

MEETING OF THE PARLIAMENT

Thursday 28 November 2002

Session 1

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Scottish Parliament

Thursday 28 November 2002

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

Education

The Deputy Presiding Officer (Mr Murray Tosh): Good morning. The first item of business is a debate on motion S1M-3650, in the name of Brian Monteith, on education, and two amendments to that motion.

09:30

Mr Brian Monteith (Mid Scotland and Fife) (Con): I am pleased to open today's debate on education. In the year in which we have had our so-called great debate on education and in the week in which the latest exam results have been published, it is particularly apt—[*Interruption.*]

The Deputy Presiding Officer: The microphone has failed, but the technicians are trying to bring the sound back.

Mr Monteith: The powers of censorship in this Parliament!

Michael Russell (South of Scotland) (SNP): There is a God.

The Deputy Presiding Officer: No one is trying to shut you up, Mr Monteith. Please continue.

Mr Monteith: We all share the same God, Mike.

As I was saying, it is particularly apt that we should debate today the future direction of school education in Scotland. After five years of Labour Government, the official figures tell us that more pupils are leaving school without a qualification than was the case last year. They also show that the gulf between the best and the worst schools is widening compared with last year.

In our monolithic system, the differences between school curriculums is only at the margin and the ability to select schools is still predicated mainly on where parents stay rather than on what pupils might want to study. In such a system, the people who suffer most are the children from the poorest backgrounds. Not only are such children's parents unlikely to be able to afford a house in the catchment area of a school with a strong academic reputation, but the children's family circumstances may mean that they do not receive enough parental support or have access to the additional learning at home that can make the difference.

Despite that, all pupils are measured against the same academic yardsticks, as are their schools. Accordingly, some schools are seen to fail. However, simply turning those schools into community schools will not make the difference, for that will not remove them from the glare of inspection, which compares them with the best-performing schools. I know that the Minister for Education and Young People will try to paint a different picture, but one need only visit Scotland's schools to see that they have more in common with one another than they have to differentiate them.

If we are to achieve the goal of parity between academic and vocational studies—as many contributors to yesterday's debate on lifelong learning mentioned—we must first recognise that many of our schools are delivering the wrong type of education to suit the children who study in them. The solution is not simply to deliver a more flexible curriculum, but to accentuate the differences and to allow schools to play to their strengths, which can be marketed to parents and employers.

What would a policy of specialist schools mean in Scotland? It would mean that the curriculum that schools delivered was decided by schools themselves, according to the demands of the pupils and parents and taking into account the strengths and weaknesses of the teachers and departments. In our larger cities, that would mean greater choice. That is how things should be, as our larger cities have not only more schools that would be able to diversify, but more schools that have to deal with the problems of relative poverty and family breakdown. If we look at the bottom decile of schools as measured by academic performance, we find that the majority of them are in Edinburgh and Glasgow.

In Edinburgh, Glasgow, Aberdeen and Dundee, schools could decide to specialise in, say, modern languages. That need not be just French, German and Spanish; it could be Russian, Arabic and Chinese. The schools could cater for the needs of our Muslim community or of our export-led businesses.

Michael Russell: Can Brian Monteith explain how that would be different from the present system? What is there in the present system to prevent a school from offering Arabic, Chinese or a range of modern languages? What regulation does the minister enforce that would prevent that from happening?

Mr Monteith: Mike Russell should really get his finger on the pulse of what is happening in Scottish education.

Michael Russell: Answer the question.

Mr Monteith: Mike Russell need only look at what is happening in Fife, where it is likely that

there will be no language provision other than for French. I suggest that schools should be able to decide to concentrate on particular languages, so that they can offer a speciality in their area and provide a stronger educational basis for pupils.

Michael Russell: Will the member give way?

Mr Monteith: No. I must carry on. No doubt we will hear what the member has to say later. I may even allow him another intervention, but I must make progress.

We could see schools specialising in subjects such as baking and catering so that they can meet the needs of our tourism industry. Why cannot we have a music school that specialises in piping? Why cannot a school be linked to light industry and to the information technology industries? Why should we not have a media school in Glasgow to provide technicians and journalists? The possibilities are limitless and such schools need not be restricted to urban areas.

The Minister for Education and Young People (Cathy Jamieson): Does Brian Monteith care to comment on the fact that, when I praised an Aberdeen school for offering Scottish vocational qualifications in hairdressing, some commentators who support his party took that to be a dumbing down of education?

Mr Monteith: I do not share that view. I was asked a similar question by journalists. They asked whether I would attack the provision of national qualifications in hairdressing and tourism. I may not have much hair, but I believe that hairdressers are necessary.

As I said, the possibilities are boundless. The existence of the music school in Plockton shows that a rural location need not be a poor location.

Providing a wider choice would be beneficial not only because it would empower pupils and parents and allow education to be shaped to meet the needs of the individual student, but because, as the available evidence shows, attainment would be improved. Why is that so? More research needs to be done, but I contend that, by offering a curriculum that engages and excites the pupil, the street culture that school is boring is negated and replaced by a learning culture, in which people have a thirst for knowledge. Discipline improves and better outcomes for the disadvantaged offer better hopes for their future.

Cathy Jamieson: I refer back to Mike Russell's question: what currently prevents schools from doing what Brian Monteith suggests? If Brian Monteith visited as many schools as I do, he would discover that that is happening in a significant number of Scottish schools.

Mr Monteith: This may surprise the minister, but I have visited as many schools as she has. I have

been our education spokesman since I came to the Parliament. Now that she is Minister for Education and Young People, Cathy Jamieson may visit more schools than I do each week, but she is the fifth education minister and, according to *The Scotsman* today, she may not be education minister for long.

What we can do just now is give schools more support. They need to have greater powers to recruit teachers in a particular specialisation, to control their budgets and to reject what the local authorities say that schools should do—such as in Fife, where the authority has said that schools should drop German. We could then have true specialisation and schools could choose to go down the route that they demanded.

At this point, let me turn to Mike Russell's amendment, which sinks to the politics of the gutter in trying to portray as reactionary and right-wing any idea that has not come from the Educational Institute of Scotland's manual. The idea that all things Tory must be bad is straight out of "Animal Farm".

"Four legs good, two legs bad",

says Mike Russell, and some Labour members join in. This is the Mike Russell who likes to portray himself as the cultured one amid the nationalist sea of mediocrity.

However, I must ask whether Mike Russell would get rid of classroom assistants, which were first piloted by the Tories before they were introduced nationally across Scotland. Would he get rid of national provision of nursery schools, which was first introduced when the Tories were in government? Would he get rid of school boards, which were first introduced by Tories and now exist in 80 per cent of Scottish schools? He and his colleagues voted to get rid of self-governing schools, but would he get rid of grant-aided schools, which were enshrined in the Tory education acts? What is his message to Jordanhill School, which is Scotland's best state school? What is his message to the six special-needs schools or to St Mary's Music School, all of which are grant aided?

Another important question for Mike Russell is whether he would abolish placing requests. He might say that he would not do so, but the direct consequence of his plans for small class sizes in primaries 1, 2 and 3 is that he would need to override parents' requests and force their children to go to schools with excess capacity.

Michael Russell: Brian Monteith raises an interesting point about placing requests. Had he considered the issue more closely—indeed, had he considered the issue of education more closely—he would have realised that one of the consistent themes of my arguments about

education in rural Scotland and about the need for diversity in education is that placing requests are central. I have worked with members of the Education, Culture and Sport Committee to go against the view taken by some Tories that a high level of placing requests should call into question whether a school should stay open. I am in favour of placing requests; Mr Monteith's party appears to penalise them.

Mr Monteith: I am glad to hear Mike Russell speaking against his amendment, because placing requests were enshrined in the Education (Scotland) Act 1996.

The Deputy Presiding Officer: I will allow you one more minute, Mr Monteith.

Mr Monteith: Presiding Officer, I recognise that I must move on. Placing requests must be retained, but they are contrary to the Scottish National Party's policy on smaller class sizes.

So we have Michael Russell's brave new world, but no information, power or place for parents. I say, let him go into the election with those policies and let him reap the whirlwind.

Is allowing schools to specialise counter to the comprehensive ethos of equal opportunities for all? If it is, we must reject that view of comprehensive education, because a one-size-fits-all uniformity produces a postcode lottery.

Dr Sylvia Jackson (Stirling) (Lab): Will the member give way?

Mr Monteith: No, I am in my final minute.

That approach works to an academic agenda that abandons many in its wake, especially those from the poorest backgrounds. Where is the much-vaunted social justice in that educational lottery?

Specialist schools need not be a left-wing or right-wing issue, as Tony Blair has shown. It will be regrettable if our old Labour comrades and the ignoramuses in the SNP wish to make it one, because that will be a missed opportunity for a new consensus on education. However, I will happily see specialist schools a policy of the Conservative party alone.

I move,

That the Parliament believes that the Scottish education system should move to the post-comprehensive era, where schools keep the comprehensive principle of equality of opportunity but are opened up to new and different ways of education built round the needs of the individual child and where there is a greater range of specialist schools for parents to choose from, offering excellent routes into university and skilled employment.

09:41

The Minister for Education and Young People (Cathy Jamieson): I am happy to take the opportunity once again to make clear the Executive's commitment to education and to ensuring that every young person gets the best possible start in life.

On the face of it, Brian Monteith's motion seems straightforward and he will no doubt continue to present it as entirely in keeping with some of the more radical Labour and coalition policies. However, I cannot recall any point during the 18 years of Tory rule when education received the level of investment that we are now providing—investment to transform our school buildings, investment in our teachers and support staff and investment in the new community schools that Brian Monteith does not want to be rolled out across Scotland.

Every child should get the best possible start in life and in education. That is why the Executive has delivered a nursery place for every three and four-year-old. That is real, practical and tangible delivery, unlike the Tories' failed voucher scheme, which no one wanted, so forgive me if I am cynical about what lies behind the Conservatives' motion.

Phil Gallie (South of Scotland) (Con): The minister referred to the amount of investment that the Executive is putting into education. Does she believe that that level will be sustained, given the problems that Mr Brown had to face up to yesterday?

Cathy Jamieson: I will give Phil Gallie a one-word answer, as I usually do: yes.

I return to my point about opportunity for all in education. I am talking not about opportunities for education for a privileged few, but about real opportunities for every young person to meet their full potential. I am talking about the child with special needs, the gifted child, the talented child, the child who needs their confidence boosted, the child who has little in the way of family support, the child from the poorer area as well as the child from the better-off area—every one of those children is an individual and deserves the best that education can offer. That is why the Labour party and I—and indeed the SNP, as Mike Russell outlined—believe in the comprehensive principle.

However, as I have said repeatedly, we must not be complacent. We must raise our game. We must open up schools to new ideas and to different ways of teaching and learning that are built round the needs of the individual child and that close the opportunity gap.

It is important that we do not lose the distinctive features of Scottish education, because diversity and choice are important. Every school must offer

choices to pupils and parents. Every school should be a centre of excellence. Although there is a role for schools to specialise and for authorities to encourage them to do so, I am not talking about schools competing with one another. As Jack McConnell said in his speech to head teachers:

"I won't settle for ambition for the few – and I will not settle for standardisation for the many. I am not interested in having a few schools with centres of excellence. My goal is for every school in Scotland to be excellent."

Our education system must and does offer flexibility for local authorities and head teachers. It will allow them to innovate and to implement local solutions to meet local priorities. We heard nothing from Brian Monteith about the barriers that supposedly prevent that from happening.

The circular on flexibility in the curriculum that was issued to directors of education last year made it clear that a one-size-fits-all approach to the curriculum would not meet the individual needs of pupils.

Dr Sylvia Jackson: Does the minister think that it is a wee bit strange that Brian Monteith did not mention his further education option, about which we heard so much two weeks ago? The possibility of children leaving school at the age of 14 seems to have been discarded to the dustbin.

Cathy Jamieson: Brian Monteith did not talk about much to do with young people's education, but I want to spend some time talking about some of the positive things that are happening.

As I mentioned, the circular to directors of education opens up the way for schools and authorities to innovate to meet their pupils' needs. As we heard in the recent debate, we are supporting and evaluating innovative projects through the future learning and teaching programme. Let me mention a few points about some of those projects.

Mindscreen's entrepreneurial spirit project works with some very disaffected young people in six schools in Edinburgh, East Ayrshire and Moray through a two-year programme encouraging entrepreneurship. In partnership with Young Enterprise Scotland and other stakeholders, Mindscreen and the schools involved are building young people's confidence and their capacity to make a success of their school careers and, more important, their future lives.

Two students who took part in some pre-pilot work on enterprise education two years ago at Wester Hailes Education Centre in Edinburgh are now in secondary 5 studying enterprise and making their own music CDs, which I am reliably informed should be in the shops in time for Christmas.

Trinity Academy is piloting the Edinburgh transition programme, which offers an intensive

pre-vocational training programme, concentrating on life skills and attitudes, to young people who find it difficult to make the transition from school to the world of work. Those young people get the opportunity to take up a one-day-a-week work placement throughout the whole of their S4 year in a job of their choice. That is the kind of real, practical, tangible solution that Sylvia Jackson and colleagues in the Labour party want to see, not the empty rhetoric from the Tories.

The education for work and enterprise review group, chaired by Nicol Stephen, will shortly produce its final report. We will, of course, do more to ensure that we get high-quality vocational education and improve the range of vocational qualifications on offer in schools.

On the exam figures that were published yesterday, of course exam results are very important to young people and their parents—they provide the main currency for young people as they make their way through life. I have been encouraged to see the improvements that many schools have made over the past few years. I am not satisfied that we have done all that we can to improve literacy and numeracy or to offer the curriculum choices that young people want and need.

Our reforms must be carefully considered and targeted so that real change is made. They must build on the new community school approach and involve parents and other professionals as well as teachers and support staff. I am clear that improvement is not just about exam results. There are five national priorities in education, which were endorsed by the Parliament. Schools must do the very best for their pupils against each and every one of those priorities, not just on attainment and exam results.

Some schools in Scotland have risen to that challenge and improved outcomes for their pupils, often against a background of social disadvantage. All Saints Secondary School in Glasgow, Holy Rood High School in Edinburgh and St Modan's High School in Stirling are three schools that have made good progress. There is still more to be done. Schools and education authorities must consider how they can learn from best practice and ensure real improvement.

The Presiding Officer is looking at me, so I should wind up.

Her Majesty's Inspectorate of Education is now moving towards a new style of inspection that will give most attention to the schools that need the most support. The inspectorate is bringing its expertise to schools with a programme that will be customised to the schools' needs. That is how we will proceed.

The foundations are in place for every school to be excellent. We should build on those foundations by developing the comprehensive principle, by giving greater control to head teachers and by supporting and challenging authorities and schools to deliver the very best for every pupil. We should not settle for second best; we should continually aim for excellence.

I move amendment S1M-3560.2, to leave out from “believes” to end and insert:

“acknowledges the distinctive nature of Scottish education; supports reforms designed to tackle underperformance in schools and ensure that every school is a centre of excellence; recognises the major investment being made by the Scottish Executive; supports local flexibility and innovation in schools; welcomes the increased emphasis on citizenship, enterprise and vocational education; acknowledges the importance of a strong partnership with education authorities, schools, teachers and parents in raising attainment and closing the opportunity gap, and supports the Executive in its determination to ensure every child has an education that meets his or her individual needs.”

09:49

Michael Russell (South of Scotland) (SNP): I welcome the opportunity to have this debate. Apparently, the motion represents—so journalists have been briefed—Mr Monteith’s big ideas for Scottish education. I find it quite interesting that Mr Monteith’s big ideas can be contained in seven lines, most of which are simply nonsense, but we will come to that in a moment.

Let me begin my speech with a quotation from Bryce and Humes’s “Scottish Secondary Education: Philosophy and Practice”, which is one of the core works in education philosophy:

“Scotland’s national identity is defined partly in terms of communal solidarity, a belief in democratic processes and a commitment to social justice”.

Using that quotation as the bedrock of the debate today, we can see the woeful inadequacy of the motion and of Tory philosophy in general. Tory philosophy, of course, is not defined in terms of communal solidarity; it is about the cult of the individual, as Margaret Thatcher indicated in this very hall. It is not a belief in democratic processes. The Conservative party opposed the democratic process in Scotland and would not take part in a debate that led to this Parliament.

Mr Monteith: Neither did the SNP.

Michael Russell: I have always argued for a Parliament for Scotland. I remember standing on Calton hill on the night before the Scottish Parliament referendum, while Mr Monteith argued against me on television that this Parliament should not exist. I remember that; he should remember it, too.

As the Tory motion shows, the Conservatives have no commitment to social justice. The reality

is that Tory philosophy on education, as with all Tory philosophy, remains anti-Scottish. I cannot take the motion seriously.

Murdo Fraser (Mid Scotland and Fife) (Con): We do not take you seriously.

Michael Russell: Oh, I think that Mr Fraser should.

If we want a debate on education in Scotland, let us have a real debate on education in Scotland. Let us have a debate about what Scotland’s schools actually need and what Scottish education should be. Scottish education should be broad based, it should be inclusive and it should be diverse. It should be, in all the meanings of the word, comprehensive.

My objection to what is happening in education in Scotland at the moment is not based on a desire on my part to move to what Mr Monteith calls a post-comprehensive era. I wonder what the pre-comprehensive era was. I think that it involved putting children up chimneys, which is probably what the Tories would like to continue to do.

Mr Monteith: For the benefit of Mike Russell, I quote from the chapter “The History of Scottish Education, Pre-1980” in “Scottish Secondary Education: Philosophy and Practice”:

“Even for the political left, selection seemed acceptable after the war as an expression of equality of opportunity, and the more idealistic vision expressed in the 1947 report of the Scottish Advisory Council on Education was rejected by the SED.”

Is it not the case that education policy in the pre-comprehensive era had cross-party support from people in the Conservative and Labour parties—across all political ideologies—and that the comprehensive era was introduced later by socialists?

The Deputy Presiding Officer: Mr Russell made a speech to Mr Monteith as well. I will give Mr Russell extra time to compensate.

Michael Russell: There is not much point in arguing about what Mr Monteith said. I am quite happy to debate the history of Scottish education with him, but I am more interested in the future of Scottish education and what we are going to achieve in Scotland.

I object strongly to some of the things that are happening at the moment. I do not doubt the Minister for Education and Young People’s personal commitment—I have to say this in every debate; she talks a good game on these matters—but there are huge gaps in what is being delivered. Moreover, the analysis of education in Scotland is deeply flawed. There are strong clues about the difficulties in Scottish education. Those clues come from two diverging sets of statistics, which the chamber knows well. One set tells us that

more young people are passing examinations towards the end of their school careers, but the other set tells us that basic levels of numeracy and literacy are falling and that young people have difficulties with communication.

We have to square that circle. I argue that we will do so by making sure that there is a strong emphasis on the core skills in the early years. That requires radical reform of the five-to-14 curriculum and much smaller classes in the early years of primary, which will enable us to build on established core skills to build higher-order skills—thinking skills—to continue to improve exam performance. I am critical of the Executive's failure to invest in that type of change. I look forward, when we replace the Executive next year, to being able to implement those key ideas.

In closing, I say that Mr Monteith has nothing if not a sense of timing. Today, he introduces this debate in the chamber and lauds the idea of specialist schools, but I note that, yesterday, David Taylor, the director of inspection at the Office for Standards in Education—which, according to Brian Monteith, has all the ideas—gave evidence to the House of Commons, saying:

"I don't think we would have the evidence to say going for diversity"—

that is, diversity in specialist schools—

"in itself necessarily drives up standards more than a single system."

In one phrase, Ofsted's director of inspection has indicated the bankruptcy of the Tory motion. Let us have a debate about education in the chamber, but let us have a real debate. What Mr Monteith is proposing is not a real debate, but yet another display of Tory prejudice.

I move amendment S1M-3650.1, to leave out from "should" to end and insert:

"must be one which delivers the best for each child, is founded upon the broad and inclusive traditional strengths of Scottish education, is resourced and organised to help young people gain a secure grounding in the basic skills at an early age, gives various routes for entry into further education or skilled employment and which welcomes diversity and a variety of local delivery within a strong state sector, and therefore rejects any attempt to bring back from the political grave the divisive Tory educational philosophies of the past which proved so damaging to Scotland's young people during 18 years of undemocratic and unwanted Conservative Government in this country."

The Deputy Presiding Officer: We have had a couple of ponderous interventions this morning. I would appreciate it if members would keep their interventions sharp.

09:56

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Being a consensual politician, I was almost tempted to support the motion when I first saw it, but I remembered a quotation that I have used before from Shakespeare, when Lady Macbeth says to her husband:

"To beguile the time,
Look like the time; bear welcome in your eye,
Your hand, your tongue: look like the innocent flower,
But be the serpent under't."

I look at what appears to be an innocent motion and I fear the serpent under it, which has become exposed as we have gone through the morning.

We must always beware of cuddly, kindly Conservatives. I see Murdo Fraser in "Kindergarten Cop", doing his Arnie Schwarzenegger stuff in amongst the kiddies. He and Brian Monteith would be in the Tory "Twins", with Brian as the Danny DeVito to Murdo's Arnold Schwarzenegger. It might be possible that they are cuddly, but politically I do not see it. I would love to see the Tories embracing the idea of comprehensive education, but forgive me if I am cynical after seeing them in action and listening to them today and for so long.

I wish to say something about the comprehensive ideal, the importance of flexibility and, if time allows, a bit about specialist schools.

A comprehensive system is open to all our children and embraces them all. It seeks to treat them with respect and affection, regardless of their ability or disability, their colour, their class, their creed, their social background, their financial background or their family circumstances. It is essentially not selective. It tries to cater for the needs of all with care and attention. It seeks to give all our children the opportunity to grow and develop not just academically—with regard to exam results and anything like that—and intellectually, but physically, emotionally, socially, aesthetically, morally and even spiritually.

A comprehensive system allows children time to grow up through their stages as toddlers, primary children, adolescents and young adults. It does not put pressure on them to jump stages. It seeks to give them opportunities to develop self-respect and respect for others and to feel good about themselves because they are valued as individuals. At every stage, we should seek to equip children with the knowledge, skills, values and personal resources that will enable them to face a world that has a lot of complexities, difficulties and dangers. A comprehensive system does not reject people by selection, but recognises a responsibility to the community as a whole.

That is the comprehensive ideal, and for the Tory motion to suggest that we enter a post-

comprehensive era implies a rejection and a lack of understanding of what comprehensive education is about.

Mr Monteith: I understand the comprehensive ideal as Ian Jenkins portrays it, but it is not a description that I recognise in Scotland, where there is setting, where there is streaming and where there is, in some schools, selection. That is why I talk about a post-comprehensive era. If we want to take our system back to a comprehensive ideal such as the one that Ian Jenkins describes, further reform will be required.

Ian Jenkins: If Brian Monteith is saying that we have not always achieved that ideal, I agree with him, and if he is saying that we can do better, I agree with him. However, we do not just drop the ideal and move to some nebulous post-comprehensive era in which each school goes its own sweet way without an overarching comprehensive view of the needs of the community or society, and without consideration of the needs of individual children—all the children—as part of that society.

Of course I do not subscribe to the idea that there should be a monolithic system of education in this country. I endorse the ideas of flexibility that are referred to in the Executive's amendment. Such flexibility should exist throughout the system. Local authorities should have the flexibility to introduce innovative projects with the co-operation and partnership of teachers, pupils and parents. Similarly, school management and head teachers must have the flexibility to address their own local needs and the best interests of their pupils, as is being done. Teachers need flexibility in their departments and in their classrooms. Too often, teachers are the victims of an overcrowded curriculum, classes that are too large and an overload of bureaucracy, assessment and reporting. We must give teachers more elbow-room to teach and to respond in professional terms to the pupils in front of them in the classroom, while still meeting the needs of the curriculum.

Flexibility is essential and should be promoted; it is being promoted and it is happening. Pupils should have flexibility in the courses that they choose to take and the kind of study that they seek to pursue. I welcome the new publicised willingness to explore alternatives for pupils who are not bookish or studious in traditional academic terms.

Mr David Davidson (North-East Scotland) (Con): Will Mr Jenkins take an intervention?

The Deputy Presiding Officer: No. Mr Jenkins's time is almost up.

Ian Jenkins: As Cathy Jamieson said, tremendous work is going on in schools in that

regard. I am pleased that the Executive and the education department are putting their weight behind those developments.

I do not approve of wholesale moves towards the widespread introduction of specialist schools. I recognise that there are arguments for schools that cater for an elite in subjects such as drama and music, in which ensemble work and individual tuition can be of a very high standard. However, that scratches the surface; even if such provision exists, it does not improve the generality of Scottish education. I am happy that a local authority can decide that a certain school should have extra provision in drama or music. I am happy that they can go in that direction.

I was at a concert in a school in Midlothian the other night. Midlothian Council is not one that I always wish to praise, but I praise it on this occasion as the concert included pupils from all the secondary schools in the area, because music tuition is free. If we want to improve such provision, that is the comprehensive way to do it; that is the way of which I approve.

10:02

Mary Scanlon (Highlands and Islands) (Con): We had an excellent debate yesterday on the Enterprise and Lifelong Learning Committee report on lifelong learning. Many points from that report spill into this debate.

My first point is that there should be a level playing field in order to provide equality of opportunity. However, that is difficult to establish when the McCrone report is based on pupil numbers rather than teacher numbers. This morning, I spoke to the director of education in Highland Council. Highland Council, which still faces a £6.6 million shortfall over the next three years, has to use the money to pay the 21 per cent salary increase. The council can have no new support staff, there is no winding-down allowance and there will be limited participation in the probationer teachers scheme. The council will not be able to implement the McCrone report in full.

If we want there to be a level playing field, we should consider schools where there is not enough money coming in on the back of pupils to fund the teachers' settlement. I ask the minister to talk again to Argyll and Bute Council, the rural schools and Highland Council in particular, because if we want equality of opportunity there should be equality of funding based on pupil numbers rather than teacher numbers.

Margaret Jamieson (Kilmarnock and Loudoun) (Lab): Two weeks ago Highland Council was bleating that it did not get enough money for community care. Is it crying wolf again?

Mary Scanlon: No. The bleating was about the eligibility criteria; that is a matter for another debate. It is wrong of Highland Council to suggest that there should be postcode prescribing and that people should have to be more ill in the Highlands to get free personal care.

My second point is about specialist schools. I am pleased that Ian Jenkins raised the subject of music tuition. How can talent be discovered and nurtured when councils such as Highland Council implement a humiliating means test? The city of culture bid included a promise of free tuition in schools. Surely free tuition could be provided in schools throughout Scotland.

My third point, which Brian Monteith perhaps did not have time to mention, is that the Scottish Conservatives favour third and fourth-year pupils being given the chance to move from school to further education. As a further education lecturer for 20 years, I taught 15-year-olds on what I seem to remember was called the link scheme. The schools often wanted rid of those pupils because they were rather undisciplined, but putting them in a class of mature students soon sorted them out. It gave them social skills, better skills and the type of training that suited their individual needs.

Dr Sylvia Jackson: Will Mary Scanlon take an intervention?

The Deputy Presiding Officer: The member is in her last minute.

Mary Scanlon: Further education's reputation for fulfilling individual needs in education and training is without comparison in Scotland. Members have only to sit on the Health and Community Care Committee—like my colleague, Margaret Jamieson—to see the enormous needs for the caring profession that have arisen through care in the community and the Mental Health (Scotland) Bill. Many school pupils could benefit from entering further education, not only in third and fourth year, but in fifth and sixth year; they might go through a full academic secondary school education of six years and leave with nothing.

The further education sector is more than capable of widening choice, fulfilling training needs and giving younger people a wider range of options. I hope that we take further education into account in every education debate.

10:06

Christine Grahame (South of Scotland) (SNP): I declare an historic interest, as I am a former secondary teacher. I was a product of pre-comprehensive education. I was educated in the local authority high school—taught to the test and invited to sit highers, no doubt to obtain a 100 per

cent pass rate, which impressed many. I was selected at age 11. I left my community and saw my friends disperse throughout Edinburgh.

In contrast, the first school in which I taught after qualification as a secondary teacher was one of that new breed, the comprehensive. I went in determined to be unimpressed, but that did not last long. I saw the enormous advantages of comprehensive education, which helped my teaching. In developing programmes to engage the less-able pupil, there was cross-fertilisation to the more-able child who just as often has to be entertained as educated. For example, I portrayed Macbeth to a less-able class as a latter-day business tycoon with a ruthless but ultimately vulnerable wife who pushed him to the top of the commercial pyramid. That approach was for the less able, but taking it over to the more-able pupils engaged their interest in the nature of ambition and the ultimate price that is paid in the moral tales of Shakespeare.

I saw the fluidity of movement. The child who was good at mathematics could be set to deal with mathematics at that level, while still being with his or her friends when studying other subjects.

Education was, and still is, about the whole person, as Ian Jenkins said. The children of doctors and MSPs go to school with the children of plumbers and company directors. That is as it should be; that is inclusivity. That is what puts children in Scotland and Scottish schools in a special category. Scottish schools are not educating just to the test so that children can pass exams. That is why lists are an anathema and are completely misleading. Scottish schools are educating the citizens of Scotland, whose individuality is to be nurtured within the context of their own community and the larger Scottish community and the European and world community beyond.

The Tory motion represents an English version of education, which thankfully has been rejected by Scotland for generations. I no longer teach, but because I have siblings who are teachers I can tell Brian Monteith that they are sick of political interference. They want less paperwork, fewer assessments, better funding, smaller classes, and more help with disruptive pupils. We have reached the stage at which one of my sisters cannot separate warring primary 1 pupils for fear that she would be charged with assault. These are ridiculous days for primary teachers.

As a secondary teacher, I once taught a class of 40. Those days have gone, but class sizes are the key. How can an English teacher who has about 150 pupils passing through the classroom door each day give adequate attention to each individual child? Reduced class sizes would, at a stroke, improve dramatically the quality of Scottish

education for individual children and across the board.

Mr Monteith *rose*—

Christine Grahame: I have finished.

10:10

Jackie Baillie (Dumbarton) (Lab): As ever, the Conservative motion before us is carefully crafted. Unsuspecting members of the public, never mind parliamentarians, might find much that is of merit in the motion. Phrases such as “equality of opportunity” and

“new and different ways of education built round the needs of the individual child”

are laudable, but we should not be fooled. If we listen carefully to what the Tories say, a picture will emerge of an elitist system that is designed to benefit a narrow section of society. In the name of reform, the Tories propose not diversity and flexibility in our schools, but a widening of the opportunity gap.

We must be honest. There is no commitment from the Tory members to match Labour’s spending on education. Given our experience of the Tories, the motion signals a return to schools being starved of resources. In contrast, Labour’s approach is to ensure that all schools are centres of excellence that work to close the opportunity gap and to focus on the individual child’s educational needs so that each and every child in Scotland fulfils their potential. We promote greater flexibility and diversity in the curriculum and we have invested in classrooms, the schools estate and in 7,000 more teachers and classroom assistants. Taken together, those measures provide a better environment for learning, but we cannot stop there.

Mr Monteith: Will the member stop there?

Jackie Baillie: No. We have had to listen to Brian Monteith for too long. It is his turn to sit quietly.

The Labour party is rightly proud of our comprehensive system, as are the people of Scotland, but we cannot afford to be complacent. At the start of the 21st century, we have a duty to equip our children for the challenges of the future. The education system must not stand still; it should lead the agenda for change. That change should not be the one that the Tories want, which would mean that only a few would succeed. Rather, our ambition is for all children. Our aspiration is not for only one or two schools to be centres of excellence, but for all schools to be excellent.

We will encourage more flexibility and innovation in schools through measures such as having

teachers who work across primary and secondary schools, allowing for the first two years of secondary school to meet more clearly the needs of individual children, encouraging real parental involvement and increasing opportunities for vocational education. That will ensure that every young person leaves school with the core skills and confidence that they need to progress.

Michael Russell *rose*—

Jackie Baillie: Sorry, no.

We will also encourage more decentralised management so that head teachers are empowered to make decisions on using the flexibility in the system and applying resources.

Positive reform is firmly on the agenda. I regret the fact that Brian Monteith keeps looking over his shoulder to compare what is going on in Scotland with the educational reforms that are proposed in England. Scotland has always had a distinctive approach to education, even pre-devolution, and it is right that we should have a distinctive approach to reform. However, the objective is the same. We want to raise standards for all children. As Brian Monteith is obsessed with what is going on down south, why does he not join his colleague Ben Wallace and take a closer look?

I want to describe the Tories’ education policy as outlined by Brian Monteith, but because words fail me, I have borrowed some from a once-famous Prime Minister, Winston Churchill, which I assume will meet with the Tories’ approval. He stated:

“The honourable member’s speech reminds me of Columbus. When he set out, he didn’t know where he was going. When he got there, he didn’t know where he was. And when he returned home, he didn’t know where he’d been.”

That describes the Tory education policy. Members should reject the motion.

10:14

Mr David Davidson (North-East Scotland) (Con): The debate has been entertaining; we have watched the Labour members duck out of making any comment about the future and our friends in the SNP seem desperate to go back to a past that some of them can barely remember—apart from Mr Russell, of course. As for the Liberal Democrats, when I tried to intervene during Mr Jenkins’s speech, he was beginning to talk about choice. The word almost tripped over his lips, but did not quite get there.

One issue that has not been discussed is parental responsibility in education. The state’s role should be to give parents the means and opportunity to exercise their responsibility. We should bring parents into the decision-making process, along with headmasters. Jackie Baillie,

bless her, stated what was basically the Conservative philosophy of giving more power to headmasters. Her comments will be in the *Official Report*.

We must consider communities, because one set of parents cannot produce enough children to have a school and cannot get together to run a school. There must be a choice of schools in communities and a choice of the subjects that are taught. We need more than the blanket take-it-or-leave-it quick fix that Labour and the Liberal Democrats operate. There must be a reason behind the method of supporting those who need specialist help, which does not mean only those with learning difficulties, but those who have special talents. Labour members never mention an individualist approach such as that, unless the minister is about to tell me something different.

Cathy Jamieson: I am not sure whether David Davidson listened to my speech. I gave clear examples of cases in which we are trying to ensure that young people's talents, whatever they might be, are nurtured in schools.

Mr Davidson: I recall that the minister mentioned Trinity Academy, which is my former school. When I was at that school, streaming that was based on ability and talent took place for every subject. There was choice within the school, although it was not a comprehensive. Through the state system, the school offered an all-enveloping range of opportunities for pupils of different talents and it had well-resourced staff. Pupils were not forced to take subjects that they did not want to take, but they were encouraged. The system at Trinity Academy that the minister described sounds like a wee bit of sticking plaster on a failed Labour system.

In Aberdeenshire, parents and communities have won a tremendous victory. They fought to save primary schools—I supported them in that fight—and they now have a choice. Some parents fought to merge two schools. That is the kind of choice that the Conservatives support. What I managed to get from the director of education of Aberdeenshire Council—which is a Liberal Democrat-independent coalition—was a promise, given in public at a large meeting, that schools would not be closed through the back door and by attrition. I hope that the director of education is now prepared to take the next step and examine the schools that parents saved to find out why parents tried to save them and to discover what is required to have broad-based education that gives children an opportunity to develop. We will find out at the election.

Support for headmasters has been discussed before in the chamber. In 2000, I said to the Scottish colleges conference that there was an opportunity for senior schools to link with colleges,

particularly for children who are not academically inclined but who might be technically minded. That policy is not a new one; it is common sense applied in Scotland. The opportunities that are available in colleges could be used successfully for some children. Headmasters must be allowed to make decisions on such issues.

A broadly based education must be balanced with the acquisition and development of transferable skills for future economic opportunity and the release from dependence on the nanny state. That is education's function. The minister should not dumb down the education system and fail our children, who need diversity, choice and opportunity. That is a better way for our children, and it is the Conservative way.

10:19

Rhona Brankin (Midlothian) (Lab): We are all pleased to have the opportunity to debate education, although I am rather confused by the motion, which is bland and misleading. It is not clear to me whether Brian Monteith is calling for a return to selection in what he calls "the post-comprehensive era". There is a worry that he is calling for a return to the kind of system in which young people were consigned to what was described as a vocational stream. Those of us who are old enough to remember that will remember what happened when there was a system of selection at age 11 in secondary modern schools in Scotland.

Mr Monteith: It is not that.

Rhona Brankin: Brian Monteith says that he is not calling for that. However, the justification that was cited for creating that system was that it would provide what was called an appropriate education for non-academic pupils. That is how it was described. We must be aware of that and think about what history has taught us. I do not know whether Brian Monteith has spoken to people who were labelled at that age—often for life—by that kind of selection. In talking about an appropriate education system, we must beware of what has not worked in the past.

Mr Monteith: I am certainly not suggesting that we return to something from the past; I am suggesting that we look to something in the future. Rhona Brankin says that the motion is rather bland—Jackie Baillie also criticised the wording of the motion—but I wonder whether she is aware that the wording of the motion is lifted directly from a speech that Tony Blair made earlier this year?

Rhona Brankin: I have absolutely no problem in describing what any politician says as bland if I think that it is bland. I had no idea what the context was.

The fundamental difference is that a truly comprehensive school is able to provide pathways for all pupils, whether they enter supported employment when they leave school or college or whether they go on to become astrophysicists. However, we face major challenges in the comprehensive system. The comprehensive system has failed young people in the past, and a recent report from the Executive recognises the extent to which we have failed many young people who have not benefited from combined working across the interagency spectrum.

The young people whom we have failed are those who have not had the opportunity to go on to higher education. We tend to be a bit smug and say that we are one of the best-performing countries in Europe because more than 50 per cent of our young people go straight from school into higher education. However, only 14 per cent of those young people come from working-class homes where there is no tradition of university or college education. We therefore face big challenges.

One of the main challenges facing the comprehensive system is to ensure that, whatever someone's background, they have the opportunity to enter higher education. Many of us here may be the first people in our families to have had the benefit of higher education. I am of the second generation in my family to have had that opportunity. My father came from a mining background and was the first person in his family to have that opportunity. We had a debate yesterday about lifelong education, and one of the main challenges for us is to raise our game in the comprehensive system. Too many youngsters are still falling through the net.

Central to remedying the situation is higher still, which provides flexibility. Vitrally, higher still provides flexibility for progression within an inclusive curriculum framework. It does not pigeon hole people, as we have done in the past, into so-called vocational routes that effectively close down opportunities for pupils. That is not to say that university or higher education will be the appropriate destination for all pupils—it would be silly to say that. We must have a range of opportunities for people, so that we can fulfil the needs of our economy and pupils' individual needs. Higher still and the Scottish credit and qualifications framework are a huge step forward in reducing the number of young people who are effectively out of the system when they leave school. They provide the basis for developing a system for lifelong learning in which everyone has the same opportunity.

I welcome diversity in schools and I ask the minister to consider the school works project, in which the whole school community is involved in the designing of a new school.

10:25

Stewart Stevenson (Banff and Buchan) (SNP): I welcome the Tory motion on education. We were in danger of forgetting why the Tories exist, but the motion illustrates that perfectly. The Tories exist for one purpose: to maintain the privileged position of the wealthy. They have no other objective. The last two words of the motion are “skilled employment”, and David Davidson said that he sees the education system delivering people who are prepared for “future economic opportunity”. What the Tory members have at the forefront of their education policy is the delivery of worker drones for the bosses to exploit.

Mr Davidson: Will the member give way?

Stewart Stevenson: No, I will not. I do not have time.

It is revealing that Brian Monteith had to pick up the history of Scottish education to get some insight. Let us consider the schools to which the Tory MSPs went. We have three Etonians, two from George Watson's College and one from Millfield. I do not think that a single Tory MSP went to a school other than a selective one.

Mr Monteith *rose*—

Murdo Fraser *rose*—

Stewart Stevenson: Inverness Royal Academy is a selective school. My wife went there and she shared that school with Murdo Fraser.

Mr Monteith: I went to Portobello High School.

Stewart Stevenson: I invite Brian Monteith to tell me about Portobello High School.

Mr Monteith: Portobello High School was a comprehensive school when I was there. The past two generations of my family went there and my sons go there. I have no problem with the school that I attended and which my sons attend. May I just add—

The Deputy Presiding Officer: Order. You were invited to give a response, Mr Monteith, and you have given it.

Stewart Stevenson: We have got the Tories riled. I am perfectly happy to make common cause with colleagues from other parties against the entrenchment of the privilege that the Tories have always represented.

I went to one of the largest schools in Scotland, which had some 2,000 pupils. The objective of education at that time was to realise not the economic potential of pupils but their personal potential. That is what education is about. It is important to learn skills, but they will decay over time and be overtaken by events. It is far more important that we equip our young people, when they leave schools and further education, with the ability to adapt and learn.

Not all Tories get it wrong all the time.

Michael Russell: Pardon?

Stewart Stevenson: I know that that is news to Mike Russell, but let us be fair to the Tories. Even Michael Forsyth, the Secretary of State for Scotland in 1996, got it right in "Achievement for All", the objectives for Her Majesty's inspectors. He said that streaming is

"inherently inflexible and does not promote teaching which builds on prior learning"

and that

"pupils are discouraged by being placed in the lowest streams and can lack motivation to make progress".

The comprehensive system delivers for Scotland and can be developed to deliver for Scotland in the future.

10:29

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): In her opening speech, the minister said that we are aiming for excellence. That is absolutely right. We all know that school is about far more than academic excellence, but let us not forget that we need to promote academic excellence too. I am proud of the fact that two schools in my constituency—Banchory Academy, where my two sons study, and Westhill Academy—have achieved excellent academic results. Academically, they are among the top 10 state schools in the country. We all know that there are far more measures than academic performance, but it is important to highlight that achievement. I take this opportunity to congratulate the teachers, pupils, parents and carers for all their hard work and achievements. It is important that we publicly recognise academic achievement.

I fully support the Executive's amendment. We need to ensure that we have an increased emphasis on citizenship, enterprise and vocational education. We need to raise attainment and close the opportunity gap throughout Scotland. However, my worry—and the reason why I changed my mind and decided to speak after listening to the speeches this morning—is that we tend to shy away from mentioning the word "academic" when we talk about attainment. It is certainly not mentioned in the amendment. I urge the minister and all members not to be reticent about acknowledging success when they see it.

Cathy Jamieson: In congratulating the schools in his constituency, will Mr Rumbles recognise that Cumnock Academy, in my constituency, is one of the top 10 schools in terms of improving academic performance against a background of social deprivation? As the head teacher said publicly, that is a direct result of the new community school approach.

Mr Rumbles: I am delighted to acknowledge the achievement of Cumnock Academy, whose pupils have a different background from most of the pupils in my constituency. I am glad that the minister recognises the importance of academic performance, but I would have liked to have seen some recognition of it in the text of the amendment.

10:31

Cathy Peattie (Falkirk East) (Lab): I have enjoyed this debate. Stewart Stevenson is right to point out that it has been a debate in which some have united in common cause while others have experienced some confusion.

The Conservatives' post-comprehensive vision—if vision is not too strong a word—acknowledges the success and validity of comprehensive education. They dare not be too overtly critical of the comprehensive system, so they have opted to attack by stealth. While praising the principle of comprehensive education, they seek to push education in directions that would undermine that principle. Brian Monteith's call for a greater range of specialist schools is an attempt to open doors for decidedly non-comprehensive schooling. They argue that developments such as city technology colleges are the way forward even though evidence that such schools add significantly to student achievement is dubious. There is also doubt that such developments are appropriate in a Scottish context.

At its UK conference, the Tory party backed measures to grant schools independence over their budget and curriculum, although school management has already been substantially devolved, and to allow parents and teachers to set up their own schools, of which we have heard much this morning. That proposal is radical but is not recognisable as a comprehensive system. How much further would the Conservatives like to go? If we are committed to comprehensive principles, we should be committed to ensuring that the needs of children are met within the comprehensive system, with diversity and flexibility. We must work to close the equality gap.

As Michael Russell said, the comprehensive system must be broad based, flexible and inclusive. We are committed to improving education for all, not just for an elitist minority. We want to create flexibility for teachers to work across primary and secondary schools and to ensure that setting is available for the first two years of secondary schooling so that education is tailored more closely to the needs of every child. We must ensure that more effort is put into delivering parental involvement in children's education. David Davidson, who is not here now,

talked about the Tories' big vision being parental involvement in schools. I was one of the parents who got involved in my school under Michael Forsyth's initiatives. I can say that he did a lot to involve parents in schools because a lot of parents up and down the country joined school boards to ensure that their local school did not opt out of the system. Fortunately, the parents won in that attempt—good on them.

We want to increase opportunities for vocational education and ensure that every young person leaves school with the core skills and confidence that they need to go forward. We have to encourage more decentralised management to ensure that the head teacher can make more decisions about how the flexibility of the system can be used and how the resources can be applied.

Our achievements are clear. Labour has already provided significant investment for our education system and has implemented more important reforms. In summary, with the Standards in Scotland's Schools Act 2000, we have enshrined in legislation Labour's commitment to improving schools. We are investing more than £1 billion to rebuild and refurbish schools. More than 300 schools will benefit over the next three years.

Mr Monteith: Why, if more investment has been put into Scottish schools, do the figures show that, this year, more school leavers left school with no certificates than did so the year before?

Cathy Peattie: I do not agree that the figures show that. We have heard from the minister this morning about the need to ensure that we work with children across the board. If we use only figures as indicators, it will be a sad day for education.

We have secured the McCrone agreement, which is a teaching agreement for the 21st century that delivers fundamental changes and improvements to teachers' conditions, reducing the gap between teachers and other professionals and ensuring stability over the three-year pay rounds. As Jackie Baillie said, there will be 3,000 more teachers by 2006 and more than 4,000 classroom assistants are already employed in primary schools. We have implemented the new community schools programme, which is a good example of a way in which we can bring all professionals together to create an education system that will meet the needs of all children. Another £78 million is committed to rolling out the programme to schools by 2007.

I do not think that the Tories' education policy has moved on. I only wish that the Tories would be a bit more Scottish and would recognise the value of Scottish education. They have failed to do that.

We are committed to an education system that meets the needs of the many, not the few, which is why we oppose the Tory motion.

10:36

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

In this debate, we have had a taste of the philosophy that underpins the various educational policies that each party supports. We have all said what we think education is for and suggested ways in which we would go about delivering that outcome.

The SNP's education philosophy is simple. We believe that education is about creating the context for inquiry and discovery and delivering basic levels of thinking and learning skills that can be applied in all disciplines. As Northern Ireland and Wales have done, we would abandon the artificial tyranny of league tables and put in their place access for parents to genuine information about such aspects as funding, school management and the ethos of the school. Nor would we forget those who find learning hard or who have special needs.

Mr Rumbles: I understand what Irene McGugan is saying about league tables being only one measure of performance, but is she saying that academic performance is not important and should not be recognised?

Irene McGugan: No, we are not saying that at all.

We would support parents in everything that they need to do to provide education for those with special needs. We would do the things that I have outlined because we want to create a higher achieving and more creatively thinking Scotland. Yes, that is aspirational, but our aspirations would also protect the principles of the Scottish comprehensive education system and value core skills and local delivery within a strong state sector.

Of course we want to encourage diversity in education and of course education should be focused on the individual needs of each child but, unlike the Tories, who believe in privilege, specialism and inequality, we would hold firm to the traditional values of socially inclusive shared experience in schools owned and operated under democratic principles. Diversity or choice—whatever we want to call it—could embrace ideas such as bringing Steiner-Waldorf schools into the state system, providing a supportive network for those who want to home educate their children and establishing 21st century e-schools, more community schools and Gaelic-medium education. It could mean many, none or all of those things, but everything would be predicated on a unified but devolved state system, which has nothing to

do with what we have heard from the Tory party today.

This year, we had a great opportunity to hear what the rest of Scotland thinks about these matters because of the great debate on education and the Education, Culture and Sport Committee's inquiry into the purposes of education, both of which allowed parents, teachers, pupils and stakeholders—for want of a better word—to make their views known. One of the key messages to come from both initiatives was that people in Scotland want to keep the system of comprehensive schools that are freely available to all and provide a good standard of education. They said that it could be improved, of course, but there was no mention of—far less support for—anything that came close to a post-comprehensive era.

Mr Monteith: Will Irene McGugan give way?

Irene McGugan: Not at the moment. I will finish my point.

Specialist and independent schools are more common in other parts of the UK, but there is little demand in Scotland for a move towards specialised schooling. The fact that the Tory party ignores that either points to unbelievable arrogance—a notion that it knows best and will impose its views on the country regardless of what other people think or what their express wishes are—or serves to illustrate just how out of touch it is with the feelings of Scotland's people on one of the most important issues of the day.

Mr Monteith: I must disappoint the member. We are neither arrogant nor out of touch. Even in the chamber, we find three or four different definitions of comprehensive education. Is Irene McGugan able to tell me that all the respondents who supported comprehensive education supported the same type of comprehensive education?

Irene McGugan: I was making two points: that there was no mention of post-comprehensive education in the responses and that, however people defined comprehensive education when they responded, they supported it. The Conservatives reject that notion.

The consultation's other overwhelming finding was of support for smaller class sizes. Particularly in the early years, education that is centred on the individual—as Mr Monteith seems to want—requires smaller classes, not further specialism or competition that is driven by league tables and crude setting and streaming.

We need an education system that embraces the notion of social inclusion. The Tory party can never deliver that.

10:42

The Deputy Minister for Education and Young People (Nicol Stephen): Today I agree with a great deal of Mike Russell's analysis—that is not to talk up his prospects for this evening's award ceremony—which is a marked contrast with our most recent education debate. I have no difficulty with the amendment in Mike Russell's name. I hope that he will be able to support the Executive's amendment at decision time this evening.

In particular, I agree that the key challenge is to move beyond analysis to delivery. However, the crucial point is that delivery in Scotland's schools should be for all our young people—not for a minority, an elite or the few. We want "opportunity" to mean opportunity for every child in every family in every community in every part of Scotland.

Much is still to be done. We have seen that in some of the statistics over the past few days. Too many young people fail to achieve the appropriate five-to-14 levels. Too many leave school without qualifications; the proportion who did so this year was 5.7 per cent. In the last year of the Conservative Government, it was 6.4 per cent—the poorest performance in any of the past five years.

Let us remember some of the Conservative performance—or the Conservative way, as David Davidson called it. Did the Conservatives invest in 3,000 extra teachers? No. Did they invest in 3,500 extra support staff for our schools? No. Did they invest more than £1 billion in new schools? We are on track to deliver 400 new or refurbished schools by 2009. Those schools will have been provided in a single decade. What did the Tories do in their 18 years in government? They provided fewer than 100 new or improved schools. That is their track record. Everywhere we look, the Conservative record is poor. In the Tories' final term in office from 1992 to 1997, the share of UK gross domestic product that went into education fell from 5.2 per cent to 4.7 per cent. That was the priority that Mr Monteith gave to education. Worse than that, in Scotland, the Conservatives destroyed teacher morale and sapped the strength of Scotland's schools.

Scottish education has major strengths—its breadth, diversity, drive for excellence and focus on the individual—but I also want it to be international in its outlook and ambitions. I reject the notion that we should always benchmark by, follow or seek to imitate what happens in Northern Ireland, Wales or England. We should be proud that nearly 50 per cent of Scotland's young people go into higher education. We should be proud that we deliver international excellence. The statistics from the Organisation for Economic Co-operation and Development's programme for international

student assessment put Scotland ninth out of 32 developed nations for science, sixth for reading and fifth for mathematics. Those are good statistics. To refer back to our most recent education debate again for Tommy Sheridan's benefit, Cuba is not ahead of Scotland on any of the lists that I have analysed.

We can certainly do better. That is the challenge for us all. We will do better not through political dogma, but through partnership with our local authorities, schools, head teachers, teachers, parents and pupils. We are determined to deliver. A big challenge lies ahead to develop and improve Scotland's schools. The Conservative way is one of division, dogma and decay and it deserves to be rejected.

10:46

Murdo Fraser (Mid Scotland and Fife) (Con): The debate has been lively. It is the first time that I have ever heard myself compared to Arnold Schwarzenegger. I will need to make a few more trips to the gym.

Our motion refers to post-comprehensive education. That choice of words was deliberate. A debate about how education needs to change is going on in Scotland, and there is growing recognition that our comprehensive system fails too many in our society. We have heard that today from Brian Monteith and we have heard it in the Parliament often enough before. We usually hear it from Conservative members, but I was pleased to hear Rhona Brankin acknowledge it in her speech.

The comprehensive system is fine for a child from a middle-class background who is fortunate enough to have parental support and parents who can buy a house in a leafy suburb in the catchment area of a good school. Such a child can go to one of the good schools. However, as we saw from the results tables that were published yesterday, there is a yawning gulf between the performance of our best schools and that of our poorest schools.

I accept that the tables tell only part of the story and that we must take into account pupil development, discipline in the classroom, truancy levels and all sorts of other factors. However, we must not deny the stark truth. Some schools perform far better than others do. The schools that do not do so well are generally those in areas of social deprivation. No matter how talented or diligent a child born in those areas is or how supportive the parents are, such a child starts with a handicap on day one.

That is what our comprehensive system delivers and that is exactly why the Conservatives want to change it, even if all the other parties in the

Parliament defend the status quo. We want to change it because it works against those who already come from disadvantaged backgrounds.

Michael Russell: The analysis is interesting. However, I simply point out that, if we correlate the league tables that were published two days ago—which have not yet been distributed to members—with the percentage of school children who are recorded as entitled to free meals, we see that the correlation at the top and bottom of the table is almost exact. The answer is surely therefore to do something about poverty in Scotland. In what regard will the Tories help with poverty in Scotland, as they normally make it worse?

Murdo Fraser: We can have a debate about poverty on another day. One of the things that was interesting about Mr Russell's intervention was that he accepts—

Cathy Jamieson: On that point—

Murdo Fraser: No. I thank the minister, but I ask her to let me deal with the point.

Mr Russell accepts that there is a correlation between pupils going to schools in less well-off areas and results. That is exactly the point that I was making. Pupils are trapped in those areas by our current system of geographical catchment areas. That is why we want to change the system.

Rhona Brankin: Will Murdo Fraser give way?

Murdo Fraser: No. I will not give way at the moment.

In the Parliament, the Conservatives may be the only ones who see the need for change. However, out in the real world, other voices challenge the complacent attitudes that we have heard today. Speaking on Friday, Graham Donaldson, who is the new senior chief inspector of education in Scotland, talked about a huge waste of talent in Scottish education. He said that education reforms were failing to impact on all children. In particular, he meant those from disadvantaged backgrounds.

At the same event, Fraser Sanderson, president of the Association of Directors of Education in Scotland, said that there was a large section of the student community whose needs were not being met, and he spoke of schools in poorer areas that had unacceptably low expectations.

Cathy Jamieson: Once again the Tories have chosen to quote selectively. If they had chosen to quote what I said at that same event—on the Thursday evening—they would have heard a clear message, in which I pointed out that many schools have simply not taken enough action to close the opportunity gap. Would the member welcome Graham Donaldson's comments about the changes that Her Majesty's Inspectorate of Education will make to ensure that most focus will

be given to the schools that have, so far, not performed best in dealing with young people from such disadvantaged backgrounds?

Murdo Fraser: I assure the minister that I have read in detail the speeches that were delivered on Friday, so I do not need to be informed by the minister about that.

I am pleased to hear the minister accepting that there are problems and that they need to be addressed, because we have heard so many complacent attitudes being voiced in some of the speeches made by members of other parties that one might think that there is nothing wrong with the current system.

We need to change the system. We should not get hung up about what the word "comprehensive" means. In England there is a whole spectrum of specialist schools, faith schools and city technology colleges operating in a system that the Prime Minister, and indeed other Labour MPs, still call "comprehensive". We are not saying that we should imitate the systems in England, Northern Ireland or anywhere else; we are saying that there are lessons to be learned from what is happening elsewhere in the UK and in Europe. Let us look at the systems there and learn from them. That does not mean that we have to copy everything that is being done there. However, although we recognise that lessons may be learned from elsewhere, that is not the impression that I get from the Executive, judging by what we have heard this morning.

By establishing more specialist schools and by allowing diversity, we will provide opportunity for able children who, at the moment, are trapped by the catchment-area system and have to go to schools that are simply not delivering. We already have specialist schools in music and sport, which are accepted, indeed praised, by all parties. If that is good enough for music and sport, why is it not good enough for engineering, science, mathematics or languages?

Of course children have to come out of education equipped for life, with life skills. I would say to Stewart Stevenson, however, that the idea that they should not leave education with basic vocational training is nonsense. We currently have the problem of children coming out of education without proper standards of literacy and numeracy, so they are not equipped for the work force.

I would also say to Stewart Stevenson that he should do more efficient research before he contributes to a debate on education. If he had done so, he would have found out that, when I attended Inverness Royal Academy, it was a comprehensive school. Looking at my colleagues sitting next to me on the front bench, Brian Monteith and Alex Johnstone, I note that all three

of us went to comprehensive schools. Stewart Stevenson should in future do his homework before speaking in such a debate. [*Interruption.*] The deputy minister is waving bits of paper at me, but I assure him that I was at that school, and I know what the case was.

Michael Russell: There are four members on the Conservative front bench. What about Bill Aitken?

Bill Aitken (Glasgow) (Con): Perhaps I should clarify my position. I went to Allan Glen's School in Glasgow on the basis of a bursary. My parents were too poor to afford to pay the fees. It was selective, and I was successful.

Murdo Fraser: I am obliged to Mr Aitken for that intervention.

We offer real hope to those who are being failed. The Executive may talk about an end to the one-size-fits-all system, but it has no real solutions, and opposes even the modest reforms being pursued by Tony Blair in England. The SNP offers only more of the same and refuses to countenance the idea that there is anything fundamentally wrong with the system that would not be solved by more money and smaller class sizes. Indeed, there is an inherent contradiction within the SNP approach. On the one hand, it talks about having a system of education controlled from the centre; on the other, it talks about having more diversity. That simply does not add up.

Meanwhile, those children who come from disadvantaged backgrounds continue to have their life opportunities damaged by an inflexible system that clings to an outdated comprehensive model. Specialist schools offer a window of hope for such children. They offer them a chance to have their abilities recognised, to gain qualifications, to follow a route to further education and to equip themselves for employment.

Outside the chamber, the education debate goes on. People recognise the need for change. Inside the chamber, however, it is the Scottish Conservatives who are prepared to speak up for the many who are being failed. I have pleasure in supporting the motion in Brian Monteith's motion.

The Deputy Presiding Officer (Mr George Reid): That concludes the debate on education. We are about five minutes ahead of time.

Drugs Courts

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3641, in the name of Bill Aitken, on drugs courts, and on two amendments to that motion. If those members who are leaving the chamber could do so quickly and quietly, I would be grateful.

If we are all sitting comfortably, we will begin.

10:55

Bill Aitken (Glasgow) (Con): We have debated the drugs issue before, and it is right that we do so again. Few would disagree with me when I say that the threat posed by drugs and drug abuse is perhaps the most potent danger facing contemporary Scotland. While it is important not to exaggerate the problem, it has to be recognised that the misuse of drugs in certain sections of our society has become almost endemic.

When the Social Inclusion, Housing and the Voluntary Sector Committee produced a well-researched and well-thought-out report on its inquiry into drug misuse and deprived communities about two years ago, that should have come as a sharp, indeed dramatic, wake-up call for the Executive, but it did not. The Executive's response to the crisis facing many of Scotland's communities has been inadequate, and the actions taken to resolve or even contain the problem of the criminality that accompanies drug misuse have been woefully inadequate. The approach, the attitude and even the language of the Executive is all wrong. It is time for a complete rethink, and for a willingness to consider radical policies that will simultaneously reduce crime, to the benefit of everyone in society, and help those whose drug-abusing habits are a danger not only to the wider community but to themselves.

When the most recent research, which was published in November last year, indicates that, among the Scottish population aged between 15 and 54, 2 per cent—some 56,000 in number—are problematic drug users, we know that it is time for action. When, in the same year, some 36,175 drug-related crimes were recorded, such action becomes imperative. When 332 people, mainly young people, die as a direct result of drug abuse in one year, action becomes tragically overdue.

Let us examine the Executive's response, and let us consider how it has impinged upon Glasgow in particular, as the city has been chosen to pilot one of the drugs courts. The cost of drug-related crime in Glasgow is estimated at about £300 million per annum, a figure which was borne out in the Social Inclusion, Housing and the Voluntary Sector Committee's report. The Executive's

principal response has been to set up the drugs courts system, and it did so with the full support of the Parliament.

Now, however, there is concern over the way in which the drugs court in Glasgow functions. It seems that those who are being targeted for processing in the drugs court are from the wrong client group, if I may, uncharacteristically, use social work jargon. All the individuals concerned have serious records of criminality, involving numerous convictions and custodial sentences. If they go to the drugs court, they will be made subject to its limited strictures. Consequently, they will avoid an almost inevitable six-month jail sentence—bearing in mind their record and pattern of behaviour. They are offered early treatment, but they do not have to take it up. While we accept that many of those individuals lead dysfunctional lives, should we not be demanding that, having been given the opportunity, they should stay off drugs altogether?

Stewart Stevenson (Banff and Buchan) (SNP): Will Mr Aitken accept that it is precisely the failure of the conventional system for people with such chaotic lifestyles that requires a different approach, with flexibility and adaptability for serious drug users?

Bill Aitken: I have said it before, and I will say it once more: the principle of the drugs court is one with which we agree. Nevertheless, the way in which the drugs court is operating is not working. Should those concerned not be told that they have to attend for drug testing? They are told to attend, but they may miss two out of six appointments without fear of sanction. Against that background, is it surprising that there is a lack of confidence in the system and that so few cases are being referred?

We recognise that no one is beyond redemption, but should we not also recognise that people may have had their chance, having gone through the whole gamut of court disposals—from fiscals' warnings to community service as an alternative to custody—before the cell door slams? Is there not something inherently unfair in a system that gives people with this type of record the prospect of access to immediate rehabilitation programmes, when people with few or no offences must wait months for such an opportunity? This is a classic illustration of how crime can pay.

The jury is still very much out on the success of drugs courts. Despite the Executive's spin, the indications are not good, as the proportion of clients who expect to offend again is disturbingly high. However, the system deserves to be given a chance to succeed. Perhaps we would have much greater success if we targeted a less hardened section of criminal society. What about the women who find themselves in prostitution? Should they

not be given a chance of early rehab, before they waste their lives? The whole system must be re-examined. Hardened criminals in Glasgow see the drugs court as a get-out-of-jail card. They recognise that it has very limited powers to ensure that they co-operate in the effort to get them free of drugs. At the same time minor offenders and non-offenders must wait months for a chance of treatment. Is that not a total injustice?

What needs to happen is simple. We should make clear what is expected to those who agree to appear before the drugs court. They should go for rehabilitation immediately after leaving the dock. Delays in such cases are likely to impinge on the offender's level of co-operation. If we are to bring more minor offenders before the drugs courts, they cannot reasonably be expected to wait months for treatment.

The Executive must gear up rehabilitation and counselling projects to ensure that there is an immediate response. Failure by an individual to co-operate must result in the immediate cancellation of the drugs court order and the offender's re-entering the mainstream system.

We must make prisons and young offenders institutions drug-free zones. Drugs are freely available in prison. In Barlinnie there is a special unit to which prisoners who want to stay off drugs can volunteer to go. I give full marks to the prison administration, but is that not an absolutely farcical situation? It must be made impossible to get drugs into prison. Those attempting to do so must expect severe penalties.

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

The ideal would be to make our prisons drug free, but how does Bill Aitken intend to do that? It is almost impossible to stop drugs entering prisons. Any prison governor will say that prisons are run effectively only with the full co-operation of prisoners.

Bill Aitken: I always listen carefully to what Mr Raffan has to say on the issue of drugs, because he has researched the matter very deeply. However, his comments epitomise the defeatist approach that bedevils the system. It is possible to stop drugs getting into prisons and that must be done.

When visiting the drug-free unit in Barlinnie, I wondered what happens to prisoners when they left jail. Their pushers probably offer them free drugs and the bus fare back to the place from which they came. Prisoners return home to areas in which drug use is prevalent, and it takes a very strong person to resist that temptation. Sadly, support for those who are determined to stay clean is absent. The Executive and local authorities are failing once again.

I want now to consider some of the language that is used in drugs education. As long ago as

December last year, my colleague James Douglas-Hamilton wrote to Cathy Jamieson about the document "Taking Drugs Seriously", which the Executive recommends for secondary schools. The document refers to

"boring old farts who exaggerate the risks involved".

The primary schools drugs pack claims that most drug users

"come to little harm but many parents don't like to believe it is true".

What sort of message does that send out?

Last week the Scottish Executive unveiled a good drugs guide for clubbers. It appears that Egon Ronay's good food guide is now rivalled by the Executive's good drugs guide. Once again, the Executive has run up the white flag. The document advises people to take half an ecstasy tablet instead of a whole tablet, and to wait for an hour to see what happens. That is madness. The Executive must come out against drugs in a more determined manner—a zero tolerance approach must apply.

We applaud the measures that have been taken, such as confiscation of assets. The work of the Scottish Drug Enforcement Agency is extremely encouraging. However, until we take a much more hard-nosed but compassionate approach, the overall package of measures will not succeed. The choice between treatment and custody may be a harsh one for many offenders, but they must make their own decisions.

The Scottish Government must ensure that support mechanisms are in place and make increased use of the voluntary sector. It should use the Maxie Richards Foundation, which has had tremendous success in dealing with those who have abused drugs for a long time. However, at the same time it must be made clear that those who are given opportunities must take them. They are not altogether victims—they are responsible for their lives. They must face up to their problems and Executive policy must encourage them to do so.

The Executive must take a two-tier approach—a three-tier approach, if we include education provision. The education system should state that drugs and the use of drugs are totally unacceptable. A compassionate resource should be available to those who are determined to take treatment, irrespective of whether they are offenders. However, at the end of the day the Executive must be tough enough to ensure that the anodyne response of the drugs courts system is replaced by the use of appropriate sanctions against those who are prepared to continue offending.

I move,

That the Parliament notes the growing prevalence of drug abuse and drug-related crimes; regrets that the Scottish Executive continues to send out mixed messages on drugs; further regrets that the Executive's flagship drugs courts have become a means of avoiding a prison term, and therefore calls on the Executive to ensure that (a) those sent to drugs courts have committed only a minimal number of offences, (b) there are sufficient resources to ensure that those who are sentenced by drugs courts have the option of immediate and instant treatment to undergo rehabilitation and (c) any breach of orders from the drugs courts are dealt with properly.

11:06

The Deputy Minister for Justice (Hugh Henry): I welcome the opportunity that Bill Aitken and the Conservatives have given us to debate this issue. The debate provides us with an opportunity to recognise the success that the drugs courts have had so far.

We should remember that it is less than two years since Iain Gray announced that the Executive would set up drugs courts in Scotland. This month the Glasgow drugs court marked its first year in operation. An evaluation of the court's first six months was published two weeks ago. A second drugs court is now up and running in Fife.

In a very short time we have moved from wondering what to do about the increasing menace of drug-related crime and the drug dependence that causes it to a situation in which two drugs courts have been established and are dealing with the most difficult offenders. From Bill Aitken's speech, I was not sure whether he had thought through what he was saying. He spoke about the need to give the system a chance to succeed, but then launched into a condemnation of its failures. He did not recognise that it takes time to bed in new systems and to try things out. One way of moving forward is to learn from our mistakes. If the drugs courts do not work, we will try something else. This experiment is well worth pursuing. It is welcomed across Scotland and by many political parties. It is also being examined carefully by people outside Scotland.

These are early days. It is right to pilot drugs courts, instead of introducing them throughout the country at this time. We need to learn how drugs courts are working and to learn from their achievements. We will examine the viability and effectiveness of drugs courts as part of the criminal justice system in Scotland before deciding how to proceed.

Critical to the success of drugs courts are drug treatment and testing orders, which are the principal orders that the courts use. The evaluation of DTTOs was published at the beginning of October. It reported that they had made a positive impact and had reduced the level of drug misuse by people subject to them. Weekly reported

expenditure on drugs fell from £490 before the introduction of a DTTO to £57 after six months of an order's having been made. DTTOs have also led to a reduction in associated criminal behaviour. This is the serious end of offending, but it has been proved that we are making an impact on it.

Mr Raffan: The Scottish Executive social research unit has carried out an evaluation of the Glasgow drugs court pilot scheme after one year. There is now talk of conducting an independent assessment of the scheme. Can the minister say more about that, as it is important in helping the system to bed down and in deciding when to roll it out?

Hugh Henry: I will deal with Keith Raffan's question later.

We are committed to extending the coverage of DTTOs. Today I announce that, as a result of this year's spending review, local authorities in Lanarkshire and Ayrshire will receive funding to set up local DTTO schemes. When the schemes are up and running, a further five sheriff courts will be able to make drug treatment and testing orders. That will ensure that courts covering around 70 per cent of the Scottish population have access to DTTOs. Those will be significant milestones in providing courts with a full range of options in dealing with the problems presented by offenders with drug misuse problems.

The experience of operating DTTOs will be a crucial factor in deciding on the location of any future drugs courts if and when the full evaluation of the latter suggests that it would be appropriate. We made it clear from the start that we would base future decisions on the evidence of the two pilots, which is why we commissioned the independent evaluation to which Keith Raffan referred. It is also why we asked for a review, which he also mentioned, of the first six months of the Glasgow court's operations. We want to make changes where they are necessary and the evaluations will help us in that.

The report highlights the main strengths of the court. The fast tracking of offenders, the existence of a trained and dedicated team, the members of which are in regular contact with each other, the system of pre-court review meetings and the regular reviews in court are all reported as positive innovations. The role of the drugs court sheriffs is also seen as critical in the success of the court.

However, what really matters is what happens with the offenders. I offer no apology for saying that our intention is that the drugs court will deal with offenders who have serious drugs problems linked to an established pattern of offending. Those are the people who create the problems. Those are the problems that we need to solve. Other interventions are available for drug misusing offenders at an earlier stage in their offending.

The drugs court pools the expertise and experience of seven different agencies to deal with the hard end of the market. In the course of its work, the drugs court team is developing an understanding of respective roles and building up knowledge of the issues that surround drug misuse and crime, not from the viewpoint of a single agency but from one based on a multidisciplinary perspective. Most of the offenders in the drugs court will have been in prison before. Most of them will have come in and out of using and offending. We want to stop that revolving door.

I thank the people who came together in Glasgow and in Fife to help us devise a different approach, which has a greater chance of success. I also thank the drugs court teams for their dedication in making the models work on the ground.

All the offenders who were interviewed as part of the evaluation reported a significant reduction in drug use and offending, a finding which the evidence from the drugs court team supports. Overall, the offenders were positive about their experience. We know from research that the longer an offender stays on an order the greater the chances of success. During the first six months only one order had been breached.

The evaluation has identified some areas for improvement. That was the intention behind having a pilot. More work will be done to extend the availability, for example, of a wider range of sanctions and rewards for non-compliance and progress.

It is the philosophy of the drugs court that there will be relapses. We know that. The court deals with them through the regular reviews of progress of the offender. Failure to comply is investigated and dealt with appropriately. The Criminal Justice (Scotland) Bill will strengthen the powers of the drugs court by providing it with a range of interim sanctions.

We propose to amend the order-making power for variance of the duration of interim sanctions from negative resolution procedure as it stands in the bill to affirmative resolution procedure, giving the Parliament the opportunity to debate any proposed change if at any time the need arises.

Interim sanctions will send a warning to the offender without the need to revoke the order. The offender who fails ultimately faces the possibility of a custodial sentence for the original offence and the loss of access to the supervision and support offered by the drugs court order. If the offender succeeds, he has the chance to reduce or eliminate dependence on drugs, to re-establish family ties or reduce the burden on the family, to eliminate crime and to become an accepted

member of the community. That is what lies at the end of the order.

I make it clear that it is imperative that we provide extra funding that DTTOs and drugs courts need so that offenders have quick access to treatment. The money comes on top of the additional resources already going into building the infrastructure to combat drug abuse. Some £13 million is going to NHS boards for drug misuse treatment from 2001-02 to 2003-04; an additional £21 million is going to local authorities for rehabilitation services from 2001-02 to 2003-04.

That is a clear demonstration that we intend to take the fight against drugs seriously. Our drugs strategy is not focused on either treatment or enforcement. It is wide ranging, combining improvements in specialist provision, expansion of needle facilities, better shared care arrangements, a tough drugs enforcement policy and innovative criminal justice interventions. The DTTOs and the drugs courts are an essential part of that strategy.

I move amendment S1M-3641.2, to leave out from "notes" to end and insert:

"welcomes the commitment of the Scottish Executive to address the problem of drug misusing offenders by establishing pilot drugs courts, the success of Drug Treatment and Testing Orders and the Scottish Drug Enforcement Agency, the additional resources made available to agencies within the criminal justice system, local authorities and the NHS to support its co-ordinated approach to reducing or eliminating the dependence on or propensity to misuse drugs and its integrated strategy to tackling drug-related crime and reducing the impact which this has on communities."

11:14

Roseanna Cunningham (Perth) (SNP): I welcome the Deputy Minister for Justice to his new responsibilities. He has perhaps been thrown in the deep end and I dare say that he is having to stick fairly closely to his brief, but I hope that he enjoys his time in the justice department.

When I read the Tory motion, my immediate reaction was that the Tories have simply not understood the point of the drugs courts in the first place. Lord James Douglas-Hamilton received a written answer that showed that there are far fewer breaches of orders in drugs courts than there are in non-drugs courts. In fact, of 59 orders made since November 2001, only three have been breached, resulting in imprisonment for the offender, which is exactly what was meant to happen.

Bill Aitken: Is Ms Cunningham aware of the number of outstanding cases relating to people who have gone before the drugs courts?

Roseanna Cunningham: I am absolutely aware of the difficulties that the drugs courts face. I have

sat through drugs courts proceedings. I also know that it is important that we allow the sheriffs who are there to gain specialist knowledge and expertise and make their decisions and use their discretion as to what is appropriate.

I have visited and sat through an entire day's proceedings of the drugs court in Glasgow. I was very impressed by the hard work that was being done by the sheriffs, the staff, the drugs workers, the social workers and fiscals, on whom a heavy work load has fallen. That has meant that a degree of court expertise and specialist knowledge has been built up, which is vital and should be built upon.

What most impressed me were the considerable advances made by a number of the offenders. We should remember that getting free of drug addiction is very hard work indeed and that there are bound to be setbacks. We have to allow the space for that to happen. It was pointed out to me quite forcefully that when offenders received encouragement from the sheriffs and social workers, that was often the first time that any of them had received praise of any kind at all. The fact that we can achieve that within the criminal justice system is a huge step forward. I would have thought that it was worthy of commendation instead of condemnation.

The scale of the problem that we are dealing with in Scotland is only too well known. Recent figures suggest that as many as one in 50 people in Scotland is misusing drugs. According to some estimates, an addict will commit an average of 26 crimes a month to support a £1,500-a-month drug habit. Getting just one addict cleaned up will mean that there are 26 fewer victims of crime and that there is considerably less work for an over-stretched police service.

That is not to say that there are not problems. There is evidence that referrals from the police have been fewer than expected, not because the police do not support the concept of the drugs court but because they feel ill-equipped to make the decision about suitability. Perhaps work needs to be done to address that issue.

There is also, apparently, a problem with solicitors who are beginning to feel that for them the drugs courts work is simply not profitable enough to be involved in. There are specific reasons why that is the case and I will raise the matter with the minister separately. The problem has just been flagged up and we do not want to see such problems getting in the way of the good working of the drugs courts.

There is under-resourcing, but the source of the difficulty is not within the court itself. The bottleneck appears to be at the level of the drug treatment and supervision team, which also handles the DTTOs that are handed down by

other courts and is severely stretched. That needs to be addressed.

We also know that the waiting times for non-court-related drugs services can be very lengthy. In Aberdeen, waiting times for access to the medical drug problems service was nearly 14 months in 2001-02; in Dundee, the wait is frequently seven to eight months and can be as much as double that; and in Fife, as I understand it, the wait is nine to 10 months. The irony is that such lengthy waiting times can mean that treatment is more likely to be forthcoming if drug users are caught committing crime, by which time the addiction is probably even more difficult to address. That is not a reason for attacking the drugs courts; it is a reason for addressing the problem of under-resourcing in those other services.

DTTOs are the one way, apart from the drugs courts, that drug offenders can be dealt with in the community at a considerably reduced cost compared with sending them to prison. Even so, DTTOs are available in only a few areas of Scotland. I welcome the announcement today of the extension of DTTOs to Lanarkshire and Ayrshire and I look forward to further extensions in the near future. In spite of what the absurd Tory motion says, the truth is that limiting such interventions to those who have committed very few crimes will restrict their usefulness and will increase harm to society.

In conclusion, I caution all members, particularly the minister, not to evaluate the drugs court purely on the basis of a cost evaluation that considers only the money that is spent on the court and its attendant services. Unless that expenditure is measured against the benefit to the community that is achieved as a result of there being fewer victims of crime, fewer crimes to investigate and less pressure on the health service in the long run—a benefit that is much harder to calculate—we will not see the true worth of the experiment and the need for all the advantages to be extended to the whole of Scotland. The alternative would be simply to give up on rehabilitation. I strongly hope that no member wants to go down that route.

I move amendment S1M-3641.1, to leave out from "regrets" to end and insert:

"welcomes the work of the drugs courts in diverting users into effective rehabilitation programmes; acknowledges the dedication of the fiscals, social workers, drugs counsellors and sheriffs who have worked to make the drugs courts successful; considers that further resources are required to ensure the continued effectiveness of the drugs courts, and calls on the Scottish Executive to ensure the early roll-out of drugs courts and the provision of the necessary resources so that offenders in all areas of Scotland will have equal access to the same rehabilitation opportunities."

11:20

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

I disagreed with nothing that Ms Cunningham said in her speech and I agreed with nothing that Mr Aitken said in his speech. So much for Iain Duncan Smith's attempts at social inclusion, meagre though they were—they have crashed down today with Mr Aitken's appalling and dreadfully ill-informed speech. Iain Duncan Smith famously went to a council estate in Glasgow to talk with feeling and compassion about the drug problem. Although we know that crack is little used in Scotland, he wrongly identified all the paraphernalia of a heroin user as being that of a crack user. So much for Tory knowledge on drug issues. They have scored an enormous own goal today.

There are 55,000 drug addicts in Scotland. That is the most recent estimate from Neil McKeganey of the centre for drug misuse research at the University of Glasgow. More than £500 million a year—£190 million in Glasgow alone—is stolen or shoplifted to finance drug habits.

The Executive is taking a two-pronged approach to the problem. The first prong is to cut supply through enforcement. There has been an increase in seizures but, regrettably, that has not been reflected in an increase in the street price. According to the Government's figures, the street price of class A drugs has dropped by 20 to 40 per cent in the past five years. That shows that the increased seizures represent a smaller proportion of the amount of drugs that is coming in. On enforcement, that is the principal problem that the Executive faces.

The second prong in attacking drug misuse is to cut demand through education, treatment and rehabilitation. We want to break the cycle of drug dependency and of reoffending. The minister referred to the revolving door scenario of stealing to use, going to prison, being back on the streets, stealing to use and going back to prison. We want to get addicts into treatment, into recovery, into mainstream life and into employment, so that, instead of continuing to be a drain on public spending, they become contributors to public spending through the taxes that they pay. We are talking about a policy of spending to save.

My party and I fully support drugs courts and drug treatment and testing orders. They have clear objectives, which are being met. Those objectives are to reduce drug-related crime, to get drug addicts into treatment, to break the cycle of reoffending, to reduce the burden on the criminal justice system and to reduce the population in our prisons. I repeat—that is a policy of spending to save. The cost of a 12-month DTTO is £7,992, whereas the average cost of 12 months in prison, which does not include drug treatment, is £26,700.

A year on, the in-house evaluation of the effectiveness of the Glasgow drugs court pilot scheme has shown the value of fast-tracking offenders, the waiting list notwithstanding. The most important aspects of the scheme are the development of a trained, dedicated team the members of which are in regular contact with each other and with the offender and a system of pre-court meetings and reviews.

Of course operational problems have been identified—that was the whole point of the evaluation. The Tory attitude is, "Let's pull up the plant by the roots to see how it's growing." That is a destructive approach. The evaluation has identified the work-load problems and the need for a wider range of rewards and sanctions for non-compliance and for those who have made progress.

The initial assessment is that the Glasgow drugs court has largely been a success. Offenders have reduced their drug taking by 90 per cent. In the six months since the implementation of DTTOs, offenders' spending on drugs has reduced to £57 a week from an average sum of £490. There has also been a reduction in the number of drug-related offences in Glasgow.

We look forward to the important independent assessment that will follow next year, before a roll-out across the country. The roll-out depends on certain things. Ms Cunningham was right to say that the real problem is the availability of places—residential and day—on treatment programmes. As Mr Lochhead has observed in the past, the long waiting list for methadone treatment is a particular problem. If people do not get methadone treatment when they are at rock bottom, they are more likely to reoffend and to return to prison, which means that we fail to break the cycle.

I do not know when Mr Aitken last visited a prison; it is clear that he has not done so recently. Perhaps he did so in Dickensian times.

Bill Aitken: Will the member take an intervention?

Mr Raffan: I hope that the member will listen to my point. I will give way briefly after I have made it.

It is virtually impossible to keep drugs out of prison. When I went to Saughton prison, the deputy governor told me that Henry McLeish's sniffer dogs had been in the day before and that they had not found anything. Half an hour later, one of the prison officers found a huge ball of cannabis, which was wrapped in plastic and covered in Bovril. The sniffer dogs did not succeed on that occasion. It is difficult to keep drugs out without having closed visits. If one had closed visits, there would be prison riots. We need the Tories to say how they intend to keep drugs out of prison. They do not have a clue at the moment.

I welcome the Executive's move towards drug treatment in prisons, which Cranstoun Drug Services has been appointed to undertake. We must get that process going, so that once people get out of prison, they do not get on the bus and go back to the same environment and to their dealers. That is about the only point on which I agree with Mr Aitken. The Tories' neanderthal approach shows that they have learnt nothing.

We must praise those who have been involved in drugs courts and DTTOs, because their work is hugely valuable for our community, for our society and for drugs offenders, and it has helped to reduce crime. They deserve our support. I look forward to the independent evaluation.

11:27

Miss Annabel Goldie (West of Scotland) (Con): Although I speak in support of the motion, I would like to broaden the debate. In particular, I will consider rehabilitation and, if it is not too ambitious to do so, prevention.

The amendment in the name of Mr Wallace is instructive, because it refers to a number of bodies to which resources are allocated. I accept that those resources are being allocated to considerable effect. Amendment S1M-3641.2 refers to pilot drugs courts, drug treatment and testing orders and the Scottish Drug Enforcement Agency. It also mentions the fact that additional resources are being made available to agencies within the criminal justice system, to local authorities and to the national health service.

I am full of praise for the allocation of resources, but I must ask what it is achieving. It is disconcerting that the distribution of resources is fragmented and it is depressing that the statistics point to a steady increase in drug-related crimes and deaths. Are we clear about what does not work? I share Mr Aitken's scepticism about recent documents such as "Taking Drugs Seriously" and the good drugs guide for clubbers. If we seek to give guidance to young people—it is interesting that young people seek such guidance—the kind of dangerous babble that those documents contain is unhelpful and has a negative effect. To be frank, they are an affront to the intelligence and the common sense of our young people. My criticism of those documents is unqualified.

I will move on to more positive territory. Have we any idea of what works and of whom we should be speaking to? Mr Aitken referred to Maxie Richards, whom I have known for a number of years. It is no understatement to say that her work and achievements in rehabilitation make her a miracle worker. It is humbling to meet her. Although she is diffident by disposition and nature, when it comes to dealing with drug abuse, she is

determined, resolute and unconquerable in seeking to do her best for young addicts and victims who might have nowhere else to turn.

I spoke to Maxie Richards just last night. I asked her what she thought rehabilitation meant. She answered that it meant three things: taking young people seriously, providing meaningful rehabilitation in a concentrated manner and introducing a change of environment by removing the individual from the threats that exist. In her opinion, rehabilitation, if handled properly, can take people off drugs in as little as 10 days.

Mr Raffan: Will the member give way?

Miss Goldie: I will give way when I have finished my point.

Maxie Richards believes that once rehabilitation has been effected, a change of environment can be vital in continuing to save an individual from going back on to drugs. Her success is proven and I urge the minister to contact her if that has not been done. All I ask is not that the minister expresses an opinion about her work today, but that he sees how she works and to what effect.

Mr Raffan: How shall I put this tactfully? Maxie Richards's approach and her opposition to methadone in particular are somewhat controversial—I do not support her view. Of course, one welcomes anybody who produces positive results, but I am amazed at Annabel Goldie's reference to 10 days for somebody to get off drugs. The usual estimate is between six weeks and six months. If the member talks to any experts—I can give her a list—she will find that out.

Miss Goldie: I welcome Mr Raffan's intervention, which showed the huge uncertainty about the best way to progress. All that I can say is that I tend to rely on evidence. Perhaps that is because of my dreary training as a lawyer, but the evidence is that Maxie Richards has a proven record of success. Many recovered addicts' families will testify to that. It is interesting that the judiciary's interest has also been evident. She is a not uncommon source of referral by the bench.

My message to the minister is that we must consider what we spend resource on. Significant amounts of money are being allocated in genuine attempts to deal with drug abuse in Scotland. Much more perplexing is to determine whether those sums are being spent to best effect, whether there are lessons that all of us can learn, and whether that means that we must begin to speak to the right people.

11:31

Janis Hughes (Glasgow Rutherglen) (Lab): I am pleased to have the chance to speak in the drugs courts debate and I welcome Hugh Henry to his new post. In politics, there is nothing like hitting the ground running.

I do not think that a single member would disagree that drug use is a problem in Scottish society. In constituencies such as mine—Glasgow Rutherglen—drug use causes many associated problems. That is why our approach to tackling the issue must be multidimensional. Again, I think that no one would disagree with that.

We must deal with rehabilitation and drug use locally. The work of drugs forums in my constituency, including the Rutherglen and Cambuslang drugs forum and the Toryglen drugs forum, and in other constituencies is crucial to that.

We must also find an appropriate way to deal with criminal behaviour. Simply sending offenders to prison without any rehabilitation does not work. They leave prison, reoffend and remain trapped in a cycle of drug abuse, prison and crime. Drugs courts offer us the chance to take offenders out of the prison system and start them on the road to rehabilitation, which benefits us all in the long term. For the Tory motion to describe drugs courts as

“a means of avoiding a prison term”

is misinformed and mischievous—rather like Mr Aitken, I fear.

I do not doubt that members are aware of the extent of the problem in Glasgow. Recent studies show that 70 per cent of people who are arrested in the city have used drugs. Unfortunately, as we have heard from members, bitter experience has taught us that sending someone to prison is no guarantee that they will not get their hands on illegal substances. There is no point in sending criminals with drug problems to prison without dealing with their addiction. That is why drugs courts work and why the report of the first six months of the pilot shows that the pilot has been a success. That might not be what the Tories want to hear, but that is a fact.

The Scottish drugs courts have been a resounding success, and the introduction of drug treatment and testing orders has helped to achieve a decrease in offending and in drug taking among offenders who have been placed on orders in the pilot areas. I am delighted that the minister announced today funding to introduce drug treatment and testing orders in Ayrshire and Lanarkshire. The orders work, and extending their application is the way forward.

I agree with Bill Aitken's motion in that of course

sufficient resources to manage drugs courts are essential. However, the motion's overall negativity is disappointing, although—unfortunately—not altogether surprising.

I am unclear what the Tory motion means by saying that the Executive sends out mixed messages on drugs. The Executive is fully committed to tackling drug misuse in Scotland's communities. The First Minister recently outlined a proposal to confiscate the profits that drug dealers have made, with the proceeds going to the families of victims of drug misuse. The Scottish Drug Enforcement Agency has been created and £100 million has been allocated to tackle drug misuse in constituencies such as mine. I am not sure why the Tories have a problem with that.

The Tories' age-old message to just say no and their approach of lock 'em up and throw away the key have failed. They failed for 18 years when drug misuse escalated in Scotland. Like the Tories, they have never been more irrelevant.

I add my support to the Executive's amendment.

The Deputy Presiding Officer: We have a bit of time in hand, so members can stretch their speeches by a minute or a minute and a half.

11:35

Richard Lochhead (North-East Scotland) (SNP): I welcome the debate, sponsored by the Tory party. However, a sense of irony prevails, as the Parliament was left to pick up the pieces after the 18 years of Tory Government during which substance misuse in Scotland went through the roof. It is extremely difficult to think of any successful initiative by the Tories to tackle substance misuse in Scotland during their 18 years, but thankfully, the Parliament is beginning to address the issues and to undertake desperately needed new initiatives.

One reason why I take a close interest in the issue is that I want to help people who are on drugs to live productive and healthy lives and to contribute to Scotland in the future, and to save their families much grief. Another reason is the need to cut drug-related crime, which is one of the biggest social issues—if not the biggest issue—that faces many of our communities throughout Scotland.

That is the case in Grampian, which I represent. Aberdeen has the second-highest crime rate in Scotland, but double the national average figure for house breakings. In Scotland, 80 per cent of house breakings are drug related. Every day one can pick up any newspaper from north-east Scotland and it will be riddled with stories about people who have been jailed or given drug treatment and testing orders for drug-related

crime. It is essential that the debate concerns cutting crime as well as helping people to get off drugs.

We know that putting people in prison does not work. A revolving-door syndrome is involved. Even in Craiginches prison, where 80 per cent of inmates test positive for drug use, the limited services are virtually collapsing. Three drug agency workers and three Scottish Prison Service staff are supposed to be based in the prison to deal with drug issues. A few months ago, I discovered that only two of those six posts were filled, although the prison has one of the biggest drug problems in Scotland. After public outcry, the situation was addressed and some posts were filled, but I found out this morning that the prison's drugs co-ordinator has resigned. A few months ago, most of the posts were filled to help to get inmates off drugs, but now, only two of the three agency staff posts are filled and only one fully trained prison staff member is in post. We are back to square one. The situation in the prison continues to worsen rather than improve.

What does that mean? We must look outside the prison to help to get folk off drugs and to tackle the problem. We want a drugs court in Grampian. Of all the places in Scotland where a pilot should have been established, Grampian should have been chosen, because it has had the biggest increase in drug misuse in Scotland in the past 10 years and has the third-biggest drug misuse problem. The local authorities have identified 1,700 opiate users in Grampian, 1,300 of whom have used treatment services. Some estimate that there are roughly 3,500 opiate users in the region and others put the figure as high as 5,000. That is the scale of the problem, which relates to heroin and more recently to crack cocaine.

After many people leave prison, they end up back on the streets. They continue to use drugs and commit crime, then return to prison. That must stop. I suspect that one reason why Grampian has not had a drugs court is that it does not have the resources to service a drugs court. The situation is as simple as that. As Roseanna Cunningham said, Grampian has the longest waiting list for referral to the local drug problems treatment service. Addicts who are committing crime now were referred to the service 18 months ago, but still wait for their appointments. They want to get off drugs and most of them are committing crime, but they are being told to return in a year and a half, when they can perhaps be helped. The situation is unsatisfactory.

In 1992, 250 referrals—excluding alcohol cases—were made to the local drug problems treatment service. One consultant psychiatrist and one registrar worked for the service. In 2002, several thousand referrals have been made to the

same service, but still only one consultant psychiatrist and one registrar work for the service. The number of psychiatric nurses who work for the service has increased to about 24 and other senior staff have been employed, but no increase has been made in key posts over the past 10 years. Demand for the service is going through the roof, which is one of the reasons why people are told that they have to wait 18 months.

Mr Raffan: Richard Lochhead has placed his focus on consultant psychiatrists. I am not denying that they are important in leading the service, but the crucial thing is to have trained drug counsellors who can offer group therapy and other forms of treatment. The trained drug counsellors handle the day in, day out treatment, not the psychiatrists.

Richard Lochhead: I do not dispute Keith Raffan's point, but other parts of the country, where there is less demand on such services, have more consultant psychiatrists and other staff. I am thinking of Glasgow, which I believe has three consultant psychiatrists. We must look at the share of resources around the country.

To put the icing on the cake, of all the health board areas in Scotland, Grampian has the lowest level of drugs funding.

The Deputy Presiding Officer: The member has one minute.

Richard Lochhead: I welcome the new minister to his post and ask him to turn his attention to the situation in Grampian.

Drug treatment and testing orders have been piloted in Aberdeen where they are meeting with success. I will finish by giving an example of their success, which shows that it is worth while to go down the road of giving the courts alternative disposals and not simply putting people in jail to get them off drugs.

I asked the local council for a case study to highlight an individual's progress through a drug treatment order. The council gave me the following example:

"A is a 30 year old male, who has been involved in heroin use since the age of 16. At the time of being referred to the Drug Treatment and Testing Order Project, he had a total of 88 previous convictions and had served 24 custodial sentences ... He was made subject to an 18 month Drug Treatment and Testing Order in February 02".

The case study concludes:

"He has built relationships with his family and is presently in a permanent relationship and investigating the possibility of securing a mortgage in order to buy a flat."

I finish by saying that we must build on successful initiatives such as that. We have to ensure that such initiatives are up and running in Grampian, which has lagged behind in securing the resources that are needed to service them.

Finally, the economics—

The Deputy Presiding Officer: I think that that is your third “Finally”, Mr Lochhead.

Richard Lochhead: We would have saved a lot of cash for society if the individual I mentioned had been enabled to get treatment earlier in his life.

11:42

Mary Scanlon (Highlands and Islands) (Con): At the outset, I say that, although I condemn the comments that were reported last week, I do not think that any of us could criticise Richard Simpson’s commitment to addressing one of Scotland’s most difficult problems. [*Applause.*]

I served on the Health and Community Care Committee with Richard Simpson for two and a half years and his commitment to and knowledge of health issues and Scotland’s health are second to none. Nonetheless, I look forward to working with Hugh Henry.

I will concentrate on point (b) in Bill Aitken’s motion, which addresses “treatment to undergo rehabilitation”. I have three points to make. The first is on the effect of the effective intervention unit. Last week, I read a paper on support for families and carers of drug users. Several families in Inverness have tried to get support and advice, but a social worker has not been available for families since January this year. I know that there is a national shortage of social workers, but unless all the key personnel are in place, the support systems do not work.

People are told to go to AI-Anon. Although it is an excellent organisation, which operates at no cost to the taxpayer, we should ask where public money is going and how people are being served by it. We know that the Executive allocates money to address the drugs problem. I say to the minister that, when people look for doors to chap on to find help, they get the serious runaround.

During the recess, I phoned Richard Simpson on that point to ask for help and found him extremely helpful in understanding the problem. Mothers Against Drugs has set up many support groups throughout Scotland to enable mothers of drug users to support each other. There is a particularly good group in Alness, with which I know Maureen Macmillan is familiar.

My second point is about Ritalin. This week, I met representatives from the Overload Network. If its figures are correct, the increase in the use of the drug is seriously worrying. I know that Ritalin is not the subject of the debate today, but the Overload Network raised the issue of the effects that taking Ritalin can have on children as they move into adolescence and adulthood. I highlight the long-term effects of taking the drug.

My third point is about the methadone programme. I fully support the comments that Annabel Goldie made about doing what works. Many members are trying to address cases in their constituencies and, because we are not experts, we look around to try to find information on what works.

Last week, a pharmacist told me that one of her regular methadone users had expressed a desire to reduce the dose and work towards a drug-free lifestyle. His request was met by him being given a full week’s supply of methadone. He was sent home with no support and left to his own devices. As he had a bottle of methadone in his home, the temptation led to increased not decreased use. He is now back to stage one and believes that he cannot reduce his dose.

Last week, I received a letter from a parent who lost their son to methadone. He was not a heroin addict but was put on methadone all the same. The substance of my concern stems from a parliamentary answer that confirmed that it was more difficult to come off methadone than heroin.

Mr Raffan: I want to be clear about the Conservative position on the matter. Are the Conservatives coming out against methadone treatment? A lot of us would be concerned about that. Methadone is not ideal, but it works for a lot of people. Many addicts manage to reduce the dose, keep off crime and get their lives back in order.

Mary Scanlon: I appreciate that point, but today I am asking questions. Any politician makes judgments only on the basis of knowledge, as I am sure Keith Raffan appreciates.

I have asked questions about the number of people in Scotland who are on the methadone programme. The answer was promised by the end of October and the previous minister with responsibility for drugs assured me that it would now be available by the end of November. Surely we need to know how many people are on the programme, how long they have been on it and how many people have progressed through it to gradual dose reduction. We know that there is insufficient advice and support for many people who are on the programme. We also know that detox and rehabilitation options are rarely offered. I asked the Executive how many places are available in Scotland for drug and alcohol rehabilitation. I was told, as MSPs are often told:

“The information requested is not held centrally.”

I say to the minister that more information is needed so that politicians can make correct judgments on the basis of accurate information.

There are alternatives to the methadone programme. I understand that drug addicts in

France are offered buprenorphine, which is a substitute treatment for opiate dependence. I also understand that recent research in France illustrated that 47 per cent of people who are on the programme are in stable occupational activity. How many people on the methadone programme hold down jobs? I also understand that buprenorphine results in the marked reduction or elimination of the effects of additional methadone use.

France may not have got it all right—I do not know, we are here to learn. I do know that 8 per cent of drug addicts in France are on methadone and 92 per cent are on buprenorphine. Why cannot we have similar pilot studies to manage opiate withdrawal? Not only would they be of benefit to patients, they would help families, improve employment status and reduce drug dealing and theft.

Given that the success or failure of the drugs strategy rests largely with the drug action teams, what effective audit and monitoring is taking place to ensure that the drug action teams deliver in addressing Scotland's drugs problem?

The Deputy Presiding Officer: I call Christine Grahame. In view of her dual identity, I ask her to confirm that she is speaking for the SNP and not as the convener of the Justice 1 Committee.

11:49

Christine Grahame (South of Scotland) (SNP): That is correct.

First, I take the opportunity to put the record straight on the SNP policy on the prosecution of drug dealers. I refer to the *Official Report* of last Thursday's First Minister's question time. The First Minister said:

"Silly proposals about sending drug dealers to drugs courts do not help that debate. I want to ensure that, in Scotland, we get the dealers and get people off drugs too."

He prayed in aid a quotation:

"I will quote from the Scottish National Party's press release from this morning, which says that the SNP pledges to introduce drugs courts 'to use the full force of the law on those individuals who are profiting from drugs.'—[*Official Report*, 21 November 2002; c 15651.]

The press release actually says:

"Mr Swinney said the SNP will roll out drugs courts across the country so denying dealers a market by giving addicts the help they need to get off drugs while also using the full force of the law to put the producers and dealers in jail. Commenting he said:

'In 1999 the SNP pledged that we would introduce special drug courts to firstly break the cycle of drug taking and crime and secondly to use the full force of the law on those individuals who are profiting from drugs.'

That is not quite the same thing.

I know that the First Minister is a man of integrity—he tells us so—and I am sure that he will be pleased to endorse that correction on the record. Let me tell him, too, that I have booked an appointment for him with an optometrist, so that he can deal with any problems that he has in reading press releases.

I refer to the Scottish Executive's press release of 14 May 2002, which is headed, "Drug courts judged a success". It goes on to say that the then Deputy Minister for Justice

"praised the work of the team set up to oversee the court and the effectiveness of inter-agency working that has become its hallmark ... The drug court is supported by seven different agencies who contribute to a dedicated team that attempts to ensure the smooth working of the new procedures".

The team is undoubtedly dedicated and certainly attempts to ensure smooth working of procedures, but it is not having much help with resources.

I refer members to the Executive's own research, which says:

"The existing demands placed by Drug Court Orders and by a perceived increase in DTTOs made by the Sheriff Court were contributing to low morale and a feeling of being overloaded by the frequency of client appointments required. This resulted in staff taking 'shortcuts', such as using information directly from reports prepared by other professionals rather than providing an integrated summary of the relevant material."

That has been endorsed by recent reports in the Sunday papers of the state of distress and anxiety among social workers who feel that they cannot cope. They want to cope and the system to work, as we and others do, but they are not being resourced.

The research goes on to say:

"There was a feeling, throughout most of the interviews, of what one respondent described as, 'that bit of, my bit being more important than your bit.' Whilst a certain amount of professional jealousy provides a useful stimulus to multi-agency working, the views recorded during this evaluation suggest a more unhealthy inter-disciplinary rivalry."

There will always be problems when one pilots something as revolutionary as the drugs courts, which were recommended by the SNP as long ago as 1999. However, we must not draw a veil over the initiative. If the Executive is planning to resource drugs courts for other areas, will it please examine the existing difficulties? We do not want the scheme to fail for the want of resources.

As we know, the background to that is the fact that 20 per cent of social work places advertised in the criminal justice system are unfilled. It is unfair to the professionals not to provide them with resources or to recognise their problems. I do not say that to undermine drugs courts, but to be honest about them. The principle is excellent.

Anyone who has served on the Parliament's justice committees from the beginning, as I have done, knows that prisons often contain very sad people who have offended against society and who have stolen, but only to pay dealers. The statistics show that, as soon as they come out of prison and return to the communities in which the dealers live, they go back to crime and back into prison. It is a waste of people's lives and resources.

I cannot use up all my time, but I have made my point. I want the minister to examine clearly and be honest about the resourcing of the current pilot projects. He must ensure that the front-line workers who try to help drug addicts are supported and know that the Parliament recognises the stresses that they are under.

11:54

Pauline McNeill (Glasgow Kelvin) (Lab): I begin by apologising for being late to this debate. I am sorry that I did not hear everyone's speeches. I did not mean any disrespect to Parliament—I had transport problems. Bill Aitken and I share an interest in transport. It is an issue close to our hearts that we have discussed many times in the Justice 2 Committee.

I congratulate Hugh Henry on his new appointment and welcome back Roseanna Cunningham, who has been absent for some time. She has been missed, although Christine Grahame and Michael Matheson have done a wonderful job in her absence.

Drug misuse is the single most difficult issue that our society faces, and we all know that there are no easy solutions. We face it in every sphere of life and, as politicians, have a heavy responsibility to match solutions to serious problems. It is a measure of the maturity of the Scottish Parliament that so far we have had such a constructive debate on the strategy that we should adopt. We may have our differences, but there has been a mature approach to the debate.

The drugs court is a new concept in our justice system. Specialist courts are fast becoming a feature of the system as we examine specialist approaches to other areas of offending and recognise that we sometimes need an expert approach to break the cycle of offending, particularly in relation to drugs. The success of drugs courts has been debated this morning, and I acknowledge the success of the pilots that we have been able to examine. However, we must constantly search for the signs that drugs courts are worth the investment that we are making.

The Justice 2 Committee recently heard evidence from Sheriff Matthews, who has presided over the drugs court in Glasgow sheriff court. He

emphasised the multidisciplinary team approach to justice. Seven agencies, including sheriffs and social workers, are involved in the partnership team and work together to provide an expert approach. He also emphasised that if the experts believe that an offender is failing, he would regard it as an indication that the programme is not working and that the offender should be referred to another sheriff for another sentence.

The new provisions in the Criminal Justice (Scotland) Bill are important. They will nail for ever the lie that a DTTO is a soft option, because sheriffs will be able to impose a period of detention if they believe that that is appropriate. The minister should take note of another technical matter that has been raised by the Justice 2 Committee. During the progress of the bill we may need to examine the provisions about the breach of a DTTO, so that, in line with their human rights, if offenders want to deny that a breach took place they will have the opportunity to do so.

By all accounts, coming off drugs is hard, which is why we must allow for offenders receiving treatment having some failures along the way. We cannot stand here in judgment of offenders and say that it is easy. A simple failure should not be an automatic breach of the DTTO. We also know that the order can last as long as 36 months, so it is in no way a soft option.

The crucial test is not the number of DTTOs, but ultimately whether we cut the number of crimes related to the cycle of drugs and reoffending. Rehabilitation and assistance with drug misuse have been a strategy in our criminal justice system in relation to not just those appearing before our courts, but those in our prisons. It is a mystery to many why drugs are so prevalent in our Scottish prisons, but it is worth noting that we have important schemes in our prison service to help those who wish to deal with their problems. As Christine Grahame and I have mentioned on many occasions, there is also the wonderful work that has been done in Alva house in Low Moss prison. I hope that that work continues as we discuss the future of the prison service estates.

The post-prison release programme, which the Executive announced at the beginning of this year, is a 12-week programme to assist prisoners who have been released and have successfully dealt with their drug addiction. It is an extremely important programme. Offenders have said on many occasions to me and to other members of the justice committees that, having dealt with a drug addiction, they are then released into the community with no support whatsoever. I would like to hear more about the success of that particular programme.

Furthermore, it cannot be right for people to have a better chance of rehabilitation and

detoxification if they have offended, and we need to examine equality of treatment. I am sure that Keith Raffan will have pointed that out, as he always does, and it is an important point to make.

The Parliament is capable of carrying out very important work on this issue, and I hope that we continue to have a mature debate on our approach to this very complex and serious problem in our society.

12:00

Stewart Stevenson (Banff and Buchan) (SNP):

"There is more joy in one sinner that repenteth".

Although the Executive came rather later to drugs courts than did the SNP, its arrival is nonetheless doubly welcome. We share the view that drugs courts are the way forward.

I share members' concerns about the possibility of known offenders accessing treatment and support the pleas for further investment to ensure that people who wish to come out of addiction have the opportunity to capitalise on that wish and motivation before it disappears.

Although we are debating drugs courts and therefore addiction to illegal drugs, we should remember that the general addiction to drugs is much wider than we would sometimes care to acknowledge. Even in this relatively sparsely populated chamber, there will be a number of drug addicts and people who are in remission. No, I am not looking at you in particular, Presiding Officer. It is 30 years since I had my last cigarette and I can fairly claim to be in remission. However, temptation is present every day: someone in the pub might pass round a packet of cigarettes and, under certain circumstances, I might unconsciously reach for one. Fortunately, the social norms mean that such an occurrence happens less frequently. We should not cast stones at addicts, because many of us are addicts ourselves.

Mike Rumbles, who is not in the chamber today, has taken a close interest in the subject of alcoholism. I know that he would wish me to remind the chamber that that legal drug has caused serious addiction problems.

However, the debate is about the role of drugs courts in getting people out of addiction and out of crime. Bill Aitken was absolutely wrong to characterise such courts as a get-out-of-jail card; they actually represent a get-out-of-crime card. The current arrangement of treating addicts in the mainstream court system simply has not worked, and we must try another option. We are testing drugs courts. It is possible that they might fail, although I believe that with a fair wind, proper

resources and enthusiastic and committed professionals they will succeed. We must make them succeed, because at the moment there is no other visible option.

In my role as sweeper in this debate, I want to address one or two other issues that have not yet been covered. In its 1999 manifesto, Labour promised to double to 200 the number of police officers in the Scottish Drug Enforcement Agency. We are still below that figure, and have not heard any plans to increase numbers in early course. Perhaps that will happen next year. However, the Executive is taking a very long time to deliver on an important commitment that was made nearly four years ago.

I want to turn to the difficulties about the Executive's need to work with its colleagues in government in London. I raise the issue not to make a constitutional point, but to make a practical one. Because legalising drugs is a reserved matter, Home Office debates down south will affect the situation in Scotland. I seek the minister's assurance that he is working closely with colleagues elsewhere. Our views on the matter are well known, and I will not repeat them.

However, I draw particular attention to the Criminal Justice and Police Act 2001, which makes it an offence for property owners knowingly to permit or suffer the use of a controlled drug on their property. Such a provision means that landlords cannot rent property to drug addicts if they know that addicts are likely to permit or suffer the use of controlled drugs on that property. As a result, there is a one third higher prevalence of heroin use among people in hostel accommodation and a 94 per cent higher percentage of heroin use among people of no fixed abode than in other groups. Those people cannot qualify for DTTOs because they are homeless. It is important that we examine other aspects of the system if we seek to minimise the effects of other legislation on drug addicts.

I should also point out that because the number of customs officers has been dramatically reduced, the drugs business continues to be successful and the channels to market remain open.

We must put the drug user at the centre of our concerns. Drug dealers are a different issue, because they volunteer to deal drugs. Once drug users have been exposed, perhaps on a single occasion, to the use of drugs, they cease to have a choice. Their addiction compels them down a path that leads to criminality. I very much welcome the introduction of drugs courts and very much regret that the Tories are unable to see beyond the justice system to provide justice for the community and addicts.

12:07

Donald Gorrie (Central Scotland) (LD): I was reflecting on Stewart Stevenson's suggestion that we are all drug addicts of some kind. I think that he is correct: my drug is probably the enjoyment that I get from stirring things up. I welcome the Executive's attitude to drugs, and the progress that has been made on the matter. As a regional member, I also welcome the decision to extend the system to Lanarkshire and Ayrshire.

Many members know much more about the subject than I do and have covered it very well. Indeed, my friend Keith Raffan keeps on about the subject. As a result, I will try to approach it from a different angle. The amendment that I support mentions

"reducing ... the ... propensity to misuse drugs".

Yesterday, I praised the Enterprise and Lifelong Learning Committee's report for including a phrase about the cost of not doing things. We have to focus on the cost of not treating the causes of people becoming involved in drugs. The notion of spending to save is widely accepted, and my argument is that we should spend more to save on the "propensity to misuse drugs".

Many people come to drugs through family breakdown or family violence. This afternoon, we will have a debate on domestic abuse, which is an issue that is clearly related to drug activity. Both Scottish Women's Aid and Couple Counselling Scotland, which tries to help couples not to split up, are underfunded and could use a lot more money to carry out their good work properly. The Executive must take a wide-ranging approach to the matter and adequately fund organisations that carry out such important work.

We must create communities that are based on the ethos that people should not go into drugs. That includes helping communities to develop in their own way instead of having people like me tell them what to do. For example, recreation is important. Money that is invested now in a local football team on a housing estate will save thousands of pounds later on if it keeps one individual off drugs and out of jail because of drugs. Education and training, which we dealt with yesterday, are required to give people hope for the future and to give them a worthwhile job.

Another issue that I tend to go on about is alcohol. There is a relationship between alcohol and drugs, as many alcohol users later become drug users. Even in its own right, alcohol is probably a greater destroyer of lives than are drugs. We must attack that issue as well.

As other speakers have said, we need to go for a rapid response. It is no use having a nice scheme in six months' time. The person must get

the help when he or she needs it. There must be work in prison to help those who have succumbed to drugs. Good work is being done, but it is still not being adequately resourced.

We need joined-up government, whereby budgets on all sides are used to tackle the problem. That would reduce the number of people who get involved in drugs and so allow the drugs courts to do their excellent work on fewer people.

12:11

Michael Matheson (Central Scotland) (SNP): I shall refrain from following the example set by my colleague Stewart Stevenson in disclosing that he is a recovering addict, which was followed by Donald Gorrie, for fear that, if we all start getting up to disclose our addictions, the public may think that they have come in to watch some kind of counselling meeting. However, it was interesting that Donald Gorrie's stated addiction is stirring things up. His track record suggests that he has a serious addiction problem, but given the level of entertainment that he provides us with, I hope that he will not undertake counselling.

If one thing has come from today's debate, it is that the debate has helped to crystallise which parties in the chamber are serious about tackling Scotland's drugs problem and which are more interested in political rhetoric. During the course of the debate, the extent of the drugs problem in Scotland has been highlighted. Bill Aitken mentioned the £300 million that the problem costs Glasgow. Roseanna Cunningham mentioned how one in 50 people may be using drugs. Keith Raffan mentioned the fact that there are over 55,000 people who have some type of drugs problem in Scotland. The problem is massive and requires to be tackled.

In his opening remarks, Bill Aitken mentioned that the Parliament has had several debates on Scotland's drugs problem. A key theme that has run through all those debates is that there is no simple solution to the problem. We must be prepared to try new ideas if we are to tackle the problem effectively. It is sad that the Tories appear to be unable to accept that.

Bill Aitken was happy to quantify the extent of drugs misuse in Scotland, but he went on to state that, instead of the present approach, we require a "hard-nosed but compassionate approach". I am at a loss as to exactly what that might mean. He obviously included the bit about compassion to gain the favour of Iain Duncan Smith. Who knows what the phrase means in respect of drugs users—perhaps it means that we should bang them up with a smile? That does not strike me as being a serious approach to tackling Scotland's drugs problem.

We require a realistic approach to dealing with drugs in our communities. Keith Raffan put it well, when he said that we need to tackle reoffending. One of the most effective ways of dealing with those who commit crimes as a result of their drugs habit is to tackle their drugs habit, so that we can break that cycle in which people continue to commit crimes because they need to feed that habit. Helping people to tackle their drugs habit is exactly what the drugs courts are intended to do.

Mention was also made of the problems within our prisons. Having visited a number of prisons this year, along with Donald Gorrie and a few other members of the Justice 1 Committee, I know that there is a serious problem about the level of resources within our Prison Service to tackle those who go into prison with a drugs problem. That process started with the Cranstoun projects. Let us be under no illusion; we must continue to tackle the problem, but we must be realistic in how we tackle it.

The Tory contributions to the debate have been ill thought out. Now is not the time to start criticising the drugs courts. Now is the time to highlight the problems in the pilot project and to ask the minister to ensure that resources are provided so that the drugs courts can be successful and we can deal realistically with drugs abuse and with those who have a drugs problem in Scotland. We do not need to hear the political rhetoric that we have heard from the Tories today.

12:15

Hugh Henry: To some extent, I agree with Michael Matheson's point that the Conservatives have presented an ill-thought-out motion and debate. Having said that, the debate was valuable because there were some thoughtful, considered and constructive contributions. As I am new to the portfolio, I will certainly reflect on those contributions.

If I am allowed to say so, what was missing from the debate was Richard Simpson's contribution. He brought enthusiasm, knowledge and commitment to the issue and I do not believe that anyone could doubt the contribution that he made. I regret that his observations and experience are not part of this debate. I am sure that Richard Simpson will continue to develop his interest in the subject; that will be welcomed.

It is important to consider the context of the debate. We are just into the process and as some other speakers and I have said, we will inevitably make mistakes. The scale of the problem that confronts the country is so great and—as Stewart Stevenson and other members have said—the failure of what has been tried so far is so evident that something else must be tried.

Annabel Goldie asked what the resources are achieving. The early indications are that the investment is beginning to have an effect. We will, however, have to reflect on how effective it has been, what lessons can be learned and whether drugs courts can easily be spread across the length and breadth of Scotland.

I disagreed with very little of what Roseanna Cunningham had to say; indeed, there is little in the SNP amendment that I could disagree with. Where we cannot agree is on the demand for an early roll-out of drugs courts. It is right to test, analyse and reflect on the experience. That is the only thing that I could disagree with in what Roseanna Cunningham had to say.

Mr Raffan: Will the minister give way?

Hugh Henry: I really do not have time.

Some particular questions have been raised and comments made today. I will consider them very carefully and come back to members where necessary. I agree with a point made by Roseanna Cunningham and echoed by Keith Raffan—any evaluation should not be just about the cost of the drugs courts. The evaluation must be of the effectiveness of getting people out of addiction and of reducing crime. It would be a false economy if all we considered was expenditure. We will therefore have to consider the wider picture.

Richard Lochhead asked about having a drugs court in Grampian. We have made it clear how we intend to move on that. Christine Grahame raised the issue of social workers. I do not believe that the vacancy rates are as bad as she made out, but Cathy Jamieson has made it clear that she is concerned about the need to give a boost to the social work profession. She is considering the training of social workers and some initiatives have already been set up. We want to encourage and retain social workers. We know that there is a particular issue for social workers in the criminal justice system and we will consider that very carefully.

Mary Scanlon mentioned Mothers Against Drugs. I have some experience of families in my area who are tackling the scourge, and one thing is clear: many of those people welcome the initiatives of DTTOs and drugs courts. I recently visited a project in Foxbar in my constituency called Family and Drug Support—FADS—and it was moving to listen to the horrors that families face in dealing with the problems of drugs and the turmoil that they cause, and to listen to people like Ellen Donnelly and Doreen Polson, who wrote a moving poem about her experiences. That is why drugs courts are important; we have got to help those ordinary people. It is not just the drug addicts who need support; their families need support as well.

I say to Stewart Stevenson that we will work with colleagues elsewhere. I agree with him that we are talking about a get-out-of-crime card, not a get-out-of-jail card, which I thought was a cheap jibe from Bill Aitken.

Pauline McNeill raised the issues of rehabilitation and better chances for offenders. We will reflect on those comments. We have a problem that we need to tackle but, equally, we recognise that those who have addiction problems and who are not offenders also need to be supported.

Despite its ill-thought-out premise, I have found the debate to be useful. Some constructive comments were made. We should reflect on the relative success that we have already seen with drugs courts and use our determination to learn from the experience to do something that is effective in ending the scourge.

12:21

Lord James Douglas-Hamilton (Lothians) (Con): I welcome the new minister's frank contribution to the debate, and his recognition that the drugs court policy must be measured by its effectiveness. That should be the aim.

The issue of drugs is one of the most sensitive and difficult that faces our communities, and communities throughout the world. While there may be strong disagreement on solutions to the problem, there can be no doubt whatever as to the ill-effects of drug abuse. There is no doubt in my mind, having met the parents of young people who have lost their lives, that drug addiction and drug abuse can destroy lives, impose enormous anguish on families, lead to recurring crime, and lead to all the serious disadvantages for civilised community life, which is badly damaged thereby.

Our request is that everything should be done to discourage young people from, and inform them of the likely consequences of, taking undesirable substances. I am glad that Richard Lochhead raised some relevant issues but they are, if I may say so, for the Executive to respond to in detail. Pauline McNeill stressed the importance of a team approach. Like her, we believe that we need a thoroughly integrated approach to education, deterrence, social work, medical assistance and rehabilitation. According to information from an Executive report, there are 55,000 or more drug misusers in Scotland, of whom more than 22,000 are injecting themselves, so we know that the problem is considerable in scale.

The Scottish Government should not be advising people on how to break the law, either directly or indirectly. The Minister for Justice produced a good drugs guide for clubbers, which gives young people detailed facts as to the potential effects of

taking ecstasy, cocaine and LSD. Tips in that guide include taking half an ecstasy tablet and waiting one hour to see what effect it has before taking anything else. Bill Aitken touched on that matter. We would prefer a stronger message to say that drugs involve real dangers to those who take them. Instead of giving advice on drug taking, the Government should advise people not to take them at all.

We believe that the drugs courts exist to give drugs misusers a genuine chance.

Mr Raffan: Just so that we can be clear on Conservative policy on drug misuse, are the Conservatives saying, "Just say no," and are they now totally opposed to any policy of harm reduction?

Lord James Douglas-Hamilton: Mr Raffan asked earlier whether we are against the use of methadone. We are not against the use of methadone. We think that there is an important place for methadone, but we do not think that methadone should be used as a form of social control of prisoners. We note that the use of methadone has increased by four times and we believe that it is relevant where appropriate. However, a stronger message should be given about the dangers and, as Annabel Goldie said, every support should be given to rehabilitation programmes. We believe that drugs courts are there to give drug misusers a genuine chance to come off drugs by accepting treatment. I strongly support what Donald Gorrie asked for—a rapid response. That is absolutely necessary, as is a joined-up approach.

If a person who has a large number of criminal convictions does not co-operate, they should be made to face the consequences. That means that if an offender refuses to engage in rehabilitation treatment there should be the immediate sanction of imprisonment. Drugs courts should not deliver an easy route out of prison when the offender has no sincere purpose of fitting in with a drug testing and treatment order. We call for an effective approach, which is also what the minister has called for.

When offenders who have committed a great many offences happen to be drug addicts, that fact should not be used as an excuse for them to escape prison solely on that account. That would be an excuse and an incentive for offenders who have a large number of convictions to be on drugs. Persons in that position should be sent to courts and, when their offences merit it, to prison. As my friend Bill Aitken stressed—there has not been enough concentration on this in the debate—there should be medical and social work support for those who are drug addicts when they complete their imprisonment and come out of prison.

It is our belief that prisons should be drug-free zones. We want to ensure that through the use of sniffer dogs, strip searches and through making it impossible for family and friends to pass in drugs surreptitiously during visiting sessions. Keith Raffan said that we cannot possibly stop drugs getting into prison. I do not accept that. We can stop drugs getting into prison.

Mr Raffan: It is very difficult.

Lord James Douglas-Hamilton: It may be very difficult, but there should be a greatly increased focus to that end.

Not enough sympathy has been expressed during the debate for the victims of drug-related offences. We need to keep clearly in mind the interests of the victims as well as those of the drug addict who is up for a number of offences and is sent to a drugs court. Of course, we support a policy of zero tolerance of all crimes, including those that relate to drugs. The best way to reduce all crime is to have many more police officers visible on our streets in support of policies to strengthen deterrence and detection.

Both Christine Grahame and Michael Matheson said that the necessary resources should be provided in order to tackle the problems effectively. I am certain that that must be the case. We should pursue that.

We want a higher priority to be given to justice matters in general. We believe that our approach must be one of determination, deterrence, prevention, justice and rehabilitation.

Waste and Emissions Trading Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a short debate on motion S1M-3649, in the name of Allan Wilson, on the Waste and Emissions Trading Bill, which is UK legislation.

12:29

The Deputy Minister for Environment and Rural Development (Allan Wilson): The motion asks the Parliament to agree to the introduction of the Waste and Emissions Trading Bill, which would enable us to do three things. First, it would make us better able to achieve our targets of increasing recycling and composting and reducing waste that is sent to landfill. Secondly, the bill would fulfil our European obligations. Thirdly, it would enable more effective operation of emissions trading schemes. As members know, the Executive moves a Sewel motion when it proposes that the Scottish Parliament agree that the Westminster Parliament should consider proposals for legislation in a devolved area.

As its name suggests, the bill relates to two policy areas. I will begin by discussing the emissions trading element of the bill. As part of the UK climate change programme, to which the Scottish Executive is committed to making an equitable contribution through the Scottish climate change programme, the UK Government established a UK-wide emissions trading scheme. The purpose of the scheme, which has been operating across the UK with the agreement of the Scottish Parliament since 2 April 2002, is to reduce greenhouse gas emissions at minimum cost.

One way in which organisations can enter the scheme is by voluntarily taking on an emissions target in return for a financial incentive from the Government. A system of contractual penalties is in place for participants in the scheme who fail to meet their obligations. However, it was always the intention to make the penalties for participants in the scheme statutory when Westminster parliamentary time became available. All the participants in the scheme will welcome that move because a robust compliance regime is needed to underpin and stimulate a successful market.

In addition to making the penalties for the UK-wide emissions trading scheme statutory, the bill would grant powers to impose equivalent penalties in future emissions trading schemes. That power would extend to the Scottish ministers in the event of a Scotland-only emissions trading scheme. The bill would not alter the Scottish ministers' powers to establish a Scotland-only emissions trading

scheme, but it is self-evident that the effectiveness of a trading scheme is increased by maximising the number of participants, hence the reason for establishing the existing UK-wide emissions trading scheme. I emphasise that the Scottish ministers would retain the responsibility for the policy, which would be delivered through instruments.

The bill would provide for the design of a landfill allowances system, which would limit the amount of biodegradable waste that local authorities may place in landfill sites. The landfill directive requires member states of the European Union to reduce the total weight of biodegradable municipal waste that is sent to landfill. The decomposition of such waste produces various gases, including methane, which is a powerful greenhouse gas.

The landfill allowance system that the bill would put in place would allow the UK's obligation under the landfill directive to be divided among the UK's constituent Administrations. The same instrument would be used to divide the targets among local authorities. The Scottish ministers would determine the number of allowances that are issued in Scotland, within our share of the directive targets, and the distribution of those allowances.

The bill would transpose the landfill directive obligation for a strategy for reduction in biodegradable waste. It would be for the Scottish ministers to prepare a strategy for Scotland. The bill would provide for penalties for local authorities that use landfill in excess of their allowances and for landfill operators that fail to supply information. Powers would be granted to the Scottish ministers to determine whether Scottish local authorities may trade their allowances.

The landfill-related clauses would give the Scottish ministers an effective means of ensuring that the landfill directive targets are delivered in Scotland. All members agree that our reliance on landfill must be stopped and that the reduction and management of waste are central to sustainable development. Our reliance on landfill is no longer an option. The national waste strategy offers a framework within which Scotland can reduce the amount of waste it produces and deal with the waste that is produced in more sustainable ways.

As members will be aware, the Executive is committed to increasing recycling and composting of waste to 25 per cent and to reducing the amount of biodegradable municipal waste that goes to landfill to 1.5 million tonnes by 2006. We have made £230 million available in the next three years to help local authorities respond to that challenge. We believe that taking advantage of the bill is an elegant and effective way of furthering our environmental interests in Scotland.

I move,

That the Parliament supports the principles of the Waste and Emissions Trading Bill and agrees that the provisions in the Bill that relate to devolved matters should be considered by the UK Parliament.

12:35

Bruce Crawford (Mid Scotland and Fife (SNP)): I begin, as the minister did, by addressing part 2 of the bill, which deals with carbon emissions trading. There is general support across all sectors for the development of an emissions trading scheme. The question is which level of government should implement such a trading scheme.

In the UK, we are on course to have the first economy-wide emissions trading scheme; however, the scheme will not be without its difficulties. On 23 October, the European Commission issued a draft directive on the introduction of an EU-wide scheme in 2005. Industry has signalled its fear that a go-it-alone UK proposal would prove incompatible with the EU scheme. The correct solution for Scotland might be to await the implementation of the EU directive and avoid unnecessary transition costs for government and business alike. However, without full scrutiny of the bill's impact on Scotland, no one in the chamber can be certain whether we should await the EU directive or proceed with the UK proposals. I therefore submit that, on the issue of carbon emissions trading, it would be premature to agree to Allan Wilson's motion.

Part 1 deals with waste. It is incredible that Scottish ministers are prepared to pass to the UK Government responsibility for setting maximum levels for biodegradable municipal waste that is sent to landfill. As the minister said, Scotland's record on recycling is a disgrace. The setting of maximum levels of waste, as a policy tool, would have a major impact on that record. We are at the bottom of the European recycling league, and it must be our responsibility to sort out the mess that we have created for ourselves. Passing the buck to the UK Government to sort out that mess is nothing short of an abdication of responsibility.

The Executive has made an astonishing U-turn on this issue. In February, in an Executive news release, Ross Finnie said:

"The National Waste Plan based on the area waste plans will be in place by Autumn this year. We then want to set mandatory recycling and waste reduction targets and the forthcoming Local Government Bill will give Ministers the power to set such targets."

No targets have been set as part of the Local Government in Scotland Bill, and now we know why. The Executive wants to neuter the Scottish Parliament further by letting Westminster exercise the most basic of powers. In doing so, it is putting

in jeopardy the prospect of developing a strategic and holistic approach to our national waste plan. More important, it is denying Scotland the ownership of a problem that she should sort out for herself. That was what devolution was meant to be about. The Parliament should not agree to Allan Wilson's motion.

12:38

John Scott (Ayr) (Con): We welcome the Sewel motion. From a unionist point of view, it makes sense to address waste and emissions on a UK-wide basis. That principle has long been established—one of the most recent examples of it was the emissions trading scheme, which came into force in March 2002. Given Scotland's poor record in environmental matters—we currently recycle only 6 per cent of our municipal waste—the bill is a further welcome step in the right direction. Friends of the Earth reports that 14 of our 32 local authorities still recycle less than 5 per cent of their waste and that 14 councils recycled less last year than they recycled the year before. Can we believe that?

We welcome the fact that the bill would set up a framework that would require local authorities progressively to reduce the amount of biodegradable municipal waste that they send to landfill. We welcome the fact that local authorities would be able to trade their landfill allowances within the UK, in what is essentially a quota system. We also cautiously welcome the introduction of penalties for local authorities that send excessive amounts of waste to landfill sites.

Bruce Crawford: Will the member give way?

John Scott: No. I am short of time.

We welcome the introduction, in part 2, of penalties for participants in the UK greenhouse gas emissions trading scheme; those penalties would drive the UK emissions trading market. We accept the fact that the bill proposes a pragmatic approach that would deliver a market solution to some of our increasing environmental burdens. The combination of carrot and stick should help to drive us all towards meeting our Kyoto commitments.

However, the level of penalties and landfill taxes must not become either too great or just another stealth tax. Gordon Brown announced yesterday an increase in landfill tax of £3 per tonne by 2005-06 and by £3 per tonne in future years thereafter. That is excessive. It is important to note that, in 2001, UK companies paid £14 billion in environmental taxes to the Treasury, which was just over half the revenue raised from environmental taxation.

Bruce Crawford: Will the member give way?

John Scott: No. I have no time.

Bruce Crawford: The member should read the letter from the Federation of Small Businesses.

John Scott: I am sure that Mr Crawford will pass the letter to me after the debate.

Environmental taxation represents £1 in every £8 of overall business taxation. It is vital that taxation raised in that way be used to encourage recycling and it is important that increased taxation in recycling does not drive local authorities towards incineration.

It is essential that the Government address the increased use of imported coal in our power stations. The increased use of coal is one of the principal reasons why CO₂ emissions have increased under Labour. Unless we address the problem now, it is unlikely that we will meet our Kyoto targets.

With those comments, we welcome and support the motion.

12:41

Nora Radcliffe (Gordon) (LD): The Liberal Democrats support the principles of the Waste and Emissions Trading Bill and agree that the provisions that relate to devolved matters should be considered by the UK Parliament. In this instance, it makes sense for us to leave it to Westminster to do the business. Trading credits would work better and would offer wider opportunities if the system were managed on a UK-wide basis. In any case, the companies that operate under the emissions trading scheme do so across the UK. Additionally, when the issue is non-controversial, I am quite happy, as a good Aberdonian, to use Westminster time and money to process bills.

The bill takes forward policies on waste management and climate change. It would establish a framework that will require local authorities to reduce progressively the amount of biodegradable waste that they send to landfill sites and would set up a system of tradable landfill allowances.

We have had a landfill tax since 1996, with an increasing tax per tonne, but that disincentive has not yet started to bite. There have been criticisms of the landfill tax credit scheme, but it has made money available to voluntary organisations to carry out small local projects and has worked well in that regard.

Part 2 would introduce statutory financial penalties for direct participants in the UK greenhouse gas emissions trading scheme who fail to comply with their emission reduction targets and would make it possible to attach penalties to future trading emissions schemes.

There is no dispute about the necessity of tackling waste and greenhouse gas emissions. Recent floods across Europe and closer to home have made apparent to the most casual observer the fact that global climate change is real and is causing damage here and now. There is widespread acceptance that action is needed. The bill would provide mechanisms to effect action. Trading credits have been demonstrated to be an effective way of levering action. They allow all players to participate and ensure that those with the potential to contribute most have an incentive to do so.

Removing biodegradable waste from the waste stream flow into landfill sites makes sense. That is only one element of the waste stream and much more needs to be done, but we are beginning to do more. The national waste strategy will kick in next year and there are encouraging signs that ordinary people are willing to do their bit if they are given information about what they should do and what services are available locally to enable them to do it. That was highlighted in a report that was based on a two-year, in-depth survey of 9,000 people across Scotland that was published this week. That survey provides good information on which to base effective action.

In the meantime, the bill moves us along the road to being less wasteful and less damaging to our environment. It should be supported.

The Deputy Presiding Officer: I have one request, from Bristow Muldoon, to speak from the floor. I take it that you will speak on behalf of the Labour party rather than as the convener of the Transport and the Environment Committee.

12:44

Bristow Muldoon (Livingston) (Lab): I confirm that I speak on behalf of the Labour party in the debate.

The debate is important, but it is also interesting in two respects. The first is what the bill, which is being considered at Westminster, will do; the second is that it exposes yet again the Scottish National Party's obsession with constitutional issues. That is what lies at the base of the concerns that the SNP has expressed.

The bill demonstrates Labour's strong credentials on improving the environment on a United Kingdom level and on a Scotland level. I encourage environmental non-governmental organisations to study the SNP's contribution to the debate, because it lays bare the fact that the SNP has no claim to any environmental credentials. The bill would ensure that the commitments that the Prime Minister and the First Minister have made that the UK and Scotland will contribute towards improving our environment—

whether by changing the way in which we manage our waste or by reducing carbon emissions into the atmosphere—will be met.

Fiona McLeod (West of Scotland) (SNP): Bristow Muldoon talked about the fact that the First Minister made commitments. Ross Finnie made a commitment that we would have a mandatory target for recycling, but we have lost that commitment. The bill that we are considering and through which we are about to pass responsibility to Westminster says that, if agreement between the Administrations cannot be met, there will be a fallback rule. Would that fallback rule mean that Scotland has to dae whit it's telt by Westminster?

Bristow Muldoon: Much as it may distress the SNP, Scotland is still engaged in a partnership with its colleagues in the rest of the UK. *[Interruption.]* Indeed, as Mr Home Robertson points out, we are also engaged in a partnership with the rest of the world. We are internationalists, not nationalists.

The SNP tries to distort the Executive's position. There has been no move away from any Executive commitment to set waste management targets. My understanding is that the Executive still intends to publish a national waste plan, which will be based on the 11 area waste plans that already exist. It is absolutely dishonest to say that the Executive is disowning the issue in any way, shape or form. The reality is that the Executive is moving forward in improving Scotland's deplorable record on waste management. The UK Government is moving forward on the same issue. That is what the SNP does not like.

Bill Clinton's campaign slogan was, "It's the economy, stupid!" I think that John Swinney goes to bed every night with a sign above his bed that says, "It's the constitution, stupid!" The longer that the SNP's obsession with constitutional issues continues, the longer it will continue to be an irrelevance on the sidelines of Scottish politics.

I encourage members to support the bill and its positive environmental measures and reject the SNP's narrow, constitutional navel gazing.

The Deputy Presiding Officer: I call Allan Wilson again to respond to the brief debate.

12:48

Allan Wilson: Is it me? That was quick. You took me by surprise, Presiding Officer.

I welcome the Conservatives' support for the bill. They have obviously placed their commitment to environmental protection above the nationalists' constitutional navel gazing. We welcome that, just as we welcome the support of our coalition colleagues in the Liberal Democrat party.

As ever, Bruce Crawford is simply wrong on many aspects of the matter. Participation in the UK emissions trading scheme is a voluntary, cost-effective way of achieving emissions reduction commitments that conform with our climate change programme and that make a valuable contribution in global terms to our national climate change strategy.

Bruce Crawford rose—

Allan Wilson: Bruce Crawford has had his chance. I will deal with the points that he raised and move on.

The UK scheme offers invaluable early experience of trading in advance of an EU scheme, which we expect will be introduced in 2005. That is an important provision.

On the allegation that we are giving up powers, nothing could be further from the truth. In fact, powers for UK ministers to apportion international and EU targets are in section 106 of the Scotland Act 1998. The orders made under those powers are called splitting orders. All that is happening is that a power equivalent to those splitting powers would be created under the bill. That power would be used following statutory consultation. In that context, Mr Crawford is wrong.

As Bristow Muldoon pointed out, the 25 per cent target for recycling and composting in 2006 is a key Executive interim objective for waste. There is no inconsistency between that and the landfill directive targets, or with the measures that we are discussing today. The first landfill directive target for the UK is for 2010. I expect the national waste plan to aim for recycling and composting around 40 per cent of waste by then. That is why, as a step towards that goal, we are setting the intermediate target of 25 per cent by 2006.

The bill would provide instruments that the Scottish ministers—who are accountable to the Scottish Parliament—may use to pursue Scottish policy goals. Where the bill would place obligations on the Scottish ministers, we would have to take them on under the European directive.

Nora Radcliffe spoke about the landfill tax credit scheme. I am sure that she will join me in welcoming the announcement made yesterday by the Chancellor of the Exchequer on the reform of that scheme. One third of the allocations made under the scheme will support local environment projects; two thirds will support a public spending scheme for waste management. That is very good news for Scotland.

I have much pleasure in again commending the motion.

The Deputy Presiding Officer: I remind members that today's meeting of the Parliament

will resume at 2.15 pm.

12:51

Meeting suspended until 14:15.

14:15

On resuming—

Junior Minister

The Presiding Officer (Sir David Steel): Our first item of business this afternoon is the debate on motion S1M-3656, in the name of the First Minister, on the appointment of a junior Scottish minister. It is a short debate.

14:15

The First Minister (Mr Jack McConnell): Before speaking to the motion, I thank Dr Richard Simpson for the contribution he has made to devolved government in Scotland. [*Applause.*] He made a major input as Deputy Minister for Justice, particularly on important matters such as the fight against drugs and the reform of prisons. I am sure that Hugh Henry will successfully advance those key issues. I wish him well in his new post.

Since devolution, the importance of the role of deputy ministers has increased substantially. Deputy ministers allow the Executive to be more accessible and more accountable to Parliament. They provide an extra resource within ministerial portfolios, assisting ministers in meeting their responsibilities and driving forward specific projects. They have enabled the Executive to focus further on delivery.

Des McNulty has a strong understanding of the importance of delivery. He has a proud pedigree of working for the people in Strathclyde and the city of Glasgow. From that experience, he understands clearly why we in the Executive put the winning of social justice for all Scotland's citizens at the heart of all that we do. He knows that, for us, working for growth in the economy and closing the opportunity gap is the foundation on which we are building a better Scotland.

We face a range of opportunities and challenges in the social justice area. We are making progress on housing stock transfers and the Building (Scotland) Bill, as well as tackling planning issues, equality issues and the regeneration of communities throughout Scotland.

Des McNulty's background is in strategic planning and economic regeneration. From his involvement in the Glasgow social inclusion inquiry, as well as from his work as a board member of Greater Glasgow Health Board and with the World Health Organisation, he has first-hand knowledge of the problems of poverty and ill health. He has a history of commitment, which augurs well for his work in the post. He has considerable experience in the critical work of the Parliament's committees, most recently as convener of the Finance Committee.

With that wealth of knowledge, experience and personal commitment, Des McNulty will bring new insight and expertise to the important work of Deputy Minister for Social Justice. I want to harness that expertise to advance our policies. I have no doubt that he will bring knowledge, energy and enthusiasm to his new post, that he will boost the social justice team led by Margaret Curran and that our work for the people of Scotland will benefit from his appointment. I commend the appointment of Des McNulty to the Parliament.

I move,

That the Parliament agrees that Des McNulty be appointed as a junior Scottish Minister.

14:18

Mr John Swinney (North Tayside) (SNP): In speaking against the approval of Des McNulty, I make it clear that I do not do so on a personal basis, although if members have read Rab McNeil's column today, they will be aware that it is not a risk-free appointment. I speak against the nomination because of the way in which the vacancy has occurred—circumstances that are exacerbated by the failure of the First Minister to come to the chamber and explain the sequence of events that have unfolded.

If the letters exchanged between Dr Richard Simpson and the First Minister are to be believed, it is the first resignation in political history that took place because the minister involved had done nothing wrong and said nothing untoward. Apparently he has resigned simply because he did not want to add to the Executive's problems. If that were the test, many more ministers would be leaving office in exactly the same way.

In these serious times, when confronted with the reality of a strike in one of the most important public services, every politician has a choice about whether to be part of the problem or part of the solution. The Scottish National Party believes that the role of ministers and of the Government is to be part of the solution. That is why we abhor the actions of the Prime Minister and the Chancellor of the Exchequer and the inaction of the First Minister and the Deputy First Minister, who have failed to broker a solution and deliver stability to the fire service. However, even their culpability pales into insignificance beside that of a minister who was directly responsible for the fire service but who was prepared to shoot his mouth off at a dinner and to do so in terms of the worst saloon-bar prejudice.

Even more disgracefully, for a full 48 hours, Dr Simpson hid behind a cloak of anonymity while speculation rose, damaging his colleagues in office. In fact, even once Dr Simpson had outed

himself, the First Minister continued to offer him full support. He had the First Minister's complete confidence at 11 o'clock on Tuesday, but by 4 o'clock he had gone. It took the full facts to be laid before the people before the First Minister realised that the game was up and that he could not protect his own appointee any longer.

The reputation of the Executive has been further tarnished by the saga, and the Executive has been plunged further in the public's esteem by the continued inability of the First Minister to act with the dignity and principle that his office demands. That is why I oppose the nomination: because of the actions of the nominator rather than the suitability of the nominee. It is time that Scotland had not just one new minister but a completely new team of ministers. I look forward to the coming election, when I am sure that the people of Scotland will choose a team from this side of the chamber. The SNP is determined to improve our public services, restore dignity to government and make Scotland the best that Scotland can be.

14:21

David McLetchie (Lothians) (Con): Here we are again—another day, another reshuffle—as the accident-prone Government stumbles towards its date with destiny on 1 May next year. For those who like to keep count, there are 123 reshuffling days left before dissolution and opportunity may yet knock for the mere seven Labour back benchers who have still to be given a job of any description.

It would be remiss of me not to comment on the circumstances that have led to the elevation of Mr McNulty to the dizzy heights of junior minister. Two years ago in this Parliament, Jim Wallace announced proposals to reform family law in Scotland. He said:

"We will end the status of illegitimacy in Scotland."—*[Official Report, 14 September 2000; Vol 8, c 262.]*

End? End? Far from ending it, Labour politicians talk of little else. The vulgar and intemperate Dr Simpson is, of course, not the first. Members will recall that infamous taped conversation between Helen Liddell and Henry McLeish in which the parentages and pedigrees of John Reid and Brian Wilson were discussed in less than flattering terms. We know that the Labour party in Scotland struggles with numeracy, but its language is not much better.

With Dr Simpson's departure, Hugh Henry moves to the justice portfolio at a highly opportune time. Thanks to the Scottish Conservatives, the Criminal Justice (Scotland) Bill has been significantly improved. There has been a partial U-turn on the ludicrous proposals to criminalise parents for disciplining their children and a

humiliating retreat on the plan to send 16 and 17-year-olds to children's panels. Accordingly, the bill has been shed of some of the higher nonsenses of the Wallace-Simpson era, although little did we know that it would also be followed by an abdication. So I say—*[Laughter.]* Come on. Members will have to be quicker than that. I say to Hugh Henry that if he wishes to prosper in that portfolio and make a real difference to tackling crime in Scotland, he would be well advised to listen to Bill Aitken, James Douglas-Hamilton and others in the chamber who are in touch with reality, rather than to Jim Wallace.

I turn to Mr McNulty. I hope that he will not take it personally if I say that he should never have been appointed. This was an opportunity missed by the First Minister to make a start on cutting government down to size in Scotland. However, it seems that he and the Liberal Democrats are determined to persist with their overblown Administration, so that we continue to have five times the number of ministers governing Scotland today than was the case only three years ago.

However, as far as Mr McNulty is concerned, I think that his contributions to this Parliament have been considered and measured and that, in his new portfolio, he may prove to be the perfect foil for the more passionate and combative style of Margaret Curran. We all know that we should never underestimate the determination of a quiet man. On a personal level, we wish Mr McNulty well in his few months in ministerial office. However, the truth is that Scotland needs another mini-reshuffle, but a wholesale clear-out. Next May, the people will get their chance.

14:25

Tommy Sheridan (Glasgow) (SSP): This week has been a poor week for the Scottish Parliament. *[Interruption.]*

The Presiding Officer: Order. This is a short debate. There should be no interruptions.

Tommy Sheridan: I hear SNP members saying that it has been a bad week for the Scottish Executive. They are correct. Unfortunately, many members of the public do not differentiate between the Executive and the Parliament and therefore what the Scottish Executive does wrong sheds poor light on the rest of the Parliament.

A minister in the First Minister's Government has made remarks that are deeply offensive to some of the most dedicated men and women in this country. Before the vote for his new appointee, I invite the First Minister unreservedly to do what has not yet been done and apologise to the firefighters and control staff of this country. He should apologise for remarks that were made by a minister who should have known better. If he does

not publicly apologise here and now, some of those men and women might begin to think that the views that Dr Simpson holds are also held by others.

The Presiding Officer: Dennis Canavan has one minute.

14:27

Dennis Canavan (Falkirk West): In congratulating Des McNulty—[*Interruption.*]

The Presiding Officer: Just a minute. There should be no interruptions from the gallery, please. This is not a participative meeting.

Dennis Canavan: In congratulating Des McNulty on his appointment, I hope that he will use his new position to ensure that the Scottish Executive takes more effective action to eradicate poverty and fight for higher standards of social justice.

There is widespread and understandable concern about the circumstances that led to the ministerial mini-reshuffle. The remarks that were attributed to Richard Simpson were inflammatory, deplorable and inexcusable. It is essential that the Scottish Executive apologises publicly to the firefighters and builds bridges with the Fire Brigades Union. The current pay of firefighters does not recognise their professionalism and dedication to duty in saving lives and properties. Sometimes acts of heroism are demanded that are well beyond the call of duty. That is why the Scottish Executive and the Government must ensure that resources are made available now to enable the employers and the union to return to meaningful negotiations and ensure a fairer deal for the firefighters so that they can return to work with dignity and justice done.

14:28

The First Minister: In response to the absolutely outrageous comments that Mr Sheridan made, I want to make absolutely clear to the chamber what has been made clear in other places this week. On Sunday at lunch time, within hours of the publication of the newspaper in question, I made it absolutely clear that I unreservedly rejected the remarks and that, if they had been made, they should never have been made and would not be made by someone who is a minister in the Administration. On Tuesday, Dr Richard Simpson apologised in his letter to me.

Tommy Sheridan: What about apologising to the Fire Brigades Union?

The Presiding Officer: Order.

The First Minister: Mr Sheridan can shout and make things up as much as he wants to, but Dr Richard Simpson apologised in writing on

Tuesday. If more members took such an honourable approach, we would have a better reputation in the country.

I am delighted that Mr Canavan mentioned the important issues with which the Deputy Minister for Social Justice will be involved.

It is fine and well in a debate such as this for the Opposition leaders to refer to comments that have been made, although I think that it is a little bit rich, when the previous Conservative Prime Minister referred to the current Conservative leader in terms similar to those quoted in a certain Sunday newspaper this week, for the Conservative party to reflect on illegitimacy.

It is important in this chamber for us to discuss the issues as well as the personalities. I am deeply disappointed that we have heard a very short debate about the appointment of a deputy social justice minister in which neither the leader of the Scottish National Party nor the leader of the Conservative party in Scotland referred to the key issues in that portfolio: poverty in Scotland, housing in Scotland, and the regeneration of Scotland's communities.

Those issues—not the personalities nor the petty backstabbing of politics, but the real issues that face Scotland today—are the issues for which, if we deal with them, people in Scotland will respect us. Therefore, we will continue in Scotland to concentrate on the issues of tackling poverty, improving housing and boosting urban regeneration. The work of this portfolio goes on. The Opposition may not like it, but we will make a difference in Scotland.

The Presiding Officer: The question is, that motion S1M-3656, in the name of the First Minister, on the appointment of a junior Scottish minister, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Godman, Trish (West Renfrewshire) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)

Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Reid, Mr George (Mid Scotland and Fife) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Ullrich, Kay (West of Scotland) (SNP)

Wallace, Ben (North-East Scotland) (Con)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Goldie, Miss Annabel (West of Scotland) (Con)
 Harper, Robin (Lothians) (Grn)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Young, John (West of Scotland) (Con)

The Presiding Officer: The result of the division is: For 61, Against 28, Abstentions 16.

Motion agreed to.

That the Parliament agrees that Des McNulty be appointed as a junior Scottish Minister.

Question Time

14:33

The Presiding Officer (Sir David Steel): I give notice to the chamber that I will add two minutes to each section of question time to make up for the time lost.

SCOTTISH EXECUTIVE

Council Tax (Second Homes)

1. John Farquhar Munro (Ross, Skye and Inverness West) (LD): To ask the Scottish Executive whether it has any plans for the removal of the council tax rebate on second homes. (S10-5973)

The Deputy Minister for Finance and Public Services (Peter Peacock): We have today published a consultation paper seeking views on the removal or reduction of the discount on second homes and long-term empty properties. We have previously indicated that we are open to making changes in this area of policy.

John Farquhar Munro: I thank the minister for that encouraging response. The minister will be aware that before the implementation of the poll tax and the dreaded community charge, crofters on small agricultural holdings enjoyed a 50 per cent reduction on their domestic rates. Will the minister ensure that any amended legislation will retain that benefit in the crofting counties and will not discriminate against indigenous homeowners?

Peter Peacock: As I indicated, we published a consultation paper today. I would be happy to hear from John Farquhar Munro about the issue to which he referred. We would consider that in the context of the consultation. He raised an important issue in relation to the Highlands and Islands because many second homes there are croft homes that have been inherited by families who remain in the Highlands and Islands. I will be happy to look at that issue within the consultation.

Rhoda Grant (Highlands and Islands) (Lab): I welcome the consultation that was announced today. If the outcome of the consultation were that councils would have powers to levy full council tax on second homes, would the Executive consider allowing such councils to retain that money to deal with housing in their areas?

Peter Peacock: Again, the consultation paper covers a wide range of issues and we will be asking questions on the issue of the distribution of resources that may be raised if the Executive decides to change policy after the consultation.

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): Is there not, in fact, a huge problem of housing shortage in rural Scotland? Is that problem not considerably exacerbated by the number of second homes and the fact that the people who own them often push the price up well beyond the means of local people? Is it not time that the people who have second homes paid the full whack, as local people do?

Peter Peacock: That is part of the nature of the consultation and is one reason for it. The consultation paper contains the arguments that Alasdair Morgan makes. One of the reasons why we are about to reopen consideration of policy on the matter is that there is an argument that the taxation regime is an incentive for people to buy holiday homes in rural areas, which forces house prices up and forces local people out of housing. That argument is one underlying reason for the possible policy change.

Sexual Offences

2. Mr Gil Paterson (Central Scotland) (SNP): To ask the Scottish Executive whether it plans to make any changes to the law on sexual offences as a result of changes announced in the Queen's speech. (S10-5990)

The Deputy First Minister and Minister for Justice (Mr Jim Wallace): With the exception of changes to the notification requirements of the Sex Offenders Act 1997, the changes in sex offence legislation announced in the Queen's speech relate to England and Wales. We keep that area of the law under review but have no current plans to change legislation.

Mr Paterson: Given that concerns about child abuse through prostitution and the internet have been raised in the chamber on many occasions and that recent figures show that no action or prosecutions have been taken against those involved with children in the sex trade, will the minister say whether he is considering introducing offences that are along the lines of those that have been announced at Westminster? If he is not considering that, why not?

Mr Wallace: I reassure Gil Paterson and other members that the Executive and the police treat offences against children by use of the internet extremely seriously. I am aware of the steps that the Home Office is taking to have a specific new offence of grooming children for sexual abuse on the internet. In our view, that offence can be caught under Scots common law. The Crown Office has recently prosecuted cases of grooming behaviour under the common law of shameful indecency. However, I assure Gil Paterson that the Executive is considering actively whether the law on the matter needs to be strengthened.

Marilyn Livingstone (Kirkcaldy) (Lab): Will the minister consider the matter holistically and take on board the views in the strategy paper that has been produced by the cross-party group in the Scottish Parliament on survivors of childhood sexual abuse? Is he willing to meet the group to discuss the issues?

Mr Wallace: The matter is under active consideration and I am prepared to consult more widely and to examine the work of the group to which Marilyn Livingstone refers. I will contact her and perhaps other office bearers of the group about how that might be progressed.

Dorothy-Grace Elder (Glasgow) (Ind): I hope that the minister will forgive me if I find his replies too perfunctory. He will appreciate that we are facing an international web of wickedness that affects children. The First Minister's policy is to put children first, but is the minister aware of how few resources the police have to deal with the matter? I believe that Strathclyde police have only two or three officers who are involved in the appalling task of trying to catch parasites and perverts who prey on children through the web.

Mr Wallace: I reassure Dorothy-Grace Elder that the police take the issue seriously. I have talked to the police about the issue, particularly to Strathclyde police. At any given time, when particular operations are in mind, different levels of resources will be involved. I reaffirm the Executive's commitment to ensure that what is an international problem—as Dorothy-Grace Elder pointed out—is properly followed up and tackled. I have already said what action is being considered in that regard.

European Court of Justice Ruling (Imports)

3. Phil Gallie (South of Scotland) (Con): To ask the Scottish Executive what the implications for farmers and fishermen will be of the decision by the European Commission to refrain from further action against France in respect of the verdict of the European Court of Justice that France was guilty of illegal restrictions on the importation of British beef over a three-year period. (S10-5956)

The Deputy Minister for Environment and Rural Development (Allan Wilson): As a consequence of that particular case, the Commission has decided to re-examine its approach to cases in which it seeks financial penalties from member states that have failed to comply with judgments of the European Court of Justice. Any steps to make the legal mechanisms available in such circumstances more effective in preventing member states from ignoring European Union law is good news for Scotland's farmers and fishermen.

Phil Gallie: Does the minister agree that France set out deliberately to frustrate the British beef industry's interests? Will he advise whether there will be compensation for Scottish farmers? Further to that, if France gets away with its action, might fishermen look to the matter and determine to use the judicial process, with the help of the Government, to avoid draconian measures being placed upon them by the European Commission?

Allan Wilson: I shall deal with Phil Gallie's last question first. I do not believe that it is in the interests of Scottish fishermen or Scottish fishing communities to defy regulations and continue to put future fisheries stocks at risk. It is important to the future of all whitefish fisheries that sensible and equitable measures are introduced.

The question of compensation is not a matter for the Executive or the Government. However, Mr Gallie will be aware that the National Farmers Union in England is pursuing a case for compensation in parallel with this judgment. Any case for compensation must be dealt with by the French courts, and this judgment will be helpful for individuals and organisations that want to bring claims for damages against the French.

Further Education (Borders)

4. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive whether it has any concerns regarding the future provision of further education in the Borders. (S10-5983)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): Colleges are accountable to the Scottish Further Education Funding Council for the provision of adequate and efficient further education in the communities that they serve. I am satisfied that both SFEFC and the board of management of Borders College will continue to use their judgment and experience to ensure the continued provision of high-quality further education in the Borders.

Christine Grahame: Is the minister aware of the impact that the closure of the Borders College campus at Hawick will have not only on the staff and the 670 students there, but on a vulnerable economy that is already reeling from the demise of the textile industry and the effects of the foot-and-mouth disease outbreak? Will the minister consider carefully the submissions in the community's petition and those that were made by me in yesterday's debate on further education; look into the issues that are raised in the funding of rural colleges; and, in the interim, intervene to prevent the closure of the college campus at Hawick?

Iain Gray: I am aware of the issues surrounding the Hawick campus of Borders College. Euan Robson, the constituency MSP for Hawick, has not

only raised the matter with me in the past; he has also raised it directly and properly with the Scottish Further Education Funding Council, which has the responsibility for working with the college to ensure the most efficient provision. Borders College has exceptionally high property costs per student compared with other colleges, and that matter has to be addressed. My expectation is that all options will be considered. The suggestion that the Hawick campus will definitely close is premature. I understand that the petition is in the hands of the Public Petitions Committee. It is for that committee to decide how it intends to deal with the petition.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Does the minister agree that there are genuine concerns about the way in which the funding formula for FE colleges is working, with particular regard to colleges such as Borders College, which are remote from other colleges and have a limited pool of potential recruits to enable them to expand their student base to meet demanding targets? After all, the funding follows the students.

Iain Gray: Account is taken of the specific issues of rurality and remoteness in the funding methodology that the funding council uses. Rural colleges receive a funding uplift to take account of the increased costs that they have to bear. Nevertheless, Borders College has exceptionally high property costs per student compared to other colleges, and the board of management of the college must address that. It should do that with due consideration of the impact on the local community, for example, and in discussion with the funding council. I expect all options to be considered in those discussions, which are properly a matter for the college and the funding council.

Transport Services (Highlands and Islands)

5. Mr Alasdair Morrison (Western Isles) (Lab): To ask the Scottish Executive how it ensures that all people in the Highlands and Islands have a say in the development of transport services. (S10-5997)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): We ensure that people have a say either by consulting the wider community on major strategic issues or by working in partnership with local authorities and community groups so that a wide range of views can be taken into account in reaching decisions on specific projects.

Mr Morrison: I know that the minister is aware of concern on the island of Barra over the proposal that the public service obligation for the air service from Glasgow to Barra be extended by only a year, to April 2004. I seek an assurance from the

minister that, during his review, he will recognise and consider seriously all the relevant data that I will present to him and that he will continue to liaise with me and with the local authority.

Is the minister in a position to agree to further discussion before the Christmas recess to enable me to communicate to him the community's concerns and to present information that will allow ministers to arrive at the logical conclusion that this essential air service should be tendered on the same basis as the services to the island of Tiree and to the community of Campbeltown?

Lewis Macdonald: I will be happy to meet Alasdair Morrison and members of Comhairle nan Eilean Siar to hear their views and to consider how best they and other local interests might make an input to the process of review that we will conduct next year. I will, of course, be happy to meet them again as the process moves on and to consider any relevant data that are presented by local organisations when we review the service.

Mr Jamie McGrigor (Highlands and Islands) (Con): Does the Executive accept that, if all the people in the Highlands and Islands had a say in the development of transport services, there would be an overwhelming chorus of voices emphasising that the car is a necessity in that region and that more should be done to improve roads in the area and reduce the cost of motoring?

Lewis Macdonald: It is precisely in order to establish a set of priorities and objectives that the Highlands and Islands transport partnership is drawing up a strategy. I understand that the partnership will consult widely on what the strategy should contain. We would expect it to address all modes of transport in the Highlands and Islands.

The Presiding Officer: Question 6 has been withdrawn.

Air Links (Highlands and Islands)

7. Mr Duncan Hamilton (Highlands and Islands) (SNP): To ask the Scottish Executive whether there are sufficient air links to the Highlands and Islands. (S10-5962)

The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald): We are consulting communities across Scotland, as part of the current air transport consultation on future strategy, including air links to the Highlands and Islands. We will consider all the responses to that consultation in the further development of our aviation strategy.

Mr Hamilton: In a previous answer, the minister said that he was aware of the concerns of the people of Barra. Is he aware of the concern that the reduction to a one-year tender is bad not only because it is a reduction from the three-year

tender, but because it gives the Executive the opportunity to redefine what a public service obligation is and therefore the ability to exclude Barra?

Will the minister comment on a letter that he has received from a constituent of mine on Barra, which was copied to me? The constituent says that the decision

“suggests that the Labour party cares nothing for the well-being and the future of Scotland’s island communities – and I write as a long-term Labour supporter”

and that, if the Barra to Glasgow air service were to be dispensed with,

“The losses, to the island, to your credibility and that of your party would be unquantifiable and disastrous.”

Lewis Macdonald: The representations that were made to me by Alasdair Morrison contained a much more balanced approach than the one that has been cited by Duncan Hamilton.

We intend to review the service in the light of all the evidence. That is the kind of objective basis on which we would seek to proceed.

Maureen Macmillan (Highlands and Islands) (Lab): What is the Executive doing to promote new routes into the Highlands and Islands?

Lewis Macdonald: The First Minister recently announced the establishment of a £6 million interim route development fund for Scottish air links, which will include specific provision for air links into the Highlands and Islands. We regard that as the best way to support those new routes in order to enhance services for the people of the Highlands and Islands.

Stalking and Harassment

8. Paul Martin (Glasgow Springburn) (Lab): To ask the Scottish Executive what measures are being taken to tackle stalking and harassment. (S10-5995)

The Deputy Minister for Justice (Hugh Henry): A major research report into the nature and prevalence of stalking and harassment in Scotland was published on 15 November 2002. The report concluded that there is little support among practitioners and victims for a change in the current law, but that there is a widespread view that the current provisions could be used more effectively. We will be taking steps to ensure that the recommendations of the report are acted on appropriately.

Paul Martin: I remind the minister of the case in my constituency of Marilyn McKenna, who was a victim of stalking. During the period of her stalking, there was no coherent approach to supporting Marilyn by the police, housing authorities and social services. Can the minister assure me that

the new framework will ensure that those authorities work together to support victims of stalking and harassment?

Hugh Henry: It is the intention to ensure that all agencies work together. We will be mindful of the concerns that Paul Martin raises and learn from the experience of that case and others. I hope that what has been produced will make an effective contribution.

Bill Aitken (Glasgow) (Con): Does the minister recognise that this is a growing problem and that there have been many serious cases, one of which Paul Martin highlighted? Does he agree that the most appropriate action that the Executive could take would be to ensure that all cases of this type are, when prosecuted, taken on indictment, which would ensure that the victims of harassment and stalking received the maximum possible level of protection from the courts?

Hugh Henry: As I indicated, there was little support for a change in the law. However, we want to ensure that the existing law is acted on effectively and that those who face stalking and harassment receive the proper protection.

Social Services (Children)

9. Cathie Craigie (Cumbernauld and Kilsyth) (Lab): To ask the Scottish Executive what action it will take to improve services for children at risk of abuse and neglect. (S10-6001)

The Minister for Education and Young People (Cathy Jamieson): The report of the child protection review was published on Monday 25 November. In response, we announced an action plan, which will take forward reforms in child protection services. That includes additional funding of £500,000 to ChildLine Scotland.

Cathie Craigie: The report makes worrying reading. We clearly have a lot of work to do to repair trust in professionals and to work with parents to deal with their personal and social problems. I welcome the Executive’s action plan to deal with that. Will the minister outline what action the Executive will take to tackle the problems, which are felt locally, of a lack of social work professionals in the field?

Cathy Jamieson: The point that Cathie Craigie makes about the lack of social work professionals is worrying. That point was highlighted in the recent report of the chief inspector of social work services for Scotland. Although the number of main-grade social workers in local authorities grew from 2,531 to 3,204 between 1990 and 2001, that still means that there are around 470 vacancies throughout Scotland for qualified social workers.

Authorities such as North Lanarkshire Council that are taking action to recruit staff, supporting

staff in the proper training and looking creatively at the use of other support staff give us a way forward. The Executive is supporting that with a recruitment campaign.

Irene McGugan (North-East Scotland) (SNP): Does the minister think that the First Minister's comments at the launch of the report of the child protection audit and review this week will be helpful in attracting and encouraging people into a career in the social care work force, where the number of vacancies in children's services has increased by 73 per cent in the past year, or does she agree that blaming overworked and under-resourced staff is not a solution to the recruitment problems in social work and that the First Minister's threatening and derisory comments have served only to undermine the Executive's national recruitment campaign and further demoralise those who are trying to protect children in already difficult circumstances?

Cathy Jamieson: I do not agree with Irene McGugan's analysis of what the First Minister said. I was at the launch when the First Minister made himself very clear on social work services. He accepted that many social workers work in very difficult circumstances to deliver quality care for children and young people, but there are problems with the services, some of which are frankly not good enough. That is not an attack on social workers or on the other hard-pressed professionals who are out on the front line. However, it makes it very clear that people need to raise their game, join up the services and put the needs of children—rather than bureaucracy—first. The First Minister made that clear, and I have no hesitation in supporting that view.

Scott Barrie (Dunfermline West) (Lab): I agree with my friend Cathie Craigie that the recent report made worrying reading. Is the minister satisfied that the links between the statutory sector and the voluntary sector are as robust as they could be? Is she also satisfied that the use of the child protection register to screen those who are most at risk from further abuse is working adequately throughout Scotland?

Cathy Jamieson: There are a number of concerns around the way in which local authorities and other agencies can work together. That includes the voluntary sector.

I am concerned to ensure that we get the most out of the child protection committees and the best use of the child protection register. It is simply not good enough that many young people are at risk but do not appear on the register and do not get the support that they need. That is why, early in the new year, I will call a summit of all those involved at the highest levels to ensure that we get things right and make the necessary improvements.

Planning (School Wood)

10. Robin Harper (Lothians) (Green): To ask the Scottish Executive whether it called in the planning application for the development within the native School woodland at Nethy Bridge or referred it back to the Highland Council and what the reasons are for its position on the matter. (S10-6012)

The Minister for Social Justice (Ms Margaret Curran): The planning application was referred back to the Highland Council, for its own determination, on 11 November, because the issues raised did not warrant intervention by the Scottish ministers. The determination of planning applications is primarily a matter for the appropriate planning authority.

Robin Harper: I venture to disagree with the minister's answer. Given the fact that, following the Johannesburg world summit on sustainable development, the Scottish Executive has supported the commitment to protect, restore and expand native woodlands through the UK forest partnership for action, will the minister give an assurance that that commitment will be honoured in Scotland, and particularly in the case of the native School woodland at Nethy Bridge?

Ms Curran: The commitment is clear in terms of our support for that approach. We have issued a leaflet that makes clear our support for the UK forest partnership for action. Our commitment is expressed through the Scottish targets in the UK biodiversity action plan, "The UK Forestry Standard: The Government's Approach to Sustainable Forestry", and through the Executive's greater focus on its forestry strategy.

A large number of ancient woodland sites now have plantation forests, and the Forestry Commission is currently developing advice in relation to the priorities for restoration. In the case of the School woodland to which Robin Harper refers, Scottish Natural Heritage's advice is that, although the wood is listed in the ancient woodlands inventory, SNH does not consider that wood to be of particular significance for any important habitat or species. SNH did not advise us to intervene in the matter and we took its advice seriously.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Is the minister aware that the development to which Robin Harper refers comprises approximately 40 proposed houses, of which 10 will be low-cost, affordable housing for local people and a further 10 will be building plots for local people? Will the minister join me in commending the local planning department for ensuring that the development will go ahead and does she agree that the law should allow more provision for low-cost, affordable housing? Does

she acknowledge that many people in my constituency and elsewhere are becoming a bit fed up about outside intrusion into local planning matters by interest groups and outside bodies—and even the odd Green?

Ms Curran: Despite my reputation of always wanting to argue my case, on this occasion I take a slightly more balanced view than Fergus Ewing does. In all planning decisions, a balance of factors must be taken into account. It is of course appropriate to consider environmental interests when considering planning decisions. In this case, the allocation for housing was in tune with the local plan, which arose from a local planning inquiry. Therefore, appropriate procedures seem to have been followed.

Flood Prevention (Clyde Basin)

11. Robert Brown (Glasgow) (LD): To ask the Scottish Executive what steps it is taking to provide a unified approach to flood prevention in the River Clyde basin. (S10-5987)

The Deputy Minister for Environment and Rural Development (Allan Wilson): The Executive has established a River Clyde co-ordination group to ensure that appropriate options have been identified and that due consideration is given to the catchment-wide implications of Glasgow City Council's proposals to address flood risk.

In that context, I was pleased to announce in a written parliamentary answer this morning an additional allocation of £1 million to the council for it to undertake a feasibility study of options to protect Glasgow and to prevent flooding in the River Clyde basin. The provision of funding at this early stage is exceptional, but is intended to facilitate a catchment-wide approach.

Robert Brown: The minister's response is welcome, but does he acknowledge the major, justifiable public concerns over increased flooding in the wake of climate change? Is he aware of the fact that the division of responsibility for the implementation of flood-prevention arrangements can lead to an inadequate, impartial view of the problem? Will he commit to the continuing involvement of Scottish Executive officials in taking a broad view on those matters and to providing the necessary funds—on top of the allocation of £1 million if that proves necessary—to ensure that the menace of serious flooding in the Clyde basin is tackled effectively?

Allan Wilson: In addition to the £1 million that was announced today, which arises from the spending review, capital resources for major capital flood-prevention and coast-protection schemes have been increased by 30 per cent to a total of £40 million for 2003-04 to 2005-06. I

believe fundamentally in a catchment-area-based approach to flood prevention, and I have lodged an amendment to the Water Environment and Water Services (Scotland) Bill to promote sustainable flood management as a major priority for, and duty on, all the public bodies responsible.

Ms Sandra White (Glasgow) (SNP): I welcome the minister's announcement of the allocation of £1 million, but is he aware that 14 organisations have responsibility for flooding issues in the Clyde catchment area? The minister mentioned his amendment to the Water Environment and Water Services (Scotland) Bill, but will he now end the piecemeal approach to the management of the Clyde and introduce primary legislation—not amendments—to enable the establishment of one dedicated body for all aspects of the management of the River Clyde?

Allan Wilson: The amendment to which Sandra White refers will amend primary legislation. The Scottish Environment Protection Agency has taken the lead on flood prevention. We must recognise the important role of councils in developing flood-prevention schemes. Local authorities are accountable to their electors for setting priorities in that area.

Our flood strategy consists of a three-pronged approach. It is about increasing awareness, avoidance—by not planning for development on flood plains—and adaptation on rivers such as the Clyde, to prevent flood emergencies.

Miss Annabel Goldie (West of Scotland) (Con): Given the extensive riparian developments that are proposed for the Clyde in both Glasgow and Braehead, is there urgency in pursuing the options to protect Glasgow and the Clyde basin from flooding? Are those options likely to include the resumption of dredging?

Allan Wilson: This is an unusual development. Normally we would expect local authorities to develop schemes, but in this case we are providing £1 million to assist the local authority to consider all the options, including dredging of the Clyde. As Annabel Goldie knows, Glasgow was built around the Clyde and the river generated great wealth. As the First Minister made clear last week, Glasgow is the driver of the Scottish economy. The £1 million that we have allocated is designed to assist economic development and to provide economic benefit to the people of Glasgow and of Scotland more generally.

Minimum Wage (NHS)

12. Tommy Sheridan (Glasgow) (SSP): To ask the Scottish Executive whether it is able to introduce a minimum wage for the NHS in Scotland set at a higher rate than the UK statutory minimum wage and, if so, whether it intends to do so. (S10-5994)

The Minister for Health and Community Care (Malcolm Chisholm): The Scottish Executive has devolved responsibility in this area. Tommy Sheridan should be aware that the NHS minimum wage is already above the UK statutory minimum. At present, the minimum salary in the NHS is £4.47 per hour for an adult worker, based on a 39-hour week and a 52-week year. The UK statutory rate is £4.20 per hour.

Today I inform the Parliament that the four UK health departments have concluded the agenda for change talks with NHS staff organisations that will lead to a new, modernised NHS pay system. We welcome the agreement that has been reached, which will now be subject to wider consultation. Details of what the package means for individual staff groups will emerge over the next month, but I can say that it will mean a new minimum NHS salary of £5.18 per hour, based on a 37.5-hour week and a 52-week year. That represents an increase of 11 per cent on today's rate.

Tommy Sheridan: A delegation representing striking admin and clerical workers from north Glasgow is in the gallery today. It represents workers such as Jim, a medical records officer who carries out complex tasks and has contact with patients. Jim has worked in the health service for 27 years—[*Interruption.*]

The Presiding Officer: Order.

Tommy Sheridan: Members do not like hearing about low pay, as it embarrasses them.

The Presiding Officer: Mr Sheridan, you must ask a question.

Tommy Sheridan: Jim has worked in the health service for 27 years. His wage is £8,668 a year—

Members: Question!

The Presiding Officer: Order. Mr Sheridan, this is not speech time—it is question time. You have had time to ask a question.

Tommy Sheridan: With the greatest respect, Presiding Officer—

The Presiding Officer: No more.

Tommy Sheridan: Presiding Officer, I had to raise my voice to be heard over the babble of Labour members.

The Presiding Officer: The problem is one of content, rather than volume.

Malcolm Chisholm: Tommy Sheridan should have listened to my answer. He should examine his arithmetic—it is unlikely that the person about whom he spoke would be earning £8,000 if he were on the rate to which I have referred.

The important point is that we said we would make progress on low pay and today we have demonstrated that we are doing so. We want to continue making progress on low pay. However, we can do so only on the basis of realistic policies. The minimum wage that the Scottish Socialist Party proposes would cost £189 million. Because it would have many knock-on effects, it would cost a great deal more than that.

Today's announcement will be welcomed across the health service. In Glasgow there are issues to do with grading. Those issues have been taken on board in the negotiations that have taken place over the past few weeks—in Scotland, as Mr Sheridan wants—between staff and management. If the agreement is accepted, progress will be made on some of the grading issues.

Creative Industry Strategy

13. Mr Lloyd Quinan (West of Scotland) (SNP): To ask the Scottish Executive what progress is being made on its creative industry strategy. (S1O-5981)

The Minister for Tourism, Culture and Sport (Mike Watson): Following the creative industries forum, which we established in May, good progress is being made towards developing the policy framework in the sector. I will be outlining further policy proposals to the next meeting of the creative industries forum on 16 December.

Mr Quinan: Does the minister agree that our profitable and highly regarded music industry should be part of the creative industries strategy, not least because it understands the concept of intellectual property rights, which are essential for sustainability? That appears not to be a priority for Scottish Enterprise and, as a result, our leading computer games company, Red Lemon Studios Ltd, has gone to the wall.

Mike Watson: The music industry is indeed very important. The separate music industry forum, which is part of the national cultural strategy, first met in June and includes representatives of Scottish Enterprise. The forum is broad based and the points that Lloyd Quinan made are taken on board and will be discussed at the next meeting of the music industry forum.

Rhona Brankin (Midlothian) (Lab): Does the minister agree that we have a wealth of creative talent in our theatre sector in Scotland? Will he reassure us that the plans for the national theatre are still on track?

Mike Watson: Yes. The proposals for the national theatre are still on track. There has been considerable media coverage of that in the past few days. Funding of the national theatre has to be on the basis of a firm foundation in our regional theatres, which is why we put £3.5 million more

into regional theatre in the early part of this year. It is still very much the Executive's intention that the national theatre will spring from a firm base of regional theatre.

Fire Services (Contingency Arrangements)

14. Lord James Douglas-Hamilton (Lothians) (Con): To ask the Scottish Executive whether it will give an up-to-date assessment of the contingency arrangements for the fire services. (S10-5964)

The Deputy Minister for Justice (Hugh Henry): The contingency arrangements that are in place for the fire service strikes are working very well. We are grateful to the armed services for the very professional service that they are providing in response to incidents in Scotland. We have also taken steps to augment the Ministry of Defence's existing capability through the provision of a number of red goddesses and those are being deployed across Scotland.

I would like to take this opportunity of putting on record our thanks to the police for the additional duties that they are undertaking and to the many retained firefighters who are continuing to provide a dedicated service to their communities.

Lord James Douglas-Hamilton: I wish the minister every good fortune in his new role.

Will the minister keep it in mind that we on the Conservative benches are united in our respect for the professionalism, dedication and courage of Scotland's firefighters? Will he use his good offices with a view to ensuring that an appropriate and speedy outcome to the dispute, involving modernisation, takes place?

Hugh Henry: I want to put on record my respect for the contribution that firefighters have made both to the public services and to trade unionism in this country over many years. I, like many on the Labour benches, want to see a speedy conclusion to the dispute. We want people to keep talking to come to a resolution that is acceptable to everyone and the Scottish Executive will do everything that it can to contribute to that conclusion.

Ms Margo MacDonald (Lothians) (SNP): I, too, wish the new minister well in his post. I imagine that he will carry out his role extremely well, given his experience on picket lines in the past.

Has the minister had time to give any thought to the very interesting suggestion from Bill Spiers of the Scottish Trades Union Congress? None of us would be irresponsible enough to break into the middle of the negotiations, such as they are at present, but, on the other hand, there was just a germ of a new idea and new thinking in the suggestion.

Hugh Henry: I have spoken to Bill Spiers about his suggestions and he has made it very clear to me that he did not intend to suggest that there should be a Scottish settlement to the negotiations.

The Fire Brigades Union and the Convention of Scottish Local Authorities have indicated that they wish to be part of a UK settlement. Some of the comments have been misconstrued and taken out of context. If there are any suggestions about the modernisation of the service that could lead to an early settlement, I know that both the FBU and the employers will make them. We are willing to listen, but we are not part of the negotiating machinery. Anything that we can do, in whatever way, will be done.

Mr John McAllion (Dundee East) (Lab): Is not the best contingency to have the firefighters back at work? Does the minister accept that there can be no return to work on the basis of the completely unacceptable Bain recommendations for fewer firefighters, the deployment of fewer fire stations and fire crews during the hours of darkness and less fire cover for the general public? Will he please try to knock some sense into ministers at Westminster, to persuade them to come up with the money to fund fair and professional pay for our firefighters, because that alone will solve the dispute?

Hugh Henry: As John McAllion will know, further discussions have been held yesterday and today, and I believe that there will be a further discussion with the trade unions tomorrow. It would be utterly irresponsible, at this stage, if we were to make unguarded comments that might prejudice those delicate negotiations. The more that we can do to contribute to the avoidance of strike action next week, the better. Therefore, it would be completely inappropriate if we were to do anything that would prejudice the strike talks tomorrow.

Free Personal Care (Implementation)

15. Mr Adam Ingram (South of Scotland) (SNP): To ask the Scottish Executive what guidance has been issued to local authorities regarding the implementation of free personal care. (S10-5991)

The Deputy Minister for Health and Community Care (Mr Frank McAveety): The Executive issued guidance circulars on the implementation of free personal and nursing care and route 2 contracts on 12 April and 30 May respectively. Those circulars are available from the Scottish Parliament information centre.

Mr Ingram: Can the minister confirm that the guidance to which he refers indicates that councils can elect to limit implementation of free personal

care in line with the availability of resources? How does that square with a commitment to universal delivery of free personal care throughout Scotland?

Mr McAveety: I make it clear that the availability of free personal care is based on the professional assessment that is undertaken by social workers. The allocation of money from the Executive and from the grant-aided expenditure for local authorities is sufficient to meet that need. We will deal with any issues that are drawn to our attention.

We have established an implementation group to address any issues that might arise at a local area level. That group will meet for the first time on 2 December. I make it clear on behalf of the Executive and the Parliament that those who are assessed for free personal care should receive it, as long as it can be made available at the local area level.

First Minister's Question Time

15:12

Cabinet (Meetings)

1. Mr John Swinney (North Tayside) (SNP): To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2296)

The First Minister (Mr Jack McConnell): The agenda for next week's Cabinet has not yet been agreed, but I expect our discussions to include updates on current issues, such as the fire dispute and the protection of Scotland's fishing communities.

Mr Swinney: This morning, the Minister for Health and Community Care said:

"it is heartening to see that nearly 90 per cent of patients are seen within 6 months".

Does the First Minister agree that that is far from heartening, as the figure was 95 per cent when the Executive came to office in 1999? It was a disgrace that, in 1999, people had to wait six weeks to see a consultant, but now they must wait more than eight weeks. In 1999, after seeing a consultant, people had to wait four weeks for treatment, but now they must wait five weeks. Will the First Minister explain that appalling failure to deliver? How have the First Minister and the Executive managed to make a bad situation even worse?

The First Minister: Our health policy has put patients first. That is why the first priority in that policy was to cut waiting times in relation to Scotland's killer diseases—heart disease, stroke and cancer, which are well known in the Parliament and elsewhere. Our next priority was to cut the time for those waiting for hospital treatment to nine months by December 2003. We are on course to meet that target. Our next big challenge, which is vital, is to reduce the waiting times for out-patients. People in Scotland waiting for a first appointment should not have to wait longer than six months. By systematically investing and reforming at the same time, we will ensure that patients are put first. Step by step, we will ensure that all patients receive the service that they deserve.

Mr Swinney: I do not see how any of that is possible if the situation keeps on getting worse, as was shown to be the case this morning. The First Minister has asked us to judge him on how long people have to wait for treatment—he described that as his litmus test. Today, the Executive claimed that only 19 people were waiting longer than 12 months for treatment, which, in itself, is an increase. If we look carefully at the figures that were published this morning—I have them in front

of me—we see that the true figure is not 19 or 1,900 people, but 2,526 people waiting longer than 12 months for treatment. Will the First Minister explain why the Executive conceals the true figure and why that true figure has increased by 300 per cent since the Government took office?

The First Minister: Distorting figures is not the same as having policies that solve the long-term problems in our health service. The devolved Government's priorities of ensuring that the top-priority diseases are tackled first and of reducing waiting times are working in Scotland. The waiting time for heart bypass operations is down not only from 193 days in 1997 to 40 days today, but from 75 days to 40 days even in the past year, which is a reduction of almost 50 per cent. There have been other reductions in the other top-priority areas.

The next big priority, which has been discussed over and again in the chamber, is to reduce waiting times for all people who are waiting for hospital treatment to less than nine months by December 2003. Today, the Minister for Health and Community Care announced further actions that are making a difference to achieve that target, such as buying all private sector capacity in Scotland for next year and new facilities at the former Health Care International facility in Clydebank. Those concrete policies will reduce waiting times in Scotland. Slogans are not a substitute for them.

Mr Swinney: As we are on the subject of slogans, the Minister for Health and Community Care said this morning:

"Nothing matters more to patients than the length of time that they have to wait for treatment."

The First Minister just gave me the answer to a host of questions—however worthy they might be—that have nothing to do with the Minister for Health and Community Care's statement that

"Nothing matters more ... than the length of time"

that people must wait.

The First Minister refers to the distorting of statistics. Here are the statistics from the Government's database. In 1999, 786 people had waited longer than 12 months for treatment. Today, that figure is 2,526. Last year, we had the closed waiting list con, then the deferred waiting list con and then the reclassified waiting list con. Now, we have the 12-month waiting list con. When will the First Minister stop conning the people and start telling the truth about the damage that the Executive is doing to the health service?

The First Minister: The truth that I will tell is of the action that we are taking to improve the health service in Scotland. [*Interruption.*]

The Presiding Officer (Sir David Steel): Order. I want to hear the answer.

The First Minister: It is right that action is taken on the top priorities. Reducing the waiting time for coronary bypass operations from 193 days to 40 days saves lives and such operations are a far higher priority than some of the operations to which the member refers.

Mr Swinney: What matters most?

The First Minister: What I said is right. If someone's life is threatened, that is a higher priority. What matters most is the action that is being taken. This morning, action was announced on buying all private sector capacity for next year. At the meeting of health trust chief executives this morning, the Minister for Health and Community Care announced action to open two new fast-track theatres for orthopaedic surgery at the new centre in Clydebank. Action was announced this afternoon on ensuring not only the minimum wage—to which the Minister for Health and Community Care just referred—but 6 per cent increases in the starting and maximum salaries for Scotland's nurses, which will improve recruitment and retention. That is the action that puts patients first. Patients are more important than slogans and statistics.

Secretary of State for Scotland (Meetings)

2. David McLetchie (Lothians) (Con): To ask the First Minister when he next plans to meet the Secretary of State for Scotland and what issues he intends to raise. (S1F-2297)

The First Minister (Mr Jack McConnell): I met the Secretary of State for Scotland last week and we plan to meet again shortly.

David McLetchie: I thank the First Minister for that answer. I hope that when he and the Secretary of State for Scotland meet, they will discuss the fact that, in England, the Home Secretary has vigorously defended his right to set minimum terms for murderers, notwithstanding this week's ruling in the House of Lords on the compatibility of that with the European convention on human rights. In Scotland, Mr Wallace ran up the white flag about 18 months ago without a fight or a second thought. Will the First Minister consider legislation for Scotland on tariffs for sentencing along the lines proposed by the Home Secretary so that we retain the principle of parliamentary accountability in relation to the most serious and heinous of crimes and so that, for some perpetrators, life means life?

The First Minister: No. The Executive and the Parliament should decide Scottish laws for the Scottish legal system.

David McLetchie: That is precisely the point. I am inviting the First Minister to consider whether the Scottish legal system should, in light of the House of Lords ruling, introduce a range of tariff measures, which Mr Wallace declined to do. To do that would not mean that the law was not a Scottish law; we are inviting the Executive to introduce such a law in the Parliament.

While we are at it, may we ask the First Minister to consider other aspects of sentencing? Will he examine the situation that pertains in Scotland today where people do not serve the sentence that is handed down in court, but get time off automatically, many with 50 per cent remission? In that context, why are Labour and Liberal Democrat members of the Justice 2 Committee refusing to incorporate into the Criminal Justice (Scotland) Bill sensible Conservative proposals that would end that situation? Will the First Minister look at the matter again?

The First Minister: Mr McLetchie does himself a disservice by continually coming to the chamber and calling for changes in legislation, much of which originated when a Conservative Government was in power in Scotland. We heard him talking about hearings for 16 and 17-year-olds, a proposal that emanated from Michael Forsyth's time at the Scottish Office and that this week we have finally managed to put off until a time when it might be more appropriate for Scotland. We need to ensure that we have a criminal justice system that is appropriate for Scotland, but that is tough on the most serious offenders, particularly sex offenders, and ensures that people serve the sentences that they deserve.

Mr McLetchie commented on the work of the Parole Board for Scotland, but that body is independent from Scottish ministers—it is absolutely right that that should be the case, as in any modern democracy. Through the Criminal Justice (Scotland) Bill, we are toughening the regime for sex offenders and ensuring that there are new penalties, new sentences and new action to take crime off the streets of Scotland and to ensure that offenders are either locked up or improved so that, when they come back out to the community, they are no longer the danger that they once were. That is what a decent criminal justice system should do and that is what we are doing.

Pauline McNeill (Glasgow Kelvin) (Lab): Is the First Minister at all surprised that the Opposition has yet to welcome the historic deal that we have on the table for the minimum rate for national health service pay? I am sure that he will agree that many Labour members have fought all their careers against low pay, which has been for too long a feature of our national health service.

In the longer term, will the First Minister consider the position of ancillary workers, porters, domestics and other workers who lost minimum terms and conditions under the Tories' policy of compulsory competitive tendering? Will he address the needs of those workers in relation to pensions and sick pay? I welcome today's announcement.

Members: Speech.

The Presiding Officer: Order. I heard a question in the middle of that. [*Interruption.*] I did. I call the First Minister.

The First Minister: I think that there are— [*Interruption.*]

The Presiding Officer: Order. Let us get on.

The First Minister: Thank you, Presiding Officer.

There are thousands upon thousands of nurses, midwives and doctors across Scotland who will have noted today the announcement of the historic deal that has been reached not just to invest in the national health service, but to reform and modernise a pay structure that had existed since 1948. Today's announcement will result in a national minimum salary in the NHS in Scotland of £5.18 an hour, a starting salary for qualified nurses up 6 per cent to £17,000, a new maximum salary for nurses, which is also up 6 per cent— [*Interruption.*]

The *Official Report* may not show it, Presiding Officer, but the leader of the Scottish nationalist party looks as though he thinks that this is a joke and not a serious matter.

There will be an increase for— [*Interruption.*]

The Presiding Officer: There is far too much noise coming from my right. SNP members must quieten down.

Tommy Sheridan (Glasgow) (SSP): Was that a political point, Presiding Officer? [*Interruption.*]

The Presiding Officer: Order. I choose the questions because of their priority. Question 5 was lodged by an SNP member and I am trying to reach it. I ask members to make less noise so that we can hear the First Minister's answer.

The First Minister: There will be a new maximum salary for front-line midwives of £27,500, which is an increase of just under 12 per cent. Those are real increases in the pay of nurses and health care professionals—they are not slogans. The increases will make a difference to recruitment, help to bring down waiting times and give our health service staff pay rates of which we can be proud and not ashamed. I am delighted to be part of a Government that is bringing in those increases.

Universities (Top-up Fees)

3. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): To ask the First Minister whether he will confirm that there are no plans to introduce “top-up” tuition fees for universities. (S1F-2306)

The First Minister (Mr Jack McConnell): There are no such plans in Scotland.

Ian Jenkins: Does the First Minister agree that the abolition of fees and the establishment of a system of student support have been a great success and have substantially increased access to higher education in Scotland? Does he welcome the indications that the Scottish university community is opposed to top-up fees? Does he further agree that the introduction of such fees would erect massive and divisive financial barriers to access in direct contradiction to the policies that the partnership Executive introduced and the Parliament supported?

The First Minister: I suppose that I should have said in answer to Ian Jenkins’s initial question that the partnership parties had no plans to introduce top-up fees. The Conservatives may have other ideas and the nationalists would have to find the money from somewhere.

The partnership’s policies for higher education have changed the position on student tuition fees through the introduction of student bursaries. Our policies ensure that Scotland has world-class universities, as it does. Those universities have centres of excellence that attract a far higher amount of research money from the United Kingdom national pot than the average, per head of population, and far more royalties from research going into products outside the university system. The success of Scotland’s universities lies not only in looking after our students properly, but in ensuring that we have among the best universities in the world. That is something that we should be proud of and something that we will be able to trumpet come the election next year.

Andrew Wilson (Central Scotland) (SNP): Does the First Minister recognise that, notwithstanding the consensus against top-up fees in the chamber and the country, a decision in the rest of the UK to increase the proportion of university income that comes directly from students and fees will have the knock-on effect of reducing the amount of money that is available to Scotland’s universities through the arcane functioning of the Barnett formula? Does he consider that that process is in any way democratic or fair?

The First Minister: Mr Wilson is well known—and often quoted—for campaigning around the country for the abolition of the Barnett formula. The Barnett formula secures Scotland’s funding support and currently ensures that 50 per cent of

Scotland’s young people go into further and higher education—the figure in England is 35 per cent. That seems to be a good funding formula. It has delivered our policies in Scotland on the abolition of tuition fees and the introduction of student bursaries. The Scottish nationalist party could not afford those policies and presumably would not have been able to introduce them. Our policies put the Scottish universities not only at the centre of our education system, but at the centre of the UK education system. Scottish universities are doing better than any other universities anywhere else in the UK. Our system would not be possible if the Scottish nationalist party won the election next year. Scotland’s universities are working hard in Scotland and in the United Kingdom. They are among the best in the world. We will preserve them. Others may have different ideas.

Ben Wallace (North-East Scotland) (Con): Will the First Minister go further than he did in his answer to Ian Jenkins and rule out top-up fees for the whole of the next parliamentary session?

The Deputy Minister for Justice (Hugh Henry): He will rule you out.

The First Minister: All the best lines come from behind me. There are no plans to introduce top-up tuition fees in Scotland.

Waiting Times (Tayside)

4. Kate Maclean (Dundee West) (Lab): I ask this notwithstanding the fact that we have already had a question on the subject.

To ask the First Minister what action is being taken to improve NHS waiting times across Scotland and particularly in the Tayside NHS Board area. (S1F-2310)

The First Minister (Mr Jack McConnell): I hope that the member for Dundee West heard my comments about the action that is being taken to improve waiting times across Scotland and about specific improvements in areas of high priority.

As for the Tayside area, Gerry Marr, the chief executive of Tayside University Hospitals NHS Trust, has today pointed out that the number of patients waiting more than nine months for treatment has dropped by a quarter since last December. We hear a lot of complaints in the chamber about the health service. We are all impatient for improvements. However, even some members from Tayside have complained about the people who are working hard to deliver the service in Scotland. As a result, I want to put on record the fact that NHS Tayside and the doctors, nurses, administrators, ancillary staff, midwives and others who work in that area have turned around what was until only a short time ago a very bad situation. Although they have much further to go, they will have our support to get there.

The Presiding Officer: I call Fergus Ewing to ask question 5.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): To ask the First Minister whether the Scottish Executive—*[Interruption.]*

The Presiding Officer: I am so sorry. Kate Maclean will ask a supplementary, and then I will come to Fergus Ewing. I was anxious to get Mr Ewing in before the clock ran out.

Kate Maclean: Thank you very much, Presiding Officer. I realise that you are probably getting bored with this discussion.

The Presiding Officer: No.

Kate Maclean: I am glad that the First Minister highlighted the fact that there are more positive aspects to the figures that were announced today. I ask him and every member in the chamber—including Mr Swinney—to join me in commending the hard work and effort of every member of staff in NHS Tayside who has played their part in bringing down waiting times.

Does the First Minister share my concern that the SNP always concentrates on the negative and that its constant denigration of hard-working and committed NHS staff in Scotland is unhelpful and unacceptable?

The First Minister: Obviously, I am happy to concur with those remarks. However, although good news about heart bypass operations and about the Beatson clinic in Glasgow, where the waiting time for cancer treatments has been cut by half in 12 months from eight weeks to four weeks, shows that solid improvements are being made, that is not enough. We want to ensure that the health service in all health board areas across Scotland delivers on time, within target and to the highest quality for all patients who require priority treatment. That is our objective in Tayside as it is everywhere else in Scotland. By securing a national waiting times centre, by supporting and improving the wages and conditions of nurses and other health service staff and by taking the other measures that I have outlined, we will deliver that improvement in the years to come.

The Presiding Officer: I am sorry. We are well out of time. We must close and move to the next debate.

Domestic Abuse

The Deputy Presiding Officer (Mr Murray Tosh): I invite members who are leaving to do so as quickly as they can. We are late going into the next debate and are already time pressured.

The next item of business is a debate on motion S1M-3648, in the name of Margaret Curran, on domestic abuse, and one amendment to the motion. Although there is perhaps a degree of hubbub in the background, I know that the minister will rise to the occasion.

15:34

The Minister for Social Justice (Ms Margaret Curran): I am delighted to move the motion on behalf of the Scottish Executive this afternoon. It is two years since Parliament last had the opportunity to debate the issue and much has happened in that time. Last Monday was international day for the elimination of violence against women, so this is an opportune time for us to take stock of what we have achieved and think about where we are going.

From the start, the Scottish Executive has made it clear that it regards the protection of women from all forms of violence as one of its highest priorities. We have committed ourselves to taking the necessary action to inform ourselves about the nature and scale of the problem so that we can form our policies and direct our resources, and to raise awareness so that no one in Scotland can turn a blind eye.

We are determined to create a climate in which violence against women will be abhorred and those who perpetrate it will be shunned by society. Everyone has the right to live and go about their daily business without fear of violence or abuse. Further, we are committed to ensuring that appropriate legal protection is in place to safeguard victims from attack or harassment. We will also ensure that there is adequate provision of appropriate support services.

In November 2000, my predecessor, Jackie Baillie, presented to Parliament the report of the Scottish partnership on domestic abuse. The partnership also developed a national strategy to address domestic abuse in Scotland and since then we have worked hard to fulfil our commitment to implement that strategy.

I chair a national group consisting of experts in their field, representing the police, health, education, the justice system, racial equality, local authorities and the voluntary sector. It was set up in June 2001 and has established four working groups. Two groups that are particularly relevant to the debate have made significant progress.

The working group that examines legislative provision in relation to domestic abuse has submitted a package of recommendations. The Executive is considering those recommendations and will move speedily on them and make announcements in due course.

The working group on prevention has developed a national prevention strategy, which has been widely circulated for consultation. Responses have been requested by the end of the year. We will take on board those responses and issue a revised strategy early next year.

The working group on training has identified a need for specific training for staff in a number of sectors—social work, education, health, police, housing, the criminal justice system, the civil court system, the voluntary sector and the private sector—as well as a need for multi-agency training for all. A draft national training strategy has been approved by the national group and will be issued for consultation.

Finally, the working group on refuge provision has been useful already in helping to decide how we should proceed with the next round of our refuge development programme and will submit its full report in January.

As promised in November 2000, we have put £10 million into the budget for Communities Scotland to address the shortage and inadequacy of refuge provision. We are all aware of the sterling work that is done by the 39 affiliated and seven unaffiliated Scottish Women's Aid groups throughout Scotland in providing a safe refuge and practical and emotional support to women and their children who wish to leave their abusive partners. We know that there are not enough refuge places available for all those who want them. Women's Aid will be among the first to admit that some of the refuges are old, overcrowded and inadequate by today's standards. Therefore, the aim of our three-year programme is to increase the amount of refuge provision and to upgrade and improve the standard of provision currently available.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Although rightly condemning domestic abuse against women, children and young people as unacceptable, the motion does not even recognise the problem of domestic abuse against men. I know that £10 million has gone into refuges for women, but so far, I cannot identify any money to help men.

Ms Curran: This is a long-running debate between Mike Rumbles and me and I am sure that it will continue. He knows that we commissioned research last year or at the beginning of this year into domestic abuse against men, as we were properly committed to doing by Parliament.

That research indicated clearly that the level of abuse against men was not comparable with the level of abuse against women and that our resources were appropriately targeted. The research demonstrated further that violence against men was less intense and less sustained. We have worked with victims' organisations that have concluded that we have achieved the right balance in the strategy. I have written to all the relevant organisations, including all the key services to ensure that, where appropriate, services are targeted towards men. It is vital to understand that Women's Aid refuges are refuges for women. If one were to widen the strategy, those women would not be safe and that is why we keep to the current strategy, which is endorsed widely throughout Scottish society.

While we are on the topic, I note that research carried out by the working group on refuge provision shows that the clear preference of most women is for refuges that consist of a cluster of self-contained flats with communal areas and children's playrooms. That model satisfies the need for privacy and security while maintaining a critical aspect of the provision: the opportunity for mutual support and help. However, we recognise that we have to develop that model, as it is not appropriate for all circumstances.

In the first year of the programme, we approved projects in Angus, Dumfries, East Renfrewshire, Fife, Glasgow, Highland, North Ayrshire, Renfrewshire, South Ayrshire and Stirling. The projects include replacing an existing old hostel with seven self-contained flats in Stirling, providing the first refuge in East Renfrewshire, building a three-bedroom bungalow in Dumfries to barrier-free standards for women or children with disabilities and upgrading and extending a refuge in North Ayrshire to include four self-contained flats. That recognises the diversity of our strategy, which aims to support the variety of needs that exists.

The domestic abuse service development fund was introduced in April 2000 to encourage local authorities to work with their local partners to improve provision in their areas, and that work is still continuing. We are currently supporting 57 local projects, which include outreach work, multi-agency development, work with children, training, work in rural areas, preventive work through schools, support work in refuges and partner support. A total of £12 million has been made available through Executive and matched funding to enable that work to be carried out.

The Executive's domestic abuse campaign continued during 2001-02 using television adverts, print adverts, an eight-page supplement distributed with the *Daily Record*, adverts on outdoor sites and in female washrooms and a

number of other means. The domestic abuse website was also improved and relaunched. The first phase of the campaign was launched on 6 December 2001 by the First Minister, and I would like to highlight the significant support that we have had from him in the campaign. It is distressing that recent press comments about the work of the Executive and the Parliament focus on personalities and not on the substantial projects that are developed or on the contribution made by the First Minister and the Executive to tackling domestic abuse.

We have further entrenched the development of our work. The national domestic abuse helpline, set up in June 2000, has extended its hours during 2002 and now provides a service all day, every day of the year. In addition, a textphone service was introduced for people with hearing impairments and is available for significant periods through the day. The helpline number has been included in all advertising materials, and has therefore been promoted extensively throughout Scotland. In addition, the helpline number was highlighted in a campaign in Lanarkshire run by the local radio station, Clan FM. Information about the helpline was distributed to all police forces, local authorities and national health service boards.

A pilot of an educational package, "Respect", produced by the Zero Tolerance Charitable Trust, was carried out from January to June 2001. "Respect" aims to challenge attitudes that condone violence against women and to promote relationships based on equality and mutual respect. The materials include primary, secondary and youth group curriculum materials, teacher training materials, posters, a CD-ROM and a screensaver. That package has been evaluated very positively and we are developing a package with further funding to amend the materials in the light of recent work by the education services. That package will be delivered on 31 March 2003.

Since 1 April 1999, all police forces in Scotland have collected and collated statistics of domestic abuse incidents according to an agreed definition. Our third report of those statistics, covering the period January to December 2001, was published in October 2002. The statistics show that 35,800 incidents of domestic abuse were recorded by the police during that period, which is an increase of 5 per cent over the previous year.

Mr Rumbles: Will the minister give way?

Ms Curran: I am sorry, but I have quite a lot to say. I hope that Mr Rumbles will forgive me. I shall try to pick up on his concerns later in the debate.

The increase in reporting is encouraging because it demonstrates both that our awareness raising is working and that women now have

increased confidence that the police will take the matter seriously. However, it also shows that domestic abuse remains a widespread and serious problem and that we must not allow ourselves to slacken in our efforts to tackle it.

As we all know, it is not only women who suffer when they experience domestic abuse. Their children witness the abuse and may also be abused themselves. Our decisions on the type of refuges that we wanted to establish under the refuge development programme were influenced by the fact that children have specific accommodation needs. We also recognise that they need special help in dealing with the trauma of domestic abuse and that that is an area that is currently under-resourced. I have therefore allocated £237,000, to March 2004, to fund part-time workers in the seven affiliated and four unaffiliated Women's Aid groups that do not currently have that provision. That will at least ensure that all children in refuges will have access to support while longer-term solutions are explored.

The work that I have described relates to domestic abuse. So far, we have concentrated on such violence against women, as it was identified as a priority and is a specific problem that needs specific action. However, the national strategy recognises the need to establish clear links to the wider issue of violence against women. The national group has therefore decided that now is the time to do just that and will become the national group to address violence against women in Scotland from now on.

We will adopt and address the United Nations General Assembly's definition of violence against women, which is:

"Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life."

I could discuss much other work that has been undertaken, but I realise that I am fast running out of time. Would you bear with me, Presiding Officer?

The Deputy Presiding Officer: You have fast run out of time.

Ms Curran: I have reached my conclusion. You see how obedient I am.

Members will realise that we have not let up or wavered in our determination to tackle domestic abuse in Scotland and we will not let up until we have achieved a society in Scotland in which every woman and child can live their lives and fulfil their potential without the fear of abuse or violence. A key achievement of the Executive—supported properly by the Parliament—has been

the priority that we have accorded to domestic abuse and the resources that we have given to that area. We are working in partnership with key organisations such as Women's Aid and other women's groups, the judicial and health systems and education and social work services. In partnership, we are taking decisive action to reform Scotland's legal process, develop services and further that work. We are dealing with the symptoms of the problem.

Finally, I announce that we will relaunch our domestic abuse campaign this Christmas.

I move,

That the Parliament approves the considerable progress made in increasing the protection of, and provision of services to, women, children and young people experiencing domestic abuse; further approves work aimed at reducing the intolerably high incidence of domestic abuse in Scotland, and welcomes the work of the National Group to Address Domestic Abuse in Scotland in tackling this unacceptable behaviour.

The Deputy Presiding Officer: I did not break into the minister's speech after 10 minutes, as she was making announcements, but I ask members to keep to the time limits from now on. I invite Roseanna Cunningham to speak to and move amendment S1M-3648.2.

15:47

Roseanna Cunningham (Perth) (SNP): The SNP does not hesitate to support the wording of the Executive's motion, but our amendment makes it clear that we believe that there are issues that require serious attention. The minister probably does not disagree with us.

I want to digress briefly to defend—uncharacteristically—Mike Rumbles. A man who had been a victim of domestic violence visited my surgery. He had suffered clear physical and psychological distress. If that distress were quantified across Scotland, it would not approach the distress suffered by women, but it was equally devastating for that person. Perhaps we ought to recognise that.

We all know that the incidence of domestic violence against women is high. I am never sure about using the word "domestic"—it worries me slightly, as it makes matters a bit too cosy. I do not want to get into the complicated argument about statistics. There might or might not have been exaggeration on the Executive's part, but that argument is not worth getting into today. However, we know that, as with rape, the majority of offences go unreported and that most women take their problem to others—much less to the police or anyone else in authority—only after they have been victimised on a number of occasions. The longer that situation continues, the more

disempowered the woman will become. Equally, the longer it continues, the more likely it is that any children of the relationship will become abused. Indeed, often the eventual violence against children rather than violence directed against women triggers their motivation to deal with the problem.

I welcome the money that the Executive has pledged to deal with the issue and the money for refuge spaces in particular. However, it is not enough to say no more than that no amount would probably be enough. Today, I am not concerned with the amount; instead, I want to address some of the issues raised by how the money is being disbursed.

First, the requirement of matching by local authority funding reinforces the patchiness of service provision that arises out of different policy priorities being chosen by different local authorities. Secondly, I understand that a significant proportion of new money available under the development fund must now be spent on capital funding because of the requirement to sustain a larger work force, which is, of course, the corollary of increasing the number of refuge places in the first place.

Thirdly, there is a question that is specifically related to the funding for the "Respect" scheme. The pilot cost £50,000 and I have been advised that the Executive believed that it would cost only another £50,000 to roll out the scheme nationally. That would certainly be supported by the SNP. However, there seems to be a question about the sufficiency of the money available for roll-out. There might be specific reasons as to why the pilot and the roll-out would cost the same. If that is the case, I hope that I can hear from the minister on that.

Fourthly, on a much more specific issue, last year, Shakti Women's Aid, which deals with black and ethnic minority women, helped a total of 167 women, 23 of whom had no recourse to public funds. That means that helping them is very difficult indeed. For one reason or another, those women are prohibited from accessing social welfare benefits and so find themselves in effect trapped in abusive relationships. They represent a very high level of unmet need within a specific community. There are other gaps in that area of provision and I hope that the minister will be able to say something today that will give Shakti some confidence that the extra funding that it feels that it needs will be forthcoming.

I will discuss the impact of domestic violence on children. An estimated 100,000 children and young people have had experience of domestic violence. A huge percentage of them go on to be assaulted themselves, but it seems that only 10 out of 32 local authorities are to receive funding for

workers dealing specifically with children's issues. That statistic appears to come from local authorities themselves.

Ms Curran: Perhaps Roseanna Cunningham has not had a full briefing on recent announcements, because the situation to which she referred is exactly what we are trying to develop. We accept the need for children's workers in refuges and are attempting to address that. I will address some of her other points later, if that is okay.

Roseanna Cunningham: I hope that what the Executive is doing deals specifically with the situation that we were advised of, which is that local authorities believe—on the basis of recent announcements, I think—that only 10 local authorities will get funding for children's workers. Perhaps there is an on-going argument about that issue.

That shortage of children's workers mirrors the shortage of social workers across Scotland and so is part of a much bigger issue. The shortage of social workers affects many areas of our justice system, including the domestic violence area. There are significant and increasing numbers of vacancies in key social work sectors. I am aware of the Executive's campaign to promote recruitment into the caring professions, but it is a little difficult for me to understand whether the responsibility for that lies with the Minister for Social Justice or the Minister for Education and Young People. I wonder whether the minister can advise members of the likely outcome of the campaign. Indeed, could she indicate what would be a measure of its success, so that we can establish whether it is successful?

The president of the Association of Directors of Social Work has gone on record with the view that the increasingly pressured work load of social work services is a function of the "enormous range of initiatives" that have been introduced by the Executive. I do not want to criticise the Executive for those initiatives, but perhaps it could be criticised if it has failed to ensure that the affected services have sufficient resources to deal with the increase in pressure and work load.

There has been discussion of domestic violence courts. I look forward to the Minister for Justice, as the minister responsible for our court system, initiating a debate on the specific proposals so that we can see how domestic violence courts are expected to work. The SNP is broadly supportive of the idea that a different way has to be found to deal with domestic violence within the criminal justice system. We agree with Lord Carlaway that

"Domestic cases ... are usually very complex, sometimes involving children ... and at times the judicial process is not flexible enough to deal with all the possibilities that might arise."

It is precisely for those reasons that we now feel that a more radical approach needs to be considered: setting up family courts to deal with all the aspects of civil and criminal law that can be defined as being within the ambit of the family. That would cover domestic violence, divorce, custody and access disputes and would perhaps even be extended to include the 16 and 17-year-olds who have given rise to such controversy in another policy remit.

Those sitting in a family court build up specialist expertise in the way that the sheriffs in the drugs courts have done. That would enable them to deal far more effectively with domestic violence cases and to deal in a more unified fashion with the consequences of domestic violence. That would be beneficial to everyone concerned, particularly the women who are victims.

I move amendment S1M-3648.2, to insert at end:

"but nevertheless calls on the Scottish Executive to ensure that funding of services dealing with domestic violence is equalised across Scotland, to recognise and meet the needs of children affected by domestic violence, to address, as a matter of urgency, the recruitment crisis in social work services and to reform the justice system so as to allow the development of family courts which would include *inter alia* powers to deal with domestic violence."

15:54

Mrs Lyndsay McIntosh (Central Scotland) (Con): I am delighted to be opening the debate for the Scottish Conservatives. Indeed, I have been keen to take part in every parliamentary debate on domestic abuse. We have rightly put the issue of domestic abuse, its effects on women—sometimes on men—children and young people front and centre, to use a phrase from "The West Wing".

I have not always agreed with everything that the minister and her predecessors have done, but my party and I have always supported the intent behind their efforts to tackle domestic abuse. We decline the opportunity to exploit an unfortunate error with figures, which is the right thing to do because the issue is not about party politics. We were warmly enthusiastic about the "Behind Closed Doors" campaign; my only regret is that it was necessary.

My support does not preclude me from raising with the minister a number of points that should give all members cause for concern. I do not want to be a spoilsport, but I cannot take encouragement or comfort from the fact that there has been a 5 per cent increase in the incidence of domestic abuse—the total for 2001 was 35,827.

Robert Brown (Glasgow) (LD): Does the member think that that figure reflects an increase in the number of incidents, or an increase in the willingness to report incidents?

Mrs McIntosh: I will come to that issue. I am greatly disappointed that almost 60 per cent of incidents did not result in a report or a recorded crime or offence, but the figure that really affects my happiness—and which I sounded off about when it was produced—is the one that shows that the same people suffer time after time. People might be more confident about reporting incidents, which is good, but as long as there are repeat crimes and repeat victims, there is nothing to be complacent about.

Colleagues will know that it is not in my nature to be sour. The motion seeks our approval of the progress made and asks us to welcome the work of the national group to address domestic abuse in Scotland. I happily do so on my party's behalf. We express our gratitude to all the individuals and organisations, particularly Scottish Women's Aid, that add to the knowledge and develop the services and support that too many people must rely on.

In the "104 Pairs of Shoes" exhibition, which is currently in Edinburgh and which will move to Glasgow and Elgin in the near future, each shoe represents a woman's life lost in the United Kingdom through domestic violence by a current or former partner. The exhibition is organised by the Young Women's Christian Association Scotland and I am sure that members from throughout the chamber, particularly those who, like me, donated a pair of shoes, wish that organisation well in its endeavours.

For at least one member, today is an historic day. I wish Mr McNulty well. Perhaps in his response, the new Deputy Minister for Social Justice might, in the spirit of consensus, like to record support and approval for the campaign to tackle domestic violence that was launched yesterday by my Westminster colleague Caroline Spelman. Our campaign aims to distribute 10,000 posters throughout the country during the festive period, when it is as traditional as turkey and stuffing for levels of domestic violence to peak. The posters will be in places such as hairdressers, beauty salons and doctors' surgeries where women can write down the helpline numbers discreetly. I am confident that members will agree that that campaign is worth while.

I remind members that 98 incidents of domestic abuse are reported every day. In the time that we dedicate to this debate, there will be six reports of domestic abuse, which does not include those who are too scared to come forward.

15:58

Robert Brown (Glasgow) (LD): I express my trepidation at following in the footsteps of the three formidable women speakers who made the opening speeches for the other parties.

I welcome the minister's announcements and her personal commitment to the issue that we are discussing, which includes improving refuges, increasing the number of refuge places and increasing support for Scottish Women's Aid. However, we must be careful to fit family or domestic issues into their wider context. Although many people who suffer from domestic violence go to Women's Aid refuges, we must see the whole picture and take into account the new law on homelessness that is being developed. We should also recognise that some of the domestic violence issues that occur in families, marriages and relationships result from issues in the background, such as alcohol and drug abuse. Although the individual measures to deal with the consequences of those problems are important, it remains important—as Lyndsay McIntosh said—that we concern ourselves with education and awareness raising, which the minister also dealt with.

When I was a young lawyer, people used to approach me and say that they had a particular weeze for getting off the hook if they were stopped by the police for drunk driving. The whole thing was a bit of a joke. However, the television campaign against drunk driving had the result that my children do not find it amusing and would be highly critical of people driving their motor cars under the influence of alcohol. Many of the same comments and possibilities apply in this debate.

For many years, I practised matrimonial law professionally, handling divorces, custody and access cases—as they were then called—financial disputes, home disputes, and so on. I heard many horror stories and met many decent people whose lives had come apart as a result of a family break-up. A threat to someone's lifestyle, combined with the loss of face that comes with experiencing failure in such a central and personal aspect of their life, can bring out the worst in them and lies, exaggerations, unfounded allegations and a total inability to see the other point of view are the common currency of such situations.

Some domestic disputes thrust themselves into the public arena, but many occur in private, without witnesses other than the young children in the family. They arise across all strata of society and frequently involve an element of violence, abuse or control. It might be worth sharing with members a couple of points from my personal experience. The first point is that violence in such cases is mostly violence against women and, more rarely, against children. I was frequently

struck by the fact that, despite a catalogue of the most awful incidents—black eyes, bloodied noses, bloody mouths and sore backs from being flung across a room—many women stopped their divorce actions some months down the line after separation to try to make another go of it with their husbands. For what it is worth, my observation is that very few of those reconciliations worked out, and we often did not bother closing the legal file on the matter.

The second point is that people seem prepared to forgive the most terrible assaults, drunken escapades, verbal tirades and other sorts of cruel behaviour, but the entry into the fray of a third party—children, for example—changes the story altogether and can raise the temperature. That illustrates how difficult and complex the relationships are that we are dealing with.

There have been a number of welcome changes, such as the change in the role of the police. The police were often unwilling to intervene in domestic disputes at one time, sometimes for valid reasons—because of the triviality of the issue, because the complainer did not want to bring charges or because reconciliation had taken place. However, the excuse that the law should not intervene in domestic disputes is rightly no longer accepted.

As Lyndsay McIntosh said, the number of reported incidents of domestic abuse rose by 5 per cent in 2001. I want the number of reported incidents to rise even further and the actual number of incidents to decrease. The fact is that only half the incidents are reported to anyone. Research also suggests that women who are victims of crime tend to be assaulted 10 or 20 times before they contact the police.

The Liberal Democrats are strongly in support of the considerable efforts that the Executive and the Parliament have made to provide help in this area. However, we are dealing with an extremely complex and personal situation that is often not black and white. One clear message that has gone out repeatedly from the Parliament and should go out today is that physical violence by a party to a relationship is not excused by the fact that it takes place in private; is no less serious than violence in other situations; and is not mitigated or exempted by the plea of alcohol intoxication or by the suggestion that “she deserved it”. Domestic violence will not be tolerated in modern Scotland. I support the motion.

The Deputy Presiding Officer: I will try to call all members who have asked to speak, but I will be able to do so only if members stick tightly to their times.

16:04

Bill Butler (Glasgow Anniesland) (Lab): Domestic abuse—be it physical, psychological, sexual or emotional—can never be condoned. That is the position of the Scottish Labour party and I believe that it is the position of every member of the Parliament. As the minister said in her opening speech, it is apt that we are debating the issue this week, as Monday 25 November was the international day for the elimination of violence against women. That heralded the start of a fortnight of events to publicise the problem, which will conclude on 10 December with a celebration of international human rights day.

As the minister said—and Mr Rumbles should realise this—there is overwhelming evidence that the vast majority of domestic abuse is perpetrated by men against women. That is why our strategy is correct.

Mr Rumbles: Will the member give way?

Bill Butler: No. I do not have time.

We cannot talk of living in a civilised society when a British Medical Association report from 1998 shows that 25 per cent of women experience domestic abuse at some point in their lives and police statistics for 2001 reveal that there were 35,000 reported cases of domestic abuse in Scotland. Those figures are the unpalatable, unacceptable reality. The situation is unwholesome but it is the inevitable consequence of deep-seated attitudes that we must all work to change.

Recent research has shown that nearly 25 per cent of Scots still think that violence in the family is a private matter and that no outsider or outside agency should become involved. However, such sentiments have no place in a civilised Scotland, not only because of the terrible impact that domestic violence has on the women who are its victims but because of its baleful influence on the children who witness such scenes. Scottish Women's Aid believes that 90 per cent of children whose mothers are attacked are present or in the next room during those attacks. Such statistics shame Scotland.

I am content to support the Executive's motion because it refers to action taken and services provided to deal with the scourge of domestic abuse and support its victims. It does not pretend that what has been done so far has produced an instant and comprehensive solution, which is palpably not the case, but it acknowledges that a good deal of progress has been made and rightly congratulates the national group to address domestic abuse in Scotland on the work that it has done. I believe that the honesty in the motion and its measured tone are appropriate. It is neither pious nor complacent.

With its three objectives of prevention, protection and provision, the national strategy to combat domestic abuse takes the right approach. I place on record my welcome—which I believe that I share with members in general—for the substantial and practical work that is being done to deal with domestic abuse, such as the domestic abuse service development fund, which provides money for outreach work, training and information, services, support workers and refuge workers, work in rural areas and preventive work in schools. I also want to mention the passing of the Protection from Abuse (Scotland) Act 2001, which allows a power of arrest to be attached to any interdict granted by a court to prevent abuse.

Those good initiatives are worthy of support. They form the beginning of a strategy to tackle the problem of domestic abuse. Along with the actions referred to by the minister and other members, they will go some way towards curing a social ill that debases its victims and diminishes us all. I commend the motion to the chamber.

16:08

Mr Gil Paterson (Central Scotland) (SNP): While I welcome the work that has been carried out by the national group, I believe that more needs to be done. The national strategy on domestic abuse is meant to be part of an overall strategy to address all forms of violence against women. However, there is little sign of that, given that recent studies have shown that three in four victims of domestic sexual assaults had histories of domestic violence. It also shows that a range of violent acts can be carried out by one individual. There is an urgent need for the Executive to make links between domestic violence and other forms of violence that are experienced by women and the wider community.

The national strategy is based on the three p's: prevention; protection; and provision. However, while there has been an increase in resources targeted at the provision of refuge accommodation, prevention projects in schools and advertising on television, little appears to have been done to offer increased protection to those who have suffered from domestic violence. Therefore, I will focus my remarks on what we can do to increase the protection that is available to victims of domestic violence.

We need to take more action to protect victims of domestic abuse. At present, only a quarter of the incidents that are reported to the police result in an offence being reported to the fiscal. No action was taken on almost 21,000 of the 35,000 incidents of domestic violence that were recorded by the police last year. It is depressing to note that, if those were parking offences, urgent action and resources would have been brought to bear.

Recent Home Office research has shown that, when offences are left unchallenged, there is a greater risk of the violence escalating and of more serious offences being carried out. That means that effective early intervention is vital if men are to stop their violence and women are to be protected. Few men stop of their own volition, and violence usually increases in frequency and severity over time.

The Executive should consider a number of measures to ensure that victims of domestic violence receive the protection and support that they need from our criminal justice system. At present, too many are let down. Such measures would include the introduction of specialist family courts, which Roseanna Cunningham mentioned. The Executive could also consider making domestic abuse an aggravated offence. It is difficult to trace what happens to those who have been charged with an offence resulting from domestic violence and there is nothing that signifies that on their records.

The Executive also needs to consider whether the police should implement pro-arrest policies and whether the prosecution service should implement a pro-prosecution policy regardless of whether the victim wants to go ahead with the prosecution, as long as other evidence is available. That policy is followed in certain American states and in Canada. We need an evaluation of that policy to see whether it would make any difference in Scotland.

The measures that are laid out in "Vital Voices: Helping Vulnerable Witnesses Give Evidence" would make a huge difference to the experience that victims of domestic violence have of our court system. I look forward to the Executive's response to that consultation.

Perhaps more important, the system needs to ensure that perpetrators are held accountable for their actions. In Glasgow, the police ask for bail conditions that mean that the perpetrator is not allowed in the victim's home, whether or not they share a home. Why should women and children have to have their lives disrupted by fleeing from their homes, friends, neighbours and family? It is time that we reversed the rules to one that says, "If you hit, you're out." The criminal justice system needs to take action to make it clear that domestic violence is unacceptable.

16:13

Maureen Macmillan (Highlands and Islands) (Lab): I declare an interest: I am a director of Ross-shire Women's Aid and have been part of that organisation since it was founded 22 years ago. In all those years, Women's Aid has tried, sometimes as the sole voice, to win more

resources to help abused women, to provide them with refuge and to help them settle, perhaps in a new home away from an abusive ex-partner. Women's Aid has supported their children, who are invariably traumatised. It has supported women in their dealings with housing authorities, social work and the Benefits Agency. It supports them when they have to go to court as witnesses. It supports them through emotional and financial crises. It supports them whether they are in a refuge or at the other end of a phone. It has campaigned for fairer legislation to protect women. It has trained police and other agencies. It has tried to change society's attitudes through the media, by going into schools when it was allowed to and by talking to any organisation that would listen.

However, for most of the past 22 years, that work was done on a shoestring and often in the face of hostility from agencies and the public. Refuges were crowded, with a family to a room. If we were lucky, there was support from local authorities, but that depended on the attitude of the local housing officer or social work director. There was little recognition from national Government, the law was dismissive and the police were uninterested. Society did not want to know what went on behind closed doors in rural areas and urban areas, irrespective of class. We knew that we were just scratching the surface. There was so much more to do, but both the resources and the public will were lacking

However, because of the Executive's commitment—which has gained cross-party support from the Parliament—we are now addressing the issues of prevention, protection and provision in a meaningful way. The Executive's money could have been spent on something much more popular—domestic abuse is not a popular issue, because people do not want to think about it.

I am proud that we made that commitment; I am proud of what we have achieved so far. The Executive has put substantial funding into television advertising campaigns and national helplines. It has channelled money to local authorities so that new refuges can be built and development workers can be employed to create services where none existed before.

Let me describe what difference that has made in the north of Scotland. There is a new refuge in Dingwall. Families are no longer crowded into one room; each family has its own flat. One flat has been totally adapted for wheelchair use, whether the wheelchair user is a mother or a child. The Women's Aid workers, who struggled to cope with the inadequate accommodation, were almost in tears of joy when they saw their new premises—not for themselves, but because it signalled that,

at last, abused women were no longer treated as second-class citizens. Because we were given funding for outreach work, we now have Women's Aid groups in Skye and Caithness. We are making contact with women in Sutherland, and an affiliated group has been set up in Orkney. However, there are still many rural areas to which we cannot reach out.

Partnership work is taking place across the board, involving Highland Council, Northern constabulary, Highland NHS Board, procurators fiscal and others. Of course, that is still not enough—I wonder whether it will ever be enough. There are many women whom we have not yet reached.

We have to support Scottish Women's Aid and the training work that those involved in it do. They are the experts in the field, and have been for 25 years. We must not sideline them. Every time a Women's Aid worker goes into a school or a police station to conduct a training session, that takes time away from her main job, which is supporting abused women. I would like the Executive to consider that point.

I thank Margaret Curran, the Minister for Social Justice, for her support. Her commitment goes back not just over the past year or two but over many years. That can also be said about other women in the chamber. I support the motion and thank the minister and the Parliament for the work that has been done on tackling domestic abuse.

16:17

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I am pleased that the chamber has decided to debate this issue, as it is quite appropriate that we do so at this time.

What do we know or understand about the condition or practice that we loosely classify as domestic abuse? It is almost invariably claimed by the perpetrator of the abuse or violence to be normal, or accepted, conduct. However, for the victim or the family, life becomes difficult, if not impossible, and often ends in tragedy. Abuse is veiled in many different guises. It can be physical, sexual, psychological or verbal, and is a cruel and destructive element in 21st century society.

Violent abuse is not always the preserve of the male partner in a relationship. The female of the species can be just as guilty of violent domestic abuse towards their partner. That fact is not always evidenced by the national statistics. The problem lies in the fact that many male victims are reluctant to report their circumstances to the relevant authorities because they may be ashamed and intimidated and may have a constant fear of further attacks.

Johann Lamont (Glasgow Pollok) (Lab):

There was a time when women were afraid to go to the police because of the response that they would get. Women organised themselves, got support and set up local organisations to meet their need. Is there evidence of male organisations in local communities addressing the circumstances that John Farquhar Munro described? That would indicate just how much of a problem exists.

John Farquhar Munro: While I do not decry the efforts of our female partners in trying to address those problems, there is ample evidence to suggest that the problem is just as prevalent on the male side of the argument.

The causes of violence are varied and complex. Many studies show a high rate of alcohol and drug abuse among those who abuse their partners. However, there is no evidence to support a cause-and-effect relationship between the problems. It is clear that incidents of abuse that are coupled with alcohol abuse may be more severe and result in greater injury. The problems are linked in that they are often generational and involve denial and isolation. Violence is an acquired behaviour—a learned response to stress, frustration and anger. It results from an unequal power struggle between the sexes.

I welcome the Scottish Executive's advertising campaign on domestic violence. A television campaign is one of the most effective ways of getting the message across to victims and abusers throughout Scotland, and of making it clear that domestic violence is unacceptable. However, future advertising should reflect the true spectrum of abuse—physical, mental and perpetrated by both men and women.

With intervention and appropriate counselling, violent domestic abusers can take responsibility for their behaviour and learn to take control of themselves. Their behaviour is not acceptable in the 21st century and can and should be changed.

I regret that I am not encouraged to support the motion as worded. I would find it much more acceptable and appropriate if the word "women" were replaced by the word "adults", which would reflect the true situation.

16:21

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

I will deal with one specific aspect of this issue—the protection of children.

For some time it has been known that children are often present or nearby when a woman is abused. According to Bill Butler, that is the case in perhaps 90 per cent of situations. We know that one third of children intervene to protect their mothers and that children whose mothers are

abused are themselves at great risk of physical assault. The latest figures suggest that between 40 and 60 per cent of such children have been assaulted. That means that an estimated 100,000 children and young people in Scotland have experience of domestic abuse.

One of the service standards of the national strategy is that

"specific support will be provided to meet children's needs".

However, there is a chronic shortage of support workers for children who experience domestic abuse. Two weeks ago, a 14-year-old former victim gave evidence to the Public Petitions Committee and made a powerful plea for greater funding to provide more children's workers to protect young victims. Surely we want to ensure that the needs and wishes of those young victims are heard and acted on.

As Scottish Women's Aid makes clear, although there have been significant moves towards recognising the effects of domestic abuse on children and the links between domestic abuse and child abuse, there has not been the will to prioritise children's and young people's services. No mechanism has been developed for doing that. Can the minister confirm that only eight of the 39 Scottish Women's Aid groups have received funding for such services?

Ms Curran: If we had done nothing, I would understand the tenor of Irene McGugan's speech. I accept that an Opposition party will never endorse everything that the Executive does, but is it too much to ask the member to give a cursory welcome to the £237,000 that has been allocated today?

Irene McGugan: I did not intend my tone or remarks to be critical.

Ms Curran: Is the member saying that there has been no improvement?

Irene McGugan: No—I am happy to accept that there has been improvement. However, if only eight out of 39 groups have received funding for children's services, we must accept that those services are not yet a priority in the national strategy. Two weeks ago, a young person appeared before the Public Petitions Committee to plead for children's services to be provided. I am merely reflecting that evidence back to the minister and saying that a little more needs to be done.

Linda Fabiani (Central Scotland) (SNP): Are the members pals again?

Irene McGugan: I hope so.

We can accept or not accept the situation as it stands. The voluntary sector has difficulty resourcing children's services. The statutory

sector also has difficulty doing so, not least because of the situation facing social work departments, which have struggled for a long time to deal with big increases in referrals and have experienced considerable recruitment and retention problems.

Social work departments have anticipated that some vulnerable children will fall through the net. The figures point to that. There has been an increase in the number of referrals to the reporter on care and protection grounds; there has been an increase in the number of children on the child protection register; and 10 per cent of places in the children's services work force are unfilled. It is difficult to provide a service with that kind of vacancy rate.

There is no doubt that the social work crisis has a serious impact and is an obstacle to helping victims of domestic abuse, especially children. I hope that the minister will listen louder, will ensure that there is a minimum standard of service for every child, wherever they live, and will do everything that she can to protect children who are in circumstances that make them most vulnerable.

16:25

Dorothy-Grace Elder (Glasgow) (Ind): I thank and commend the minister for her work on this subject. I have absolutely no doubt of her sincerity over the years and she is well aware that more needs to be done.

Usually, I could listen to John Farquhar Munro for half the afternoon because of his accent and his normal good common sense. I am sorry, but today is an aberration. To infer that the levels of abuse against females and males are pretty similar is stupendously and spectacularly wrong.

Granted, there are female bullies and I have met them. Some go into politics in fact. [MEMBERS: "Name names."] Oh, they exist, but some of us resist them just as much as we resist male bullies.

There is absolutely no way that the incidence of violence against females and males is in any way comparable. I have met men who have been abused by a minority of vicious women, but I have met many more women whose injuries are so appalling that their state is virtually that of war victims.

Mr Rumbles: The Executive's report, "Domestic Abuse Against Men in Scotland" states:

"domestic abuse against men can take life-threatening forms and can have lasting effects."

I certainly accept that the number of men who suffer abuse is not as great, but the issues are as serious.

Dorothy-Grace Elder: Yes, but how many are

affected? Several years ago, a man came to see me in my surgery. His wife had chucked a bucket of cold water over the electric blanket, which she knew was faulty, and he had just escaped and no more. However, I could tell the member about dozens more cases involving women. The physical damage to the woman is infinitely worse. Thousands of women suffer. Glasgow Women's Aid dealt with 11,497 requests for information, support and refuge accommodation last year alone.

Recently, at the Public Petitions Committee, we heard evidence from a child petitioner who had lived in an atmosphere in which her mother was being abused. That child told us movingly what that was like. She said that the best thing that had happened was that she was assigned a support worker. The minister announced a separate fund today of £237,000 for support work, which is excellent. The minister is probably aware that about 100,000 children a year are affected by domestic abuse, so that works out at about £2 each. However, that is a cheap jibe and I do not want to make those today, because the minister has made a start and should be given full credit for it.

Organisations such as Glasgow Women's Aid need secure funding; we are not just talking about funding. Glasgow Women's Aid has never had secure funding in the 30 years of its existence and Glasgow is one of the areas in which there is most need.

On accommodation shortages, I am delighted to hear about improvements in the north of Scotland. It is tremendous that new groups are emerging in places such as Skye and Caithness. We must get more funding and we must continue down the proper route, which all parties in the Parliament have taken.

I say to my fellow parliamentarians to remember this one cheering note: had we still been tied entirely to Westminster, the debate would never have taken place. We would have had to wait three or four years for one debate on the subject. Although we are moving forward far too slowly, at least we are moving to tamp down the appalling nature of abuse that destroys thousands of households and the lives of children.

16:30

Johann Lamont (Glasgow Pollok) (Lab): I welcome the opportunity to contribute to the debate, which has been a little more honest than some of the debates that we have had on the subject. We have sometimes settled for feeling sorry for victims of domestic abuse, instead of focusing on the harder issues that we must confront in relation to domestic abuse and the

broader context of violence against women and children.

Although we always look to do more, we should recognise that acknowledging the problem is a good place to start. We should reflect on the fact that it was not always thus. At one stage, people would not even have acknowledged that there was a problem. Women who went to the police for help would have been turned away.

Before we can challenge the problem, we must understand exactly what it is. Domestic abuse is about more than people not being pleasant to each other in their houses. There are significant patterns to domestic abuse, which we must understand if we are to confront them.

This week, I met with the police in part of my constituency. I was told that, in one month, the police attend, on average, 36 incidents of domestic abuse. That represents an average of more than one such incident a day in one part of my constituency. When I asked the chief inspector whether any of those incidents involved men being abused by their female partners, he not only said no, but looked stunned that I would even ask such a question. I find it remarkable that the police, who are not regarded as the most radical force in Scottish society, have an understanding of the reality of domestic abuse that seems to be lacking among Liberal Democrat members.

In the overwhelming majority of cases, domestic abuse is perpetrated on women by male partners or ex-partners. In anyone's language, that constitutes a pattern. The actions and attitudes that shape that pattern must be addressed if the pattern is ever to be broken. I want my children to understand the pattern, so that they can challenge the attitudes in society on which it is based. A softening in that respect will never effect the change that has been suggested.

We must reflect on the meaning of incidents of domestic abuse for the women concerned, for their children, for our health services and for schools and housing. Above all, we should consider what such abuse means to those who experience it. We should be mindful of the social exclusion that results from their being terrorised and isolated by the man with whom they live, while that man continues to go about his daily business unchecked.

We must welcome Scottish Women's Aid's listen louder campaign and the statement on working with children. Whether they are teachers or health visitors, workers must be sensitive in whatever context they work with children. They must be sensitive enough to ask the right question at the right time, so that women and children can seek the help that they need. Our children are often silenced in school because no one draws the right

conclusions or asks why they do not come to school. If that question was asked, families could receive the support that they need.

I am interested in the issues relating to domestic courts and so on, about which there is much debate. I am concerned that the simplicity of what is happening in homes is lost. A man is being violent to a woman. That is a straightforward criminal action, which should be addressed as such. I would be anxious about anything that implied that there are complexities that we do not understand and that would divert those men from the punishment that they could expect if they did the same thing in the pub. I am not suggesting that that is what has been said, but it is a concern that could arise. The consequences of domestic violence might be complex, but the reality of the action is often fairly straightforward.

A division that is occasionally unstated underpins the debate—although there is a willingness to discuss the what of domestic abuse, there is a reluctance to reflect on the why. That must be dealt with. Much of the Scottish Executive's action is important, as is campaigning by groups to get appropriate support for victims of domestic abuse. However, we must challenge the why and the overwhelming pattern of male violence against women.

Some would have us believe that domestic abuse is a figment of the imagination of some mad feminist; the reality is very different. Discussing domestic abuse is not an indulgence of politics; it represents an effort to address what happens in the real world. Scottish Women's Aid and Scottish Rape Crisis did not come about because local government officials or Scottish Executive officials thought that they were a good thing. They came about because there was a need in communities that had to be addressed. Women went about organising to meet that need and it is to their credit that we are in the position that we are in now. I hope that those organisations will be put at the centre of shaping future strategy to deal with a serious problem in our communities.

The Deputy Presiding Officer (Mr George Reid): It would help if Sandra White could keep her speech to three minutes.

16:34

Ms Sandra White (Glasgow) (SNP): I will do my best, Presiding Officer.

I congratulate Women's Aid on 25 years of listening and on its excellent presentation this afternoon. Like the minister, I have been a long-term supporter of Women's Aid. I welcome the minister's announcement of £237,000 for training, but as she would expect, I do not think that that is enough. I look forward to more announcements of

long-term funding for training and for workers.

We have made progress on some domestic abuse issues. Like Roseanna Cunningham, I do not like the use of the word “domestic”. Abuse is violence, whatever form it takes. Some of the bills that are being considered and that have been passed are excellent and will help to push forward the legislation on the powers of arrestment, which have been mentioned. I would like the minister to pick up on that, because I do not know whether that will be in the Criminal Justice (Scotland) Bill.

Legal aid payments that are made in instalments will help some domestic abuse victims, particularly if they do not have money right away and need help immediately. The implications of the Protection from Abuse (Scotland) Act 2001 for the power of arrest, which have been mentioned, will be excellent, too.

Those are positive moves in the right direction, but they cannot stand alone. I think that every member would agree on that. Initiatives must be supported by other projects and especially by long-term funding for training and staffing.

I would like the minister to deal with the involvement of Women’s Aid groups in multi-agency partnerships, which is important. Various women’s groups have approached me about that. The expertise that women have gained through working with women who suffer domestic violence is essential and cannot be lost because those groups do not have enough money for training, to which Maureen Macmillan referred. An emphasis must be placed on their working in multi-agency partnerships. I ask the minister to look into that.

We all agree that violence or abuse—whatever label we give it—is a crime that cannot and must not be tolerated.

The Deputy Presiding Officer: We are on the button time-wise, so I ask closing speakers to keep to their set times.

16:37

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): The motion asks us to approve the

“progress made in increasing the protection of, and provision of services to, women, children and young people experiencing domestic abuse”.

I would like to support the Executive in the vote in a few minutes’ time, but I will not. I am acutely aware that if I supported such a well-intentioned motion, I would contribute to the outrage and neglect that are felt by many victims of domestic abuse who have been excluded from the Executive’s concerns.

Karen Whitefield (Airdrie and Shotts) (Lab): Will the member give way?

Mr Rumbles: No. I have spoken for only 29 seconds.

I do not understand why Executive ministers and particularly Margaret Curran continue to exclude victims of abuse because of their gender. I believed that we had an all-inclusive Parliament. The Parliament is an equal opportunities organisation, but despite rule 6.9.2 of standing orders, members are not required to act in a non-discriminatory manner in such motions. The motion is right to condemn domestic abuse of women, children and young people as completely unacceptable, but it fails even to acknowledge the problem of domestic abuse against men.

I am full of praise for Jackie Baillie who, when she was the Minister for Social Justice, commissioned the first real research that has been undertaken in this country into domestic abuse of men. The Executive published the report from Keele University on 4 September this year. The report’s aims were simple: to estimate the prevalence of domestic abuse of men in Scotland; to gauge the nature, frequency and seriousness of the abuse; to document and examine the perspectives of men who have been abused; and to assess the adequacy of service provision for men who have experienced domestic abuse.

The report did a good job. Contrary to the minister’s assertion in her opening speech, it showed that

“domestic abuse against men can take life-threatening forms and can have lasting effects.”

I was heartened by Roseanna Cunningham’s comments—she at least acknowledged the issue. Using statistics that the Scottish police service recorded, the report found that, throughout 2000, more than 2,500 domestic abuse incidents took place in which men were the victims and women were the perpetrators.

The report goes on to set out that that is not the whole picture. The Scottish crime survey 2000 shows that the vast majority of domestic abuse incidents are not reported to the police. We have heard that recurring throughout the afternoon.

Part of the problem was identified by Johann Lamont when she said that the police do not recognise the issue of violence against men.

Johann Lamont: Will the member give way?

Mr Rumbles: No. I would have done so had Johann Lamont accepted an intervention.

Johann Lamont *rose*—

Mr Rumbles: I am not trying to pretend that the incidence of domestic abuse in which the male is the victim is as common as that in which the victim is female—far from it, as more than 90 per cent of victims are women—but neither am I trying to

pretend that male victims do not matter. That is the nub of my objection to the motion. I am angry about the matter.

Karen Whitefield: Will the member take an intervention?

Mr Rumbles: No. I will not take an intervention.

Because of time constraints, I cannot go into the detail of the report, but I would like to examine its conclusions. I know of people in my constituency, as does Roseanna Cunningham, who have suffered as a result of domestic abuse, but they are not getting the attention that the Executive should give them.

Incongruously, the report sets out that there does not appear to be a need for a specific agency to support male victims, nor does there currently appear to be a need for refuges for abused men. Well, that is jolly well all right then.

Maureen Macmillan: Will the member take an intervention?

Mr Rumbles: No, I will not.

Maureen Macmillan: Why will the member not sit down and listen to some sense?

Mr Rumbles: The report goes on to set out:

"Men who are trying to separate from abusive partners may benefit from the provision of alternative accommodation and better legal and financial support."

Does not that mean refuges?

The report continues:

"abused men are not making full use of the pre-existing support services available to them."

So, it is their own fault, is it?

The report concludes:

"perhaps some service providers need to publicise their remit more widely."

Well, you can say that again.

People who look at the Scottish Executive's advertising and read the minister's press release today would suspect that there is no problem in respect of the issues that I have raised. How much of the £10 million that the minister has allocated to the Communities Scotland budget addresses those issues?

The Deputy Presiding Officer: The member must wind up.

Mr Rumbles: Okay.

What is the Executive doing about the problem? Not much, which is why I will vote against the Executive motion at decision time.

Johann Lamont: On a point of order, Presiding Officer. Mike Rumbles was summing up on behalf

of the Liberal Democrat group and I seek clarification of whether his position is the position of the Liberal Democrat group on the motion.

The Deputy Presiding Officer: That is a political matter for the Liberal Democrat group. If the group wishes to make its position clear, it is up to the group to do so. That is not a matter for the chair.

16:42

Lord James Douglas-Hamilton (Lothians) (Con): I wish Des McNulty good fortune in his new role. Also, I say to the minister that we much appreciate the commitment to further expenditure that she made this afternoon. We also welcome what she said about a national strategy, although I will return to that point in a moment.

One of the substantial achievements of the Scottish Parliament was the enactment of the Protection from Abuse (Scotland) Act 2001. The act was passed as a result of issues that were raised by Maureen Macmillan, which resulted in the Parliament's first committee bill. The legislation was of particular significance as the House of Commons has no facility for committee bills and few other Parliaments have that form of legislative capacity.

Today's debate has not been particularly contentious, as there is a general consensus that the most sensible arrangements must be put in place to prevent domestic abuse. I want to mention three points to the minister, as I think that they are relevant to the debate.

First, Scottish Women's Aid has called for a national strategy. I believe that the minister has taken that proposal on board. Scottish Women's Aid specifically asked for the provision of education and in-service training, and for support for involving support groups and specialist organisations—such as Women's Aid—in training wherever that is appropriate. Scottish Women's Aid also recommends the involvement of specialist organisations in training in schools and the development of preventive work with young men and women.

Secondly, the practical implementation of prevention is essential because, unfortunately, the number of repeat attacks on victims has risen. We know that nearly half of the recorded cases that were reported in 2001 involved repeat victimisation. In other words, more than 17,000 persons were abused for at least a second time, if not more times. The number of those repeated attacks is up substantially on the year before. That is a cause for serious concern.

Thirdly, persons living in Scotland should be able to live their lives in freedom under the rule of

law. They should be able to live in a world that is free from the threat of physical violence and abuse. At a time when massive extra responsibilities have been piled on the police, we need far more police officers to be visible within neighbourhoods and communities. That will inspire confidence, in the sense that abused persons would have ready and direct access to the police. All the best technology in the world—closed circuit television, DNA, fingerprinting and so on—is to no avail if there are always insufficient police officers visible on the streets and in Scotland's communities.

Mike Rumbles mentioned the abuse of men. From my own experience as an advocate, when I had to deal with divorce cruelties, the overwhelming majority of abuse related to men physically attacking and assaulting their wives or partners. Although a number of men suffered, they tended to be few, but we should remember that fact.

I stress that much crime is opportunistic, and the case for greater numbers of police is overwhelming. I end by recommending that Lyndsay McIntosh's exhortation should be acted on. Over the festive period, the British Conservative party will put up more than 10,000 posters across the country in places such as hairdressers and doctors' surgeries to enable women discreetly to contact special helpline numbers. I hope that the minister will welcome that initiative along with her own campaign as an effort to provide a better and happier situation for the women, youngsters and men—although I repeat that I think that they are the exception—who are subjected to such abuse.

16:46

Linda Fabiani (Central Scotland) (SNP): There were two things that threw me today. The first was finding out that Des McNulty is going to be my opposite number from now on: I welcome the dynamic duo. The other thing that threw me was that Roseanna Cunningham led the debate today rather than Kenny Gibson, and it is a different experience to sit through a debate with Roseanna.

Mrs McIntosh: Much improved.

Linda Fabiani: Do you think so?

Roseanna Cunningham stated at the outset the SNP's support for the motion, as did Lyndsay McIntosh for her party. I do not believe that anyone in the chamber would argue that we should not do all that we can to combat domestic abuse or any form of violence in our society. All that I would say to the Liberal Democrats is that I am surprised at the strength of their argument, considering that they have not lodged an amendment against the motion.

Mr Rumbles: I lodged an amendment.

Linda Fabiani: So Mr Rumbles's position is the Lib Dem position. Johann Lamont's point of order is answered.

We may disagree about the methods of trying to eradicate domestic abuse from our society, but it is great that we are debating it at all. Dorothy-Grace Elder referred to that, and we have debated the subject a few times. I would like to take this opportunity to mention that in 1976, Deputy Presiding Officer George Reid tabled a domestic violence bill for Scotland at Westminster. Sadly, it died due to a lack of time and was not passed.

Having said that, I invite the minister seriously to consider accepting the SNP amendment. There is surely nothing in it that she would disagree with. It is about the equalisation of funding across the country to ensure that no one is left without protection, and I make a plea for groups that deal with domestic violence but are not affiliated to Scottish Women's Aid. We should make sure that they come into the equation as well, so will the minister comment on that?

We must recognise and meet the needs of children affected by domestic violence. Irene McGugan mentioned that, as the minister will remember, and it is such an important issue because SWA reminds us that one third of all protection cases have domestic abuse as a factor. I ask the minister also to give us an assurance that the announced increase in funding for child protection will go towards addressing the lack of support workers, rather than merely propping up the current statutory provision. The national strategy clearly states that it is the Executive's responsibility to ensure adequate resourcing for the prevention strategy. It worries me that the Executive expects local authorities to pick up half of that tab. While targeting capital works expenditure on modernising refuges is right, I worry that that will take money away from revenue funding.

Irene McGugan also mentioned the resource implications of the recruitment crisis in social work services, and I want to hear the minister say what the Executive intends to do about that.

Roseanna Cunningham also proposed reform of the justice system, which is very much a part of the SNP amendment. Indeed, domestic violence requires urgent reform, and Robert Brown reminded us of the wider issues that are related to domestic violence. I contend that the development of family courts would have a number of beneficial effects, chief of which would be the introduction of real powers to deal effectively with domestic abuse.

Gil Paterson mentioned that we should take on board innovative thinking from other countries. At

that point, Roseanna Cunningham reminded me that a police authority in England is now taking video cameras along when investigating reports of domestic violence or abuse. That video footage is admissible evidence. I would like to hear the minister's view on whether that might be one way forward.

We should not pretend that this is a simple matter. All MSPs have to work together to ensure that we come up with the possible solutions, because we have to wipe the scourge of domestic abuse from Scotland's face and establish that our nation is truly socially just. I have faith that Margaret Curran believes in what the SNP is saying in its amendment. As a result, I urge her to accept it and tell the Deputy Minister for Justice to get on with it.

16:51

Ms Curran: I think that Linda Fabiani is trying to sow discord between Labour and the Liberal Democrats again.

It would be proper for me to begin by welcoming Des McNulty as my partner—professional partner, that is—this afternoon. I am very pleased that Des has this brief. I am also pleased that he has allowed me to take the closing slot this afternoon. I have missed it, and I promise to be better behaved than I was before, mainly because of the subject of the debate. I will explain my sensitivity when I reach the very specific point that Irene McGugan raised—I am genuinely trying not to be precious about this matter. However, I acknowledge the tone of the debate. In explaining some points of disagreement with the SNP's amendment, I should make it clear that I do not intend to be party-politicking. I will also do my best to address the many points that have been raised, although I might not get through them all. If members want to raise any specific points with me, I will be more than happy to address them.

However, I want first to address a few major points in order to explain the Executive's position. One of the reasons why I am uncomfortable about the amendment is that it mentions only social workers. As far as the national strategy and the Executive are concerned, this work requires the key involvement of many staff, not just social workers. I am not sure whether the SNP is making that particular point, but I would resist any analysis that concludes that only the role of social workers is important in relation to children. Our training strategy is moving in the right direction by stressing the engagement of all key agencies in developing a multi-agency approach to domestic abuse, simply because so many agencies have a role to play.

I dare say that there is not a great deal of

difference between the Executive and the SNP on that point. We understand the role that police officers can play. Furthermore, our recent guidance for health care workers will be significant in developing services and, as other members have pointed out, teachers are also important. It is in such a spirit that we are taking this broader approach. Cathy Jamieson will lead more on the recruitment campaign for social workers, but I am more than happy to ensure that Cathy addresses the points that have been raised about the significance of social workers in dealing with such serious issues.

Members raised many points about the criminal justice system. We are progressing the matter through the legislation sub-group that was set up by the national group to address domestic abuse in Scotland. The sub-group has worked very well in taking evidence from a wide range of people and has examined many of the issues that Roseanna Cunningham and Gil Paterson raised. We are considering different proposals and options. Perhaps that is not quite what those members have suggested, but I think that we can address some of the points that have been raised.

In response to Sandra White's specific point, I should point out that the Protection from Abuse (Scotland) Act 2001 gives powers of arrest, and that the Criminal Justice (Scotland) Bill proposes the introduction of powers of arrest for non-harassment orders.

We will give the Zero Tolerance Trust £50,000 to amend the "Respect" pilot and print free packs, and that money will also allow each local authority to hold seminars in order to promote those materials. I am not quite sure whether this is on the same point, but we decided that central Government should not fund packs for every school because the rates for doing so would have been too expensive. Instead, we have been looking at different ways in which that might be done.

On the principle of match funding, we see ourselves as working in partnership with other stakeholders throughout Scotland, in particular with local authorities, which can commit substantial resources to services that are relevant to this debate. That relationship can exist through match funding.

Linda Fabiani: Is the minister confident that all local authorities in Scotland share her ethos about combating the issue? I have found that local authority councillors across the country can hold very different views.

Ms Curran: It would be easy and tempting to say that Labour authorities throughout Scotland share our ethos. As I would not get away with saying that, I will not make such a cheap point.

The situation is not at all acceptable. We need to do much more to roll out services and move towards a much more even provision throughout Scotland. We will work to do that using whatever levers we can. Nonetheless, it would not always be appropriate for central Government to provide all the resources needed to address all the different issues.

I want to make it clear that the Scottish Executive is not complacent about the level of service and the level of activity. My sensitivity to the point that Irene McGugan made is not because I think that we are doing such a good job that everyone should stand up and welcome us all the time—much though it might feel like that at times. I recognise the scale of the challenge that we face in developing work with children on these issues. However, I suppose that there is a bit of me that asks that recognition be given for the fact that we are now doing what has been asked of us. We have publicly stated that we are developing a strategic approach to funding children's issues. Not only have we allocated £237,000 today; we are determined to take a much more strategic approach. More than anything else, I simply wanted to make that point.

We have had some debate about who are the victims and who are the perpetrators of domestic abuse. On behalf of the Executive, I want to make it clear that we will not be complacent about any victim of abuse, whatever their gender. That is why we have commissioned research and that is why I have written to all the service providers, because we need to understand what services are appropriate. I nonetheless want to make it clear that any male victim of domestic abuse has a proper claim on services. It would be inappropriate to get that out of kilter and not to divert resources to where they are most needed. Nobody has disputed where the balance of the problem lies.

I want to pick up the significant point that Gil Paterson made. Men must change the way in which they behave towards women and children. It is predominantly men who use violence and abuse. They are the ones who need to change, as Gil Paterson said. It is not up to women and children to try to stop men being violent. The women and children are not responsible for what is done to them and they are not to blame. I believe that men have an important role to play in tackling violence against women. The role for men who do not use violence and abuse should be to challenge those who do. They must say clearly and unequivocally that there is never an excuse and that no one is responsible apart from the perpetrator. *[Interruption.]*

The Deputy Presiding Officer: Order. There is too much gossiping. Please, we need a bit of quiet.

Ms Curran: I want to draw members' attention

to a significant quotation on domestic abuse:

"If it were between countries, we'd call it a war. If it were a disease, we'd call it an epidemic. If it were an oil spill, we'd call it a disaster. But it is happening to women, and it's just an everyday affair. It is violence against women. It is sexual harassment at work and sexual abuse of the young. It is the beating or the blow that millions of women suffer each and every day. It is rape at home or on a date. It is murder."

Those are the words of a man, Michael Kaufman, who is the co-founder of the White Ribbon Campaign in Canada.

Violence against women is an issue not only for women, but for all who care about what kind of place Scotland is and what kind of society we want. Make no mistake about it: we want a Scotland where no one lives in fear of violence or abuse of any kind, where relationships are based on equality and respect rather than on power and control, and where women and children are free to live their lives without the shadow of fear. We must do everything that we can to make that happen. Scotland deserves nothing less.

Parliamentary Bureau Motions

16:59

The Deputy Presiding Officer (Mr George Reid): The next item of business is consideration of three Parliamentary Bureau motions.

Motions moved,

That the Parliament agrees that the following members be appointed to committees—

Dr Richard Simpson to replace Des McNulty on the Finance Committee;

Dr Richard Simpson to replace Elaine Thomson on the Local Government Committee; and

Elaine Thomson to replace Des McNulty on the Transport and the Environment Committee.

That the Parliament agrees that Tricia Marwick be appointed to replace Duncan Hamilton on the Local Government Committee.

That the Parliament agrees that the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2002 be approved.—[*Euan Robson.*]

Decision Time

17:00

The Deputy Presiding Officer (Mr George Reid): There are 12 questions to be put as a result of today's business. The first question is, that amendment S1M-3650.2, in the name of Cathy Jamieson, which seeks to amend motion S1M-3650, in the name of Brian Monteith, on education, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)

Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 59, Against 15, Abstentions 26.

Amendment agreed to.

The Deputy Presiding Officer: Amendment S1M-3650.1, in the name of Mike Russell, falls.

The next question is, that motion S1M-3650, in the name of Brian Monteith, on education, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)

Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Harper, Robin (Lothians) (Grn)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 16, Abstentions 27.

Motion, as amended, agreed to.

Resolved,

That the Parliament acknowledges the distinctive nature of Scottish education; supports reforms designed to tackle underperformance in schools and ensure that every school is a centre of excellence; recognises the major investment being made by the Scottish Executive; supports local flexibility and innovation in schools; welcomes the increased emphasis on citizenship, enterprise and vocational education; acknowledges the importance of a strong partnership with education authorities, schools, teachers and parents in raising attainment and closing the opportunity gap, and supports the Executive in its determination to ensure every child has an education that meets his or her individual needs.

The Deputy Presiding Officer: The next question is, that amendment S1M-3641.2, in the name of Jim Wallace, which seeks to amend motion S1M-3641, in the name of Bill Aitken, on drugs courts, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)

Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Harper, Robin (Lothians) (Grn)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 61, Against 17, Abstentions 27.

Amendment agreed to.

The Deputy Presiding Officer: Amendment S1M-3641.1, in the name of Roseanna Cunningham, falls.

The next question is, that motion S1M-3641, in the name of Bill Aitken, on drugs courts, as amended, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)

Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

AGAINST

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Johnstone, Alex (North-East Scotland) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)

ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harper, Robin (Lothians) (Grn)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

The Deputy Presiding Officer: The result of the division is: For 62, Against 15, Abstentions 30.

Motion, as amended, agreed to.

Resolved,

That the Parliament welcomes the commitment of the Scottish Executive to address the problem of drug misusing offenders by establishing pilot drugs courts, the success of Drug Treatment and Testing Orders and the Scottish Drug Enforcement Agency, the additional resources made available to agencies within the criminal justice system, local authorities and the NHS to support its co-ordinated approach to reducing or eliminating the dependence on or propensity to misuse drugs and its integrated strategy to tackling drug-related crime and reducing the impact which this has on communities.

The Deputy Presiding Officer: The next question is, that motion S1M-3649, in the name of Allan Wilson, on the Waste and Emissions Trading Bill, which is UK legislation, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)

Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Young, John (West of Scotland) (Con)

AGAINST

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

ABSTENTIONS

Harper, Robin (Lothians) (Grn)

The Deputy Presiding Officer: The result of the division is: For 77, Against 30, Abstentions 1.

Motion agreed to.

That the Parliament supports the principles of the Waste and Emissions Trading Bill and agrees that the provisions in the Bill that relate to devolved matters should be considered by the UK Parliament.

The Deputy Presiding Officer: The next question is, that amendment S1M-3648.2, in the name of Roseanna Cunningham, which seeks to amend motion S1M-3648, in the name of Margaret Curran, on domestic abuse, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Grahame, Christine (South of Scotland) (SNP)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)

Matheson, Michael (Central Scotland) (SNP)
 McGugan, Irene (North-East Scotland) (SNP)
 McLeod, Fiona (West of Scotland) (SNP)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Robison, Shona (North-East Scotland) (SNP)
 Russell, Michael (South of Scotland) (SNP)
 Sheridan, Tommy (Glasgow) (SSP)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Wilson, Andrew (Central Scotland) (SNP)

AGAINST

Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McLeish, Henry (Central Fife) (Lab)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Radcliffe, Nora (Gordon) (LD)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Thomson, Elaine (Aberdeen North) (Lab)
 Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)

ABSTENTIONS

Aitken, Bill (Glasgow) (Con)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Fergusson, Alex (South of Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallie, Phil (South of Scotland) (Con)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Johnstone, Alex (North-East Scotland) (Con)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLetchie, David (Lothians) (Con)
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Mundell, David (South of Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Tosh, Mr Murray (South of Scotland) (Con)
 Young, John (West of Scotland) (Con)

The Deputy Presiding Officer: The result of the division is: For 29, Against 61, Abstentions 18.

Amendment disagreed to.

The Deputy Presiding Officer: The next question is, that motion S1M-3648, in the name of Margaret Curran, on domestic abuse, be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

FOR

Adam, Brian (North-East Scotland) (SNP)
 Aitken, Bill (Glasgow) (Con)
 Alexander, Ms Wendy (Paisley North) (Lab)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Brown, Robert (Glasgow) (LD)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Campbell, Colin (West of Scotland) (SNP)
 Canavan, Dennis (Falkirk West)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Fabiani, Linda (Central Scotland) (SNP)
 Ferguson, Patricia (Glasgow Maryhill) (Lab)
 Fergusson, Alex (South of Scotland) (Con)
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)

Gallie, Phil (South of Scotland) (Con)
 Gibson, Mr Kenneth (Glasgow) (SNP)
 Gillon, Karen (Clydesdale) (Lab)
 Gorrie, Donald (Central Scotland) (LD)
 Grahame, Christine (South of Scotland) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (Edinburgh Pentlands) (Lab)
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)
 Harding, Mr Keith (Mid Scotland and Fife) (Con)
 Harper, Robin (Lothians) (Grn)
 Henry, Hugh (Paisley South) (Lab)
 Home Robertson, Mr John (East Lothian) (Lab)
 Hughes, Janis (Glasgow Rutherglen) (Lab)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jackson, Dr Sylvia (Stirling) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Johnstone, Alex (North-East Scotland) (Con)
 Kerr, Mr Andy (East Kilbride) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (Lothians) (SNP)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 Maclean, Kate (Dundee West) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)
 Marwick, Tricia (Mid Scotland and Fife) (SNP)
 Matheson, Michael (Central Scotland) (SNP)
 McAllion, Mr John (Dundee East) (Lab)
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McGugan, Irene (North-East Scotland) (SNP)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLeod, Fiona (West of Scotland) (SNP)
 McLetchie, David (Lothians) (Con)
 McMahan, Mr Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 McNulty, Des (Clydebank and Milngavie) (Lab)
 Morrison, Mr Alasdair (Western Isles) (Lab)
 Muldoon, Bristow (Livingston) (Lab)
 Mulligan, Mrs Mary (Linlithgow) (Lab)
 Mundell, David (South of Scotland) (Con)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Peacock, Peter (Highlands and Islands) (Lab)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Robison, Shona (North-East Scotland) (SNP)
 Robson, Euan (Roxburgh and Berwickshire) (LD)
 Russell, Michael (South of Scotland) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Sheridan, Tommy (Glasgow) (SSP)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Iain (North-East Fife) (LD)
 Smith, Mrs Margaret (Edinburgh West) (LD)
 Stephen, Nicol (Aberdeen South) (LD)
 Stevenson, Stewart (Banff and Buchan) (SNP)
 Sturgeon, Nicola (Glasgow) (SNP)
 Swinney, Mr John (North Tayside) (SNP)
 Thomson, Elaine (Aberdeen North) (Lab)
 Tosh, Mr Murray (South of Scotland) (Con)

Wallace, Mr Jim (Orkney) (LD)
 Watson, Mike (Glasgow Cathcart) (Lab)
 Welsh, Mr Andrew (Angus) (SNP)
 White, Ms Sandra (Glasgow) (SNP)
 Whitefield, Karen (Airdrie and Shotts) (Lab)
 Wilson, Allan (Cunninghame North) (Lab)
 Wilson, Andrew (Central Scotland) (SNP)
 Young, John (West of Scotland) (Con)

AGAINST

Monteith, Mr Brian (Mid Scotland and Fife) (Con)
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)

The Deputy Presiding Officer: The result of the division is: For 105, Against 3, Abstentions 0.

Motion agreed to.

That the Parliament approves the considerable progress made in increasing the protection of, and provision of services to, women, children and young people experiencing domestic abuse; further approves work aimed at reducing the intolerably high incidence of domestic abuse in Scotland, and welcomes the work of the National Group to Address Domestic Abuse in Scotland in tackling this unacceptable behaviour.

The Deputy Presiding Officer: The next question is, that motion S1M-3660, in the name of Patricia Ferguson, on membership of committees, be agreed to.

Motion agreed to.

That the Parliament agrees that the following members be appointed to committees—

Dr Richard Simpson to replace Des McNulty on the Finance Committee;

Dr Richard Simpson to replace Elaine Thomson on the Local Government Committee; and

Elaine Thomson to replace Des McNulty on the Transport and the Environment Committee.

The Deputy Presiding Officer: The next question is, that motion S1M-3645, in the name of Patricia Ferguson, on membership of committees, be agreed to.

Motion agreed to.

That the Parliament agrees that Tricia Marwick be appointed to replace Duncan Hamilton on the Local Government Committee.

The Deputy Presiding Officer: The final question is, that motion S1M-3644, in the name of Patricia Ferguson, on approval of SSIs, be agreed to.

Motion agreed to.

That the Parliament agrees that the draft Legal Aid (Scotland) Act 1986 Amendment Regulations 2002 be approved.

The Deputy Presiding Officer: That concludes decision time. I ask members who are leaving the chamber to do so quickly and quietly.

Acute Health Services Review (Glasgow)

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business is a members' business debate on motion S1M-3580, in the name of Bill Aitken, on Glasgow's acute health services review. The debate will be concluded without any question being put. I invite those members who wish to speak in the debate to press their request-to-speak buttons now.

Motion debated,

That the Parliament notes the continued and growing concern of Glasgow residents regarding the Scottish Executive's proposals following the recent Acute Health Services Review in Glasgow.

17:10

Bill Aitken (Glasgow) (Con): Even at the end of a particularly busy and trying day, I make absolutely no apology for raising once again this highly charged and evocative issue. I do so because the problem will not go away. Even at this late stage I appeal to the Executive to recognise that what it is placing on the table and, indeed, now intends to implement will not work in Glasgow.

Since we previously debated the matter, further information has come to light. In particular, we now know that highly relevant in the decision-making considerations of the Greater Glasgow NHS Board was a report on travelling times that it received in January this year. The information in that report was released in a more general, condensed form towards the end of last month.

The report came up with the extraordinary finding that travelling times would be reduced for about 60 per cent of those using Glasgow's emergency hospitals. Bearing it in mind that in the south side of the city all patients requiring to use those services will have to go to the Southern general hospital as opposed to the Victoria infirmary and that the Southern general is on the periphery of the city, the report's findings seem to defy logic. If the report was material in the decision-making process, I find that little short of terrifying.

I turn to the question of the overall provision. It is nonsense to suggest that two units will provide an adequate service. That decision has impacted dramatically on morale within the health services. Nobody denies that additional money has come and, indeed, is coming, but the fact is that the Executive's priorities are completely concerned with waiting list initiatives. It is probably appropriate on this day of all days to point out that the amount of money that the Executive has undeniably put into the health service does not appear to be getting much of a result.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Will Mr Butler take an intervention?

Bill Aitken: No. Mr Butler is over on the Labour side of the chamber. Mr Fitzpatrick may have an opportunity with him later, but I will take an intervention from Mr Fitzpatrick now.

Brian Fitzpatrick: On the important issue of funding and going forward in relation to a long-term plan, does Mr Aitken propose assisting Greater Glasgow NHS Board and other parts of the country by matching our funding commitment and indicating that he will lend his support to increased funding for the national health service commensurate with our plans for the NHS?

Bill Aitken: Mr Fitzpatrick, of course, aspires to be a member of the Executive, which has figures that we do not have. However, as I have stated previously, it is clear that the existing provision for emergency provision in Glasgow is totally inadequate. We would provide a greater degree of service than the Executive is currently prepared to. We have costed that particular aspect and the issue is clear.

Bill Butler (Glasgow Anniesland) (Lab): Will the member give way?

Bill Aitken: Let me go on a little bit, first.

It is clear that the Scottish Executive seeks to ensure a dramatic fall in waiting lists prior to next May's election and to put upon those figures the most beneficial spin. However, the Executive has failed dramatically to achieve that. Equally, I must honestly admit that there will be benefits in cutting waiting lists, but it is a question of priorities. Many people may wait in constant pain and distress for a hip replacement, for example, but if there is an insufficient accident and emergency service, deaths are inevitable.

Since our previous discussion of the matter, there has also been new evidence about the effectiveness of ambulatory care and diagnostic units—ACADs. As I have said previously, there is nothing wrong with the ACAD principle if an acute services provision is also on site. However, that will not be the case. The most recent soundings in that respect do not make happy reading. It is significant that the stand-alone ACAD concept is not being followed elsewhere.

The Executive's position contrasts sharply with what is happening down south. Sir George Alberti has been appointed as the tsar in charge of emergency services and will carry out a review of their operation. It seems that the health ministers south of the border place acute services much higher on the health agenda than is the case north of the border. There is considerable fear in Glasgow, which has not been allayed, that nothing has happened since the matter was last debated.

Bill Butler: Does the member accept that the increasing fear is perhaps a result of irresponsible scaremongering, which is illustrated by the headline in the *Evening Times*, which quotes Mr Aitken as saying that the "review threatens lives"? Mr Aitken just said that deaths are inevitable. Given that that is not the way in which we should debate this serious issue, will he recant?

Bill Aitken: I was absolutely right in that article and I am absolutely right now. The fact is that ACADs will cost lives. What will happen if something goes wrong when someone is having exploratory surgery? The person might begin to haemorrhage dramatically, but the hospital will not be able to take the appropriate remedial action. The bottom line, which cannot be refuted, is that that person will die.

Tommy Sheridan (Glasgow) (SSP): Does the member agree that the words "life" and "risk" came from the accident and emergency consultants who were asked about the plan to cut the accident and emergency facilities in Glasgow from five to two? In other words, the people who deal with the problems at the coalface have told us that life is at risk.

Bill Aitken: I agree absolutely with Mr Sheridan. The fact is that those who have said that lives will be at risk know better than Mr Sheridan or me and a lot better than Mr Butler. We must face the fact that lives will be put at risk. There is no question of scaremongering.

It is noticeable that the Labour members are more active tonight than they were in the run-up to the debate. For example, few of them were present at the demonstration at Queen's park recreation ground, shortly after the previous debate on the issue. The extent of public feeling was manifest then and, since that time, the unease has increased. Matters are made worse by rumours of impending transfers of services from Stobhill hospital and Victoria infirmary, which would be contrary to the undertakings that were given a few weeks ago. If those services are to be transferred, it is inevitable that public anxiety will increase. The minister should clarify the position on that matter.

Robert Brown (Glasgow) (LD): Will the member give way on a point of information?

Bill Aitken: I will take one more intervention.

The Deputy Presiding Officer: No Mr Aitken, you do not have time.

Bill Aitken: Sorry.

Even at this late stage, I ask the Executive to think again and to recognise the real problems that the move will cause and the dangers that are obvious to everyone apart from the Executive.

The Deputy Presiding Officer: I am acutely aware that the issue was debated in September, when a number of members tried to speak in the debate but were not called. I intend to call those members and one or two others. Too many members wish to speak and it is not possible to extend the debate.

17:18

Pauline McNeill (Glasgow Kelvin) (Lab): It is around 10 years since I became involved in the acute services review, although I hasten to add that I was on the other side of the table as a trade union officer. At that time, we realised that there would be a reorganisation of Glasgow's health services. I am pleased to say that, in anticipation of full-scale reorganisation, we reached an important agreement for unionised staff members that protected their salaries for life under the new section 47 rules, and that will ensure that staff feel that their jobs are safe during the reorganisation. I feel strongly about that issue.

I want to use the little time that I have to mention the submission that I made to Greater Glasgow NHS Board and the concerns that I expressed on behalf of my constituents in Glasgow Kelvin. I welcome the Executive's investment of £700 million. There will be five new ACADs by the end of the process, two of which will be bigger than Hairmyres hospital. That investment should be recognised. My submission to Greater Glasgow NHS Board opposes the reduction in accident and emergency services from five to two. I welcome the announcement of a review of the matter and I intend to use my time during that review to press my view on ministers.

Nicola Sturgeon (Glasgow) (SNP): Does Pauline McNeill agree that the conclusion of the transport study, which suggested that the reduction in the number of accident and emergency departments from five to two would reduce travel times for 60 per cent of patients, beggars belief?

Pauline McNeill: I was going to go on to talk about my own reasons for opposing the reduction in the number of those departments from five to two.

I believe that Glasgow royal infirmary, which is also in my constituency, will be too large. I accept the clinical argument that bringing services together can produce a better quality of service; however, there is a point at which the service gets too large. My constituents in Partick will no longer have an accident and emergency department in the west, but will have to use the services in the Southern general hospital. Although I acknowledge that some of my constituents will have only a short distance to travel, no account

has been taken of the fact that the Clyde tunnel is sometimes closed. Alastair Watson of Glasgow City Council also recently warned us that the Clyde tunnel has a short life.

During my visits to Gartnavel general hospital, which is in the constituency of my colleague, Bill Butler, he and I spent some time considering the Gartnavel plans. What is happening is impressive, but a proper accident and emergency department is missing from those plans.

One of the good things that will come out of the review is the streamlining of accidents and injuries in the system. At the moment, someone who is ill might lie on a trolley for hours on end because there is always a greater priority. The streamlining of cases into minor injuries units is extremely important, as that will mean that people will be attended to right away, and will leave the accident and emergency departments for those who need the most urgent help.

I believe strongly that the clinicians are right, although I recognise that there are differences of opinion among them about the reorganisation. The central point is that our health services in Glasgow need to improve, and clinical excellence is the way forward.

I hope that the minister is listening carefully to what members who represent greater Glasgow have to say about the reorganisation. It would be all too easy for members to speak only about their own constituents—although I am happy to do that—when we should recognise that there is a bigger picture of a greater Glasgow service that serves the wider community. The minister has debated with me on many occasions the need for a recognition of regional funding for the services that the health service in Glasgow delivers outside its boundaries.

17:22

Dorothy-Grace Elder (Glasgow) (Ind): I congratulate Bill Aitken on securing the debate. Sometimes it takes a really experienced politician to do so, and Bill is certainly that.

A Glasgow consultant to whom I spoke the other night suggested an interesting fact-finding trip that I am sure Mr McAveety would be pleased to undertake—someone has to do it, and Frank must go to Vienna. Vienna tried the same sort of plan as Glasgow is considering. In fact, at one stage, it reduced its service to only one major hospital—one of those new monster hospitals—with only one major accident and emergency department, but that did not work. I invite members to check the death rate from major incidents in Vienna.

Robert Brown: Can Dorothy-Grace Elder tell us how the size of the population of Vienna compares with the size of the population of Glasgow?

Dorothy-Grace Elder: Everything is relative. The traffic problem is the curse that every major city in Europe is faced with, as Robert Brown knows.

Around 43,000 people signed petitions against the plan for Glasgow, but they have been ignored. The situation goes beyond a local fight or a major fight for hospitals: it verges on the denial of democracy, and we know what happened when democracy was denied in England. We all remember Kidderminster hospital and the election of Dr Richard Taylor as an independent MP with a stunning majority. Dr Jean Turner is planning to stand in Strathkelvin and Bearsden. Good luck to her. Immense local campaigns are extremely important, and people are not prepared to be swept aside time and again. When 43,000 people sign a petition, warning bells should start to ring.

The health boards are uncontrolled and have become Pygmalions who are much mightier than their creator. They might have been created by the Executive, but they are running wild far beyond the Executive's control and have not been pulled into line to take account of the feelings of local people.

To reduce accident and emergency departments in a city such as Glasgow to only two endangers life. To put a huge hospital south of the river in Govan and to suck traffic into Govan through the tunnel is loopy. Nobody else would do it. Three years ago, those who did the planning admitted to us that they had not considered the traffic situation before they went into top gear on their plans, although that should have been the first of their considerations.

The Deputy Presiding Officer: You have one minute left.

Dorothy-Grace Elder: We hear of a £50,000 subsidy for public transport services that need to be upgraded, but that is absolute peanuts: the problem of ambulances having to go through the Clyde tunnel will still exist. The Minister for Health and Community Care promised to re-examine the issue of accident and emergency services in two years' time but I think that that was a mere sop to Cerberus during our debate in September. Why does the minister have to re-examine the issue in two years' time? Why can he not think again right now, as Bill Aitken sensibly suggested?

Perhaps members from other parts of the country need to be reminded on the record that there is a 10-year difference in life expectancy between Glaswegians at the well-paid end of the social spectrum and those who are at the bottom of the financial heap, of whom there are far too many. Glasgow is the sickest city in Britain and contains the six most deprived and sickest constituencies in Britain. That is not a proud record for our trophy room.

The Deputy Presiding Officer: You are being unfair to other members. Please wind up now.

Dorothy-Grace Elder: We have a chance to save and protect lives, but that chance is being blown.

17:27

Paul Martin (Glasgow Springburn) (Lab): I congratulate Bill Aitken on securing the debate but point out that, in his long and distinguished career, he must recall the years when Michael Forsyth, Ian Lang, Lord James Douglas-Hamilton and George Kynoch were in charge of the Scottish Office. I do not recall Ian Lang giving any consideration to local feelings when the maternity unit at Stobhill hospital was closed. The coming of the Scottish Parliament has ensured that the people who make such decisions are more accountable and we are now able to scrutinise those decisions. Bill Aitken should cast his mind back to his good old days and reflect on the situation that pertained back then. Although Lord James Douglas-Hamilton gave us a fair hearing, little could be said of his colleagues in that regard.

Does the minister agree that, according to the legislation that was passed in 1973, a transport study should be completed in full prior to any decision being taken on hospital closures and resiting? I would like confirmation that he received a full transport study during the relevant period and ask him to delve further into that issue to ensure that the process met with the requirements of legislation dealing with the reconfiguration of services and the consideration of business cases.

I would like to deal with the accountability of the boards. It appears that local people are good enough to serve on housing associations, tenants associations and community councils, but are not good enough to be part of the quango health boards. It is about time that we considered the democratisation of our health boards to ensure that those people reflect community views. If people can be involved in organisations such as the Glasgow Housing Association, which is dealing with a £1 billion investment, surely they can be involved in parochial decisions relating to the health boards. The challenge that faces this Parliament is to make the boards accountable and ensure that people on them have an electoral mandate instead of being made up of the so-called great and the good. I ask the minister to tell us what plans there are to modernise the health boards in that respect.

Secondly, I will deal with the process that the Parliament has set in place to ensure that it monitors the decision and I will deal with the Auditor General's involvement. Will the minister assure me that if, during the five-year period for

which we have committed ourselves to preserving the services, the Auditor General or the monitoring boards discover that it will not be possible to remove and reconfigure services in other hospital facilities, the Executive of the day will reconsider the decision that the Parliament took on 12 September?

That is a very serious issue because in the past—let us face the facts—authorities have taken a number of decisions that have later been found to be flawed. The involvement of the Auditor General and the monitoring process that has been set in place will ensure that we have the opportunity to discover whether the decision is flawed.

I am proud of the fact that I am a local resident—I stay in my constituency—and of the fact that I was born in Stobhill hospital. Over the five-year period, it will be possible to interrogate the decision that was taken on 12 September and to reconsider a number of issues, perhaps at a later date.

17:31

Fiona McLeod (West of Scotland) (SNP): Bill Aitken's motion mentions the continuing concerns over the decisions on the acute services review that Greater Glasgow NHS Board has taken. I point out that those concerns were demonstrated by many hundreds of members of the public who marched through the streets of Kirkintilloch only two weeks ago to express their continuing concern about Stobhill hospital's future under the acute services review.

As part of my continuing concern with the acute services review, on 5 November I attended the Greater Glasgow NHS Board annual general meeting. I appeared to be the only politician who attended that evening, but it was instructive to be there. Perhaps a few quotations—

Paul Martin: Perhaps we could consider attendance at several other meetings since May 1999. Perhaps we could exchange information on what meetings Fiona McLeod has attended that I have not attended, and what meetings I have attended that she has not. It is not fair to refer to one particular meeting and not the other meetings that have taken place in that period.

Fiona McLeod: I am sorry if Paul Martin is feeling sensitive. Perhaps, as part of that exchange of information, I can give some quotations from the AGM. Professor Dickson, the interim chair of Greater Glasgow NHS Board, lauded Professor Hamblen, who was chair at the time of the acute services review and who made the decisions, for his "courageous decisions" on the acute services review. When we look at the courageous decisions that led us to having only

two accident and emergency departments for the whole of greater Glasgow, we must wonder whether they should have been termed foolhardy decisions.

As we have heard, those two accident and emergency departments have been criticised by the very consultants who will have to provide the services. Those two accident and emergency departments were decided upon on the basis of a flawed—I think that we all agree with that—transport study, which says that it is quicker for my constituents in Bearsden and Milngavie to travel through the Clyde tunnel than to go to the accident and emergency department at the Western infirmary. I remind members that the Clyde tunnel is shut to trucks because of the firefighters' strike, as it is such a hazardous route to travel. To ask accident and emergency patients to travel that route seems nonsensical.

To decide that two standalone ACAD units should take the place of two general hospitals in greater Glasgow also seems a foolhardy decision. Pauline McNeill mentioned that those ACAD units will be very big. They will be very big, but they are untried. Without the support of a general hospital, they will be, in the words of the consultant who runs the ACAD unit at Central Middlesex hospital, glorified outpatient departments, no matter how big they are.

It was also worrying to be at that AGM and hear the interim chair of Greater Glasgow NHS Board say that the acute services review decisions had been "vindicated" by a vote in the Parliament in September. The fact that the acute services review is a continuing concern that MSPs continually have to raise in the chamber to debate its shortcomings with the Executive tells us that the decision was not vindicated by the Parliament.

The vote that will vindicate the acute services review of Greater Glasgow NHS Board is the vote that will be held on 1 May next year, when I presume the people will return an SNP Government, which will be able to implement policies. Unlike the current one, which seems to do less for patients, we will actually provide services for patients.

The Deputy Presiding Officer: I ask for speeches to be kept to three minutes from now on.

17:35

Janis Hughes (Glasgow Rutherglen) (Lab): This debate provides an opportunity to discuss some of the concerns about the acute services review that have been expressed by constituents throughout Glasgow.

There are no members present who will not have been made aware of the genuine concern

that constituents feel about the changes that are to happen in the provision of health care in their areas over the next few years. Change is never easy. Long-held customs, often spanning generations, are very dear to people's hearts, and if a local hospital is held in high esteem, the change can be very difficult to accept. I am sure that all of us have heard stories from constituents about individual hospitals. In my area, those are usually about the Victoria infirmary. Patients have had very good treatment there, and would like the hospital to continue to function.

Developments in medicine and in health care provision move at a very fast pace. Despite the fact that I trained and worked as a nurse for a number of years, that was some time ago now and I would not consider myself clinically fit to practise now, because great changes have taken place in how we provide health care.

The difficulty is that we can accept change only if we are provided with all the facts and if we are given the chance to have meaningful discussion and consultation. That is the crux of the matter. Looking back is not going to help, however. I do not think that anyone is in any doubt about the need to improve the provision of health care in our communities. In south Glasgow, our health needs are met by crumbling Victorian institutions, which were built more than 100 years ago and are most certainly not fit for medicine in the 21st century. Hospitals suffered 18 years of neglect when Mr Aitken's party was in power, and it is disingenuous of members of that party to criticise a modernisation programme when its health service reforms set the NHS back, rather than moving it forward.

We now need to move forward. The decision that was taken by Greater Glasgow NHS Board was not my preference, particularly in the context of south Glasgow. I would like to hear the minister say that mechanisms have been, and will be, put in place to alleviate the concerns that my constituents have put to me.

The first of those concerns is about transport links. How will people from Rutherglen and Cambuslang get to the Southern general hospital? It is not very easy even to reach the Victoria infirmary. If we accept that about 85 per cent of people will be treated at the ACAD unit, then I am concerned about visitors as well as patients. We all know that visitors play a vital part in the recovery process.

The second concern is about monitoring. Because my constituents have a complete lack of faith in Greater Glasgow NHS Board, it is vital that the proposed changes are closely and independently monitored. I would like to hear how the minister intends to provide for that.

The third concern relates to the Victoria infirmary. Those of us who use the Vicky as our local hospital are concerned about the lack of investment over the past few years. The movement of specialties also causes concern. I would like the minister to give an assurance of short-term investment in the Victoria and of the retention of its current services.

Accident and emergency provision is the most contentious issue of all. The decision to reduce the number of accident and emergency departments from five to two has led to concerns from various quarters, including the medical fraternity. There are calls to rethink the decision. I would like the minister to confirm more details about the Executive's commitment to reviewing the situation in two years' time—before accident and emergency departments in Glasgow close—and to involving local people in the process. We need to ensure that the views of constituents are taken into consideration in a meaningful way on any further moves in the context of the acute services review.

17:39

Robert Brown (Glasgow) (LD): It is a bare few weeks since we last debated this issue, during a debate that was subject to a vote. Although this has been a useful debate, I confess to some uncertainty about the precise purpose of Bill Aitken's motion.

The £700 million of investment in the acute hospital estate throughout greater Glasgow has been the subject of considerable controversy throughout the parliamentary session. Unlike some members, I and other members of the all-party group that was set up to monitor and campaign on the issue have been involved in discussions from the beginning of the session.

Many of us disagreed with the process. We did not think that there had been genuine consultation, and we had doubts about the bona fides of it. As Janis Hughes has illuminated, many of us disagree with a number of aspects of the outcome. However, we are now moving into phase 2, which must be approached differently. Rightly or wrongly, the minister has decided to confirm the Greater Glasgow NHS Board proposals. We do not all like them, but we must build on that structure.

I make no apology for saying that there can be no more urgent need for modernisation than in Glasgow's hospitals, many of which date back to the century before last. In Glasgow of all areas, with its appalling health statistics, further delay is not acceptable.

Considerable expertise has been built up by health groups across the city—in particular, by the

south-east health forum and the Friends of the Victoria Infirmary. Their efforts have been highly impressive. However, it is important that we do not lose the focus on what is happening as opposed to what we would like to happen in an ideal world. Neither I, nor other members, nor the campaign groups outside the Parliament are the Minister for Health and Community Care. A proposal is going ahead, which will lead in a reasonably short time to the development of ACAD units.

Unlike some members, I believe that ACAD units are largely a positive development that hold out the hope of providing good local services to people throughout the city. However, there are still serious issues relating to the implementation process. One such issue is bed numbers. In recent weeks, winter vomiting sickness has led to the closure of a number of wards at the Victoria and other hospitals. Flexibility must be built into the system to ensure that hospitals have the capacity to deal with such eventualities—or major catastrophes.

Another issue is funding. I make no apology for returning to that matter, about which I have had exchanges with the Minister for Health and Community Care and with Frank McAveety. There is considerable doubt about whether the £700 million funding plan for the current proposals adds up. More money will need to be invested in the Glasgow review. That is true for the current structure, never mind for the alternative, more ambitious project that some members support. The Executive will need to find additional funds to make the reorganisation proposals and the long-needed modernisation happen much sooner than is planned at the moment.

Finally, I want to return to the point that Janis Hughes rightly made. Before we reach a decision about the bricks and mortar of new hospital provision, emphasis must be placed on the quality of current provision at the Victoria infirmary.

17:42

Mr Kenneth Macintosh (Eastwood) (Lab): I congratulate Bill Aitken on securing the debate and welcome the chance to speak on the subject. I was not granted such an opportunity when the matter was last debated.

The papers suggest that members of the Parliament are not always held in high regard, but I regard it as an honour and a privilege to represent my constituents and the people of Scotland in this chamber. I am proud of our achievements—new schools, record numbers of police, and investment in and expansion of further and higher education. I am particularly proud of our investment in the health service. For that reason, I was—and am—particularly disappointed

with the decision about the location of Glasgow's hospitals.

I am especially proud of our investment in and commitment to the health service because there is no doubt that we are at a turning point. We can stand aside and pretend to support the NHS—as the Tories did during the 1980s and 1990s—while letting the service wither on the vine, as it fails to keep up with our demands and expectations. Alternatively, we can try to save the NHS. We can invest in staff, equipment and services so that all of us—rich or poor, healthy or infirm, young or old—feel that the NHS really belongs to us and will be there when we need it most.

The Government has taken and continues to take the second route. Billions of pounds are being invested in improving the service. There are still serious problems to overcome, but there have been success stories, too. In south Glasgow, the frightening delays and bottlenecks that patients with suspected colorectal cancer experienced have been tackled, thanks to improved endoscopy services and the recruitment of further specialist surgical teams. Such stories tend not to grab the headlines, but they are happening nonetheless.

The achievements that I have described make the decision on acute services stand out. It is doubly galling that, despite our combined efforts over the past three years, MSPs who represent the people of greater Glasgow have had little or no control over the decision-making process. Local health boards are supposed to have regard to the views of patients and local residents. Greater Glasgow NHS Board is supposed to have consulted the people of the south side and to have taken their opinions into account.

We were consulted, but most of us were left wishing that we had not been. I would have more respect for a decision based on the fact that the Southern general is the cheapest option. I would not have liked it, but I would not have wasted my time taking part in a process that has left most residents feeling ignored.

As the minister knows, I believe that the decision that has been taken is the wrong one, but I acknowledge and welcome the investment that is now on its way. I ask the minister what measures can be put in place to ensure that local people are involved in all decisions affecting that investment.

The minister will be aware of strong concerns over the safety of a so-called standalone ACAD unit. However, the Victoria hospital will continue to provide for the acute hospital needs of residents in the south side for at least the next five years. Will the minister confirm that services at the Victoria—accident and emergency services in particular—will be maintained at that site and that an assessment will be made of the relationship

between the ACAD unit and the acute hospital with regard to patient safety?

Many issues are still to be addressed, including the need to guarantee a paramedic service in every ambulance. We should start by re-engaging with local people and establishing trust in the decision-making process. We could start with a further reform of the boards and the trusts.

The Deputy Presiding Officer: I call Bill Butler and then I shall see where we can go from there.

17:45

Bill Butler (Glasgow Anniesland) (Lab): I congratulate Bill Aitken on securing the debate, but I am genuinely a bit upset at the tone of some of the things that he said. I recognise and take seriously the concerns that Glaswegians express about the review process and I am sure that I am not alone in that. On that basis, I intend to introduce a member's bill to make it mandatory for at least 50 per cent of the membership of health boards to be directly elected. That is not a panacea, but it is a good idea to give citizens confidence in and direct ownership of the consultative process.

In the debate on 12 September, I took the opportunity to ask the minister about the reduction in accident and emergency services. I asked him to consider that reduction, because I was concerned and disagreed with it. Part of the minister's amendment to the SNP motion said that there would be a two-year review. I asked him whether, if the review said that there should be three accident and emergency departments, he would accept that. He said that he was open-minded about that and that he would listen carefully to what was said. On the basis of that serious point, I voted for the Executive's amendment.

In meetings with Pauline McNeill, my colleague from Glasgow Kelvin, I asked Mr Gemmell of the trust concerned whether, if the review said that there should be three departments rather than two, that would be possible, practically, after two years. He said that it would be possible. I hope that the review comes out with that decision.

Having said that, I believe that few, if any, truly believe that the status quo is an option. The huge pressures in Glasgow's hospitals, the outdated buildings, which are unfit for modern services, and the fragmented care system, which is dotted around different buildings, are totally unacceptable.

In my constituency of Glasgow Anniesland, the £700 million investment that is planned for the 10-year process will mean that Gartnavel general hospital will become the main in-patient hospital

serving west Glasgow. It will be redeveloped to deliver a full range of specialty services, accompanied by a redesign of out-patient care, day-case care and day surgery on ambulatory care principles. In addition, there will be a minor injuries unit and an emergency receiving service. That will mean—and I emphasise this point—that serious emergency cases will be treated at Gartnavel. That includes people who are having a heart attack. All the talk of their being trapped in the tunnel is fallacious. There will be adequate resources to treat them at Gartnavel.

I welcome the planned developments and I hope that all members will support the need for modernised NHS facilities in Glasgow and will welcome the £700 million investment, which will bring desperately needed improvements—I have said it before and I shall keep on saying it. As serious politicians, we should all seek to allay the concerns of our constituents and avoid any hint of petty party-politicking or ill-informed scaremongering. I hope that the debate continues in that way, because the health of the people is too serious for party posturing.

The Deputy Presiding Officer: We are right down to the wire. I propose to give John Young and Brian Fitzpatrick one minute each to make a basic point and that is it.

17:49

John Young (West of Scotland) (Con): Paul Martin and Bill Butler talked about more public representation on health boards. In the debate a few weeks ago, I suggested that 51 per cent of the membership of health boards should be elected.

In the brief time that I have, I want to say that the one thing that puzzles me is how consensus was reached on the time limits for journeys, because they simply do not match any of the times for the journeys that I tried out as experiments.

As Tommy Sheridan said in his speech in the previous debate, a big match at Ibrox or Hampden could cause real problems. I notice that the minister has been passed so many notes that he has as many pages as are in "The Decline and Fall of the Roman Empire". His face has been getting gloomier and gloomier.

A degree of hypocrisy is coming from certain quarters of the Labour party. Why did those members not vote in accordance with how they seem to feel? It is no good coming along with whitewash now.

Bill Butler: Will the member give way?

John Young: I am sorry—I have no time. Bill Butler will need to sit down. The constituents will not wear such hypocrisy. It is right that Labour members should pay for it at the polling booths.

Glasgow City Council has good population projections for the whole of the city. Considerable increases have been predicted in the south-east of Glasgow, particularly in the elderly population. Elderly people are the ones who will suffer. People will have heart attacks and will die as a result of the acute health services review in Glasgow. Ian Anderson, who is head of accident and emergency services at the Victoria infirmary, has said so and he is one of the best experts out.

17:50

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): No one can pretend that this issue will not be political. Some of tonight's speeches have not graced members. It was asked why Bill Aitken was anxious to have the debate. We all know that there will be an important debate on the acute services review during the coming weeks. Those of us who read this morning's edition of the *Evening Times* had the opportunity to read what Bill Aitken was going to say. It is unfortunate that other members will be curtailed in what they say, given what appeared in the morning edition of the *Evening Times*.

The issue goes wider than the boundaries of the city of Glasgow—East Dunbartonshire and other parts of the country will be affected. Labour members welcome substantial investment in the NHS and it is unfortunate that the Tories are unable to join us in that welcome. We know their views on the NHS. Their position is that it must be shown that the NHS cannot work and will not ever work.

We want a return on the investment. The best return on that investment will be for people across the city to be satisfied that they and their families will benefit from the acute provision proposals. The intervention of Audit Scotland, together with robust local monitoring, would be one of the best ways of achieving that.

There is a tremendous paucity of information for local communities about what the proposals mean for them. It is not right or responsible to suggest, for example, that the ACAD unit that will come to Stobhill hospital in Paul Martin's constituency is some sort of glorified out-patient clinic. Tell that to the people who will use the much-needed renal dialysis unit that is coming to Stobhill. We must not pretend that something is going on that is not going on, simply for party-political purposes. I want the minister to ensure that people have robust measures that allow them to assess, and to continue to assess, the recommendations and the underlying assumptions.

The Deputy Presiding Officer: For the record, Sandra White and Nicola Sturgeon both pressed their request-to-speak buttons, but gave way to allow others to make use of the available time.

17:52

The Deputy Minister for Health and Community Care (Mr Frank McAveety): I thank Bill Aitken for providing the opportunity for the debate. That is perhaps the only thanks that he will receive over the next six or seven minutes. Mr Aitken's argument assumed that there has been a gathering storm of reduction in the quality of provision and commitment to the NHS in Glasgow, which stands in direct contrast to the situation during the alleged golden years of the Tory Government between 1979 and 1997.

I have lived in Glasgow all my life. I must have been going about the city with my eyes closed, as I seem to have missed the generous benefaction of Tory Governments. Those Governments were interested not in a national health service, but in a model of health provision that was much more attuned to private provision.

It has been claimed that the acute services review will produce a diminution in the quality of acute care in hospitals that serve the greater Glasgow conurbation. The Government has presided over a substantial increase in accident and emergency provision in south Glasgow. There has been an enormous improvement in south Glasgow in the past two years of the Administration. That has been largely because we have committed to putting in resources and have recognised the role of staff.

I refer Mr Aitken—and others who have made similar claims this evening and on a previous occasion—to the words of Diana Beard, director of the Scottish trauma audit group. She indicated that patients are not dying unnecessarily because of delays in pre-hospital care. The Scottish trauma audit group, which has more specialist knowledge than Mr Aitken or Mr Young, went on to add that pre-hospital care is the first link in the chain of survival after injury.

Most interestingly, the group says that under the current Administration, accident and emergency consultant presence for seriously injured patients increased from 29 per cent in 1992 to 47 per cent in 2001. Consultant surgeon presence increased from 19 per cent in 1992 to 55 per cent in 2001 and the number for consultant anaesthetists—despite the shortage of them—is twice as much as we inherited from the previous Administration.

Those issues are important. None of us who represent the citizens of greater Glasgow entered into the debate lightly, because the subject is important. Another important comment by the trauma audit group is that there is no difference in outcome between urban and rural trauma patients. The group has made a fairly interesting contribution.

Many claims were made about specialists. Tim Park, who is the clinical director of accident and

emergency in south Glasgow, says that simply rushing the patient to hospital—some people argued for that—no longer guarantees the best outcome. The debate is at both ends. It concerns the role of paramedics and their intervention when they reach the patient, but more important, it concerns the quality and consistency of the accident and emergency trauma team. Those are the two critical elements. I understand people's concern, but we are talking about seven and 10-year programmes before we enter that most critical arena.

I will deal with the points that members made. In the previous, passionate debate on the subject, we said that we wanted to find ways to get the system right. I hear the voices across the Parliament. It is unfortunate that some who are fond of having their voices heard and their pictures in the paper have not stayed for today's debate. Their previous comments suggested that the debate was important to them, so I am disappointed that Mr Sheridan and Ms Sturgeon could not sustain themselves for at least 45 minutes.

The central issue is to acknowledge what we have done since September and to move on from that. We were asked to develop implementation arrangements for measures that we want to progress. Along with Audit Scotland, Greater Glasgow NHS Board has appointed PricewaterhouseCoopers to monitor the systems and processes that underpin the acute services strategy. The Auditor General for Scotland has said that he will take on board the contributions that that assessment makes and that he will authorise any viewpoints from it.

Fiona McLeod: I am glad that the minister raised that subject. It became apparent during the debate in September that Audit Scotland, not PricewaterhouseCoopers, would undertake the greater Glasgow review, but the minister has confirmed that PricewaterhouseCoopers will undertake the review. Will the minister confirm that PricewaterhouseCoopers already audits greater Glasgow's NHS services, which means that it is not the most appropriate body to use?

Mr McAveety: I think the reverse of that. That fact means that the company is aware of some of the key issues in NHS greater Glasgow. The important element is the independence and autonomy of Audit Scotland's processes. The SNP's spokesperson was careless in the previous acute services review debate and in debates about waiting lists and other matters to suggest that Audit Scotland's role makes it an emissary of the Executive. Audit Scotland has an important independent role.

The monitoring group that people have asked about will consider a range of issues and will include elected representatives from throughout greater Glasgow—including local authority representatives and members of the Scottish Parliament—community representatives from throughout the area, clinicians, local health council nominees and nominees from each acute hospital-patient liaison group. We are keen to ensure that trade union and staff involvement is central, so staff partnership forums will contribute. That will address many concerns.

Contrary to the claims that some have made, the review is not about cuts, but about investment to deliver a step change in the quality of provision throughout Glasgow.

Paul Martin: Will the minister assure us that the monitoring committee will operate independently of, and will not necessarily report to, the health board? Will he confirm my understanding that Audit Scotland will continue to perform the audit but will subcontract work to PricewaterhouseCoopers?

Mr McAveety: I confirm that. Audit Scotland will have autonomy and ensure the integrity of the process. It will assess the quality of PricewaterhouseCoopers's work.

I stress that the health board intends to advertise openly for an independent chairperson of the monitoring group. That is a strong issue that people raised. I give the chamber a categorical assurance that that is an important element in the process.

The health board project directors will progress a series of related issues to try to address many of the issues that members have raised.

A number of members raised the legitimate issue of the transport accessibility study. I recognise their concerns. A number of processes will be employed to interrogate the role of that study. If members are concerned about the accuracy of whether there would be a 60 per cent reduction in some travel times, that question is worthy of interrogation. I was interested to note that members did not give genuine evidence to the contrary about travel times—all that I heard was anecdotes. It is important to get substantive evidence from reputable studies on that subject.

John Young: What time of day or night were the surveys carried out? If someone is on a late night bus at 2 o'clock in the morning, they move through the city quite quickly, but that is not the case at other times.

Mr McAveety: John Young's intervention proves that what people are saying is anecdotal, rather than based on scientific analysis. Much of the other comment that was made about major

football matches in Glasgow was exaggerated. I recognise the impact that major matches on the south side of the city can have on the Clyde tunnel in particular. However, many of the acute admissions that were made from the Gorbals in my constituency to the Victoria can now find their way to the Royal without any great difficulty. We need to take those factors into account.

Dorothy-Grace Elder kindly suggested that I take the opportunity to visit other parts of Europe. We cannot compare Vienna and Glasgow, not only not in social terms but because of the impact of our hospital provision. I am conscious that members raised an incredible number of other issues and I will endeavour to respond to them in writing. I am happy to do that.

As part of the reconfiguration of services, members have asked about guarantees. On 19 November, Malcolm Chisholm approved the NHS board proposals for early changes to ear, nose and throat, gynaecology and ophthalmology services in north and east Glasgow and dermatology services across the city. He did so to target specialties in ways that we think are appropriate.

The role of the monitoring group will be important with respect to future provision. Those who are involved in that process will be able to monitor the situation much more effectively than has been the case. That will help us to try to address the issues, and it will mean that any decisions are arrived at by rigorous assessment rather than in the way that people claim has happened in the past.

We must ensure that we take the people of Glasgow with us. The health board has a major responsibility now. There is a political scenario around the issue that will undoubtedly colour much of the debate between now and May. We are talking, however, about a seven to 10-year vision to put in place something that should last for 40 or 50 years. I am delighted that the Executive is prepared to face up to the challenges. In the words of Tim Park:

"Glasgow should not be condemned to another 20 years of second rate 'make-do' emergency care by the narrow interests of pressure groups and ill-informed MSPs."

We need to move beyond that and be more effective on the issue.

I hope that members take on board the references that I made to the Scottish trauma audit group and I also hope that we can move forward. I give the guarantee and assurance that we want to take the people of Glasgow and greater Glasgow with us on this new journey of change for clinical care in Glasgow.

Brian Fitzpatrick: On a point of order, Presiding Officer, about the length of the debate, which has

of necessity been curtailed. Will you give consideration to the circumstances of members' debates? I refer you to an article in today's *Evening Times* as it relates to an issue of courtesy to other members in the chamber.

I accept that members might want to bring attention to and seek to promote debates, particularly members' debates. However, where the publicity for the debate is essentially the speech that the member is to give, consideration should be given to the contributions of those members whose speeches have been curtailed.

The Deputy Presiding Officer: The reason that the debate is time constrained is neither my fault, nor Bill Aitken's. I am afraid that the minister's diary did not permit an extension, although, as it turned out, once the minister started to wax eloquent, he was more flexible. The fact that the debate was constrained was simply unavoidable, because of diary considerations. It is up to members to say what they want in promoting their motions.

Dorothy-Grace Elder: On a point of order, Presiding Officer. This is a pleasant one. I think that you followed a fair system and took the trouble to take a note of the names of those Glasgow members who had not managed to speak in the previous debate. I am sorry that I exceeded my time and did not hear the dreaded tap of the biro against the microphone clearly enough. Thank you for that courtesy.

The Deputy Presiding Officer: I am sure that that is fair, and I should say in the interests of fairness that I told the SNP that I would probably call only one speaker, which is why Nicola Sturgeon was not called.

That concludes this evening's business, and I close this meeting of the Parliament.

Meeting closed at 18:05.

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