work. Barlinnie prison is an essential part of Glasgow. Glaswegians have an odd sort of fondness for the old Bar-L, and it must remain in the east end as a major employer.

I hope that the minister will give us a date for installing toilets in Barlinnie. I have tried to fulfil my promise to prisoners and my duty to confront Parliament with what they and officers told me and to bring their story out from behind those 40-foot-high walls. A new Parliament cannot continue

passing a buck that has been passed for 100 years.

The Deputy Presiding Officer: Seven members have asked to participate in the debate. If members show respect for each other and take three minutes each for their speeches, it should be possible to get everyone in.

17:16

Gordon Jackson (Glasgow Govan) (Lab): Dorothy-Grace Elder says that she has been going into Barlinnie since the early 1970s; I have been going into the prison almost every week since about 1969, so I have much experience of the place. The prison has always been a disgrace, but the real problem is that for 70 years the situation has not got any better, even if one had been led to expect any different.

There are two reasons for that. Conditions for remand prisoners have always been very bad because a certain mentality has believed that the situation did not matter because those people are in prison for only a short time. The same mentality believes that as the longest they can be in jail as remand prisoners is 110 days, we will spend money only on people who are in jail for a long time; it really does not matter whether those chaps are locked up for 23 hours a day in primitive conditions.

Such a mentality is shocking and, to be fair, we are getting away from it. For example, Saughton prison opened up the most wonderful modern unit with excellent facilities, which the then governor decided to give to remand prisoners because he felt that people who are still presumed innocent should not be forced to live in absolutely degrading conditions.

The second reason prisons have never improved is because there are no votes in jails—I say that to Governments of every complexion. This is not a popular matter; if we tell people in the street that we want to improve the lot of prisoners, they will say, "We don't care about them." I am not sure whether the public would hold to that view if they saw the scene described by Dorothy-Grace Elder. The tabloid press has sometimes done a disservice in this respect. People who make suggestions for improvements to prisons might almost be accused of turning the places into Butlin's holiday camps. Prisons are horrible, squalid places and the fact that there are no votes in them should not stop us fixing the situation in a humanitarian way, properly and quickly.

I know that money has been taken out of the system and that there have been closures. I have no objections to closures because I want fewer jails. However, with Dorothy—whom I applaud—I implore the minister and the Executive to make

this issue a priority.

17:18

Phil Gallie (South of Scotland) (Con): Dorothy-Grace Elder presented her motion eloquently and emotionally. Everybody in the chamber will support the words that she used. Sadly, however, her motion is doomed to failure right from the start, because the Deputy Minister for Justice and his boss, Jim Wallace, have already been in front of the Justice and Home Affairs Committee and have acknowledged that the money that they were taking out of the prison budget would have been used for prison development. That has been sacrificed, and it is sad.

Last year the prison inspectorate—I counter Gordon Jackson on this point—said that there were improvements at Barlinnie. An optimistic forecast on the ending of slopping out was given; a Scottish Prison Service witness even put a date on it—2004-05. However, after the announcement of the £13 million withdrawal, we were told that the proposal had now ended. The Government has said that there is no target for the ending of slopping out at Barlinnie prison. That is shameful.

I recognise that it is not just the removal of the £13 million that has created problems. There is also the closure of Dungavel and of Penninghame and, ultimately, of Longriggend. People have been moved from those prisons into Barlinnie. The chief inspector of prisons suggested that the level of overcrowding at Barlinnie was falling off. That is not the case—it is beginning to pick up again—and that adds to the problem.

There is a comment in Dorothy-Grace Elder's motion about urgent action. Unfortunately, apart from simply reinstating the cash in the prison budget, there does not seem to be any other proposal for what that urgent action should be.

I suggest that the minister re-examine the matter. We must look back at the improvements in the Scottish Prison Service that came about when Kilmarnock prison was constructed. Whether or not Gordon Jackson wants additional prison places, the prison population is forecast still to rise. As regards a new prison, it might be that, given the lack of funding, the minister will have to consider a new, private finance initiative prison somewhere else in Scotland to bring decent, basic conditions back to the prison service. Another option might be to retain Dungavel—it is, I recognise, too late for Penninghame.

Having mentioned those points for action, I leave the matter with the minister.

17:21

Ms Sandra White (Glasgow) (SNP): I thank Dorothy-Grace Elder for ensuring that a debate on the matter has taken place. Gordon Jackson said that it is not debated enough and does not get enough publicity because it is not politically correct. In this case, never mind politically correct; it is humanely correct to address the problem.

Dorothy-Grace Elder outlined the real problems facing staff and prisoners in Barlinnie and other prisons. Unlike her and Gordon Jackson, I have not visited many prisons, but I have visited Barlinnie in my role as an MSP. I admire and applaud the staff and prisoners there for putting up with terrible conditions.

In this day and age, for people in overcrowded jail cells to have to slop out is both inhumane and demeaning, and we must do something about it. Overcrowding is a problem; if we consider that together with slopping out, is it any wonder that sometimes some poor people cannot put up with it any longer and attempt suicide to get out?

It is a terrible indictment on our society—particularly in Scotland—that we have the largest prison population in Europe. If we are to put more folk into jail—I would hope that we might try to release people from jail and rehabilitate them—we should at least make the living conditions decent for them. Conditions should be such that prison officers can actually work there. The prison officers are doing a marvellous job. They are doing their best and are trying to rehabilitate people.

We all know that people are put in prison as punishment, and everyone outside says that that is what they deserve. Some people fall into the trap through no fault of their own, possibly through their socialisation or the way in which they are brought up. If they are sent to prison, I hope that they can come out rehabilitated so that they can be better citizens. They should not be kept in worse conditions than those for animals. That is not the way in which to make someone more civilised.

I applaud Dorothy-Grace Elder for initiating the debate. I ask the minister to consider the suggestions—particularly Phil Gallie's—in regard to the money that could be invested in the Scottish Prison Service. I ask him to do something to end the appalling conditions.

17:26

Euan Robson (Roxburgh and Berwickshire) (LD): There is agreement in the chamber that the practice of slopping out should end, and the sooner the better. As Winston Churchill said, it is possible to judge the degree of civilisation of a society by the state of its prisons. If that is true, Scotland is falling down, to a degree. It has been

said that the practice of slopping out should not have continued into the 21st century. I agree.

The Justice and Home Affairs Committee heard that the target for ending the practice of slopping out was 2005. What is curious about that is that, at the same time as that loose target was being set, the Scottish Prison Service was accruing savings that added up, over the years, to £24 million. Investments could have been made to hasten the end of slopping out, which would have had widespread support.

I take Gordon Jackson's point about the fact that there are not many votes in improving prison conditions. My experience—although I admit that it is limited compared with his—is that, when we explain to people in sober discussion that basic sanitation is surely something that, in modern times, should be provided in a prison, the general view is that that is correct.

There are two ways forward. One is the review of the estate that is being conducted. That might focus on this issue in the development of the revised prison estate. Equally, the auditor general might have a role in examining—not in a critical way—how the Scottish Prison Service spends its money. He might be able to do that within the next 18 months. He could establish best practice in other services and try to develop that in the Scottish Prison Service.

It is important that we do not lose sight of this issue. It will feature in the future considerations of the Justice and Home Affairs Committee. The evidence that we heard was conclusive and there is widespread support for an end to the practice.

17:28

Dr Richard Simpson (Ochil) (Lab): Before I start, I give notice that I will raise a point of order at the end of the debate.

Having visited every prison in Scotland, except Penninghame, in the early and mid-1990s—most of them twice, some more than twice—it strikes me that there are a number of issues about human dignity that need to be addressed. I was particularly struck in the early 1990s by the conditions of reception in the Bar-L. They were absolutely appalling—something like the black hole of Calcutta. I am glad that those facilities have been done away with and that the new facilities are excellent. There are many issues of human dignity in prisons—overcrowding is one that has been relieved by the new prison in Kilmarnock. Dorothy-Grace Elder, whose introductory speech I applaud, has today highlighted the degrading practice of slopping out.

It is good that, in 1976, the new women's prison was built at Cornton Vale, on the edge of my

constituency. It does not have any slopping out. However, in the past few years, a policy has been adopted of dispersing women back to local prisons. I ask the minister to ascertain whether the practice of slopping out applies to any women, following the dispersal. I hope that it does not.

With regard to the male jails, I believe that the minister should ask the Scottish Prison Service to present him and the Parliament with detailed plans for meeting the target of 2005. Like Euan Robson, I find that target loose and too distant. I further believe that we should have, as part of those plans, the option to use any underspend in prisons on an annual basis to abolish this practice, which is the most degrading practice in prison.

Apart from that practice being degrading to the humans who have to suffer it in this new century, what concerns me is the issue of cross-infection and hygiene. We spent some time yesterday talking—quite rightly—about significant new regulations on meat products and butchers' shops, as the public would not stand for unhygienic practices. Nevertheless, we accept practices in our prisons that are equally unhygienic and unpleasant.

Finally, I wonder about this issue in the context of the European convention on human rights. I cannot believe that those rights are not being transgressed by this practice. If that is the case, it is highly likely that a prisoner will test that in our courts in the near future. We must, therefore, be prepared to end the practice as soon as possible.

The Deputy Presiding Officer: I ask Christine Grahame to be as brief as possible.

17:31

Christine Grahame (South of Scotland) (SNP): I shall be extremely brief. I commend Dorothy-Grace Elder for lodging the motion. I associate myself with the remarks of my fellow members of the Justice and Home Affairs Committee; there are six of us here. The most compelling evidence that we heard about slopping out came from prison officers, who made it plain that the practice was degrading for prisoners and for them, as has already been said.

Taking £13 million out of the Scottish Prison Service budget has had an impact on the slopping-out timetable. There is no longer additional space for displaced prisoners to go to while cells are being modernised. It is not simply a matter of capital. It is essential for a civilised society, and a civilised Scotland, that slopping out is ended even sooner than the original target, and certainly not later. I urge the Executive to address the matter again.

The Deputy Presiding Officer: I cannot accept

speeches from members who requested to speak during the debate, but I can accept a similarly brief final speech from Lyndsay McIntosh.

17:32

Mrs Lyndsay McIntosh (Central Scotland) (Con): I am aware that many members wanted to speak in the debate, and I shall be brief.

I congratulate Dorothy-Grace Elder on securing the debate. Her speech was both graphic and eloquent. It is timely that we are debating the topic while the Parliament is meeting in Glasgow—the home of the Bar-L, although it is not always affectionately known as such. I visited that prison twice in my capacity as a justice of the peace. It was thought advisable that we saw for ourselves what we were committing people to when a custodial sentence was handed down.

In the run-up and training period before justices of the peace are let loose on an unsuspecting public, much consideration is given to the factors that should feature in a custodial decision: the seriousness of the crime, the number of previous convictions and the potential danger to the public. Consideration is also given to the intentions behind a custodial sentence: rehabilitation, protection of the innocent and punishment. That punishment ought to be fair, just and appropriate. Someone is put in jail to restrict their liberty, to take away their freedom, and that is a huge decision to make about anyone's life. The purpose is never to put someone in jail to face more squalid conditions than they would face outside.

As Dorothy-Grace Elder said, too many of our prisons do not have adequate night access to sanitation. We should consider that when we commit people to jail and conditions that we would consider inhumane. The issue is of concern to the chief inspector of prisons for Scotland, and features in his report, which has been discussed and studied by the Justice and Home Affairs Committee. All the members of that committee have expressed their displeasure at the length of time that it has taken to bring prisons up to date, to ensure that they have basic facilities that are fit for the 20th, let alone the 21st, century.

Members will know that the plans for upgrading have been seriously put back, and that the Executive recently made changes to prison funding. However the Executive dresses it up, the fact is that the programme to increase the availability of proper night sanitation has been put back. The Justice and Home Affairs Committee has expressed its deep concern over the matter, as have the chief inspector of prisons and the prison governors and staff who have to continue to work in less than satisfactory conditions.

The way in which we treat prisoners is a measure of our society, and in my estimation we fall short in that regard. I ask the minister to tell us that he agrees.

17:35

The Deputy Minister for Justice (Angus MacKay): Thank you, Deputy Presiding Officer—we meet again at an end-of-day debate. I acknowledge Dorothy-Grace Elder's role and persistence in securing the debate. It is a very important topic and allows me, on behalf of the Executive, to pay tribute to the work of the Scottish Prison Service in general and especially at Barlinnie prison. For over 100 years that prison, which houses 20 per cent of the prisoner population in Scotland, has played a pivotal role in the management of offenders in the SPS. I am grateful also that Dorothy-Grace Elder reminded us that Barlinnie is renowned as an innovative prison and that over the years it has carried out excellent rehabilitation work, with the best known example being the Barlinnie special unit.

The motion states that 90 per cent of prisoners in Barlinnie are without basic sanitation. That figure is incorrect. Recent refurbishment of D hall in Barlinnie provided for 23 per cent of the total prison population to have access to night sanitation. The Executive agrees that slopping out is a degrading practice for prisoners and staff—there is no question about that. It has no place in a modern prison system. No comments have been made in the debate with which I would disagree, with the exception of the consequences of the £13 million transfer from the prison budget to elsewhere.

If we are to debate the matter constructively, it is necessary to start from a basis of fact. In 1990, access to night sanitation in the Scottish Prison Service was 40 per cent—that is only 10 years ago. It has increased gradually to the current 75 per cent. Progress continues and in April this year Dumfries prison achieved 100 per cent night sanitation. Substantial work is under way at Perth prison, with the first phase to be completed this summer. Perth prison will then move from approximately 30 per cent to around 65 per cent night sanitation.

The annual capital building budget has also increased. In 1993-94, it was £9 million; last year it was more than double that, at £20 million; and in the current financial year it is projected to be £23.5 million. That increase is to meet the many demands arising from what Dorothy-Grace Elder rightly described as a largely Victorian estate. The nature of the estate means that there are many competing priorities for modernisation, of which night sanitation, although extremely important, is just one.

Barlinnie is a good example: since 1995, over £13 million has been spent on improving conditions, around half of that since 1997. In addition to refurbishing D hall, that money was needed for many other essential projects, including providing temporary accommodation to allow refurbishment to take place, essential health and safety modernisation, enhanced security and improved accommodation for staff and prisoners' visitors. It is not the case, as suggested, that further refurbishment is inhibited because rationalisation means that there is nowhere for prisoners to go. Barlinnie has accommodation for decanting and the facilities that have been or are being closed would not have been suitably secure for decanting during the refurbishment of prisons such as Barlinnie.

Much of the additional capital spend has been directed toward improved conditions for remand prisoners across the Scottish Prison Service—a subject that came up in the debate. Good progress has been made at Edinburgh and Dumfries, and major work to improve conditions for remand prisoners is under way at Perth and Cornton Vale.

The SPS had accumulated £23 million from end-year flexibility. Last year, the Executive reallocated £13 million of that cash surplus to other priorities in the justice programme.

Christine Grahame *rose*—

The Deputy Presiding Officer: The minister has only two minutes.

Angus MacKay: In that case, I will have to press on; I am sorry.

Baseline budgets were not reduced and are increasing year on year. The SPS budget for running costs amounts to £172 million in the current year and will be £175 million next year.

The SPS had planned to use end-year flexibility to carry out estate rationalisation covering a number of establishments. The reallocation of the EYF simply brought the process forward. The current position is that the Peterhead unit has been mothballed, Longriggend remand institution and Penninghame prison have closed and Dungavel is due to close in July.

The condition and location of its estate is a prime operational issue for the SPS. The service is therefore focusing on that to secure maximum value from the more than £200 million of taxpayers' money that the service spends each year. In December last year, the chief executive of the SPS set up a major review of the estate strategy. Senior SPS managers, along with trade union representatives, have carried out a fundamental establishment-by-establishment review of the entire estate. In doing so, they developed operational criteria to measure the

fitness for purpose of each establishment and to meet the future needs of the service.

In that review, nothing is ruled in and nothing is ruled out in the SPS's search for a modern, flexible and efficient estate. During this financial year, the SPS will commence major projects at both Edinburgh prison and Polmont young offenders institution. That investment, amounting to £18 million over two years, will provide an additional 550 places that fully meet modern standards. Depending on other estate factors, the level of sanitation will be improved by between 2 and 6 per cent on that expenditure alone.

The review that is currently under way is the right approach and will give the SPS the information to present the best options to ministers. Those options will include estimates for ending slopping out, improving drug rehabilitation facilities, providing literacy programmes and achieving the significant material improvement in conditions demanded to meet the standards of the 21st century.

The prisons estate review will thoroughly assess the condition of buildings held by the SPS. It will propose ways forward. There will not be easy answers, because the financial resources at the disposal of the Scottish Executive are not bottomless. I hope that members who have made constructive and helpful comments in the debate will remember that when faced with a range of what will not be easy options when the review is concluded.

The Deputy Presiding Officer: I call Dr Richard Simpson on a point of order.

Dr Simpson: On a point of order, Presiding Officer. The light on my console was flashing during decision time; I am told that my vote was not recorded and that I was marked as "not present". I ask that my vote therefore be recorded manually.

The Deputy Presiding Officer: I am happy to do that, Dr Simpson. As you know, under our procedures, once the result of a division has been declared by the chair, it cannot be altered, but we shall have your card and console checked and I am happy to accept your assurance that, on each occasion, you voted with your party.

Meeting closed at 17:41.

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