

MEETING OF THE PARLIAMENT

Wednesday 4 April 2001
(Afternoon)

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Scottish Parliament

Wednesday 4 April 2001

(Afternoon)

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

Time for Reflection

The Presiding Officer (Sir David Steel): To lead our time for reflection this afternoon, we welcome the Rev Andrew Hill, who is the minister of St Mark's Unitarian Church here in Edinburgh.

Rev Andrew Hill (Minister of St Mark's Unitarian Church, Edinburgh): Good afternoon. There was a Jewish rabbi who lived during the first century of the Common Era, and the rabbi's name was Hillel. One day, someone came up to Rabbi Hillel and said: "There are so many laws and so many regulations that it is quite impossible to remember them all. Please teach me one rule that covers them all and that I can remember while I am standing on just one leg."

I wonder whether you can imagine for yourselves just one rule that could sum up every law and every regulation that has already passed through this Parliament, and every law and every regulation that will pass through it in the future— one rule that you could remember while you were standing on just one leg.

There must be a human limit to how many important rules even legislators can actually remember. Nevertheless, there have to be rules about common ways of doing things, otherwise we would continually collide with each other. But most rules are neither right nor wrong. They are simply codified conventions, such as driving on the same side of the road as everyone else who is going in the same direction.

Laws and regulations exist from necessity, but in normal everyday living we rarely think of them or refer to them. There simply is no time to live by the rulebook, and the danger of doing so is that we end up looking for loopholes in the law, or searching for ways round regulations, and then proudly pronouncing, "But it's not against the rules."

Rabbi Hillel had an answer for his questioner. His answer was, "Don't do to anyone else the kind of thing that is hateful to you." This, Hillel said, was all the laws put together, and all the rest was just an explanation of that one short rule. His rule was a version of what ethicists know as the golden rule. It exists in many different forms and can be

found in Christian, Hindu, Confucian, Taoist, Bahai, Buddhist, Moslem, Hebrew and Jain scriptures, as well as in humanist and secular literature.

I wonder what your golden rule is that sums up all the laws and all the regulations that have passed through and will pass through this Parliament—and remember that the older we get, the shorter our memories become, and the shorter the time we can actually stand unaided on one leg.

Thank you.

The Presiding Officer: Our main item of business this—

Richard Lochhead (North-East Scotland) (SNP): On a point of order.

The Presiding Officer: A point of order already.

Richard Lochhead: On a point of order. Would it be possible to ask the guidance of the Presiding Officer as to how MSPs can raise the subject of civil servants' behaviour in the chamber following allegations against Dr Paul Brady—

The Presiding Officer: No, I am sorry, Mr Lochhead. You submitted an emergency question and I declined it. We cannot have any arguments now about how the matter that you refer to can be raised. You will have to find one of the conventional methods.

Looked-after Children and Adoption Services

The Presiding Officer (Sir David Steel): The main item of business is motion S1M-1818, in the name of Jack McConnell, on looked-after children and adoption services. There is one amendment to that motion.

14:35

The Minister for Education, Europe and External Affairs (Mr Jack McConnell): This Parliament is developing a strong reputation for the quality of its debates and general consideration of issues that affect children and young people. In particular, we have had a positive cross-party exchange on the position of children and young people in the public care system. I am confident that today's debate will be no exception. Indeed, I am happy to accept the amendment in Irene McGugan's name if she is happy to accept my plans to consider legal aspects later in the adoption review that we announced earlier today.

Today, I want to raise the profile of looked-after children even higher. They are Scotland's most vulnerable young people, and many apparently are destined to fail. They need, and they deserve, the best-quality services that we can provide. Today, I hope that we can unite as a Parliament to demand that they get them. I want looked-after children to know that they are our priority, and to believe that their life chances can be better.

There are more than 11,000 children and young people in the public care system in Scotland, just over half of whom are looked after at home, where local authorities should be supervising and supporting them in their families. Around 3,000 are cared for in foster placements, and just over 1,500 children are looked after in residential homes and units. Ten years ago, we had almost 13,000 looked-after children, of whom only 1,300 were in residential units, but in the early 1980s, the number of children within the public care system rose as high as 17,000, almost a quarter of whom were in some form of residential setting. While we may have moved away significantly from those numbers, there is still a crying need to ensure that we give children and young people in the care system the best possible start in life. Today, I will set out 10 key areas for improvement in relation to services for those young people and their families.

As members may know, last week the Court of Session issued its judgment in the European convention on human rights test case on children's hearings. We are considering carefully what the implications are of their lordships' findings.

However, I want to praise the 2,200 volunteer children's panel members in Scotland. We do not recognise their tremendous commitment and skills nearly enough. I met panel representatives recently, and was left in no doubt about their contribution. We are planning to back the national publicity drive that is crucial to getting the new panel members that we need every year. I hope that this Parliament will support that message today.

Far too many children and young people within the public care system risk failing to realise their potential. Many come from difficult and damaged backgrounds, and may have little or no sustained support for the problems in their families or wider communities. If such young people are to be given the chance to succeed, they need excellent educational services.

The recent joint report from Her Majesty's inspectorate of schools and the social services inspectorate "Learning with Care" presented a disturbing picture of the educational attainment of young people in the public care system. I was extremely disappointed by the lack of progress towards ensuring that every young person who is looked after by a local authority has his or her own statutory care plan. Sadly, the risk of drifting through the care system is a real one for many young people. I am not prepared to let that happen.

Every Scottish council has a corporate parenting responsibility in each and every case of a looked-after child. I have asked each council to report by the end of September on the progress that has been made on statutory care plans for every young person, and an indication of the support systems that they have in place, or will be putting in place, to improve the educational attainment of looked-after children. We will follow up those reports with action.

There are around 1,200 places in residential units across Scotland. Many are run by local authorities, but voluntary organisations and other independent bodies also make specialist provision. Residential homes and units for children and young people have a bad reputation. There have been far too many instances in the past of poor quality of care, abuse and neglect in those establishments. There are many other concerns in local communities that homes and units are poorly managed. We are not complacent about those facts. We are committed to raising quality standards in residential care, because there will always be a proportion of children and young people for whom that option is the right one.

We need to restore public confidence that children's rights and needs are being fully met in the residential sector, and that facilities are properly managed. The Regulation of Care

(Scotland) Bill, which currently is before Parliament, includes provisions to ensure high-quality standards. For the first time, there will be independent registration and inspection of all residential units, whether they are in the local authority, voluntary or independent sectors.

Many local authorities have looked with care and imagination at the development of residential units, so that they can approximate more closely to a family-sized environment. Most authorities and other service providers are well aware of relevant good practice, and our new care standards will cover the quality of the physical environment.

One touchstone against which we can judge our service overall is the quality and pattern of secure accommodation for children and young people. Secure units are an extremely important and expensive resource. The average cost of a placement in a secure unit is about £2,500 a week per child. We must ensure that the level of investment is reflected in the best quality of care and treatment, to maximise the chances of restoring those young people to a normal life.

I am in no doubt about the scale of the challenge that is being posed. During a recent visit to Kerelaw School, I saw some of the most pressing issues at close quarters. That was my first visit to a secure unit for children and young people, and the experience was not comfortable. The staff and the council seemed dedicated to giving those young people the best education and care that they could, in dire physical surroundings. I saw school books that were so out of date that I cringed. To be frank, I have better maths books in my house than those in the classroom at Kerelaw. The overnight accommodation there was unsuitable and the space was more likely to wind up disruptive youngsters than change their behaviour.

Many of those young people had committed serious offences and needed help to face up to that fact and change their behaviour, but others were there for their own care and protection. Perhaps they included some who should be in less restricted settings. However, at present, no alternative facility is available. The surroundings and educational provision will do nothing to encourage a fresh start afterwards for either group of young people. That situation must change.

Dennis Canavan (Falkirk West): How many children are in secure units in Scotland? How often does a children's panel or court recommend that a child should be taken to a secure unit when such a place is unavailable?

Mr McConnell: We face the challenge of identifying those numbers accurately, because the panel system is localised and the numbers change

occasionally. I have been most concerned to learn that some young people who are in secure units—in the private, voluntary and local authority sectors—should not be there. Those young people do not need to be locked up to make other people safe. They are locked up for their own protection, in unacceptable situations. The secure accommodation advisory group, which I will speak about in more detail, has the challenge of tackling that situation. The group will examine the figures that Mr Canavan asked about.

Secure units handle the most damaged and difficult youngsters in Scotland. We must keep that fact in mind as we try to plan better and more co-ordinated arrangements. Services to help those who are most at risk of losing life chances should be open to every child and young person in Scotland. For those reasons, my predecessor established a secure accommodation advisory group to consider the critically important issues of how secure units are developed and managed. Do we have enough places? Are the programmes that are followed effective? Is more centralised control needed over the supply of and demand for places in the secure estate? Sally Kuenssberg's group is turning its attention to those questions. By the end of the month, I expect to receive from that group some initial findings and recommendations on developing our partnership with the local authorities and secure units.

We classify about 6,000 children and young people as looked after at home. Some local authorities may not be coping effectively with services for those children and their families. If a decision is taken to make a statutory intervention in the life of a child and his or her family, authorities must follow it through with appropriate supervision and support. We cannot accept the concept of the unallocated case when a decision has been taken to intervene legally in family life. We recently commissioned a major research study into home supervision. That is a future priority for action once we have evidence about the situation.

With children and young people who are looked after at home, child protection issues may arise occasionally. Several tragic cases have occurred recently and culminated in the murder of a young child in Dumfries and Galloway. At that time, I announced a study by the social work services inspectorate into the operation of child protection procedures around Scotland. That topic is extremely important and sensitive and we must get it right. There is no simple answer. We must check and review the procedures, the quality of co-operation between agencies and the levels of skills and competencies that reside in the relevant professionals when assessing risk and the needs of children and young people in the family setting.

That is central to the way in which we want to

see services integrate and to ensure more collaborative working between professionals in the best interests of children and young people. No child should fall through the child protection net because of poor communication and co-ordination. Our debate in February on the changing children's services fund covered precisely that ground and I know that Parliament recognised fully the importance of what we are doing to improve services by that means.

Before I turn specifically to adoption services, I will make a few general comments about the importance of adoption and fostering. We all subscribe to the view that children and young people need security, stability and care if they are to grow and develop. For most of us that means a family setting, in which parents recognise and try to meet the demands that are made on them by their individual children. No one underestimates the stresses and strains of family life, but I believe that, for the vast majority, it offers the best chances of a good start for children and young people.

That is why I feel very strongly that the availability of adoption and fostering for young people within the public care system must be a top priority. Foster carers in Scotland are among the unsung heroes who, every year, take on around 3,000 children and young people who are not living permanently with their natural families. Foster carers today do an extremely demanding job. Often the children and young people have not lived happy lives to date and their behaviour may reflect a lack of stability and love.

We want to work closely with local authorities and the relevant agencies to promote the benefits of foster care services for young people and to increase the number of carers who come forward. To that end, we will publish a new code of practice to help those authorities with the recruitment and assessment of foster carers.

All this is happening against a background of declining numbers of adoption applications in Scotland over the past 10 years or so. In 1990, there were around 900 approved applications, while the latest figures show that a total of 450 applications were approved in 1999, almost half of which were step-parent adoptions.

I announced this morning, through an answer to a parliamentary question, a review of adoption policy and services in Scotland. The primary focus will be on the way that adoption may improve the life chances of children and young people within the public care system. The review will be steered by an advisory group under the convenership of former sheriff principal Graham Cox. The group will include representatives from local authorities, legal and court interests, specialist adoption agencies, the children's hearing system and

independent experts. Adoptive parents and young adults who have been through the adoption process will also be members of the group.

Many of us in the Parliament have experienced adoption services and processes. The support and stability that a strong, loving family can bring to children and parents alike is, I hope, known to everyone, but for most people, adoption nowadays is not about babies. Increasingly, it is about older children who may have special needs. For that reason, it is all the more important that we do everything we can to ensure that adoption is strongly supported and that we minimise or eliminate the possibility of breakdowns in adoption placements. Children need time to grow into new families, whatever the specific circumstances, and adoptive parents need time to recognise the needs, characteristics and complexities of individual children.

The Children (Scotland) Act 1995—piloted through the House of Commons by Lord James Douglas-Hamilton—placed children's lifelong interests at the heart of the adoption process. That is a significant focus and we need to start our review from the point of assessing exactly what impact that change has had since the act came into operation in 1997. We will discuss the precise remit and objectives for the review with the Education, Culture and Sport Committee and the justice committees. A memorandum has been issued to those committees today for that purpose.

Shona Robison (North-East Scotland) (SNP):

Will the minister give some thought to people who may fall through the net of the official system? Such people may, by means of a personal arrangement, become guardians of the children of friends or relatives after the parent has died. I have dealt with two such constituency cases and the people who were involved have fallen through the support net that exists in formal fostering and adoption services. Will the minister agree to give that small set of people some consideration in the review?

Mr McConnell: I am very happy to take on board that issue. I also take the chance to emphasise that sometimes there is concentration on the two traditional, statutory routes of fostering and adoption. Given the older age range of the children and young people who are now affected, or who could benefit from the arrangements, perhaps we need to consider how to find hybrid models of adoption and fostering that might be more suitable for individual children or families.

I want an assessment to be made of the quality and extent of recruitment, assessment and support for prospective adopters. In addition, we need to evaluate whether there is enough post-adoption support for families who may want it. Immediately, we need to examine the priority

given to adoption services within the wider spectrum of social services in Scotland.

I do not hold the simplistic view that children's homes or units provide an unacceptable setting for residential care. Nonetheless, I sense that the profile of adoption services throughout Scotland is not as prominent as it should be. The review will seek to increase that profile as one of its key outcomes.

We are already tackling the important issue of driving up standards in adoption in a number of ways. The Regulation of Care (Scotland) Bill includes provisions for a new commission for the regulation of care to inspect and register adoption and fostering services as care services. For the first time, there will be independent scrutiny of the way in which local authorities meet their statutory obligations to provide adoption and fostering services. Until now, only specialist voluntary agencies have been the subject of such independent scrutiny through the social work services inspectorate.

We are also working on national standards for adoption. I launched a consultation document earlier in the year and the responses to that will form part of our continuing work on developing standards. That work will be passed to the independent commission once it is established next year.

Reviewing adoption services is a tall task. I will look to the advisory group to let me have initial findings within six months of its starting work.

The policy review will consider domestic law and practice. As members know, inter-country adoption is topical, and not for good reasons. We therefore ask today for members' support of a Sewel motion that concerns the tightening up of various aspects of inter-country adoption procedures so that we can regulate the service better throughout the country. The motion is primarily concerned with three points: mutual recognition of adoption orders made in England, Wales and Scotland; the prohibition of advertising, including internet advertising, of inter-country adoption placements; and the introduction of tighter restrictions on those who wish to bring a child to the UK for adoption.

I commend the Sewel motion to the Parliament because we wish to see those provisions applied to Scotland through the extension of the Adoption and Children Bill that is before the Westminster Parliament. For the areas that I have mentioned, it seems to me to be absolutely right that we should be part of a United Kingdom system of sanctions and controls, so that the inter-country adoption procedures are consistently structured across the country. We must stop the trade in children. I hope that I have members' support for the measures

that I have outlined.

I will draw together the key elements in what I have covered, which, taken together, form a 10-point action agenda for looked-after children in Scotland. Today we launched the adoption policy review. We are tightening up procedures and processes for inter-country adoption at a Great Britain level. We are working on improving standards and recruitment in foster care services. We will improve the inspection of and the standards of service in residential child care services through the commission for the regulation of care. We also expect to see a rise in the skills and competencies of social work staff through the social services council, once it has been established.

We will follow up with local authorities the action that has been taken in the light of the joint report by HM inspectors of schools and SWSI on the education of looked-after children. We will ensure improvements in secure accommodation in the light of advice from the secure accommodation advisory group, which is due to reach me later this month. We will investigate the quality and extent of home supervision to ensure that the right support is available to the 6,000 young people who are looked after at home. We have launched the multidisciplinary study into child protection procedures and will take action on its findings. Finally, we have taken forward a range of measures to strengthen the children's hearing system, particularly on the recruitment of children's panel members.

All those steps are designed to impact on the quality of life for children and young people in the public care system. They will contribute to giving those young people the best possible start in life, whatever stage they have reached. In all those steps, I intend to ensure that we also tackle the crucial issues of support and care for the after-16 age group. The transition into adulthood can be the biggest challenge. We will address that in the months to come.

Tricia Marwick (Mid Scotland and Fife) (SNP): Will the minister give way?

Mr McConnell: Sorry, I am in my final paragraph.

Frankly, I am not sure that, over the years, we have made a significant success of the public care system. Young people who are leaving local authority care do not have a good track record for their ability to adjust to independent or semi-independent living or their levels of resistance to criminality, drug and substance misuse or welfare dependence. If we believe in opportunity for all, the children and young people who are looked after by local authorities must be a top priority. If we fail, we will have failed to create the kind of

society that we want and need.

I commend the Executive motion to the Parliament. I also commend the amendment and the terms of the Sewel motion on maintaining cross-border recognition of adoption and inter-country adoption procedures. We want to send a clear message today: looked-after young people need services that are better than the services that are provided for everybody else.

I move,

That the Parliament endorses the principles contained in the Adoption and Children Bill concerning restrictions on bringing children into the UK for the purpose of adoption and on advertising children for adoption; agrees that the relevant provisions to achieve these principles in the Bill should be considered by the UK Parliament; recognises the importance of the place of adoption services within the spectrum of care for children and young people looked after by local authorities; agrees that a review of adoption policy and practice is desirable; supports the drive towards more integrated services for the benefits they bring to all children and young people within the care system, and agrees that the Executive should seek to promote the interests of such children with quality educational and other opportunities.

14:55

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

The policy and practice of adoption has evolved since the 1920s and 1930s and legislation must reflect that. However, the legacy of the past 25 years or so is a piecemeal legal framework that makes it difficult to work through the amended legislation. I speak from some experience, as I have done almost everything except adopt a child. I chaired an adoption panel and prior to that I was involved in assessing prospective adopters and placing children in permanent placements.

To some extent, the legislative confusion on adoption continues. At more or less the same time we have had a white paper for England and Wales and the introduction of the Adoption and Children Bill—part of which we are discussing today—which refers to The Hague convention on the protection of children. There is on-going consultation on draft national standards for Scotland, England and Wales and work is under way to consider adoption services in Scotland in preparation for the implementation of the Regulation of Care (Scotland) Bill.

That complexity was the basis of our amendment. We took nothing away from the Executive motion, but simply recognised what must be done to improve the situation. That is why we recommend a measured and complete review of the legislation, in order to produce a simplified, clarified and updated set of legal guidelines for adoption and fostering in Scotland. I thank the minister for accepting that.

While it is wholly appropriate to regulate in

respect of cross-border orders and inter-country adoption and to close loopholes in the use of the internet, the fundamental point that we must remember is that hundreds of children throughout Scotland are in need of permanent carers and too few families are interested in adopting. The number of adoptions in Scotland fell by 74 per cent between 1946 and 1999 and has fallen by 44 per cent since 1988. How do we reconcile those figures?

Most practitioners would agree that we must accommodate changes in our practice and in the legal framework to improve the process for the benefit of everyone. It is now widely recognised that too many children have been left in legal limbo for too long. That was often done with the best of intentions. After all, every effort should rightly be made to support a child's birth family to provide a permanent home. However, all of us who have worked in the field have experience of failed rehabilitation attempt after failed rehabilitation attempt before adoption or permanence is finally considered.

I note that one of the recommendations in the draft standards document is that permanence should be considered for a child when he or she has been looked after for six months. That is sound advice. The relationship between the length of time that children spend in care and the viability of going back home has been extensively researched and the figures are startling.

After six months, only 50 per cent of children are successfully reintegrated into their families. After 12 months of being looked after, that drops to 34 per cent. A further six months in care and it drops to 20 per cent. We are faced with diminishing returns regarding time in care, with, after six months, an ever-reducing chance of successful rehabilitation.

That is why I recommend that at six months a twin-track approach be considered. Support to the family would continue, with rehabilitation as the aim, but at the same time, some consideration would be given to going to court to free for adoption. There are enormous practice issues around the process of freeing, which could usefully be examined and clarified in a review of adoption in Scotland, especially since I note that there is a recommendation in the English bill to abolish it.

Scott Barrie (Dunfermline West) (Lab): The member has talked a lot about permanency planning and adoption. Does she agree that adoption is not the only route to permanence? We could consider long-term stable fostering and parental responsibility orders under section 86 of the Children (Scotland) Act 1995.

When we talk about permanence we should not necessarily think that adoption is the only way of

securing the long-term interests of a child. We should examine other legal routes.

Irene McGugan: I am happy to agree on that. I hope that all those routes will be fully considered in the review of policy and legislation.

Two important facts emerge from research and practice over recent years. First, around 50 per cent of children who are now being placed for adoption come with what is often called emotional baggage. The nice, new baby that everyone wants is virtually non-existent. The children who need homes, but for whom it is most difficult to find them, are generally older, part of a sibling group, perhaps from an ethnic minority background, or disabled with complex health needs. The majority of children needing permanence will have been damaged by their early life experiences, and it may take many years of patient care to compensate for that.

Secondly, the clean break, no contact with birth family placement is increasingly rare. In many cases, contact with the birth family is and will continue to be an integral and important part of a child's future.

It is for those two reasons—the fact that many children are what is called hard to place, and the fact that there may be on-going contact—that local authorities and relevant placing agencies need to have practices in place to reflect current circumstances. What would help most of all is for them to have some kind of continuing responsibility to support the placement, including making arrangements for contact sessions. Having a link worker of some description to follow the child from pre-placement to post-placement, and for as long as necessary, would be extremely good practice and would help to prevent some of the breakdowns that happen despite the best efforts of everyone involved.

Another matter that could helpfully be clarified and which has been proven to assist with placements is the procedure for the payment by local authorities of adoption allowances. At present, there is no national guidance in Scotland on the level of adoption allowances paid by local authorities. Payment of an allowance can make the difference between a child with complex health needs being placed or not placed, if the prospective adopters would find it difficult to travel to clinics or convert their house, for example. However, I support the concept that the allowance should reflect the needs of the child and not the financial circumstances of the family. There is no overview of how that is being developed across the 32 local authorities, and it would be helpful to have detailed figures and hard data about that practice, how it has influenced placements and what success it has had. With that information, we can make better plans for future use.

We must accept that there is currently a bit of a deficiency, as the minister said, in the delivery of local authority services to adoptive couples and adopted children. There are many committed people working in the field, and practitioners would like to offer on-going support to families and provide adoption allowances where appropriate, but there are just not enough workers and too few resources. That situation is part of a wider problem in social work that is not confined to adoption work, but it must be acknowledged and its implications taken on board. Policy makers must decide whether the cost of extra investment in support of adoptive families outweighs the trauma of disruption when a placement breaks down and the sad reality that for many children an appropriate couple will just not be found.

We should be putting in place a framework that enables workers to do the job that they want to do and deliver the support that they know those families need and deserve. In fact, social workers in adoption deserve recognition for the work that they do, because the changes in adoption that we have been talking about make the process more difficult and demanding.

One thing that would make the task a little more manageable is a national register of some kind. That is proposed in the Adoption and Children Bill, but it would apply only to England and Wales. I wonder where that leaves Scotland. We also need to know where the children are, where the adopters are and how we can match them up. That is another issue that I am sure will come to the fore in the review. Those are the kinds of issues that we must look at in discussing adoption. We should spend some time considering them, because they would benefit many children who are awaiting a permanent home.

I have spent a considerable time on adoption issues because they are vital, but I would also like to touch briefly on some other elements of the motion. The Children (Scotland) Act 1995 was intended to promote integrated services and has improved the situation considerably, but more co-ordination is required, especially in early intervention, child protection and supporting children looked after by local authorities. It was disappointing to note that an analysis of the children's services plans, undertaken by the Convention of Scottish Local Authorities, found that strategic planning for foster care services was absent from most plans and that only a few plans mentioned joint working between education and social work. There is no doubt that there must be far greater interaction and communication between the service providers involved in child care and that includes health provision. Looked-after children are a most vulnerable group. I am sure that many members will touch on that in the debate.

I will mention some concerns about young people leaving care. There are approximately 1,000 to 2,000 care leavers every year but, astonishingly, accurate figures are not available. There is very little information on care leavers, but what there is reveals the lack of support for making the transition to adulthood and a consequently higher risk of care leavers being involved in offending and homelessness.

Various agencies have produced practical guides and information for young people leaving care, but the development of after-care services is patchy. One development that is causing concern is the proposal that Department of Social Security resources that are spent on housing benefit, income support and jobseekers allowance for 16 to 18-year-olds who are currently, or have been, looked after are to be devolved to local authorities. Precise arrangements, including a timetable and a decision on national standards, are not available to the best of my knowledge, but the proposal is not without its critics.

The lack of national information on the support and welfare of young people who have been looked after is a serious deficit. It is right that we must examine that. We know much more about the causes of failure than we do about the causes of success. It is to be hoped that the lack of information will be remedied in the Executive's proposals to support those young people better.

I move amendment S1M-1818.1, to insert at end—

"and calls upon the Scottish Executive to undertake a comprehensive review of adoption and fostering legislation for Scotland, with a view to bringing forward a clear legal framework."

15:06

Mr Keith Harding (Mid Scotland and Fife) (Con): The Government's Adoption and Children Bill will be the first full-scale reform of the adoption laws since 1976. That is welcome news, as the process definitely requires to be updated.

My Conservative colleagues at Westminster have been pressing for an overhaul of the system. When we previously debated looked-after children in the Parliament, the Conservatives were clear that changes were required to speed up the adoption process. For that reason, the Conservatives will give the Scottish Executive full support on any measures that put the interests of the child at the centre of the adoption process. That means putting children's interests ahead of those of the bureaucrats, politicians and adults involved.

It is reported that the Adoption and Children Bill aims to increase the annual rate of adoption of children in care by 40 per cent over four years.

That is a welcome goal, as the number of adoption applications in Scotland has almost halved, from 836 in 1988 to 469 in 1998. Among that dwindling group, slightly more than half of the adoption applications are by a birth parent and a step-parent, usually a stepfather. That suggests that adoption, for children stuck in the care system, is a slow process and not always possible. Many children in care could, and should, be adopted more quickly. Every week makes an enormous difference to the rest of their lives. Their welfare goes beyond party disagreements and calculations. We, as parliamentarians, have a duty to get the balance of the system right, between assessing safety and providing a stable and loving family environment as quickly as possible.

The Adoption and Children Bill will provide for a UK national adoption register of potential adoptive parents. Again, the Conservatives have been calling for that measure, and it is one that I hope the Parliament will support.

Conservatives have also called for an adoption plan to be drawn up in law for each child. There should be no instances of children being judged to be unsuitable for adoption because of, for example, severe physical or mental handicap. Adoption should always be considered when families with experience might be able to provide those children with a stable and caring environment.

The needs of all children in care homes must be considered. Far too often, they are left with little or no contact with wider society and rely on the institutionalised social work system for everything. That system attempts to provide care, but does little by way of promoting the values of society—I am not being critical when I say that.

We all grow up with values from our family or local community that give us a basis for life and a starting point when we come across cultural differences and new ways of doing things. Of course, we should not be locked into those values against all others, nor should we discriminate against or devalue those whose values do not accord with our own. Life is a learning process that is enriched by new experiences, but a lack of any perception of how society should work means that we cannot relate to other ways of doing things. It reduces our understanding and undermines society as a whole.

Looked-after children should have as much of a starting point in life as anyone else and should not be excluded from the values to which we all aspire. If their own family is failing them and they cannot be placed in a foster or adoptive family, the possibility of access to an outside body should exist—particularly, but not exclusively, for children in institutional care. Exposure to a charity, a church organisation or club or even another family

will widen their experience and views. In that way, even those being fostered and adopted could have access to a wider society that would enable them to experience a full range of cultural values.

If we want children to play a full part as they grow to adulthood, we must give them something more than the limited cultural ethos of the social work environment. It is sad that the Adoption and Children Bill is now being rushed through the Westminster Parliament. The explanatory notes to the bill and the minister's approach in debate seem to indicate that the bill is a draft open to suggestions. It appears that that course has been taken to avoid embarrassing the Prime Minister, who said that there would be a bill, even though it was not included in the Queen's speech.

The Government is also keen to avoid difficulties at the second reading of the Conservative MP Caroline Spelman's private member's bill. That is no wonder when we remember that her amendment to insert a clause in the Care Standards Bill to establish a national adoption register and standard eligibility criteria for adoption was rejected by the Government on the ground that it was going to introduce an adoption bill in the Queen's speech.

I ask the minister to ensure that any proposals resulting from his very welcome review in Scotland are well thought out. My Conservative colleagues in Westminster will continue to seek to improve the Adoption and Children Bill in four main areas, and their proposals should also be considered by the Parliament.

First, we should introduce the passporting of money to follow the child. Without that, there might be a disincentive as an authority that receives a child will be liable for all payments. Financial responsibility should remain with the initial council for a reasonable period after the adoption.

Secondly, we need a full and proper independent appeal system to resolve the problems identified by bodies such as the Adoption Forum and Barnardos, to ensure that the rights and needs of children and potential adopters can be seen to be protected.

The third area of particular concern is the length of time that adoption can take, which is particularly the case for babies and very young children. The earlier that they are adopted, the greater the chance of a successful and happy outcome. That is why my colleagues will argue for a fast-tracking system for babies within the adoption system, with regulations that set time limits for deciding whether a child is suitable for adoption. The length of such a time limit should depend on the age of the child and the circumstances.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): What safety mechanisms will be

introduced for fast-tracking adoptions, particularly for babies? Those individuals need to be supported through that process and any adoptions must be undertaken safely and appropriately. The member has certainly not told the chamber how he intends to tackle that issue.

Mr Harding: I totally agree that safety measures are required. However, the minister has agreed that in many cases adoption is taking too long and we are suggesting that the process could be speeded up, particularly for babies.

Finally, my Westminster colleagues will argue for better tracking and record-keeping to improve the quality of information held by local authorities. That will help to prevent a child from being lost in the system and should improve the quality of decisions made by everyone involved in the adoption process by making all the relevant information readily available.

The issues that the Minister for Education, Europe and External Affairs has raised—which have been appended to what is in effect a Sewel motion on the UK Adoption and Children Bill—also receive the Conservatives' general support. Indeed, it would be difficult not to support his proposals for a comprehensive review of the adoption system in Scotland.

The Scottish Conservatives have always recognised the need to help as many children as possible to enter secure and happy adoptive families. The importance of such a family life is truly immeasurable. In 1996, the Conservatives drafted a bill that included a welfare checklist for adoption agencies and the courts to assess the child's interests. That bill tried to encourage further adoption proceedings with a new duty on councils to publicise their range of adoption services and to encourage more families—particularly those from ethnic communities—to consider adoption. It also proposed easier procedures to allow step and foster parents to adopt. It is a great shame that the bill ran out of parliamentary time before the 1997 election.

The number of looked-after children in Scotland has risen slightly since Labour came to power, although the number of children in residential care has fallen. Reducing the number of looked-after children must be a continuing priority—especially the number in residential care—that calls for a higher level of fostering and a more streamlined adoption service. The number of children in care is 10 in 1,000 of the child population in Scotland and is double that figure in Glasgow.

Scott Barrie: Will the member take an intervention?

Mr Harding: No, thank you.

The voluntary sector has a lot to offer, and the

good work of organisations such as Barnardos, and their services, should be utilised to a greater extent.

We must consider ways of speeding up the adoption process, as members have said. The influence of a family—even though the child is not a member of that family—on a child's stability, education and intellectual attainment is crucial. Do adoptive parents really need the level of training that is currently required? For many parents, natural or adoptive, parenting comes naturally. It is depressing that so few looked-after children—only one in 100—go to university, and that so few of them obtain standard grades or higher that are worth talking about. We must determine why that is so.

We must examine the performance of local authorities and determine how voluntary agencies can help. We must look at the broader picture to find the answer, which is not total Government control: the state does not have a monopoly on compassion. To assist looked-after children, the people who have a record of success should be invited to do more in future.

15:16

Ian Jenkins (Tweeddale, Etrick and Lauderdale) (LD): I welcome the debate and the minister's opening remarks. I will deal briefly with the Adoption and Children Bill's provisions for inter-country adoptions. I suspect that there will be agreement between all parties, and throughout the debate, regarding members' distaste for the events surrounding the Kilshaw incident. That case gave rise to and provided the occasion for the measures in the bill that Mr McConnell has outlined, which have applied in Scotland and which we seek to endorse.

As others might say, it is offensive that children have been bought and sold on the internet—surely the most impersonal of shopping channels—their fate dependent on who pressed which key first or on which couple could afford most. It is desperately sad to see the infants—today, in fact—treated like goods and chattels to be fought over in court by adults who must now be emotionally damaged, if they were not so before, and unable to provide a stable and effective relationship for those vulnerable children.

It seems right that advertising to obtain placements for youngsters who are candidates for adoption should be regulated carefully and come under close scrutiny. The detail of the regulations should be arrived at after widespread consultation involving key organisations, including councils, adoption agencies and other stakeholders. There are other, less controversial means of inter-country adoption, which can be successful, and

the regulations must allow such adoptions.

It is also important that regulation established by the Adoption and Children Bill and any subsequent legislation introduced by the Scottish Parliament ensures that the interests of the child come first in any decisions that are made. In connection with that principle, I broadly endorse the contents of the draft national adoption standards for England, Scotland and Wales.

In all discussion of regulations concerning people, I worry about their being put into boxes. It is difficult to frame regulations so that they cater fairly for every eventuality and circumstance in which children and adoptive parents can find themselves. The complexity of individual situations means that over-prescriptive regulation, fitting people into boxes and applying well-intentioned rules dogmatically, can militate against the interests of the child. I therefore make the plea that, in framing any regulations, we should build in the possibility of recognising that the best interests of the child must, from time to time, be allowed to override strict interpretation of the detail. I welcome the bill's proposals for appeals and the review of decisions in various ways. The Liberal Democrats are happy to support the Sewel motion.

I welcome Mr McConnell's announcement of the review and the review group's composition. I am pleased that adoptive parents and youngsters who have undergone the adoption process—and, I presume, other children too—will get the chance to contribute to the discussion. I am also pleased that the review will come before the Education, Culture and Sport Committee. We will do what we can to help and influence the remit and the process.

The motion invites us to recognise the importance of adoption services in the spectrum of care for children and youngsters looked after by local authorities. The review is a step in that direction. Mr McConnell also recognised the importance of adoption services in his speech.

The Scottish Parliament has already given attention to looked-after children, especially in the Regulation of Care (Scotland) Bill, for example. The research note from the Scottish Parliament information centre contains valuable and interesting statistics on the number of looked-after and adopted children in Scotland. It points out that looked-after children are neither a homogenous nor a static group and that there are difficulties involved in placing in foster care, or into adopted families, youngsters who have complex healthcare needs, who offend, who have disabilities and so on.

It is important that there is a drive towards more integrated services across the care system that

can support adoptive and fostering families. Of course, integrated services are important, not only for adopted youngsters, but for young people across the board. The new community schools show that the principles of integrated services can be put into practice. We must build on that experience and use it wherever we can for the benefit of all vulnerable children. While I am on the subject, I want to say that I hope that the minister will ensure that community schools whose funding is running out will have their future funding secured.

The absolute necessity for attention to be paid to education is recognised in the motion. Education is one thing that we can give youngsters that will help them to overcome any disabilities or lack of self respect that they might have. Education is fundamental. As I said, the SPICe research note contains phenomenal education and social statistics on matters such as foster children leaving school and so on. Most of the members present will be familiar with some of the statistics, but I will read them out for the benefit of the people in the gallery, as they are sensational.

“A UK survey of foster children found that they were

- 10 times more likely to be excluded from school
- 10 times more likely to attend a special school
- 4 times less likely to go to further education

...

- 60 times more likely to join the ranks of the young homeless
- 50 times more likely to be sent to prison
- 88 times more likely to be drug abusers”.

We are failing those young people. We must deliver wrap-around care effectively. That is why the Liberal Democrats support Mr McConnell when he tells us that he wants to implement 10 important points that will benefit that sector of the population.

We agree that the volunteer members of children’s panels are vital and that we should try to expand the social mix of people on those panels. It is vital that we insist on having a care plan for each child so that we can ensure that the progress of individuals can be watched and that they are not allowed to fall through the net. For far too long, we have allowed the quality of care in residential homes to slip. We must keep an eye on that and maintain the children’s rights. The same would go for the secure units that Mr McConnell spoke about—I have never seen a secure unit but I can tell from the way that Mr McConnell spoke that he was deeply upset by what he saw. Equally, we must improve the protection of those children who are looked after at home.

Post-adoptive support is important as well. The period after the adoption of a child is not always easy. A former colleague of mine had difficulties following his adoption of a youngster. He needed support in helping his family to integrate the

youngster and, because he did not get it, the adoption failed.

It is important that local authorities are scrutinised. After-care is important for youngsters who leave care in their teenage years.

Permanence has been mentioned. It is in that regard that adoption is most important. It can greatly improve the life chances of youngsters who might otherwise move back and forth within the system in a way that might lead to insecurity and a lack of self respect.

I am pleased that the minister feels able to accept Irene McGugan’s amendment, which calls for a wider review of legislation than was perhaps first intended. As that review will demonstrate, matters are complex. We might not expect precipitate action, but as we heard when we discussed the spectrum of looked-after children, fostering and adoption are important areas of provision which are closely linked. The Liberal Democrat group felt, after considering the amendment last night, that it contains a sensible linkage and that it leads in a direction that we ought to be going in. We support the amendment.

I welcome today’s debate and look forward to consideration of the issues by the Education, Culture and Sport Committee over the next few months. The measures that are being announced are sensible and forward looking. Given the other aspects of our education policy—the tremendous expansion of pre-school provision, schemes such as sure start Scotland, early intervention, new community schools, elements of the Regulation of Care (Scotland) Bill, extra investment in schools and a greater recognition of the need to improve provision for children with special educational needs—the Liberal Democrats are happy that the partnership Government is putting children at the very heart of our agenda. Today, we are seeking to ensure that vulnerable children are better protected and more adequately provided for.

The Presiding Officer: This debate is unique in my experience, as all four opening speakers have taken less than their allotted time. That enables me to announce that the time limit for back-bench speakers will be five minutes, instead of the usual four minutes. With that good news, I call Cathy Jamieson, to be followed by Kenny MacAskill.

15:26

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I think that I might manage to confine my remarks to five minutes, although that could be difficult for somebody who has spent most of her working life, before coming to the Parliament, working with young people in the care system.

I start with the words of a young person in the care system—lest we believe that the decision to place a young person in residential care is always bad or wrong or will lead to all sorts of problems and regrets. The words have been provided by a young person in “speak out!” magazine, which is written by young people for young people in the care system:

“Being in care isn’t so bad,
sometimes happy and not so sad

The life I once had was one of a kind,
but now it’s one I’d hoped to find
with love and laughter at my door
I can be happy and live once more

Thankyou! Thankyou!
That’s all I can say
For now I’m happy
In life to stay.”

Let us remember that many young people come into the care system because their home lives are not what we would want for young people. Because of parental illness or family breakdown, because—increasingly—of drug or alcohol abuse on the part of parents, or because of sexual abuse, young people are often not able to remain in their family homes.

In the past, there have been many instances when the child care system has failed young people and failed them dismally. I had the misfortune to be involved in the Edinburgh child abuse inquiry, which looked at what had happened over many years when people failed to listen to the message that young people were giving— young people were saying clearly that they were suffering from abuse, but no one listened to them.

Over the past few years, we have made significant steps towards redressing the balance and ensuring that the child care and residential care system is providing places where young people can feel safe and secure and confident that they will be looked after properly.

We will still get horror stories and we will still find things that are going wrong, but there are many residential child care workers who give of their time and of their emotional energy to ensure that the young people get the opportunity to have a good life experience—a better life experience in some cases than they would have had if they had stayed in their family homes under difficult circumstances.

The minister talked about education. It is simply not good enough that young people in the residential care system continue to do badly in the education system and do not have the chance to move on and take up opportunities in further and higher education. We have to be aware of the realities of why that is.

Some of the most important times in a young

person’s life in the school system are exactly those times at which they are most likely to experience the sort of crisis that brings them into care—I am talking about their teenage years, when they should be studying for their standard grades and looking towards their higher.

Young people will say that it is difficult for anyone who is living in a children’s home or who is removed from their family home to keep going, to take an interest in their education and to find the space, resource and energy to keep up their studies. Such young people might have to move schools, which will mean that they cannot continue with teachers and others who have supported them over the years. They might find it almost physically impossible to find a place in the residential home to study or do homework. If they miss out at school, they will find it extremely difficult to go back and pick up the pieces. We have to address that point if we want better services.

Irene McGugan mentioned throughcare and aftercare. Nowhere else in our society would we expect young people aged 16 or 17 to make such a sudden transition of going out into the wide world and somehow being independent without support. We do not expect that of young people growing up in a family home. How many of us as parents—or maybe grandparents—have seen children move out of the family home, go to college, come back, go away to work, come back again and do all sorts of things that are denied to young people who have been brought up in the care system? We have to change the situation, and there are ways in which we can do that.

Before I run out of time, I will mention one aspect of adoption. I welcome the review of adoption services, but we must always remember that adoption must primarily be about young people who require a permanent family home. I recognise that we have to speed up the process, but we should never move to the position where we are seeking to supply a range of children and young people to meet demand among adults. I am sure that that point will be taken into account in the review.

15:32

Mr Kenny MacAskill (Lothians) (SNP): I, too, welcome the consensual approach that has been taken, particularly by the minister. Perhaps the litmus test for the Parliament is not how we deal with the strongest or most vociferous of bodies but how we deal with the weakest and least vocal. Although the number of people who have been adopted or who are in care is not huge, individuals may experience significant emotional effects and, as others have mentioned, social problems.

In Scotland, we should look at things distinctively, to our own time scale and using our own methods. We have our own legal system and a system of children's panels that is unique in the United Kingdom. Like others today, I heartily endorse both those systems.

I will make some short points, given that, despite the additional minute for speeches, time is at a premium. Although I welcome the introduction of legislation on inter-country adoptions, I think that it would be a mistake to hold the perception generated by the tabloid press that anyone who is involved in an inter-country adoption is a potential paedophile or is taking part for the wrong reasons. Many people have adopted from other countries for the best of reasons. Sometimes they have done so because of tight regulations in this country. Frequently, many people who went abroad to adopt had been told by the adoption agencies in this country that they were too old to adopt—not because they were in their 50s or 60s, but because they were in their mid or late 30s or 40s. That criterion may have been correct when it was applied, for reasons of supply and demand.

We should not look at the case of the Kilshaws. Of course, we must have regulations, as there are people who hope to bring in children for entirely the wrong reasons, but many children who are adopted from abroad are brought to sound, stable and loving families. There is nothing wrong with inter-country adoptions so long as they are monitored and properly regulated.

It is important to carry out a review. When I had been practising law for about 15 years, I was amazed to learn just how recently a law of adoption had been introduced. If I had been asked 10 years ago when the first law of adoption had been passed, I would have said that it was in the 12th, 15th or 17th century. In fact, the first law of adoption in Scotland was passed in 1930, after the carnage of the great war, when there was still a follow-through of Victorian values. At that time, many children did not have a father to maintain them, so it was felt that steps had to be taken. Before then, adoption was dealt with through the law of testacy or intestacy. It is now the 21st century and we have to move on.

I welcome the changes that have taken place in Scottish family law and the move from custody and access towards residence and contact—we are moving away from the winner-takes-all situation.

We should take time to use the best brains in the country to ensure that we get the law right. Some legislative changes will be required, but not all the changes will be legislative, as some issues can be dealt with in other ways. For example, when I was a practitioner, I used to have great difficulty with the question of contact and adoption.

I understand that that question is viewed much more liberally now but, for a few years in Edinburgh, contact and adoption was viewed as a no-no, notwithstanding the best advice from the likes of Professor Triseliotis and others. Their advice was that contact and adoption not only took place, but was beneficial for the child. I welcome that change. It is important that we ensure greater continuity in our small nation, so that such changes do not happen in only one local authority area.

Agism must be addressed. As I said, one reason why many people went outwith the United Kingdom to adopt was that, at the age of 38 or 41, they were precluded from adopting a family. Social matters have moved on—many of those rules were introduced years ago, when people tended to be far younger when they had families.

Irene McGugan spoke about resources and rightly said that we should make provision for people to allow them to adopt. I am grateful to Professor Triseliotis, who took some time to brief me. He flagged up the issue of the cessation of contact between the making of a freeing order and the adoption.

It has been suggested that that cessation of contact is contrary to the ECHR. I believe that it is morally indefensible in many instances, but it must be addressed if it is also contrary to the ECHR.

Given that time is passing, I will concentrate on fostering. Jack McConnell was right to suggest that we should consider the introduction of a hybrid system—something between formal adoption and fostering, which may mean amending guardianship arrangements.

We must also consider resources. There is a fundamental problem in Edinburgh in relation to fostering. If someone lives in Edinburgh and their child goes into care, it is likely that the child will not be fostered in Edinburgh—he will be fostered in Bathgate or Blackburn, which are out in West Lothian, or in Midlothian.

The Presiding Officer is indicating that I should close, so I shall finish on this point. I am not denigrating the families who look after kids in those places. However, a single parent who tries to maintain a link with their child but who does not have a vehicle must take three or four buses to get from Craigmillar or Muirhouse to Bathgate, for example. What quality time can that parent spend with their child in a strange town if the weather is inclement? We must consider providing more resources so that children can be fostered closer to home.

15:37

Lord James Douglas-Hamilton (Lothians)

(Con): It is right that the Scottish Parliament should feel a sense of anger and outrage that babies were sold on the internet. It is right that there should be a strong will in the Parliament to make certain that such activities are recognised for what they are—crimes against humanity. Human beings are not commodities to be bought and sold. Whatever our sympathies for childless couples, infants, who cannot express a view, must never be exploited.

I am proud that I had the good fortune to pilot through the House of Commons the Children (Scotland) Act 1995, which laid down the following principle: the welfare of the child is the paramount consideration when his or her needs are considered by courts and children's hearings. No court should make an order relating to a child and no children's hearing should make a supervision requirement unless it is considered that making such an order or supervision requirement would be better for the child than not doing so—the best for the child must always be uppermost in the court's mind. In addition, the child's view should be taken into account when major decisions are to be made about his or her future.

I welcome the endorsement in the motion of the Adoption and Children Bill, which introduces restrictions on trafficking in children. Those restrictions are important for many reasons, of which I will outline three.

First, cross-border recognition of adoption orders must continue in order to make the law fully effective. For that reason, it is right that the bill amends Scottish legislation so that the various orders made in England are recognised in Scotland's jurisdiction. Of course, the bill also recognises Scottish orders.

Secondly, the bill rightly tightens up offence provisions. Instead of allowing approval after an adopter has brought a child into Britain, the bill stipulates that adopters must be approved before a child can enter the country. It is therefore appropriate that those offence provisions should relate to Britain as a whole—Scotland should not be excluded.

Thirdly, the bill prevents the advertising of children for adoption, other than advertising carried out in the media by approved adoption agencies and local authorities. Again, it is right that those measures should apply to Scotland as well as to England and Wales.

There is a strong need to speed up the process for adoption. Kenny MacAskill, Keith Harding and Cathy Jamieson touched on that point. The Adoption Forum claims that it takes about three years before prospective adopters have a

confirmed adoption. In the context of a fast-moving, modern society, three years is too long, although I take Cathy Jamieson's point that the certainties for adoption must be in place before an adoption is approved. The Adoption Forum has given evidence that children who are adopted in infancy have a far greater chance of a happy outcome. They are also easy to place, as many adopters want to start parenthood with a child who is as young as possible. A child with a secure family background is likely to have fewer problems in life.

It is desirable to avoid conflicts of interest. No doubt we can return to this matter in greater detail. I welcome the minister's constructive approach on the subject. The safety, happiness and well-being of our children must remain paramount, as children are our country's future.

15:41

Dr Richard Simpson (Ochil) (Lab): I declare an interest. I give advice on adoption and fostering to the three local authorities that made up the former Central Regional Council.

As someone who was himself adopted, I have had a lifelong interest in this issue. Although I was lucky enough to be adopted as a baby into a secure family and to have had what was a privileged upbringing, I have recognised, from my 19 years of working in the area, that society has substantially failed the group of children we are talking about. How much better we can succeed with additional resources is, of course, questionable, because nowadays such children are often damaged or disabled. Two thirds of them have mental health problems or have behavioural difficulties that are difficult to solve. I find the efforts that are made by some of my social work colleagues inspiring, but those people are often working against a difficult background in which adoption is not given a high enough priority by their authority.

We recognise that stability, security and safety are paramount for children. However, the children about whom we are talking have the opposite: they have insecurity and uncertainty in their lives. When they have to be taken into care, they find that they may be moved from their school and separated from their friends. They may lose even the support services that they had in their home when things were difficult. They change health visitors. They change general practitioners. Often they have to change social workers as well, because many social workers move around. The children have no continuity in their lives, so it is no wonder that they have the sort of problems to which Ian Jenkins referred.

We recognise, as the minister said, that baby

adoption now forms a much lesser part of the whole. However, we should also recognise that the number of adoptions and permanent placements of children with a disability or some sort of difficulty has been increasing. That is an important plus. Things are not all negative; some things are, with the efforts of so many colleagues, improving.

We read statistics in the various reports, such as that 18 per cent of children have three or more placements in a year. However, the statistics do not reflect only the uncertainty and insecurity of the adopted children; they often represent genuine attempts to keep families together. That is important, because keeping families together may be the best option. A difficult decision has to be made: at what point should one move a child from a family that one has been trying to support, but which is disintegrating, to a family that will be a permanent placement? We should be cautious about interpreting the statistics at face value.

A comprehensive range of services is needed. Many of those services are available, but in many areas they are fragmented. We need befriending; we need respite care; we need in-home support; we need support for the families; and we need crisis intervention, so that a family in crisis gets immediate intervention—not from a stranger but from a respite care supporter who has been associated with the family over time and who can give appropriate support.

If anyone is in any doubt about the failures of the system, they need only consider statistics such as the fact that 40 per cent of the men in the young offenders institution at Polmont come from looked-after care backgrounds. Figures for homelessness have also been quoted; I will not repeat them.

As I said, things are not all bad. The sure start programme is helping and community schools are helping. However, I have grave concerns about the health service's participation in those community schools. There are problems, and I urge Mr McConnell to work with the ministers in the health department to ensure that that participation is effective. If we can get the schooling permanency right and give children a sense of worth and well-being, and if we can also support their families, we will have a better chance of success.

I am concerned by the fact that people still perceive a massive difference between adoption—which used to be a sort of clean-beak arrangement—and permanency. Those are not two separate entities. Nowadays, we have a continuum. At one end, we try to maintain the family and integrated support; after that, the children may have to have short-term foster care; and then, at the other end, they may move on to permanency. That is extremely difficult to plan, but

we have to try. We therefore have to provide greater resources.

I agree with Cathy Jamieson that residential care is not all bad. However, there are alternatives. For example, Barnardos freagarrach project is working with the most difficult children, who would previously have gone into secure accommodation. Those children are now maintained in families with foster care parents who are given support. We should not just say, "The children are in foster care, that's it, fine." We should say, "The children are in foster care and that foster care family needs to be adequately supported—not just with finance but with other types of support."

15:47

Ms Sandra White (Glasgow) (SNP): I thank the minister for saying that he will accept the amendment, which goes to show that we agree on some things some of the time.

I will confine my remarks to two areas—the running of children's homes and the concerns of people who live near those homes. Members may think that the concerns of people living near the homes should not be mentioned—they may be considered taboo. However, I think that they should be mentioned. The Parliament should listen to everyone's views and I hope that all members will listen to these views, which are not only from constituents but from care workers who work in the homes. If we do not listen to everyone's views, we will not have the opportunity to hear the opinions of the children and to learn how they got into the homes. Some people may feel that these points are controversial and that I should not raise them, but we must consider them.

The people who live near homes do not always know the circumstances of the kids, and one of the complaints that I hear most often from constituents—and, as I say, from staff—is about how the homes are run. That must be addressed; it cannot be swept under the carpet. In the past couple of months, there have been tragic cases of kids in care in Glasgow. If we are concerned about the safety of children, we must be concerned about how some of the children's units and homes in Glasgow are run, and I hope that the minister will address that issue. I add that they are not all secure units.

Shortage of staff in children's homes is a big problem. The minister mentioned—if I understood him correctly—a 10-point hit list. Social work staff were in that list. I welcome that. It would be most helpful if the minister, when summing up, could say whether a time scale has been set. When will measures come to fruition? In Glasgow and other areas of the west of Scotland, places are running

with a 25 per cent reduction in social staff. Some local authorities are at crisis point. They cite various reasons for the lack of staff. There are three good reasons. The first, apparently, is low wages—I say “apparently”, but I will leave it to the minister to say whether it is true or not. The second is low staff morale. The third, and most important, is stress-related illness. It is not just me saying that; it has been widely reported by social workers, staff and the press. I would like the minister to consider that point.

The minister said that adoptive parents would be included on the adoption policy review group. If the group is to examine social work and children's homes, I ask him to ensure that the views of social workers, carers and, if possible, children in children's homes are taken on board, because they are the ones whom the review will most affect.

Cathy Jamieson: Does the member accept that the establishment of the Scottish Institute for Residential Child Care has been a significant development? That came about as a direct result of the impetus to provide more and better-qualified staff to meet the targets for qualified staff in residential work, and involves people with a background in social work and, most important, young people.

Ms White: I agree with Cathy Jamieson. I know about the institute. My point was that, in the 10-point plan, the minister did not expand on the issue that I am raising. If he takes on board my point, or the views of the groups that Cathy Jamieson mentioned, I would be more than happy. There is a shortage of good-quality social workers, who are required not just to run homes properly but to run them for the good of the children. Continuity is required. If people are happy in their work, they will not leave or go off with stress-related illnesses. Continuity can only be good for children in care.

I have visited homes. People who listened to Cathy Jamieson's speech would say that it was tragic that kids were in homes; they would do their best to help, instead of knocking homes. I say that with all respect, because Cathy Jamieson raised the plight of children. I am trying to get the point across to the minister that if we all work together, and everyone—including residents, children and social workers—is given all the available information, that will go a long way towards implementing a good strategic plan for the decent running of homes as well as for fostering.

15:52

Donald Gorrie (Central Scotland) (LD): I apologise to the chamber if my speech is not up to its usual sparkling standard, but I am a bit

disoriented—the people who are organising the party this evening for the Labour and Liberal Democrat MSPs have cajoled me into playing the part of a senior civil servant in a sketch.

I congratulate the author of the amendment on leaving out the usual bit about what a completely hopeless bunch of people the Executive is, which therefore makes the amendment acceptable. I also congratulate Jack McConnell on accepting the amendment on behalf of the Executive. That is a serious step towards joined-up and adult government and I hope that it will be repeated on issues on which there is agreement. Where we disagree, let us disagree, but where there is agreement, let us not manufacture disagreement.

The main issue is our old friend joined-up government, which we all talk about but do not practise. The question of dealing with children in the various capacities that have been mentioned involves a lot of local government, national Government and health officials. We have to ensure that individuals in the system co-operate better to provide support for children, whether they are in family homes, foster homes or residential homes. In particular, we have to support those children when they leave whatever form of care they are in.

As Cathy Jamieson said, to be put out on the streets at the age of 16 is an appalling prospect—most of us would make a complete hash of it. Children need much more support than they get. There must also be a better benefits system. The current system of not giving 16-year-olds benefits is wrong and should be changed. There are housing and tenancy support issues—we must help young people to keep their tenancies. In addition to the professionals and foster parents, there is a role for volunteers—not in a Victorian, Lady Bountiful spirit, but in a modern and helpful spirit. Adults could befriend, in a structured way, young people and give them guidance and a shoulder to cry on. We could make much more use of voluntary organisations in helping people to face independent living.

The organisations can co-operate. Just this morning, I heard about an excellent scheme in a related sphere. The police in central Edinburgh and people from Edinburgh City Youth Cafe, which is just around the corner from here, have co-operated successfully to tackle the problem of large groups of youngsters gathering in the city centre and making a bit of a nuisance of themselves. If groups such as the police and youth workers, who do not spring to mind as being from the same bunch, can co-operate, other people can also co-operate to deliver the services that the young people need. As members have said, we have failed those young people terribly, and many have ended up in much trouble.

I know little about adoption but, over the years, I have often tried to help foster parents. They are underpaid and undervalued and need more support. On the odd occasion when a disturbed young person who has been or is being looked after makes a malicious complaint, the slowness with which the system responds—certainly the system in Edinburgh, with which I am acquainted—is devastating to the foster parents. Justice must be done, but if a couple have given 20 years of good fostering without any complaint, it may be inappropriate to bring in the whole Gestapo system—that is how it appears to the couple—with heavy boots at dawn because of one set of complaints. We must deal with the situation more sensitively.

I have tried but failed to help grandparents who try to be foster parents. The law does not seem to allow for that, so they receive no benefits and seem to have the worst of all worlds.

Support for a children's commissioner is important. I know that the Executive is moving in the right direction and I hope that we will have a system that will represent children and get them a fair deal. I welcome the proposals.

15:57

Trish Godman (West Renfrewshire) (Lab): Adoption is devolved to the Parliament, but it is appropriate to discuss it at United Kingdom and Scottish levels to achieve consistency throughout the UK. The debate has focused, rightly, on children's needs and has not been driven by the needs of prospective adopters. I support the motion—particularly the idea of a review of adoption policy and practice and the drive for more integrated services—but I have some concerns and comments.

A national register for England and Wales has been suggested. If such a register were established in Scotland, would we be able to tackle the mismatch between the majority of adopters—who want to parent the youngest and least damaged children whose ties to parents have been severed—and the children who are waiting to be adopted? As Irene McGugan said, those children are complex and emotionally damaged and often retain physical and emotional attachments to their birth families. I am sure that other members have, as I have, found that such children are the most difficult to place.

The motion supports integrated services. I hope that those include post-adoption support, because I hope that gone are the days when, after a child was adopted and people became adoptive parents, everything stopped. Once the court procedure had finished, no one was seen at the doorstep again, even though until then the

prospective adopters had been fed up with all the social workers who came to talk to them.

Post-adoption support needs the resources of psychiatry, psychology, health, education and social work. I wonder whether such support would be better addressed through one agency. Should such resources be ring-fenced? Members have heard me say before that I oppose most ring-fencing, but I have a sneaking suspicion that such an arrangement would be what I call a soft budget line. If the resources were not ring-fenced, we would have to consider adopting strict guidelines.

People who adopt now are often more mature, with committed finances, and we need to send the message that financial support for those who adopt is a Scottish Executive priority. It is important that adopters from different parts of the country are all treated equally. Individual authorities should not set their own rates and standards; they should be agreed across Scotland. Adoption is hard work and although people do not adopt for financial reward, they should not suffer financially as a result of adopting. Financial assessments must have, at their centre, the needs of the child.

Perhaps we should consider having a national co-ordinator to link local consortia through the Executive. Local authorities need a more direct line to the Executive, to help the Executive to understand the issues and trends and to maintain the link.

I will address briefly the courts and, in doing so, consider the amendment. The time has come for a complete overhaul of adoption law. To adjudicate, sheriffs need expertise in family law and they do not necessarily have that expertise. As the law stands, the opinions of sheriffs are often out of step with the Government agenda. Sheriffs are working within laws that do not reflect the needs of children at an early stage. The children's panel system and adoption law are incompatible; one is designed for temporary decisions and the other for permanency. Perhaps we should also consider the need for a new order that would allow a child no longer to be accommodated, but which would not sever all legal ties with the birth family.

The need for an independent voice for children, which we have discussed in the chamber before, has been recognised during the debate. Donald Gorrie mentioned that need in his closing remarks. That independent voice would belong to someone who was not bound to consider the rights of parents, but who could concentrate on the needs and wishes of the child.

I urge members to support the motion and the amendment.

16:02

Shona Robison (North-East Scotland) (SNP):

I was pleased that the minister set the context for the debate when he said that poor quality of care would no longer be tolerated in Scotland. That is an important statement—particularly in the context of looked-after children—and one that we can all sign up to.

The minister referred to some of the problems that exist in secure residential units. I am sure that he will be aware of the high-profile case that has hit the headlines in Dundee recently. The case has hit the headlines for a number of reasons, but the consistent problem that has been identified is poor staff morale, which, as we know, affects the children who are being looked after. We must investigate the reasons for such poor staff morale, whether they stem from staffing levels, poor management, problems with sick leave or any of the other issues that Sandra White referred to. I welcome the secure accommodation advisory group that the minister referred to and I look forward to seeing the recommendations that it will produce.

The Regulation of Care (Scotland) Bill, once enacted, will provide important scrutiny of the quality of service that is provided in children's residential care. I have no doubt that the bill will contribute to a rise in the quality of services, but that must be backed up with the necessary resources to improve standards.

We must end the situation whereby some children do not have a care plan developed for them by social work departments and some cases are unallocated. In my experience, there was a feeling that the at-risk criteria for children were being changed according to the resources available and that, as a result, many children were excluded from becoming allocated cases. We cannot allow resources to determine the level of risk that we deem it acceptable for children to be left in. I am pleased that the minister said that he would not tolerate that situation and that he has made a commitment to adequate child protection procedures and to ensuring that all cases are allocated.

We must also tackle the links between poverty and the number of children who are being looked after. Aberdeen and Dundee in my constituency have some of the highest numbers of looked-after children in Scotland; the figures are 13.6 per cent and 13.2 per cent respectively. That suggests a clear link between poverty levels and the number of children who are being looked after by a local authority. Many measures to reduce the number of looked-after children will therefore be measures to reduce the level of poverty in some of our communities. As we all know, poverty puts a strain on family relationships.

I welcome the minister's consideration of a hybrid system to address informal fostering. We need to ensure that support is provided to those who enter into informal arrangements to look after children of relatives or friends. They make huge personal sacrifices by agreeing to take on the care of children, but they should not have to make financial sacrifices.

One of my constituents went from living in a two-income household with two children to a one-income household with three children after entering into an arrangement to look after the child of a friend who died of cancer. When people are prepared to take on that level of commitment, they should not end up at a financial disadvantage for doing so. I do not think that the system is flexible enough to consider such arrangements and I welcome the fact that that matter will be addressed. I look forward to the proposals.

16:06

Mary Scanlon (Highlands and Islands) (Con):

When I was listening to the minister earlier, I was struck by the fact that he mentioned one golden rule that should underpin all our values and principles. That provided food for thought, particularly when Ian Jenkins asked how one policy or one act of Parliament could cover the unique needs of all children.

I looked through the research paper published by the Scottish Parliament information centre on 22 February 2001 on looked-after and adopted children and was struck by the values that it lists on page 29. I hope that members will not mind if I read out four of them, because together they provide one golden rule. The paper lists the following as draft adoption standards:

“Right of child to grow up as part of loving family”

“Child's welfare, safety, needs and views should be paramount at each stage of the adoption process”

“Adoption should meet child's needs and not adults”

“Children's ethnic origin, cultural background, religion and language will be respected and considered when decisions are made.”

I am sorry that the minister has left because I would like to thank him. It is important that we look at values.

Mr McConnell: I am here.

Mary Scanlon: I meant the minister of religion, not the Minister for Education, Europe and External Affairs. [*Interruption.*] Frank McAveety said that the minister was divine; I did not.

The values and principles that are in the SPICe document and that underpin the bill are equally important. I welcome everything that the Minister for Education, Europe and External Affairs said.

Lord James Douglas-Hamilton: Does Mary Scanlon accept that the great difference between ministers of religion and ministers of the Crown is that ministers of religion do not have to resign quite so often?

Mary Scanlon: After Jack McConnell's speech today, I hope that he will not have to resign in the foreseeable future. I was touched by his openness and honesty in identifying the problems and by his commitment to addressing them.

Children need more than care. They also have a fundamental need to be valued and to feel valued. As other members have said, we must not, by focusing on adoption, lose sight of the support and services that are available to other looked-after children, particularly in the light of some of the problems that can arise later in life. As the SPICe research note says—Ian Jenkins may have quoted this, but coming last has its problems: other members use up one's speech—foster children are 12 times more likely to leave school with no qualifications and, as Richard Simpson said, four times more likely to suffer from mental health problems. They experience such problems not just when they are in the adoptive family or in care, but throughout their lives. The problems are serious.

Adoption is a lifelong opportunity for a family. It is the chance for a fresh start and, in some cases, the severing of existing family ties. Although I appreciate the need to reduce the length of time that it takes to place children with adoptive parents, it is important to balance the need for a speedy process with the necessity of making correct lifetime decisions.

I am pleased that the Regulation of Care (Scotland) Bill will include the inspection of adoption and fostering agencies. Amendments on that were lodged only at stage 2. In the interests of joined-up government and getting the whole thing right, I hope that we will have plenty of opportunity at stage 3 to get that particular component of adoption and fostering correct.

I welcome the recommendation that there should be discussion of whether adoption is an option for children who are in care for more than a year and that any decision should be recorded. The adoption panel, with agencies, should review at six-monthly intervals the progress of all children for whom adoption is planned. As Scott Barrie said, the draft standards say that a plan for permanence for each child should be made within six months. There may be reasons why fostering, and not adoption, is best.

We have all been horrified by the Kilshaws and advertising on the internet, but what strikes me is that we must control our legal processes. Anyone who seeks to bring children into this country for adoption should have an approved home study

assessment by an agency that is recognised in this country. We can do little to ease the plight of children overseas, but at least those brought to this country should be assured of the protection of our authorities and of the rights to the same checks and assessments as our own people.

Like many others, I ask for a commitment to some form of advocacy, befriending and support for children and parents, not only before placement but in the settling-in period and thereafter, which is when many of the problems arise. I am pleased to support the motion.

16:12

Mr Frank McAveety (Glasgow Shettleston) (Lab): I welcome this debate—

The Deputy Presiding Officer (Mr George Reid): I am afraid that the microphone system has gone down. We have about 15 minutes in hand, so I propose to suspend the meeting for 10 minutes.

16:12

Meeting suspended.

16:23

On resuming—

The Deputy Presiding Officer: I regret the error; it was a computer error.

Mr McAveety, as you were saying—

16:23

Mr Frank McAveety (Glasgow Shettleston) (Lab): Before I was rudely interrupted. Thank you very much, Deputy Presiding Officer.

This is a unique occasion, as I have received an inquiry from the official reporters before I have started to speak. Thank you very much for that.

I think that there is consensus across the Parliament on the approach to adoption services. I welcome the consensual approach that has been adopted to try to identify a way forward in Scotland that is appropriate to the conditions and experience in this country.

Admittedly, members have dwelled on some of the negative issues arising from children in care and adoption services. I will focus on the opportunities that we have to make a difference to the statistics. I will also celebrate the fact that many folk take on adoption in difficult circumstances and make a good job of it and that children who are products of that environment prosper and develop in later life.

We must also recognise that the issue does not

just concern the children. Although children are paramount, prospective adoptive parents also have rights in the process. I should declare an interest at this point: as my two children are adopted, I have experienced what Trish Godman called the permanence of social work before, during and after adoption. As a result, I might have some more colourful views of the process.

Many people choose to adopt because of the traumatic experience of discovering that they cannot have children of their own. Unless one has had such experience, it is difficult to understand that particular emotional rollercoaster. It is emotionally difficult to shift one's focus away from exploring fertility treatments to the needs of adopted children. The review should examine how parents go through that process, because social work departments across Scotland are not consistent in their approach.

As an adoptive parent, I have found that a fundamental issue is how social workers handle their adoption case load. The turnover of social workers during the assessment process was a problem and meant that the assessment took far longer than it should have. That is a traumatic experience for prospective adoptive parents, who have to justify to themselves emotionally why they should be asked many more questions about their children than other parents are. Although such questions must be asked to find out whether a prospective parent will provide a loving and caring home for adopted children, the unevenness of placement time scales must be addressed.

Kenny MacAskill and other members raised the issue of placement criteria. Such criteria need to be much more flexible; the review should undertake a considerable assessment of that problem. The review should examine the costs of adoption, as such costs often bear disproportionately on families from lower-income backgrounds. Fortunately, my wife and I had the income to meet the costs; I hate to think what opportunities would have been open to my parents if they had faced the prospect of having to adopt on their income. Someone once said, "Good children are like sunsets; often we just take them for granted." We must work out a system of adoption that will make a difference.

To conclude, I will identify some issues that the ministerial group should consider, the first of which is employment rights for prospective adoptive parents. My wife and I decided to adopt in the knowledge that, because of the social work assessment and as primary carers for the child, we would have to move from a double-income to a single-income household. That was easy, as we had a reasonable income; however, it is an incredibly difficult choice for prospective parents from lower-income households. Secondly, it is

worth exploring whether there is a social-class assessment of prospective parents and whether children are more likely to be placed with middle-class families than with working-class families.

Post-adoptive support is uneven across Scotland; it is very good in some local authorities and poor in others. The review should examine maternity, paternity and other rights, which have been the subject of exploration elsewhere in the UK.

Finally, what frustrated my wife Anita and me during the adoption process was the great difficulty in getting our voice heard, because the professionals took over our lives. Although we were willing to concede because of the necessity of providing a good home, we often felt that our voice was not heard. I therefore welcome Jack McConnell's announcement that the voices of parents and children will be paramount in any review of the process.

I welcome the Parliament's consensus on the issue. It is a great tribute to the debate in Scotland that we are now able to examine an issue that might not have been thoroughly explored before due to a lack of legislative time. We have a real opportunity to make a difference, and I hope that those involved in the process will do so to allow children in Scotland to prosper in future.

The Deputy Presiding Officer: Finally, I call Dorothy-Grace Elder. Because of the interruption, you have four minutes.

16:30

Dorothy-Grace Elder (Glasgow) (SNP): Two of today's most moving speeches have been made by back-bench members with special knowledge of the subject: Frank McAveety has adopted and Richard Simpson has revealed that he was adopted. I have inadvertently become the coo's tail. Although back-bench members are usually given five minutes in which to speak, it is a mystery to me and to other members how the Parliament came to corset itself into the tight stays of confining back-bench members to only four minutes so that people are grateful for that extra minute, even today.

The Deputy Presiding Officer: Use it wisely.

Dorothy-Grace Elder: Tremendous hypocrisy surrounds adoption. We live in an age in which dubious science allows women approaching 60 to become pregnant and have babies if they so choose, yet people aged around 40 are largely debarred from adoption. We live in an age in which a feckless parent can still stop a child from being liberated into adoption by someone who would really care about them. Some parents who truly have not given a damn for years can still

retain a legal fingertip on a child, and can plead eloquently in front of some gullible sheriff, “Bit ah luve ma weans.”

I have known one children’s home for years. I see the kids on Saturday with their noses pressed to the windows—the cliché is absolutely true—waiting for parents to come. Some people have promised to come who do not turn up: I see that happening month after month. Those children would surely have been far better off if they had been adopted in their earliest years.

Some years ago, I saw a harrowing scene at that home. A tiny brother and sister, who were aged about four and six, were being removed to be returned to their natural mother. The children were crying as they left the home and one of the care workers broke down as well. I knew them; they came from a terrible background. Their father had committed suicide in front of them and their mother was, by then, shackled up with a 19-year-old boy. The social workers had lined up a couple to adopt the children, who had a very good fostering record and with whom they got on extremely well. They lived by the seaside in a nice house and were quite well off. However, that factor worked against the couple in this politically correct age. The mother, who had rarely bothered to visit her children in the home, put up a good show in court—the usual “Ah luve ma weans” number—and a sheriff decided that it would be in the children’s best interests for them to forget all about the couple and the seaside and to return to their natural mother and her 19-year-old boyfriend in a sink estate.

Those facts may be inadequate, as we do not know what happened to those two little ones in the long run. I still remember them and so do my children. We do not know whether the feckless mother acquired a bit of feck eventually and turned out to be much better than was imagined at the time. What we know is that the children wept at the thought of returning to her and that household and that a court allowed a natural parent to have the supreme right to cut the children off from what seemed to be a far better future.

I say to Frank McAveety that we know just how many hoops the potential adopter has to jump through in trying to adopt a child through the system—how many years of their life and the child’s life may be wasted. We must get children away from the worst kinds of parents as early as possible: parents with a history of neglect and, most of all, a history of a lack of care and concern.

I ask my fellow parliamentarians: why are foster children 88 times more likely to be drug abusers? Because nobody was interested in the youngsters: nobody cared and the youngsters knew that, somehow, they did not matter. We must prevent those young lives from being wasted; we must

protect them as early as possible. I hope that that fact will be drawn to the attention of the ministerial group and I urge all members to support Irene McGugan’s sensible amendment.

The Deputy Presiding Officer: We move to the winding-up speeches and we are back on the original time.

16:35

Scott Barrie (Dunfermline West) (Lab): As Frank McAveety said, this has been an interesting debate. There has been a great deal of agreement and a number of worthwhile and well-informed contributions have been made by members on all sides of the chamber.

Kenny MacAskill raised the issue of inter-country adoptions and made a relatively good case for them not always being a bad thing. We should take his point on board. A number of couples in Britain find that they have to go abroad to adopt because of age limits or health issues, because they smoke—in the agency that I worked for, smoking ruled out potential adoptive parents—or because they own a dangerous pet. However, let us not forget that complex moral issues are involved in inter-country adoption. I find it slightly distasteful that, in the 21st century, we still look to eastern Europe or the developing world as a source for babies for childless couples in the developed world. We should be careful about approaching the issue, as it is not always a black-and-white matter of good and bad. We must keep our eyes wide open when we discuss it.

As Richard Simpson said, it is important that we treat adoption not as an end in itself but as a part of the continuum of the permanency and care process. Irene McGugan talked about different forms of adoption. We should give credence to those different forms. Adoption is not the end-all or the cut-off that it perhaps once was. Given the number of people who adopt older children who have a sense of their family identity—who are the children we are talking about in this context—it is important that we remember that that sense of family identity cannot be turned off like a tap. It is important that children are kept in touch with their family identity. Adoption is not about finally finishing family contact.

While Donald Gorrie’s speech was balanced, his use of the word Gestapo in the context of the intervention of the child protection agencies was a little unfortunate. I do not think that he meant it in the way he said it. It is important that if any child, whether they are fostered or adopted, makes an accusation, that accusation is investigated properly. It is not enough to say that just because someone has carried out a function for 10 or 20 years an allegation can be assumed to be

erroneous. The full panoply of the state has to come into play in such a situation, although I feel for people who think that that process has been overly intrusive or that they have not been listened to properly.

The minister was right when he said that residential units have a poor reputation, but that poor reputation does not extend to the young people themselves. My good friend and comrade, Cathy Jamieson, gave a good example of how residential care is not always bad and how some people do well in spite of the disadvantages that they might have had to overcome.

The minister touched on the importance of corporate parenting, which is mentioned often in the Children (Scotland) Act 1995. We have to be clear about getting various parts of our local authorities working together collectively. Our education service needs to take on board the idea of corporate parenting. Last year, the Conservatives secured a debate on school exclusions in which Brian Monteith suggested that we should not seek to reduce school exclusions, but rather should perhaps allow them to keep increasing.

Mr Brian Monteith (Mid Scotland and Fife) (Con): I thank the member for provoking me into speaking.

It would be fair to say that if the member were to re-read my speech, he would realise that I said that allowing head teachers to act and letting exclusions—or expulsions, as I call them—take their course would mean that proper and fitting education could be given to the children who have been excluded.

Scott Barrie: The point that I was going on to make is that, in my experience, a disproportionate number of the young people who face school exclusions come from the most disadvantaged backgrounds and are probably in public care. If we are serious about corporate parenting, education, which a key part of a young person's life, has an important part to play.

I have rapidly run out of time—I had a number of other points to make. I will quickly mention that, in throughcare and aftercare services, we must be very clear about the fact that the average age of someone leaving home is now 23 years whereas the average age of someone leaving public care is 16 years and 10 months. That is a huge difference. If we are serious about helping the most disadvantaged of our young people to succeed in adulthood, we have to pay particularly close attention to our throughcare and aftercare services.

16:40

Mr Brian Monteith (Mid Scotland and Fife) (Con): I feel rather like a jack-in-the-box, rising again so soon.

I welcome this debate and the opportunity to sum up on behalf of the Scottish Conservatives. Before I make my particular points, I want to say one or two things about the opening speech of the Minister for Education, Europe and External Affairs. I welcome the announcements in it. They will be particularly welcomed by the Education, Culture and Sport Committee and I am sure that that committee will seek to play a role in helping the minister achieve his aims in this regard.

I also welcome the frankness with which the minister addressed the chamber. It was a lesson to other ministers in honesty in and the approach to debate. It helped to lift the horizons of all members and it will improve the outcomes of our decisions. The fact that the minister was willing to show his genuine—and, I believe, sincere—concern was important. That is highly unministerial and, for that reason, it should be commended.

My colleague, Keith Harding, was no less honest and drew attention to the work of Caroline Spelman MP and her private member's bill on adoption. It acted as a catalyst for the Government's bill. If her work results in a better bill all round, we should all be satisfied and not particularly concerned about any party's involvement.

I hope that members did not misunderstand Keith Harding's points about the differences between care in a family and care in an institution. My reading of his comments was that they did not rubbish or criticise those who work tirelessly in care homes, but pointed out the advantages that families should—I stress should—offer. Having experienced the situation from the age of four himself, I think that he is well placed to comment.

Scott Barrie: One of the bits of my speech that I did not reach was my criticism of what Mr Harding said. Mr Monteith now gives me the opportunity. Mr Harding had his usual go at local authorities and the services they provide. Does Mr Monteith accept that one of the difficulties that residential units have is that the other parts of the community have it in for them? At a conference that I attended at the weekend, we heard graphic details from young people about how, whenever anything happens in their communities, it is the residential unit people who must be to blame—whether or not they are there at the time.

Mr Monteith: As is often the case, those who work tirelessly in such institutions often suffer by the ill-conceived and ill-advised actions of a very few.

Cathy Jamieson: My brief intervention concerns the use of language. Will Mr Monteith accept that the continued use of the word “institution” is unhelpful: for many young people, those are their homes.

Mr Monteith: We call universities and colleges institutions. I am not really in the job of getting into political correctness, although, having been in the game of public relations, I entirely understand Cathy Jamieson’s point.

As the minister said, the balance between families and care homes—between adoption and care homes—appears to be wrong, and greater emphasis should be given to adoption as a satisfactory and, indeed, preferable outcome.

Dr Richard Simpson mentioned concerns about health service involvement in community schools. When Dr Simpson raises a concern such as that, I am sure that the minister should, and will, give it due weight.

Donald Gorrie and Trish Godman mentioned a children’s commissioner. That matter is currently being considered by the Education, Culture and Sport Committee. It appears initially to be an attractive proposition, but there is a difference between an ombudsman or champion of the rights of children in care and a champion of the rights of children in families. I believe that all of us in society—children and parents—would regret crossing that line.

We should be concerned about poor moral judgment. Mary Scanlon, Lord James Douglas-Hamilton and Kenny MacAskill discussed inter-country adoption. The actions of the Kilshaws—for example, it is alleged that they were miked up in a private court case—suggest that we need regulation. The point of regulation is to ensure that people who display such poor moral judgment do not adopt children.

If we extend adoption, it will be to society’s benefit. I have never been one to attack single parents. By definition, teenage mothers who have chosen to be parents have chosen to bring a child into the world. Abortion may have been an alternative for some of those mothers. How many fewer abortions would there be if adoption were perceived as a more beneficial and achievable option? It is to everybody’s benefit that adoption should be subject to review, reform and promotion. I am therefore happy to welcome the minister’s review, the motion and the amendment.

16:46

Irene McGugan: This has been a useful debate in which to tease out and explore the many current issues around adoption.

On the sections of the Adoption and Children Bill

that relate to Scotland, there has been no disagreement on the need to take action. The Kilshaw internet adoption case highlighted certain weaknesses in Scots and English law and it is right that the new legislation seeks to tighten up offence provision for, and impose eligibility conditions on, people bringing children into the UK for adoption. The problem would only be exacerbated over time, as inter-country adoption has been gaining steadily in popularity, partly as a result of the lack of healthy babies available for adoption in Scotland and partly as a result of increased public awareness of the number of children who have been orphaned because of natural disasters or wars overseas.

As has been said many times in the debate, we need a much more fundamental look at adoption legislation to address adequately the changing nature of adoption, to encourage more potential adopters to come forward and to set in place a framework that better supports placements.

The minister will note that my amendment also mentions the need to review fostering legislation. There are several issues and anomalies in that legislation too that are causing difficulties for workers and carers. I will highlight two such issues in relation to regulation 12(4) of the Fostering of Children (Scotland) Regulations 1996.

First, there is the issue of same-sex couples, who are precluded from becoming foster carers. The regulation therefore precludes two related people of the same sex, such as a mother and a daughter, from being jointly approved as foster carers. That issue does not arise in England.

Secondly, there is the issue of foster children who remain in the foster home once they are over 18 being regarded as adults who are unrelated to their foster carers. In practice, many local authorities choose to ignore the regulations and allow the young people to remain in the placement, but the regulations can lead to conflict over what is in the best interests of the young person. That point could be tackled fairly simply by an amendment to the regulations so that children and young people who have been fostered are included in the definition of the household.

The first issue needs a more radical approach and could be the subject of a challenge under human rights legislation. When I asked the Executive whether there were plans to amend regulation 12, I was disappointed to be told that that was not being considered, but I trust that the matter is now on the agenda.

The aims of the draft national adoption standards, which are out for consultation, are to simplify the current process, standardise procedures and eradicate variation in practice by local authorities and adoption agencies. That is

being seen by the media and others as an attempt to reduce bureaucracy and cut red tape, but it is much more, and much better, than that.

The values that have been chosen to underpin the standards are reassuringly child-centred and reflect much of what we know to be valid. Mary Scanlon mentioned four of those values, but there are others. We know that delays in adoption can have a severe impact on a child's health and development and that adoption requires the full commitment of a range of organisations to work together, because it has lifelong implications.

The need for such an approach has been adequately and eloquently stated during the debate. The Executive and other organisations must now devote time and resources to deal with the fact that it does not happen as a matter of course. Where that approach does take place, it works well, for example in new community schools or in the sure start programme, which are both initiatives that the SNP has consistently supported. That model and that good practice must be extended to all aspects of child care.

I cannot stress enough that children's needs and children's rights, which have been mentioned, should underpin all policy decisions. We should not, however, underestimate the difficulties that will arise when change is effected.

I want to share with members some of the barriers to change that have been identified in research carried out by the Joseph Rowntree Foundation. They include:

"Public attitudes towards children generally and looked after children in particular

The human rights of children are often not the dominant value base of social services departments

The concept of being a 'good parent' is not one that local authorities have generally applied to their relationship with looked after children

Responses to children's needs are often dominated by a service-led approach."

The research concludes:

"All services—the way they are funded, organised and what they do—should be measured against two criteria:

Does this service promote and protect the human rights of children? Can this service be tailored to meet the needs of an individual child—even if these needs are different from the majority of the children who use the service?"

Those findings should inform our efforts to improve the situation for all Scotland's children.

The Presiding Officer (Sir David Steel): Before I call the minister to wind up the debate, I appeal to members to help me discourage conversation when other members come into the chamber for decision time. That will allow us to hear the minister's speech properly.

16:52

The Deputy Minister for Education, Europe and External Affairs (Nicol Stephen): This has been a good debate on an important issue. It is fair to say that there has been a strong, cross-party consensus today. More than that, we have heard from a range of members who have significant experience and knowledge in this area. Irene McGugan, Cathy Jamieson and Scott Barrie have direct professional working knowledge; Kenny MacAskill has legal knowledge; Lord James Douglas-Hamilton has political knowledge—he was the politician who piloted through the Children (Scotland) Act 1995; Richard Simpson was adopted; Frank McAveety is an adoptive parent; and Jack McConnell has first-hand knowledge of adoption issues. The debate has been extremely well informed and productive.

We have talked about children from some of the most difficult and disadvantaged backgrounds—damaged, dysfunctional families suffering from alcohol abuse and illness. How we treat those children reflects on each of us.

We often look back and talk about Victorian times, but I often wonder how people will look back in 100 years' time and judge us and the way we treated our looked-after children. How will we be judged? To help members answer that question, each should read the joint report by HMI and the SWSI on looked-after children and consider the lack of statutory care plans and the haphazard nature of what is going on. Then members should ask, "Are councils always good parents?" and, "Are we doing enough to change the system?"

We all share the same objective: improving the life chances of the children and young people who are in the care system. We must ensure that every child and young person who is looked after by local authorities gets the range of services that are required to meet his or her needs. For some, that means a family-based placement of foster care or adoption, with the right back-up and support. For others, high-quality care—and only high-quality care, as Jack McConnell said—is acceptable.

High-quality care in a residential setting may be appropriate. To achieve it, we need change and, again, we need the right back-up and support. Our proposals to review adoption law and practice have been widely welcomed today. We will bear in mind all the points that have been made about the particular focus the review should have and the priority areas for action.

Many of the points that were made in the debate will be considered in the review. Adoptive parents and adopted children will be directly involved in the review and ways will be found to draw on their experiences.

Dr Winnie Ewing (Highlands and Islands) (SNP): I am happy to see that the Executive has raised its umbrella over fostering legislation. I want to draw to the minister's attention a problem that can arise even for foster parents with possibly 15 years of proven, regular fostering experience. I know of a case where a father, who had burned cigarettes on the body of a two-year old boy, kept being brought by social workers to visit the boy. There was no consultation about those visits and, as a result of them, the boy became hysterical and stopped speaking. Foster parents have no rights. When the minister considers fostering legislation, will he look at the rights of foster parents?

Nicol Stephen: I am happy to consider all those issues. If Dr Ewing has a particular concern that she would like to draw to my attention, I would be pleased to investigate the circumstances of that case.

The views of the Education, Culture and Sport Committee and of the two justice committees will also be important in the review process. Members who feel that they did not have time to raise issues today, or who have specific issues such as the one that was raised by Winnie Ewing, can feed their comments into the process.

Local authorities are clearly taking the lead on the provision of children's services of the kind that we have been discussing today. Another point that is worth emphasising is that the voluntary sector has an increasingly important role to play. It is developing specialist skills, particularly in working with the most damaged and difficult youngsters who have to be helped either for their own protection or for the protection of the wider community. Increasingly, we want councils to work in partnership with other agencies to deliver the comprehensive, high standard of services that benefit young people. To encourage that, we have announced the changing children's services fund to try to encourage joined-up working.

Irene McGugan focused on adoption and its links to fostering. From her description of the present piecemeal framework, many members will recognise that there is a need for co-ordination. We need to look at the links between adoption and fostering and at other methods that will ensure long-term stability and security for a child.

The children who are now involved in adoption and fostering tend to be older and have complex problems. A faster and more flexible system that is more focused on the needs of the individual is required. For example, the review will look at whether a national register should be created. It will also consider many of the other issues that have been referred to today.

Support for children who leave care is another important issue. We need information and better

research. I agree with Irene McGugan that we must do more to ensure that we invest in what she described as the causes of success. The need for that is made all the clearer and all the more urgent by some of the statistics to which Ian Jenkins referred. He gave some shocking statistics on people who have been in foster care. It is bad enough that they are 10 times more likely to be excluded from school and—as Mary Scanlon told us—that they are 12 times more likely to leave school with no qualifications, but when we hear that they are 60 times more likely to become homeless and 88 times more likely to be drug abusers, the need for urgent action becomes clear.

Many personal insights have been given this afternoon. Some of the common pleas were for post-fostering support, post-adoption support and post-care support. Some obviously consistent and clear messages came through.

It is worth emphasising the way ahead. Today, we announced a 10-point action agenda for looked-after children in Scotland. Let us focus on some of the key issues on which we agree so that we can create and deliver change in this area.

An adoption policy review, to be chaired by sheriff principal Graham Cox, was announced today. We have the Sewel motion to tighten procedures and processes on inter-country adoption—to tackle any repeat of the Kilshaw case and to end the advertising of children for sale on the internet or anywhere else. We are reviewing and improving standards in recruitment in foster care services. We are improving the inspection of residential child care services, and the standards of those services, through the Regulation of Care (Scotland) Bill. Also through that bill, we are encouraging a rise in the skills and competencies of social work staff through the social services council. That council, when established, will help with recruitment, morale and retention. It is due to be operational by April 2002.

We are following up the troubling report on the education of looked-after children; there will be an urgent report back on the issues that the report raised. We are tackling the problems of secure accommodation. There are 95 secure units in Scotland. They are neither enough nor good enough.

We are ensuring that the right support is available to the 6,000 young people who are looked after at home. We will take action on the findings of the multidisciplinary study into child protection once that study has been completed. Finally, we are strengthening the children's hearing system. In particular, we are strengthening the recruitment of new members to children's panels.

That is a big agenda. There is much to be done. On issues as important as these, it is exceptional and, I believe, excellent that we are moving forward together on an all-party basis. We are determined that, in all that we do, the priority will always be the child.

Decision Time

17:01

The Presiding Officer (Sir David Steel): There are no Parliamentary Bureau motions today so we move straight into decision time. I ask members to check that they are registered as present and that the console light in front of the card is extinguished.

The first question is, that amendment S1M-1818.1, in the name of Irene McGugan, which seeks to amend motion S1M-1818, in the name of Jack McConnell, on looked-after children and adoption services, be agreed to. Are we agreed?

I heard a no, but I hope that it was a mistake. I will put the question again.

Johann Lamont (Glasgow Pollok) (Lab): On a point of order.

The Presiding Officer: We have a point of order.

Johann Lamont: Oh, it is all right. My console is working now.

The Presiding Officer: I will put the question again.

The question is, that amendment S1M-1818.1, in the name of Irene McGugan, which seeks to amend motion S1M-1818, in the name of Jack McConnell, on looked-after children and adoption services, be agreed to.

Amendment agreed to.

The Presiding Officer: That is what I thought.

The second question is, that motion S1M-1818, in the name of Mr Jack McConnell, on looked-after children and adoption services, as amended, be agreed to.

Motion, as amended, agreed to.

Resolved,

That the Parliament endorses the principles contained in the Adoption and Children Bill concerning restrictions on bringing children into the UK for the purpose of adoption and on advertising children for adoption; agrees that the relevant provisions to achieve these principles in the Bill should be considered by the UK Parliament; recognises the importance of the place of adoption services within the spectrum of care for children and young people looked after by local authorities; agrees that a review of adoption policy and practice is desirable; supports the drive towards more integrated services for the benefits they bring to all children and young people within the care system, and agrees that the Executive should seek to promote the interests of such children with quality educational and other opportunities, and calls upon the Scottish Executive to undertake a comprehensive review of adoption and fostering legislation for Scotland, with a view to bringing forward a clear legal framework.

Water and Sewerage Charges

The Presiding Officer (Sir David Steel): This evening's members' business debate is on motion S1M-1683, in the name of Richard Lochhead, on the removal of reliefs for water and sewerage charges for charitable organisations. Those who would like to participate should indicate that now, and those who are not staying should leave quietly and quickly.

Mr Kenneth Gibson (Glasgow) (SNP): Presiding Officer, is my name showing up on your screen?

The Presiding Officer: I am sorry, I cannot hear. Could we have Mr Gibson's microphone on, please? The microphone next to yours seems to be working, Mr Gibson, but not yours.

Mr Gibson: I will change position.

The Presiding Officer: We had some problems with the microphones earlier.

Mr Gibson: Presiding Officer, I—

The Presiding Officer: I am sorry, I still cannot hear.

Mr Gibson: I was just asking—[*Laughter.*]

Fiona Hyslop (Lothians) (SNP): It is working now.

Mr Gibson: I am sorry, Presiding Officer, it has been a long day. I wanted to say that I had pressed my button to indicate that I wanted to speak, but nothing happened to show that my request had been recorded. That is why I have switched seats.

The Presiding Officer: Your name is not showing on my screen yet. The names on my screen are: Mrs Margaret Ewing, Cathy Peattie, Cathy Jamieson, Robin Harper, Richard Lochhead, Fergus Ewing, Murray Tosh, Keith Raffan, Irene McGugan—and now Kenneth Gibson. Any other takers? We will begin with Richard Lochhead.

Motion debated,

That the Parliament expresses concern over the decision to phase out reliefs for water and sewerage charges for charitable bodies starting from 1 April 2001; recognises that if implemented this decision will mean an estimated additional bill of £27 million for Scotland's voluntary sector in 2001-02 and more than double that for the following year; notes that the additional costs that will result will threaten the ability of many voluntary organisations engaged in helping the more vulnerable members of our society and tackling social exclusion; questions the level of consultation that has taken place with the sector over these proposals, and believes that this decision should be revisited as a matter of priority.

17:05

Richard Lochhead (North-East Scotland) (SNP): I thank the 46 members from across all parties, and Dennis Canavan, who signed my motion and made this debate possible.

I do not know whether you Presiding Officer, read *The Press and Journal*, but there is a report in today's paper:

"A granny is the first to sign up for a charity challenge in Inverness—to climb a hospital chimney.

Mary Walker, 63, has agreed to climb Raigmore Hospital's chimney and abseil down its side on May 12 to raise money for the Anthony Nolan Bone Marrow Trust."

She said:

"I've met some people who suffer from bone marrow problems and I want to do something for them."

That lady is braver than I am, and no doubt she is braver than many in this chamber. Her efforts illustrate the lengths to which people will go to help others. Society owes an enormous debt to the country's army of volunteers, who each and every day take time to offer others a helping hand. Each person who is involved in a voluntary organisation and who helps their community, the less fortunate and the more vulnerable members in our society, or elsewhere in the world, makes a personal sacrifice for which they do not expect any special thanks or treatment. However, the voluntary sector quite rightly seeks recognition from public bodies, the Government and this Parliament of its financial situation and its contribution to society.

Forty-eight hours ago, Scotland's charities became liable for water rates, because the reliefs that they have enjoyed for centuries are being phased out. The news from the water authorities in February could not have come at a worse time, because it came after most organisations had concluded their discussions with their main funders for the following year. The bills could not be arriving at a worse time, as charity events continue to be cancelled throughout Scotland due to foot-and-mouth disease.

The history of this issue is confusing and complex, which says a lot about the way in which the water industry in Scotland has been run through the decades. Unless action is taken immediately, Scottish charities will become the latest victims of the chaos that has reigned.

Colleagues may recall that Sarah Boyack, who was the minister at the time, announced in 1999 that the proposed withdrawal of reliefs would be postponed until the following year. That concession followed a vigorous campaign by the voluntary sector, and because the minister accepted that the consultation process was flawed. The water authorities made a concession, in that they distinguished between sensitive and

non-sensitive premises, with reliefs for the latter being phased out by 20 per cent a year. Negotiations continued, but the voluntary sector had the rug pulled from beneath its feet when the small print at the end of the water authorities' press release in February delivered a body blow. All that came on top of massive rises—in some cases several hundred per cent—in general water charges in recent years.

Perhaps it was an oversight that the continuation of the reliefs was not built into the new legislation following the reorganisation of the water industry in 1996, but that is not the fault of the many organisations that now face closure. Most charities rely on grants from cash-strapped local authorities, but the grants have remained static or have been reduced in recent years. Another source of income is the generosity of the public. How many more raffle tickets will have to be sold by charities for them to remain viable? How many more sponsored walks or activities will have to be arranged to avoid bankruptcy?

I tell the minister that the report by the Scottish Council for Voluntary Organisations on the voluntary sector in Moray last year found that 46 per cent of organisations had incomes of less than £1,000. When one realises that water bills for village halls are set to multiply, perhaps the minister will appreciate the damage that will be inflicted. If the Government's proposals close village halls, it will not stop there: luncheon clubs will have to close, badminton clubs will have to close, and the numerous other clubs and societies that use the halls will be left homeless.

I will refer to messages that I have received in relation to this debate. I am sure that other members have also received messages. I have had e-mails and letters from many organisations throughout Scotland, detailing extreme concern at the proposals. The Scottish churches committee, which has campaigned vigorously on this issue for years, is up in arms at what is happening. Capability Scotland, which had water bills of £14,000 last year, will have bills of £18,000 this year and of £90,000 by the time the reliefs are phased out. That organisation, which does so much for the disabled, will be hit extremely hard by the proposals.

Abbeyfield Scotland, which runs 100 very sheltered houses and residential care homes throughout the country, will see its bills go up by the equivalent of 22 people's wages. Largo Bay Sailing Club, MoBus in Fife and Voluntary Service Aberdeen also got in touch. The latter's bills are going to go up from £9,000 to £87,000, which is an increase of more than 900 per cent. The service runs facilities such as Linn Moor Residential School, which provides for children with special needs, and homes for the elderly. The

archdiocese of St Andrews and Edinburgh pointed out that we will be the only European country that does not give concessions to charities.

Perth and Kinross Association of Voluntary Service, an umbrella organisation that represents 160 organisations in Perth and Kinross, got in touch. It says that in the next few years, the Gateway centre alone will face water rates and sewerage charges of almost £10,000, for which the centre, like many other organisations, has no budget. That is a just a tiny sample of the organisations that have contacted MSPs on the issue.

Surely the minister accepts that as tackling social inclusion is one of the Executive's avowed priorities, it is a retrograde step to pull the rug from beneath the feet of the many charities that play a crucial role in helping ministers to achieve their aims. If those charities go under, who will step into the breach? Consultation with the voluntary sector has been shambolic and inconsistent. Some might suggest that it has been a sham. Every organisation that has contacted members has complained about the consultation or lack of it. The sector rightly says that the compact between it and the Executive has been breached.

The consultation is a sham. The North of Scotland Water Authority told me in a letter that I received this morning that 90 per cent of respondents to its questionnaire said that reliefs should continue, yet the authority stormed ahead and removed them. The Government's response has only been to highlight the fact that water authorities can install free water meters. That solution may assist some village halls, but it has two problems. Installing water meters will not prevent sky-high bills that may break the bank, because water charges have gone through the roof in recent years. Meters also offer no help to residential homes, whose water usage is enormous, or to charities that wash clothes that may have been donated to be sent abroad.

Water meters or not, an important principle is at stake when it comes to village halls, residential homes or any charitable bodies. The principle is that society is willing to recognise the special role that charities the length and breadth of Scotland play in the community. The needs of many people in society who rely on charitable works will not go away, and the last thing that we need is for charities to go away.

There are many reasons why the removal of reliefs should be cancelled. The Scottish Charity Law Review Commission is due to report. Why on earth can we not wait to find out what it says, rather than jump the gun? The Transport and the Environment Committee is conducting an inquiry into the water industry. Why can we not wait for its report? The creation of a unified water authority

has been proposed. Why can we not revisit the reliefs issue when the Parliament debates the bill on water services?

All that the motion asks is that the minister gives an undertaking to revisit the issue. No one is arguing against changes to the system. All that is asked is that the minister accepts that the principle of giving special help to the sector is retained, as befits a civilised society such as Scotland. We also seek immediate action to help those organisations that help our fellow citizens in their time of need or provide services that would not otherwise be provided.

I urge the minister to give Parliament and Scotland's charities some good news by accepting that the issue needs to be revisited as a matter of priority.

17:13

Cathy Peattie (Falkirk East) (Lab): I congratulate Richard Lochhead on initiating the debate. The issue is important. In the past two years, the Parliament has had several debates on the voluntary sector. If the Scottish Parliament did not exist, such debates would not have been held, as they would not have taken place in Westminster.

The Executive has a good track record on working with the voluntary sector. The Parliament is committed to taking on board voluntary sector issues in our committees and some of the cross-party groups.

I have concerns about the removal of reliefs from water and sewerage charges for voluntary organisations. Not all voluntary organisations are charities. For instance, credit unions and food co-ops are not charities, but they are self-help organisations that are crucial in our communities.

Those at the band hall in Bo'ness work with kids and help to build a local band that can feed into two larger bands. Although meetings are held only twice a week, the band hall will be hit with large water bills. That is crazy.

A small voluntary organisation runs a day centre in Grangemouth, which is in my constituency. It holds a lunch club two days a week and will never be able to meet the water bills that it will face.

The voluntary sector is one of Scotland's biggest assets. Organisations are run by people of different ages, classes and backgrounds. The sector is crucial. Those involved should not be always engaged in raising money. Richard Lochhead is right—there is something obscene about running more raffles just to pay water rates.

It is worth noting that thousands of people work in the voluntary sector. The sector is the only one

that I know of in which workers have to raise money for the work that is done by their organisation. They have to raise money to pay their own salaries and those of their staff. It is the only sector that I have ever worked in in which people sometimes do not get paid in February and March because there is no money available to pay their salaries.

We must think about what the voluntary sector actually is. It is not some wonderful idea, whereby someone is hidden away but likely to appear with lots of cheques and lots of money every time that the need arises. The voluntary sector is run by communities, by volunteers and by people with real commitment and we must support them.

The charges will mean additional burdens for voluntary organisations. Will the minister consider developing another category of water customer? As well as domestic and commercial customers, there could be a not-for-profit category. That would make a lot of sense. Perhaps the new water authority could explore that idea.

Will the minister develop the discussions that have taken place with the SCVO and ensure that the voluntary sector is involved in those discussions at all levels? That is vital.

We have heard about free water meters, but they have not been made available throughout Scotland. For my wee band hall, a free water meter would make a lot of sense.

This issue is important and I hope that we can come back to it. I hope that the minister will come back to us with the outcome of the discussions that she has with the SCVO and others.

17:16

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate Richard Lochhead not just on securing the debate today but on leading a campaign on this issue throughout Scotland. The campaign has focused on the iniquity whereby the water authorities are, in effect, picking on the weakest in society—volunteers and voluntary organisations.

In the Highlands, there are a great many voluntary organisations, all of which have one thing in common: they spend a great deal of their time and effort simply raising enough money, through charitable donations, to survive. Rich voluntary organisations, such as RSPB Scotland, could no doubt afford to pay increased charges. However, the attack on organisations such as Highland Hospice, whose charges will rise by an extra £2,500 and, in five years' time, by an extra £12,500, or on Capability Scotland, whose charges will rise by in excess of £90,000 per annum by 2005, is totally unsustainable.

Today, I received a copy of a letter of formal complaint that has been made by the Scottish churches committee, which comprises representatives from many of Scotland's churches. The letter, to the water industry commissioner for Scotland, is dated 27 February. It is the most serious complaint that I have yet seen to the commissioner, who, in my experience, is not noted for responding positively to complaints. If the commissioner does not take the complaint seriously, that will raise questions about the usefulness of Mr Sutherland, and the body that he heads, as the so-called watchdog and so-called customer champion for the water industry in Scotland.

The Scottish churches complain that they sought to be involved in the consultation process, but were rebuffed, and that they asked East of Scotland Water repeatedly for the right to put forward their views, but were spurned. In addition, they complain that East of Scotland Water was, basically, in cahoots with the water industry commissioner, who did not consult them properly, and with the Scottish Executive.

Where do we go from here? I suggest that if the Executive wants to give a lead, it should instruct the water authorities to suspend, very quickly, any implementation of the measure. I also suggest to the minister that, if the water authorities really wish to find the money, perhaps they should take a close look at their own activities. I have seen independent analysis and critique of NOSWA and it seems to me that many questions should be asked and that the Executive should put in place a great deal of scrutiny. For example, a proposal for an extended sewage works in Aviemore was put out to consultation. There was, supposedly, more than one option, but before the consultation process began, the water authority had purchased land on its preferred site. Does that not call into question the validity of that so-called consultation exercise? It is up to the Executive to supervise and scrutinise quangos such as NOSWA. That ain't happening, and unless the Executive gives a lead, it will be letting down the voluntary organisations and many of the weakest members of society in Scotland.

17:20

Mr Murray Tosh (South of Scotland) (Con): I associate myself with what Richard Lochhead and Cathy Peattie said about the importance of the voluntary sector in Scotland and the significance of the issue to voluntary organisations. There is a clear belief in the voluntary sector that one reason for having a public sector water industry is that the industry should be subject to public policy priorities and to public sector reliefs that have existed in the past, and that scrutiny and amendment perhaps

ought to continue.

It is usual in such debates to begin by congratulating the member who has raised the issue. However, I am not sure that that is appropriate on this occasion, because I find myself uncomfortable not with the issue but with the timing of the debate.

I am a member of the Transport and the Environment Committee, which has been taking evidence since December on many aspects of the water industry. We have gathered evidence on this particular issue and we have taken advice and evidence from the Scottish Council for Voluntary Organisations.

Richard Lochhead: I will tell Murray Tosh the rationale behind the timing. Water relief began to be removed two days ago. Today is the earliest and best opportunity for a debate.

Mr Tosh: I understand that and I have discussed it with the SCVO. I understand why that organisation was anxious that the issue should be raised at the earliest opportunity, but Richard Lochhead knows about parliamentary processes and procedure. I do not think that a debate at this time properly respects the work that the Transport and the Environment Committee is doing.

I am afraid that raising the issue today is likely to force a response from Rhona Brankin in line with those that Sam Galbraith used to give and it poses the question: what is the point of the committee's looking at the matter and trying to develop a case? The committee had a meeting this morning to consider the evidence it has gathered and to consider the recommendations for its draft report, which will be available in mid-May. We have undertaken a massive amount of work and we think that we have done so very responsibly. We think that the Executive ought to take our findings into account in carrying forward this matter, along with all the other related matters.

Unless the Deputy Minister for Environment and Rural Development, in her response to the debate, has some dramatic new policy initiative to announce that will send everybody away happy, I hope that she will not close off the options. I hope that she will agree to wait until the Transport and the Environment Committee has made its recommendations and to give full, unfettered consideration to those recommendations. I cannot ask her to accept the recommendations when she has not seen them—the Transport and the Environment Committee has not made them yet. I hope that the issue will not be closed today just because it has been brought up for debate and supported by Mr Ewing's somewhat contentious political remarks. Those remarks are not necessarily wrong, but they have a clearly political thrust.

The issue is important. It is being handled by a parliamentary committee. The Presiding Officer should go back to the Parliamentary Bureau, on our behalf, and question the validity of holding a debate on a matter that is currently under investigation by a parliamentary committee. If we respect the Parliament's committee processes, those processes should be our priority.

The Deputy Presiding Officer (Mr George Reid): I take your point, Mr Tosh. The Presiding Officers will raise the matter at the bureau.

17:23

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): I will make a few comments on the impact on the voluntary sector of the removal of reliefs for water and sewerage charges and suggest some ways of opening up discussion about the future and how to achieve some progress on the issue.

As a former voluntary sector worker, like Cathy Peattie, I am well aware of the difficulties of working for a small voluntary organisation. I am also aware that many charities and larger voluntary organisations are multimillion-pound businesses. I accept that there were a number of inconsistencies in the handling of the removal of reliefs and that some small voluntary organisations were perhaps disadvantaged under the old system, although some of the larger ones benefited from it.

We have a problem, in that the perception in the voluntary sector is that there has been no consultation process. I am aware that consultation took place, but some of the organisations that are most likely to be directly affected are those that do not have the staff or resources to submit responses to consultations in considerable detail. Some small organisations may feel that they have slipped through the net.

I have been contacted by an organisation in my area that works in music and drama with young people. It has indicated that, for premises that are used only intermittently—primarily as a store for scenery—it faces a bill of £327.51. It is to be hoped that, throughout Scotland, premises that do not necessarily use a huge amount of water will be eligible for the installation of water meters at no cost. Those who use such meters would benefit by not being faced with massive bills. I would like the minister to say more about that if she can.

If possible, I would also like the minister to give some guarantee that urgent talks will take place with the SCVO. Perhaps the minister can advise us what discussions have taken place to date with the SCVO and what its position is. As I understand it, discussions have taken place about the possibility of further help with the phasing in of the

charges and about some kind of dispensation for special cases, but there have been difficulties with that. The SCVO has so far been unable to present a solution that is practical and workable.

I ask for assurance that the minister will meet the SCVO to discuss the matter and that she will put pressure on the water authorities where appropriate. I ask her to assure us that pressure will be applied in the short term so that organisations throughout Scotland can take advantage of the free installation of water meters where that would be helpful. I understand that evidence has been submitted to the Transport and the Environment Committee, some of which may be useful in finding a way forward.

17:27

Mrs Margaret Ewing (Moray) (SNP): Like others, I congratulate Richard Lochhead on securing the debate, which—given the circumstances—is timeous.

I will not take lectures from Murray Tosh about observation of parliamentary procedure. The Conservatives initiated a debate in the chamber on long-term care for the elderly long before the appropriate committee had completed its evidence taking. Murray Tosh cannot have it both ways. If the Conservatives cannot observe the rules and regulations, he should not give lectures on those rules and regulations. The charges start soon, so we must not postpone discussion of the issue, which is vital to our voluntary organisations.

There are 200 voluntary organisations in Moray. Like Cathy Jamieson, I know that some organisations are well-recognised charities, but many come in various, far smaller guises. The people who work in our voluntary organisations are strong on time and commitment and on caring for those who are vulnerable in society. It is incumbent upon the Parliament to give them its support. They need more than a pat on the head, a lump of sugar and being told, "You're very good boys and girls." They need to know where the principles lie in the Scottish Parliament.

Meters are a complex subject, about which the minister may have something to say in her response. I recognise that the provision of meters has been encouraged by the SCVO as a possible method of reducing the charges to many of our voluntary organisations but, as Cathy Peattie said, they are not available everywhere in Scotland. I have a fear about where charges will stop once we start metering. There may be an interim saving for many organisations, but what will happen when the charges go up? We must remember that we are talking about organisations for which water use is very important and in which physical provision is required for bathing, cleansing and

clothes washing. Water is vital to many of those organisations. The problem is being exacerbated for many of them by complications relating to the administration of the European social fund. Perhaps we could return to that aspect tomorrow in the debate on structural funds.

I urge the minister to take this issue and this debate very seriously and to give us a positive message to take back to our hard-working voluntary organisations.

17:30

Mr Keith Raffan (Mid Scotland and Fife) (LD):

I, too, congratulate Richard Lochhead on securing the debate and on the moderate and reasonable way in which he presented his case—or our case. We are right to debate the issue now. The reliefs have already gone. This is a Parliament; we do not bow to committees, nor do committees bow to us. I tell Mr Tosh that the Parliament is perfectly right to debate the issue. Who knows? We may have provided some evidence for the deliberations of the Transport and the Environment Committee.

The phasing-out of reliefs for water and sewerage charges for charitable bodies makes no sense. It is contrary to the Executive's strategy of increasing support for the voluntary sector, achieving stable funding for the voluntary sector, and helping to bear the burden of extra costs on the voluntary sector, such as the Scottish Criminal Record Office checks. The Executive gives with one hand while the water authorities take back with the other.

The decision to phase out reliefs is also contrary to the voluntary sector compact. There has been a lack of consultation and what consultation there has been has been rushed and—as the water industry commissioner himself has said—flawed. The information that has been given to the charitable bodies has been inadequate, patchy or almost non-existent, to the extent that it has increased concerns rather than allayed them. Let me give a few examples.

Abbot House in Dunfermline is a museum café adjoining the abbey, which is run by Dunfermline Heritage Trust with more than 100 volunteers. The trust received a rambling, confusing "Dear customer" letter from East of Scotland Water, dated 5 February, informing it that the reliefs were coming to an end. The letter promised

"more information in due course".

By late last month, the trust had heard nothing and had no details of the extra charges that it faced. As a result, it could not budget and the situation was extremely worrying, especially as Abbot House depends on the café for 95 per cent of its income. It is an important facility for Dunfermline

and it is run by volunteers.

North Parish Church in Stirling recognises that water rates relief was of great value to churches, as it enabled them to spend money that they would not otherwise have had on community projects. In fact, the reliefs enabled churches to help those who were in greatest need.

Community village halls throughout Mid Scotland and Fife are crucial facilities, particularly in rural and remote areas. They are the focal points of community life, but now the very continuation of some of them is under threat. If the halls have to pass on the charges, many of the groups that use them, such as pre-school playgroups and mother-and-toddler groups, will be under financial strain and may not be able to continue.

On Saturday, I visited one of Abbeyfield Scotland's houses in Pitlochry. Abbeyfield houses provide very high-quality supported care for the elderly. The society's water bills are likely to increase by 40 per cent. The same goes for hospices such as the children's hospice at Rachel House in Kinross.

The Executive prides itself on joined-up thinking. Would it please show some now, by ensuring that this ridiculous, absurd decision is reversed at the earliest opportunity?

17:33

Robin Harper (Lothians) (Green):

I congratulate Richard Lochhead on bringing the motion before Parliament. If there is any criticism of the timing of the debate, it should be directed at the powers that be, because they make the decisions on such matters. However, having discussed the matter with Murray Tosh, I feel that there is indeed a timing issue here. We should review procedures and get clearer guidance for future occasions as to when, where and how it is appropriate to hold a 5 o'clock debate in Parliament on something that is in the process of being discussed by a committee.

I wondered whether I would need to ask if it was in order for me, as a member of the Transport and the Environment Committee, even to speak in this debate. I have spoken, however, and I want to say that, in the coming year, there must be a very clear decision on principle. Either there must be a principle that voluntary organisations do not pay or, if there is a new principle that voluntary organisations do pay, the charges must weigh as lightly as possible upon them and must be graded in such a way that they are manifestly fair in their application.

When the Executive attempts to do that, I think that it will find that it is well nigh impossible and

that we must return to a system where full relief is given to voluntary and charitable organisations. I hope that when the minister responds to the debate, she responds as evasively as possible and does not commit herself to anything.

The Deputy Presiding Officer: Three minutes will be shared between Mr Gibson and Irene McGugan.

17:35

Mr Kenneth Gibson (Glasgow) (SNP): I thought that you were going to follow the principle of ladies first, Presiding Officer.

I add my congratulations to Richard Lochhead on securing the debate. I am sorry that Murray Tosh added a sour note on an issue that has great cross-party support.

The decision to remove all relief from charitable bodies is the outcome of a process involving the water authorities, the water industry commissioner and the former Minister for Environment, Sport and Culture, Sam Galbraith. I mention the former minister because I think that the debate gives the current minister an opportunity to start with a clean slate.

The decision is in clear breach of the compact that provides a framework for relations between the Executive, its agencies and the voluntary sector. A survey, of some sorts, of charitable customers was carried out by way of a questionnaire, but the results were never published. On 20 November, the water commissioner stated:

"The questionnaires were not as objective as they should have been".

We have heard of the horrendous financial implications for charities. There can be no doubt that the decision will impinge on the Executive's social inclusion strategy. It will impact on jobs and on service delivery. One can only imagine that, in social inclusion partnership areas, many voluntary services that are on the borderline could cease. More money raised by the voluntary sector will, proportionately, have to go to water companies, so less will be available for good causes.

Cathy Jamieson mentioned that no cognisance has been taken of the affordability of the charges for individual voluntary organisations or of the relative water usage of different organisations. Price rises that are well above inflation make the impact even more severe and inflict a double whammy on the sector.

The suddenness of implementation has meant that it is too late for voluntary organisations to plan or budget effectively to account for the change. It is self-defeating in terms of public policy.

The policy is penny-wise and pound-foolish. The Executive must reflect on its impact and reverse the decision.

17:37

Irene McGugan (North-East Scotland) (SNP): The decision to withdraw relief for water charges from 1 April has been met with dismay by the Scottish sporting community. The Scottish Sports Association has received an enormous number of expressions of concern from clubs regarding their future financial viability. Very few of those sports clubs are registered charities—they are amateur clubs. They do not distribute profits among their membership; they are non-profit-distributing organisations.

I will give the chamber some figures. A tennis and squash club that paid £527 in 1999 will have paid £1,646 in 2000. A golf club that paid £3,222 in 1999 will have paid £4,677 in 2000. It is reaching the point where there is critical financial vulnerability for a number of sports clubs that are run by volunteers and exist on delicately balanced budgets.

Far from accepting the proposals, in response to the consultation the SSA asked that relief be maintained where it is in place and extended to cover all sports clubs that do not currently obtain relief. I urge the minister to give consideration to the association's pleas and to the motion.

17:38

The Deputy Minister for Environment and Rural Development (Rhona Brankin): The Executive appreciates that this is a sensitive and important issue. Many members have recognised the Executive's strong commitment to the voluntary sector, which has been demonstrated by the announcements that we have made about funding.

I came into politics through the voluntary sector route, having been a member of my local village hall committee and having been involved in setting up a women's refuge in the Highlands. Many members have extensive experience of the voluntary sector and are deeply committed to it. As a result, we recognise that many organisations and bodies are concerned about the immediate impact of the withdrawal of reliefs. Although I will say more about that in a moment, I must begin by commenting on a number of inaccuracies in Richard Lochhead's motion and by explaining the Executive's support for the principle of withdrawing reliefs.

The motion states that the reliefs that the water authorities have started to phase out this year will mean an extra £27 million in water charges for the voluntary sector this year and more than double

that next year. That is simply not true. The water authorities estimate that the cost to them last year of the reliefs was about £10 million. However, the authorities are phasing out the reliefs over five years to ease the impact on those affected. We welcome and support that approach as a means of helping organisations to adjust to increased bills.

Richard Lochhead: Will the minister give way?

Rhona Brankin: No—I want to finish this point.

As a result, the extra cost to affected organisations—not all of which are charities—would be less than £2 million a year in today's terms if spread over five years, which is a fraction of the £27 million that is quoted in the motion. Furthermore, as that cost is spread over a range of organisations—not all of which, as I said, are charities—the impact on charities is much less than the motion suggests.

Richard Lochhead: Will the minister give way?

Rhona Brankin: No. I want to reply to a number of the points that have been made.

The motion also questions the level of consultation on the proposals. In fact, last June, the water authorities wrote to the 11,100 affected customers, seeking their comments on the proposals. Of the 29 per cent who responded, 1,682 favoured retaining reliefs for all and 1,166 favoured retention in some cases. That illustrates the fact that there is some tension on this matter; as Fergus Ewing said, some charities can afford to pay the cost.

I want to say why the Executive supports the phased withdrawal of reliefs.

Richard Lochhead: Will the minister give way on that point?

Rhona Brankin: No.

When the water authorities took over their responsibilities in 1996, they inherited arrangements under which various types of premises—including police stations, education establishments, charity shops, offices, clubs, churches and nursing homes—received relief on their water and sewerage charges. As a result, there was no consistency in the way in which the authorities charged charities or others that gained relief, which was obviously unfair.

Richard Lochhead: Will the minister give way?

Rhona Brankin: No.

The authorities are also required—

Dr Winnie Ewing (Highlands and Islands) (SNP): This is disgraceful.

The Deputy Presiding Officer: Order. It is entirely up to the minister to decide whether she

gives way.

Dr Ewing: When a challenge—

The Deputy Presiding Officer: Order!

Dr Ewing: On a point of order, Presiding Officer. It is certainly normal practice in the other place—where I spent eight unhappy years—that when a minister attacks a member on an inaccuracy, the minister should give way to allow that member to challenge him or her. That is normal practice in all the Parliaments that I have attended; I have visited many and been a member of three.

The Deputy Presiding Officer: This is not the other place; however, it is a debate. Minister, please continue.

Rhona Brankin: The authorities are also required by the Local Government etc (Scotland) Act 1994 to endeavour to ensure that no undue preference or discrimination is shown in fixing charges. That presented the authorities with a potential legal dilemma, in that continuing with reliefs could be seen as giving preferential treatment to certain groups of customers.

There was also the wider issue of fairness. Providing relief to some customers can be done only at the expense of other customers, which is difficult to justify, however worthy or laudable the work that is done by a particular organisation. In the case of charities, the relief can be seen as a form of compulsory charitable contribution, regardless of whether individual customers support or endorse the work of the bodies that benefit. Such considerations led the water authorities in 1997 to start withdrawing reliefs.

Richard Lochhead: Will the minister give way?

Rhona Brankin: Not just now. I want to address some of the points that members have raised and to engage with the debate, as Dr Ewing has requested.

I understand why there is opposition to the Executive's policy. Sam Galbraith understood that too, which is why he asked the water authorities to consider identifying special cases that could be ring-fenced from the exercise. The authorities' conclusion was that there is no satisfactory means of doing that. As members will appreciate, for every customer who is exempted and content, there will be another who—rightly or wrongly—considers that they are just as deserving but has not been exempted and could therefore have a ground for complaint against the water authority. There are difficulties with the idea of ring-fencing so-called special cases.

We endorsed the authorities' judgment that charging all customers on a consistent basis is the only fair way of proceeding. In evidence to the Transport and the Environment Committee's

inquiry, the SCVO confirmed that ring-fencing special cases is not feasible. Moreover, as Fergus Ewing said, some charities can afford the charges.

Mr Gibson: What impact does the minister think the measure will have? Richard Lochhead emphasised the fact that some charities may lose up to £80,000 a year, which could result in the loss of jobs and the closing of premises.

Rhona Brankin: I take serious issue with the figures that Richard Lochhead cited, as I have explained.

Richard Lochhead: Will the minister give way?

Rhona Brankin: Not just now.

The whole point of phasing out the relief is to make it easier for charities and other organisations to adjust when they begin to find themselves in a difficult position.

I shall continue to respond to the various points that members have raised. We recognise that the withdrawal of relief will place additional burdens on the organisations that are involved; the authorities are assisting those organisations by phasing that withdrawal. In response to the concerns of Cathy Peattie and other members, I suggest that the fact that free meters are being made available to those whose consumption of water makes that financially attractive is important and will help places such as village halls. That measure should provide real help to all those bodies that occupy premises with a high rateable value but that use very little water.

As I said, we recognise the concerns of many organisations about the immediate impact that the first phase of withdrawal will have on them. Many of those bodies play vital roles in local communities and employ a significant number of people. To colleagues who have asked that we keep up the dialogue, I say that, although we do not think that it would be right to act on the motion and revisit the decision on withdrawal in principle, we want to continue to explore how to help the organisations concerned to deal with the implications of the change. Accordingly, we hope to meet representatives of the SCVO in the near future to discuss the practical steps that the Executive and the water authorities might take.

I know that members have strong feelings on this subject and I acknowledge the concerns that have been expressed about consultation. We will continue to discuss with the SCVO the practical steps that the Executive and the authorities can take to alleviate some of the potential difficulties and implications of the decision to withdraw relief. I hope that, in the light of what I have said, members will recognise why we support a phased withdrawal of all reliefs and I hope that they will agree that our approach of looking for practical

ways of easing the impact of withdrawal is the right one. As I said, we hope to have a meeting with the SCVO in the near future, at which we will continue our discussions.

Fergus Ewing: On a point of order, Presiding Officer. In light of the experience of this debate, could we have some guidance about the precise circumstances in which a minister should accept an intervention, particularly when that minister has directly attacked material that has been used by the member who initiated the debate and which was included in the text of his motion? It seems to me that we did not have a debate or a dialogue this evening. Some guidance would be appreciated.

The Deputy Presiding Officer: We are growing a new political culture in this Parliament and we are not another place. I take the point that we were having a debate and I expect that the Presiding Officers will reflect on what has been said.

Meeting closed at 17:50.

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