

# **CONVENERS GROUP**

## **Meeting with the First Minister**

Wednesday 18 February 2015

## **CONVENERS GROUP**

### **CONVENER**

The Presiding Officer (Tricia Marwick)

### **IN ATTENDANCE:**

Bruce Crawford MSP (Convener, Devolution (Further Powers) Committee)  
Nigel Don MSP (Convener, Delegated Powers and Law Reform Committee)  
Jim Eadie MSP (Convener, Infrastructure and Capital Investment Committee)  
Murdo Fraser MSP (Convener, Economy, Energy and Tourism Committee)  
Kenneth Gibson MSP (Convener, Finance Committee)  
Rob Gibson MSP (Convener, Rural Affairs, Climate Change and Environment Committee)  
Christine Grahame MSP (Convener, Justice Committee)  
Paul Martin MSP (Convener, Public Audit Committee)  
Stewart Maxwell MSP (Convener, Education and Culture Committee)  
Margaret McCulloch MSP (Convener, Equal Opportunities Committee)  
Christina McKelvie MSP (Convener, European and External Relations Committee)  
Michael McMahon MSP (Convener, Welfare Reform Committee)  
Duncan McNeil MSP (Convener, Health and Sport Committee)  
John Pentland MSP (Convener, Public Petitions Committee)  
Elaine Smith MSP (Deputy Presiding Officer)  
Stewart Stevenson MSP (Convener, Standards, Procedures and Public Appointments Committee)  
Kevin Stewart MSP (Convener, Local Government and Regeneration Committee)

### **THE FOLLOWING ALSO PARTICIPATED:**

The First Minister (Nicola Sturgeon)

### **CLERK TO THE COMMITTEE**

Susan Duffy

### **LOCATION**

Committee Room 2

# Scottish Parliament

## Conveners Group

Wednesday 18 February 2015

*[The Presiding Officer opened the meeting at 12:28]*

**The Presiding Officer (Tricia Marwick):** I offer a very warm welcome to the First Minister, who has come along to be grilled by the committee conveners on her legislative programme. This is the second time that a First Minister has come along to the Conveners Group. It is part of the reform agenda to ensure that Government is accountable.

I invite the First Minister to say a few opening words about her programme, and then I will give all the conveners a good chunk of time to question the First Minister and develop their points and arguments.

**The First Minister (Nicola Sturgeon):** Thank you, Presiding Officer. This is my first opportunity to attend a Conveners Group meeting and, to use your words, be grilled by the committee conveners. It is only the second time that such a session has taken place so I am pleased to be here. I am looking forward—I think—to the session. I know that this is a decision for the Presiding Officer and the conveners collectively, but I would be very happy to do this much more regularly. I would welcome the opportunity that that would provide.

As the conveners are aware, the programme for government, which I published and announced to Parliament in November, included 12 pieces of legislation. An additional piece of legislation—the franchise bill to extend the vote to 16 and 17-year-olds—has since been announced, making a total of 13 pieces of legislation.

The programme for government includes a number of policy interventions over and above legislation. Its legislative and non-legislative measures are grouped around the Government's three key priorities, which I will describe briefly.

The first priority is to build prosperity, because we all know and understand that a strong economy underpins the wellbeing of every community throughout the country.

The second priority is to promote fairness. We need to ensure that growth benefits all sections of our society and all parts of the country. We know that, if we succeed in making Scotland more equal, that in itself will help us with our first objective, which is to make the country more prosperous and economically successful.

The Government's third theme and strategic priority is participation. We want to empower and enable people to improve their lives and the lives of others living in their communities. I will perhaps finish on that point. It is no exaggeration to say that, as a result of the referendum last year, Scotland has one of the best informed and most engaged electorates anywhere in Europe. I am pretty sure that there will be a shared objective to encourage that sense of engagement. In my view, an important part of that is to devolve power from this Parliament to local communities, as the Community Empowerment (Scotland) Bill is designed to do.

It is also about making our national institutions, including this Parliament, as open and accountable as possible. That is why I have said that I want to lead the most open and accessible Government that Scotland has had. We are doing that partly by taking part in public discussions, which we are doing almost every month of this year; we had an event in Aberdeen just two nights ago. It is also why I am keen to make these sessions as constructive and productive as possible.

I look forward to the opportunity presented by our discussions this afternoon. Obviously, the principal purpose of this session is for me to answer your questions. However, I am keen to take the opportunity to hear the views of conveners, which will further inform my thinking and the thinking of my Government about how we face up to the challenges and build on the opportunities that we face.

Presiding Officer, thank you for the opportunity to make a few opening remarks. I look forward to your questions.

**The Presiding Officer:** Thank you, First Minister. We go straight to Kevin Stewart.

**Kevin Stewart MSP (Convener, Local Government and Regeneration Committee):** Thank you, Presiding Officer.

My first question is on fairness and empowerment. How do we ensure that enough resource is put into community capacity building and into giving folk the tools to do the things that they want to do and challenge where they want to challenge?

**The First Minister:** That is an absolutely vital part of community empowerment. As conveners are well aware, the Community Empowerment (Scotland) Bill creates new rights for community bodies and puts new duties on public authorities. The intention of the bill is to strengthen the voice of communities in the big decisions and, sometimes, the smaller decisions that matter to them, and to enable them to shape their communities.

Those new legislative provisions will make the difference that we want to make in practice only if individuals, groups and organisations in communities have the capacity to make use of them. I know that that theme came out strongly in the stage 1 evidence that Kevin Stewart's committee took on the bill. That is why, in my programme for government statement in Parliament, as well as talking about some of the provisions in the Community Empowerment (Scotland) Bill I announced that we would increase the funding that we were making available to community empowerment initiatives.

I indicated an additional £10 million, which takes total funding in that area to £19.4 million. As an example of how we are using that funding, we are currently supporting somewhere in the region of 80 community-led organisations specifically to help them to build their capacity and become more sustainable. That is funded through the £3 million strengthening communities programme, which is focused on areas suffering disadvantage and inequality.

We are very mindful of the need not just to give public authorities new powers and place duties on them but to empower and enable local communities to take advantage of them.

**Kevin Stewart:** You heard some of the voices in Aberdeen on Monday night. Sometimes process is the thing that holds people back from being able to articulate their view. The Marischal Square development in Aberdeen is a prime example of that. How do we ensure that processes and notification are as simplified as they possibly can be so that folks can have their voice heard?

**The First Minister:** We can do that as a Government in a number of ways, through the reforms and improvements that we have been trying to make to the planning process over a number of years. We may or may not come on to the issue of the current debate about fracking later in this session. We can make sure that, where there are big decisions on big and often controversial issues, we make a particular effort to listen to the voice of local communities. Public authorities, whether national or local government, have to be mindful, not just in the processes that govern how they do things but in the spirit in which they go about things, that they are listening to the public voice as well.

We are talking here about empowering communities. I talked in my opening statement about my desire to see powers devolved from this place to local communities. However, we have to recognise that there will always be a tension around that agenda. When people want something to be decided locally, they will very much resent the idea of a national Government stepping in in any sense to interfere with that decision.

Conversely, when people do not agree with a decision that has been taken locally, there will often be a clamour for national Government to step in and overturn that decision or bring about a different set of circumstances. We have to recognise and be quite open-eyed about that tension.

The more we can empower local communities and the more local public authorities can respond to the genuine desire of communities and individuals to get involved, the better we will handle all that.

**Margaret McCulloch MSP (Convener, Equal Opportunities Committee):** First Minister, you recently spoke about the much more rigorous standards that we have in the Scottish Parliament regarding equality and the budget. However, in responding to the budget equality statement, the Scottish women's budget group said:

"Equality impact assessment practice is poor in general."

Do you accept that we still have a long way to go in equality proofing the Scottish budget? Why do you think that the women's budget group has been so critical of the assessments?

**The First Minister:** As Margaret McCulloch will be aware, the Scottish women's budget group has been central to our developing thinking and practice around all of this. The late Ailsa McKay was one of the key figures who informed our thinking.

The very positive thing that I would say is that I think all of us should be proud of the fact that we have much more rigorous equality impact assessments built into how we develop legislation, how we do budgets and how we assess policy. Drawing on some of the objectives in our programme for government, I am keen to see us supplement that with poverty impact assessments so that we are rigorous in challenging and testing ourselves about the impact of our policies, not just the intention of our policies.

That said, I readily accept—and I have no preciousness about this at all—that we have to continue to try to improve not just the processes that we have for the way that we do things but how we use those processes, how we refine them and how we get better at them. I think that we should be fairly up front about that. We as a Government are very keen to work with the women's budget group and to understand how it thinks that we can make things even stronger and even more rigorous in the future.

**Margaret McCulloch:** Okay. The women's budget group identified a number of areas where it has concerns about the Scottish budget such as valuing the care economy, childcare and the council tax freeze. It directly challenged the

assertion in the budget equality statement that there is parity in the council tax freeze and it does not accept that it helps people on low incomes because of cuts to council services. I am not clear whether it opposes the council tax freeze outright or whether it simply believes that it is underfunded. However, do you agree with its call for a gender analysis of the council tax freeze? Would you extend that to any replacement for the council tax?

**The First Minister:** First, drawing on my earlier comments about the women's budget group and its importance, we should of course consider any suggestion that the group makes about how we can better understand, measure and monitor the impact of our policies. Without going into any specifics, we will have that general, sympathetic approach to anything that the group suggests about how we should do things.

On the council tax freeze, the evidence shows that those at the bottom end of the income scale benefit from the council tax freeze to the tune of a larger percentage of their income than those at the top end of the scale. As Margaret McCulloch will be aware, as it is another commitment in the programme the government, preparations are under way to establish a cross-party—with one exception—commission to look at a replacement for the current system of council tax. I would expect that many of the issues that Margaret McCulloch raises will be considered as part of that process.

On the other policies that were mentioned, I am firmly of the view that the expansion of childcare that we have seen thus far under this Government—the increase to 600 hours, which is a 45 per cent increase in the number of hours that children are entitled to—and the further plans that we have for the lifetime of the next session of Parliament, if we are re-elected, almost to double the provision of childcare, are policies with significant benefits, first and foremost for children but also for parents and, in particular, mothers who are seeking to get back into work or to pursue careers. That is an example of a policy that is very specifically drawn from our desire that greater equality should run through our policies and our budget decisions.

**Bruce Crawford MSP (Convener, Devolution (Further Powers) Committee):** We now have the command paper and draft clauses produced by the United Kingdom Government. Since then, there have been developments relating to intergovernmental working on finance matters, and the start of work on the fiscal framework and on the establishment of a new joint ministerial group on welfare. My committee has received correspondence from the Secretary of State for Scotland indicating that discussions are on-going between the two Governments and between the

UK Government and party leaders on issues such as devolution of student visas and health and safety law, and, possibly, abortion.

Can the First Minister update us on her Government's understanding of how those discussions are progressing and where they might lead?

**The First Minister:** Yes, I can, and if you want me to go into further detail on particular aspects of it, I would be happy to do so.

The new joint ministerial group on welfare met for the first time in London last week; John Swinney and Alex Neil were in attendance.

More generally, when the draft clauses were published, the Scottish Government made it clear—and I make it clear again today—that our aim is to help to develop a bill that commands broad support and that can be ready for introduction as soon as is practically possible after the UK general election. That very much remains the objective that we are working towards.

We are in discussion with the UK Government. We have already provided comments on all of the clauses; as you would expect, they include some very technical, detailed comments.

We have already identified to Parliament areas where we want clauses to be improved. The Deputy First Minister included some of that detail in his statement to Parliament a couple of weeks ago. For example, we want the need for the Scottish Government to obtain the consent of UK ministers on key areas, particularly relating to welfare, to be removed. We want a move back to what the Smith commission proposed on the power of the Scottish Parliament to create new benefits in devolved areas and to supplement benefits in reserved areas. We would also like the removal of some of the restrictions on employability programmes.

12:45

There are a number of other areas that we want to explore with the UK Government. For example, the arrangements around the Crown Estate are very complex. We need to be sure that what the Parliament is getting is legislative competence out to 200 nautical miles. Some doubt was expressed about that previously. Provision on tribunals does not devolve any new powers. There are other areas where stakeholders have already expressed doubts about the effectiveness of draft clauses—fixed-odds betting terminals are one example.

Although we obviously take different view to the UK Government on the extent and scale of powers that we want this Parliament to have, we are determined to work constructively with the UK Government to improve the clauses and get a bill

that is fit for purpose, to be introduced as soon as possible. As we go along that road, there are a number of non-legislative areas, such as post-study student visas, that we will try to progress in parallel as well.

**Bruce Crawford:** Inevitably there needs to be a space for intergovernmental discussion. Some of that, certainly in the early days, will have to be confidential. There are obviously discussions going on between the two Governments and directly with political parties. What assurance can the First Minister give us about how the Parliament, particularly the committee that I am responsible for, can be kept up to date about what is going on? Can she give any commitments about how her own Government and the UK Government can find appropriate mechanisms for the Scottish Parliament and the various interested committees of it to be kept informed, obviously respecting the space for intergovernmental dialogue to take place?

**The First Minister:** I agree and feel strongly that Parliament has to be central to this process. By that, I mean the Scottish Parliament—obviously the UK Parliament will be central to it as well.

Scrutiny in this Parliament by relevant committees and the Parliament as a whole is extremely important, and the Scottish Government will seek to facilitate that as much as we possibly can. The Deputy First Minister has already given evidence to your own committee and to the Finance Committee. We stand ready and we will continue to try to provide the committees with as much information as we can as this process develops to enable the committees to do their job in as full a way as possible.

I spoke earlier about the fact that a bill will not be introduced until after the UK general election. Depending on the result of the election, there might be further negotiation that further refines some of what we are talking about. However, there is absolutely nothing standing in the way of pre-legislative scrutiny. I know that your committee is already planning to do that to make sure that stakeholders' views are heard and that both Governments get the opportunity to be held to account.

Once the bill is introduced, it will be subject, through the legislative consent motion procedure, to full scrutiny in this Parliament both by committees and by the full Parliament, as was the case around the Scotland Act 2012.

The final point that I would make—we might come on to this in the context of some of the other committee conveners' lines of questioning—is that, although the legislative proposals in the form of the bill that will be introduced are extremely important, so, too, is the fiscal framework that will

accompany them. In fact, in many ways getting the detail of the fiscal framework right may be even more important.

What I would suggest—I make it clear that the Government will be as helpful as possible in enabling the committees to do this job—is that scrutiny of the fiscal framework is as important as scrutiny of the legislation.

**Bruce Crawford:** In that regard, obviously how the Barnett formula works is of incredible significance as far as the fiscal framework is concerned. I have yet to have an academic before our committee who could actually explain how the Barnett formula works. Do you think it would be helpful in that regard if both Parliaments could be much more aware of the intricacies of the Barnett formula and its adjustments, so that all of us, whichever committee we are involved in, can be much more in tune with what is going on in that regard as we begin to develop that very important fiscal framework?

**The First Minister:** I would strongly suggest that that is a good idea. Some of the legislative proposals and the discussions around the non-legislative aspects are very technical and complex. That is even more the case when we get into the nitty-gritty of the fiscal framework. We as a Government know from our experience of the discussions around the block grant adjustment for the two taxes that will be devolved from 1 April that these can be incredibly complex and, at times, vexed discussions.

As well as this Parliament's committees having a big job to do on the principle—holding my Government to account in relation to the decisions that we take and the areas that we negotiate around these things—the committees have the job of shining a light on what can be very complicated, technical detail. The more the committees can perform that task, the more likely it is that we will get a fiscal framework arrangement that is in the interests of this Parliament and the people whom we serve.

**Michael McMahon MSP (Convener, Welfare Reform Committee):** First Minister, one of the announcements on your programme for Government was that there was going to be an adviser on poverty and inequality, which was a very welcome step forward. What progress is being made in that? Has the adviser identified anything specific that you want to take forward early in the programme?

**The First Minister:** I hope to announce the appointment of an independent adviser before the end of March. Over the past couple of weeks I have been engaged in discussions with a possible candidate. We are not yet at the point of agreeing an appointment, so for reasons that I hope

Michael McMahon will understand I am not able to say yet who that candidate might be. However, the discussions have been positive and I am hopeful that we will make an announcement in that timeframe.

I am absolutely firm—I will make this clear again when we announce who the independent adviser will be—that it will be a genuinely independent appointment to a role that will be to advise the Scottish Government on additional policies that we could consider in order to make a bigger impact on reducing poverty. The adviser will have a free hand in looking at our current policies and advising us on where we are not going far enough or where current policies may be, in the adviser's opinion, frustrating our efforts to reduce poverty. I see the adviser's function as being not just to produce an annual report, although they might do that, but to have on-going oversight of the Government's programme, so that we have a deeper understanding, almost in real time, of the impact of our policies on the objective to reduce poverty.

At times, having somebody in a role like that will be uncomfortable for the Government and I am sure that there will be times when it will be uncomfortable for me as First Minister. That is the whole point of the appointment, which can, together with the other initiatives that we are taking to reduce poverty and close the inequality gap, make a big difference. I am extremely enthusiastic about it and I look forward to the point at which we can appoint that person and allow them to get on with their work.

**Michael McMahon:** The Scottish Government is doing really good work on mitigating the impact of the welfare reforms. However, the Welfare Reform Committee is currently looking at the Welfare Funds (Scotland) Bill and the third sector has indicated its disappointment at the Government's failure to sign up to enshrining in the bill the principle of the dignity of those who are impacted by poverty and who have to rely on the Scottish welfare fund. The third sector is also disappointed that there is a reluctance to give people choice when it comes to local authorities' decisions on whether to support people in kind or in cash. There is a sense that because someone is in poverty and is asking for support from the state, they should not have a choice. Why are you not yet in a position to support the principles of dignity and choice?

**The First Minister:** I do support the principle of dignity. Since the Scottish welfare fund was established there has been a debate about whether support for people should be in cash or in kind, and that debate has to an extent run through consideration of the Welfare Funds (Scotland) Bill. I have said very firmly that the decision should be driven by the person's needs, first and foremost.

The bill has not yet completed its parliamentary process, and we will continue to listen and to respond as positively as we can. As Michael McMahon knows, I had responsibility for this policy area before becoming First Minister, and I appeared before the Welfare Reform Committee on many occasions to talk about such things. There is, absolutely, a desire for the welfare fund to give as much help as possible to people who are living in very vulnerable circumstances and who are impacted by welfare reform.

Some of the issues that arise frequently in legislative scrutiny come down to a debate about whether detail would be best on the face of a bill or in the guidance that would support its implementation—although I am not necessarily suggesting that that applies to all the issues that you raise about the Welfare Funds (Scotland) Bill. A suite of guidance will support implementation of the bill; third sector organisations will obviously have a part to play as we put together that guidance. The Government may take the view that a number of issues will be better dealt with in supporting guidance than in the bill. We still have another stage for the bill to go through, however. I make it clear that we will listen to the points that are put forward by third sector organisations, as we take final decisions.

**Michael McMahon:** That is welcome. I have a final short question.

**The Presiding Officer:** Briefly, please.

**Michael McMahon:** My question follows on from Bruce Crawford's line of questioning. The Welfare Reform Committee will take a keen interest in the powers that will be devolved. Can you give an indication of what specific change you want when you are given the powers via the new settlement?

**The First Minister:** Some of the things that I would like to do relate to universal credit: one question on which we have to wait to see the extent to which the proposals translate into actual devolution of power is how much flexibility we will have on universal credit.

I want to get rid of the bedroom tax, and I would like to be able to vary the frequency of payments and ensure that we can direct payments to the person in the household who is most in need of them, as opposed to just to one specified person. As we have debated many times, that system often makes women and children in a household particularly vulnerable.

I would also like to have the option to pay the housing element of universal credit direct to landlords, when people are in particularly vulnerable situations.

I have also made it clear in the past that I think that it is completely wrong that carers allowance is set at the lowest level of any benefit of its kind, so I would like the Parliament to increase it and give carers, who do such a fantastic job, a much better deal.

I have two points on the ability of the Parliament to establish additional benefits or to top up existing benefits. First, the draft clauses simply do not appear to give us the power that Smith proposed, so we have to get back to what Smith proposed. Secondly, I am sure that, if the Parliament gets those powers, it will have many debates about the ability to top up or create additional benefits. Where we already have power, we have taken different decisions. For example, we have done so on the education maintenance allowance. Options like that will open up.

On a more general point, as we go down the road of more devolution—we know our differing opinions on where that journey should end—the Parliament has to be mindful of the need to ensure that there is an appropriate balance between its ability to spend money and its ability to raise revenue. That is one of the general points that we will want to keep in mind as we go further down the road.

**Christine Grahame MSP (Convener, Justice Committee):** First Minister, I think that I am going to have another wee moan, as I did last year.

**The First Minister:** That is not like you, Christine.

**Christine Grahame:** You will not be surprised. You will have familiarised yourself with the issues that I raised on behalf of the Justice Committee at the first of these meetings. I drew attention to the stream of legislation that is in train and that lies ahead. I feel that nothing has changed as a result of my comments and, frankly, now that the legislative programme has been announced, nothing can change. We are currently dealing with the Prisoners (Control of Release) (Scotland) Bill at stage 1. The Human Trafficking and Exploitation (Scotland) Bill, which is starting stage 1, and the Criminal Justice (Scotland) Bill is coming back to us in September. Ahead, we have legislation on fatal accident inquiries, a community justice bill, probably Michael McMahon's Criminal Verdicts (Scotland) Bill and possibly Margaret Mitchell's apologies bill.

I understand that Governments like to put forward legislation and, of course, they have all done so. However, at the meeting last year, I complained on behalf of the Justice Committee that the amount of legislation leaves no time—none whatsoever—for post-legislative scrutiny and hardly any time for even brief inquiries. When there are so many bills in the air and we are

dealing with very different issues, that makes it difficult to scrutinise effectively.

Can consideration be given to the impact on the Justice Committee's legislative workload? I do not want there to be two justice committees and I do not want the Parliamentary Bureau to assign bills to other committees because the Justice Committee has too much work, but we should be holding the Cabinet Secretary for Justice to account.

Is it possible for the Government to consider, prior to publicising legislation, discussing with appropriate conveners not the substance but the volume of legislation so that we can return to our dual role of being both a standing and select committee? My concern is that we are not given time to examine legislation properly, which is nobody's fault but must be corrected, and that we have completely lost the ability to be a select committee and conduct inquiries.

13:00

**The First Minister:** Christine Grahame has raised that issue previously and I am not unsympathetic to the case that she makes.

When the Government draws up its legislative programme, it takes account of the relative workloads of committees—I see a former Minister for Parliamentary Business, who is sitting beside Christine Grahame, nodding. The Minister for Parliamentary Business is also always available to discuss on-going issues of scheduling and committee workloads, so I encourage any convener who feels that there is an issue with their committee's workload to take up that opportunity.

I am more than happy to consider how we engage with committee conveners in advance of publishing our legislative programme in order to discuss the balance of bills and what that means for the workloads of committees. However, I am sure that, in return, Christine Grahame will understand that there are often good reasons for the Government's legislative programme to have the shape that it has because particular issues require to be dealt with. Nevertheless, I understand the point that she makes.

I am not just trying to curry favour with Christine Grahame—although that is never a bad idea, in my humble opinion—but the Justice Committee is a good example of a committee that has had a heavy legislative workload in many of the Parliament's years but has nevertheless maintained a high level of scrutiny of legislation and of the Government in general. Believe me, as a Government minister, as Deputy First Minister over the past seven years and now as First Minister, I have never really felt that the

Government has had an easy ride from the Parliament's Justice Committee.

The committee does its job well, but I hear what Christine Grahame says.

**Christine Grahame:** Thank you very much for at least considering discussing with a convener—it might not be for all conveners—the Justice Committee's heavy legislative workload in advance so that we do combined justice to the legislation that is ahead of us.

However, there is also the issue of the balance between our standing committee and select committee roles, which might not be an issue for other committees. In my early years on a justice committee, we had opportunities to, for instance, question Her Majesty's chief inspector of prisons on his reports, but we never get such opportunities now. It seems that over the Parliament's 16 years such opportunities have been continually eroded for the Justice Committee. In the mix, too, is the committee's role in the Scottish Parliament not simply as a standing committee to scrutinise legislation. I am sure that the First Minister will consider that. I am currying favour with her now.

**The Presiding Officer:** I say to the First Minister that the issues that Christine Grahame raises are matters much more for the Parliament than for the Government. Ms Grahame will also know that I am in dialogue with the conveners and business managers about how our committees can be more effective, which includes our discussing workloads. It is open to any committee convener to approach the Parliamentary Bureau and the business managers about their committee's workload. I am sure that they would have a sympathetic hearing.

**Jim Eadie MSP (Convener, Infrastructure and Capital Investment Committee):** Good afternoon, First Minister. My question relates to the proposed private rented sector housing bill. Although it does not feature in the current legislative programme, I understand that it is expected that it will be introduced in the autumn.

The Scottish Government's consultation on reform of the private sector tenancy regime proposed that the no-fault ground for repossession, whereby landlords can reclaim their property because the fixed term has ended, be removed. A range of views on that have been expressed during the consultation. There will always be tensions and competition between the rights of the tenant and the rights of the landlord, but the overarching aim of the proposed new tenancy is to improve security of tenure for tenants while providing appropriate safeguards for landlords, lenders and investors. How confident are you that the bill will strike the right balance?

**The First Minister:** Our very firm aim will be to get that balance right. As Jim Eadie rightly said, there will always be tensions between the interests of tenants and those of landlords or investors in private sector housing. We intend to include the private sector tenancy bill in our next programme for government. It is scheduled for early introduction—round about autumn this year.

We are still analysing the consultation on the bill, to which we received more than 2,500 responses. Somewhere in the region of 80 per cent of the consultation responses that expressed a view on the matter were in favour of removing the no-fault ground on which a landlord may regain possession of a property. However, you are right in saying that the majority of industry bodies, landlords and letting agents do not agree with that view. Their view is that removal could act as a barrier to future investment or result in the withdrawal of current investment in private sector rented housing. We must listen very carefully to those views. We are still in the midst of analysing consultation responses, so we have not made a final decision on the content of the bill regarding that or any other issue.

However, if we remove the no-fault ground for repossession—which, as Jim Eadie said, simply allows a landlord to repossess when a tenancy reaches its end date—we will replace it with very clearly defined grounds on which a landlord may repossess so that there is clarity about when that can happen. Many landlords will cite circumstances in which they will need to be able to get back possession, such as their wanting to sell their property, so we are listening to their views carefully. There is a strong view that a key part of tenancy reform should be the removal of the blanket no-fault ground and its replacement with more defined grounds, but we will come to a final decision when we have properly analysed the consultation responses.

**Jim Eadie:** Okay. Let us leave that issue, for the moment. The consultation also asked for views on the action that the Scottish Government should take on rent levels and what rent-review conditions the new tenancy regime should include. Can you outline, albeit within the confines of our tight time strictures, what factors will govern development of the Government's approach as it seeks to enshrine and embed concrete proposals in the housing bill?

**The First Minister:** The factors that will determine our view on rent are not identical to, but are similar to, the factors that we talked about in relation to the previous issue. We have to do two things with the private rented housing sector. First, we must ensure that it is affordable and of high quality. I represent a constituency in Glasgow in which there are significant issues with the private

rented sector that we have to be able to deal with more effectively. Secondly, because more and more people are relying on the private rented part of the market, we need to ensure that it is an attractive proposition for investors and landlords. We do not want to end up with a constrained supply of private rented sector housing. We have to balance those things.

There has, in the context of previous legislation, been argument about setting a cap on rent or a restriction on increases in rent. Given the cost of housing for some people in the private rented sector, I am not blind to the merits of that argument, which is why we included the matter in the consultation document. Nevertheless, my conclusion on the matter is similar to my conclusion on the previous issue: we need to properly analyse the consultation responses before we come to a final judgment on what it will be appropriate to include in the bill.

**Jim Eadie:** Okay. Thank you.

**Duncan McNeil MSP (Convener, Health and Sport Committee):** First Minister, I welcome your willingness to have more regular meetings with the Conveners Group. We need to work out how we can do that in a meaningful way when there are 16 people around the table, but it is welcome.

While I am in this welcoming mood, I also welcome your announcement yesterday on national health service transparency. That will be useful to the Health and Sport Committee as well as to the public. I have a short question on that. Will you make all the data that you receive from health boards and which is held by the health department available weekly? If not, which data will not be reported?

**The First Minister:** Are you talking about accident and emergency data or more generally?

**Duncan McNeil:** I am talking about your announcement yesterday on sharing as much information as possible. We know that a wide range of information comes from the health boards weekly. Will that information be published on the proposed website and made public?

**The First Minister:** I want to do two related things. First, I want as much information about the performance of the health service to be available publicly as regularly as is appropriate. There are some performance measurements that it would not be meaningful to publish weekly, such as performance on the treatment time guarantee, because that is assessed over a 12-week period. We have to judge the appropriateness of the frequency according to the circumstances.

Secondly, I want to ensure that the information is made available publicly in a meaningful way, and not just for MSPs and Parliament committees,

although they are important. Parliament's committees are well versed in delving into the technically produced information that is already available. I want it to be easy for the public to go on to the website and look at how the health service is performing in their area and, where appropriate, in the hospital to which they might be referred. That is what we are trying to achieve.

I will address the point that I think that you are getting at. As you would expect—I am sure that you would be concerned if this were not the case—the health department monitors the performance of the health service regularly. The degree and frequency of that depend on the aspect of performance that is being considered. The health department has a variety of information on a management basis all the time.

Equally, as you will be aware, the decision on the validated official statistics that get published is for statisticians rather than politicians. Sometimes, politicians can get into trouble if they publish unvalidated management information. What gets published as official statistics is down to the statisticians.

Our health service, notwithstanding the challenges that we see routinely in the winter around A and E and other pressures, performs extremely well. Therefore, I want as much of the information on that as possible to be available routinely and in an easily accessible way.

**Duncan McNeil:** Presiding Officer, I was not expecting such a long answer.

**The Presiding Officer:** That is why I am giving you a bit longer to ask a question, Mr McNeil.

**Duncan McNeil:** Thank you. I need to move on, but can I take it from that long answer that it is a question of practicality and frequency, rather than principle, whether the information that the Scottish Government gets is available to the Parliament's committees and, through that process, the public?

**The First Minister:** Yes, but it is for statisticians to assess whether information can be published as official statistics.

**Duncan McNeil:** Well, yes, but I will probably need to be persuaded of that.

**The First Minister:** I will be brief, Presiding Officer, because I know that Mr McNeil wants to go on to another issue. I make a genuine offer: if there are particular aspects of performance that his committee is interested in or wants to know how we intend to approach publication on, I am happy to discuss that.

I regularly appeared before the Health and Sport Committee when I was the health secretary, and that committee can have a cabinet secretary in front of it at any time to delve into the detail of the

statistics or information that the health department holds on the health service.

**Duncan McNeil:** I will comment very quickly that I welcome the programme for government's recognition of the need for transformational change in how we deliver our health and care services. As you know, the Health and Sport Committee shares that ambition. However, change has been slow and demand is growing. We have significant pressures in the acute sector. Local government and health have tight budgets, so they need to work together to deliver that change. Is the 2020 vision and all that it entails, such as seven-day care, achievable within the timescales that the Government has laid out, without additional transformational funding to make that happen?

13:15

**The First Minister:** We are committed to the 2020 vision, and Shona Robison has shared with Parliament in recent weeks her approach to taking it forward and involving Parliament and the public in the discussions about how we equip the health service to face up to the changes that we know are happening in society—particularly the demographic changes.

The health service budget is at record levels. It has increased in cash terms by £3 billion since the Government took office and it has gone over £12 billion for the first time ever. That is against the backdrop of our Scottish Government budget having been reduced in real terms by 10 per cent. We would all like to give even more money to the health service, local authorities or any other area of our budget, but we operate within a fixed budget. In that context, we have protected the revenue budget of the health service.

We have ensured that we are resourcing what is perhaps the biggest reform in how we deliver health and social care since the health service was established. We are the first Government to have finally got on and done the integration of health and social care, which is a massive reform of how we deliver those services and which will make a big difference for those services' users. We will continue to work through the longer-term plans for reshaping the health service to take account of changing circumstances as collaboratively as we can.

The short answer to your question is yes. I am not saying that these things are not challenging, but we are committed to the 2020 vision and to making the changes to our health service that are required.

**Duncan McNeil:** Without transitional funding.

**The First Minister:** We have funded the integration of health and social care, for example, specifically on that basis. When I was the health secretary, we had transitional transformational funding for older people's care to prime the pump for integration issues. We do something similar with early years funding.

**Duncan McNeil:** We are talking about £170 million out of a £12 billion budget. We are all on board for the transformation, but can we make it happen without additional transitional funding within the timescale of 2020? Is it going to be 2025 or 2020?

**The First Minister:** We are working to the timescales and the budgets that we have set out, but we are trying to join up the whole health budget and the whole social care budget. It is not a case of there being £170 million for the integration of health and social care—that figure is additional funding to ease the transition. We need to make sure that the entire health budget is being spent effectively to manage the demographic change that we are dealing with.

**Duncan McNeil:** But—

**The Presiding Officer:** I am sorry, Duncan, but we have to move on.

**Stewart Maxwell MSP (Convener, Education and Culture Committee):** First Minister, you have made announcements recently on the Government's intention to tackle the link between socioeconomic deprivation and attainment. When the education secretary was at the Education and Culture Committee at the beginning of February, she said:

"As the committee knows, we plan to introduce an education bill to the Parliament in March, and I want to ensure that it contains measures to address the attainment gap and promote equity for all our children."—[*Official Report, Education and Culture Committee*, 3 February 2015; c 36.]

Will you lay out in some detail the intention of the Government's programme? You have made announcements about the attainment fund, but what action do you intend to take through legislation to back up the fund?

**The First Minister:** The education bill has not been introduced in Parliament yet; that will happen in the normal course. As well as the things that have been talked about in relation to that bill, we are looking closely at how we can enable ourselves through legislation to make more progress on closing the attainment gap. That includes looking at the possibility of duties on local authorities, as they make their decisions on education, to have clear in their minds the obligation to reduce the attainment gap.

We are looking at how we can use the education bill to pursue and progress that objective but, although that is important, I would hesitate to suggest that legislation alone will reduce the attainment gap. That is why we have put so much emphasis on some of the other measures that you alluded to and which we have talked about over the past few weeks—the measures in the programme for government on the new read, write, count campaign; education attainment advisers in every local authority area; and, more recently, £100 million over the next four years for the attainment fund to pursue an attainment challenge. Yesterday, the education secretary announced which local authorities will initially be part of that fund.

Legislation has a role to play and we are looking at how we will use the vehicle of the education bill to maximise that role, but what we do around the legislation will be as important, if not more important.

**Stewart Maxwell:** I very much agree with that. You mentioned attainment advisers. If it is at all possible, can you give us some detail on what exactly an attainment adviser will do in each local authority?

In the announcement that you mentioned, the Government listed the local authorities that the money will be allocated to. I am sure that we are all pleased that some of the most difficult areas in terms of deprivation will be tackled first. However, a member of my committee and a member of the public have raised with me the point that deprivation does not exist just in the areas where there is generally wider deprivation—it exists in all parts of the country. Will you explain the thinking behind identifying deprivation by local authority area rather than by other measures?

**The First Minister:** You are right that we can find deprivation in areas that are seen as being affluent overall; we can find children from more affluent backgrounds and from the most deprived backgrounds in the same classroom. That is why much of what we are talking about on attainment is being talked about on a universal basis. I have spoken about the read, write, count campaign and the attainment advisers, which are part of what we describe as the universal offer.

We are determined to raise attainment overall. However, with the attainment challenge, we are also recognising—I think that we are right to recognise it and that it is important that we do—that some parts of the country have particular, more deeply ingrained challenges. The statistics on exam passes and so on bear that out. That is why that funding, which is in addition to what we have been spending on improving educational outcomes, will be focused initially on the seven local authority areas that the education secretary

spoke about yesterday, where there are the biggest concentrations of households in deprived areas.

The initial £20 million for the attainment fund will be spent in the coming financial year, but the plan is for four years initially, because evidence from similar schemes—the London challenge has been cited—suggests that such schemes need such a period to work and because we want to move to other areas in the future. We are starting where the problem is biggest, but we are not in any sense saying that those are the only places where the problem exists.

You asked about attainment advisers. Intensive work is going on with Education Scotland to move to the implementation of the attainment adviser commitment. In summary, attainment advisers will be experts who can, as the name suggests, advise local authorities, schools and teachers on best practice in raising attainment and who will be part of the process of sharing that learning and best practice across the country. The education secretary will say more about that in the not-too-distant future.

**Murdo Fraser MSP (Convener, Economy, Energy and Tourism Committee):** Good afternoon, First Minister. I have a couple of questions from the economy and business perspective. The legislative programme contained a promise to introduce a new Scottish business pledge, which is intended to reward good employers that pay the living wage, for example, by bringing forward a package of tailored support. What is the timetable for bringing that in? Do we know what the budget for it will be?

Has the Scottish Government looked at or will it look at the idea of using the business rates regime to reward the mid-size companies that pay the living wage and to incentivise other mid-size companies to do so? Direct financial assistance might well be beneficial in pushing them down that road.

**The First Minister:** I will take those questions in turn. On the Scottish business pledge, when I spoke at the national economic forum in December, I signalled that we wanted to have a period of work with businesses and the key stakeholders to develop the model and begin implementation. The work to develop the business pledge is on-going. For example, my officials met the Federation of Small Businesses yesterday, and I will meet the Institute of Directors to discuss the pledge shortly. We are designing the detail of the pledge, but we have not set a specific date for its formal launch. That will take place in the not-too-distant future, once we have finalised the detail.

The pledge will be voluntary rather than compulsory. Initial dialogue suggests that there is a significant appetite for what we are trying to do, which is, in effect, to strike a partnership with business on what support—principally through our enterprise agencies—we can provide them with and what we are looking for them to do in return, not just to help the Government with the social objectives that we have set but in recognition of the fact that businesses with well-paid and well-motivated workforces tend to be more successful. In parallel, we have the commitment on the fair work convention, on the establishment and membership of which announcements will be made fairly shortly.

On the living wage, you should not take this as an absolute yes—or even any kind of yes—to your proposal but, generally speaking, such is my keenness for the living wage to be extended as quickly as possible through our economy that I am willing to consider all suggestions about how we can accelerate progress. I am therefore happy to consider your suggestion without making any commitments at this stage.

I think that you were getting at the fact that progressing on to the living wage will be much more difficult for some businesses than it will be for others. I recognise that. That will be particularly true for some businesses in the small and medium-sized enterprise sector. However, the progress that is being made on the living wage is impressive. When I launched the programme for government, I spoke about the living wage accreditation scheme, and John Swinney spoke about it when he announced his budget. We have set the target of getting 150 businesses accredited as living wage employers by the end of this year. I can tell you that we have already got 120 businesses accredited and it is only February. That is going well, but we need to keep the momentum going for sound economic reasons and for sound social reasons.

**Murdo Fraser:** Thank you for that positive response.

I have a brief follow-up on business rates. The Government's programme proposed the removal of the business rates exemption for shooting and deer-stalking estates. A few days ago, I met the Scottish Gamekeepers Association, which is very concerned about the impact that that would have on the employment of its members. Has the Scottish Government done an economic impact assessment of the likely impact on the rural economy and on employment if that measure were to be introduced?

**The First Minister:** As we progress with the land reform legislation, we will do a business impact assessment, as we do in the normal course of progressing any legislation. That will be

available for the relevant committee—that might be your committee or the Rural Affairs, Climate Change and Environment Committee—to scrutinise.

I have said that the business rates exemption for sporting estates was introduced by a former Conservative Government.

**Murdo Fraser:** It was introduced in 1994.

**The First Minister:** In 1994, to be precise.

I can understand why those who benefit from the exemption have concerns about its removal. Equally, many businesses in other sectors will look at the exemption and consider it unfair when they do not get an exemption from business rates. One of the reasons for removing the exemption is to free up resources that we can use to accelerate progress through our land fund towards the target of having 1 million acres of land in community ownership by 2020.

We have set those objectives for good reasons. However, as we progress our land reform agenda—not just this aspect but all of it—I am determined that we will work with the land-owning community so that it can make its views known and so that we can make it clear that responsible landowners are to be celebrated in Scotland and not penalised. Nevertheless, there are significant issues around the land-owning landscape—if that is not too much of a pun—that need to be addressed. We are determined to do that.

13:30

**Rob Gibson MSP (Convener, Rural Affairs, Climate Change and Environment Committee):** I recognise that land reform is a central Government policy objective. Given the barriers that exist, as well as the potential opportunities that are presented by land reform, how do you see Holyrood increasing the distribution of land ownership in Scotland among more families and communities?

**The First Minister:** I referred in passing, in response to Murdo Fraser's question, to our commitment to have 1 million acres in community ownership by 2020. That is an important part of the answer to your question.

A lot of what we are talking about around the land reform agenda is related to greater transparency and information about land ownership, which helps the issue of diversification that you speak about. We have committed to completion of the land register within 10 years, which in and of itself will improve transparency.

We are consulting on two other proposals that would have an impact: limiting the legal entities that can own land in Scotland, and making

available much more information about land, the value of the land and ownership of the land.

Obviously, we do not hold all the levers in this area. Work is being done at the Westminster and European Union level that may also be important in this context.

**Rob Gibson:** Westminster has a role as the responsible authority for companies and trust law. We have a lot of difficulty in identifying who actually owns Scotland. In crofting estates, communities have difficulties in getting hold of their landlord. Would the revelation of beneficial owners be a great help to the land reform process? Do you think that Westminster would be prepared to play ball on that?

**The First Minister:** There are some developments at Westminster and European level that are intended to make progress in this area; we will support those developments if we think that they are robust enough. For example, part of the fourth money laundering directive will require all member states to maintain ultimate beneficial ownership registers, both for corporate entities and for trusts.

There are also some developments at UK Government level around issues of transparency and trust in companies. Those developments are partly about combating fraud, tax evasion and money laundering. The Small Business, Enterprise and Employment Bill, which was introduced at Westminster in June last year, has a bearing on all that.

In short, various initiatives are under way. Obviously, I am most concerned about how we use our land reform legislation to strike the right balance on many of those issues. The programme for government that I laid out is taking us forward. One of the first acts that this Parliament passed was on land reform. I think that there is consensus—although I appreciate that not everybody agrees with all aspects of it—that it is time to move forward on some of those issues. That is what we are determined to do.

**Rob Gibson:** Briefly, is there a sense that the UK Government is prepared to reveal the members and beneficial owners of trusts, as well as companies?

**The First Minister:** I am not sure that I can answer that definitively. You would probably have to ask the UK Government. As I have set out, there are some developments in the law at Westminster and European Union level that would, if they are taken forward and implemented, be helpful in that sense. I guess that you would have to ask UK Government ministers whether there is a political will to do that. I am not sure that I can speak for them on that.

**Christina McKelvie MSP (Convener, European and External Relations Committee):**

Two hot topics that are vexing the European and External Relations Committee, and which will possibly come to a head tomorrow when we have Lord Livingston in front of the committee, relate to the transatlantic trade and investment partnership. A big aspect of the inquiry that we have undertaken is the perceived lack of transparency and how the public outcry on TTIP pushed Commissioner Malmström to change it and to make it much more transparent.

The other big issue with regard to TTIP—the two issues are related—is the impact on public services and, in particular, on our health service in Scotland. Can you update us on the progress of discussions between the UK Government, the Scottish Government and the EU on how we ensure that the reservations that have to be made within TTIP to protect public services in Scotland are made?

**The First Minister:** First, the more transparency that there can be around the issue, the better. I appreciate that, by their very nature, not all aspects of the negotiations can be done in public, but it would nevertheless be helpful if there was more rather than less transparency in the process. As all of us often are, I am often asked, “Do you agree with TTIP or not?” The truth is that none of us can say definitively, because we do not know what will finally be in it.

On the point about public services, I know that John Swinney was before the European and External Relations Committee a couple of weeks ago. Our view on public services and the NHS in particular is very clear and has been communicated very forcefully to both the UK Government and the European Commission. We think that there should be an express, explicit exclusion on the face of any treaty for public services and for the national health service. We have had responses on the health service from both the UK Government and the European Commission that say—I am paraphrasing; this is not a direct quote—“Don’t worry. There’s nothing to see here. It’ll all be fine.” That may be the case but, frankly, I am not prepared to assume that it will be the case until we see the letter of the law. The easiest way to put the matter beyond any doubt is to say that there should be an express exclusion for public services generally and, in particular, for the national health service.

**Christina McKelvie:** I appreciate that, First Minister, and I appreciate the openness with which your Government has engaged with my committee on that topic.

I hate to spring this on you, but we all got an email in our inbox this morning from Unite the Union, which suggests that the NHS is included in

the material scope of TTIP. Unite suggests that it has some legal advice on the issue. Should the Scottish Government make a new approach to the UK Government on the basis that there is some dubiety about whether the NHS is part of the material scope of the agreement?

**The First Minister:** I have seen Unite's press release from this morning. In common with other party leaders, I have signed the Unite pledge, which calls expressly for an NHS exclusion from TTIP. I have not seen Unite's legal advice but my view is clear.

I do not want to get sidetracked down this road, but there is an additional concern for Scotland, because the health service in England has been substantially opened up to private competition but that is not the case in Scotland. As well as the general concern about TTIP opening up public services, we have an additional concern. In the interests of clarity, I should say that the UK Government says that this is not the case. However, if it was the case that, because the health service in England has been opened up, TTIP would have a bearing and we would somehow be dragged into that, that would be a concern.

We almost need two assurances. We need the general exclusion from TTIP and we need an assurance from the UK Government that, notwithstanding anything that TTIP might mean for its health service in England, there would be absolutely no circumstances in which the ability of this Government to protect our health service from privatisation would be compromised in any way.

**Christina McKelvie:** I think—

**The Presiding Officer:** I am sorry, Christina, but we have to move on.

**Kenneth Gibson MSP (Convener, Finance Committee):** Thank you, Presiding Officer.

Bruce Crawford has touched on this issue. Can you provide an update on the timetable for negotiations on Scotland's fiscal framework? In addition, how should intergovernmental machinery, including the joint Exchequer committee, be strengthened and made more transparent?

**The First Minister:** On the timetable, the UK command paper said that a fiscal framework should be agreed alongside the introduction of the legislation in the next UK Parliament. I know that the Chief Secretary to the Treasury was before the Finance Committee recently, and he said that he expected the fiscal framework to be agreed at the same time as the bill is advanced through the House of Commons.

I would certainly be of the view that the fiscal framework should be agreed before the legislation

is enacted. We should be looking at ensuring that we have agreement on the fiscal framework before this Parliament is asked to give legislative consent through the LCM process. Assuming that the broad timescales remain on track, that means that we would have to be in a position to agree that before March 2016.

There has been a lot of engagement over the implementation of the Scotland Act 2012 provisions with the Finance Committee and the Public Audit Committee. I would be very keen to see similar scrutiny in the context of the fiscal framework—and, in fact, enhanced scrutiny, as I said to Bruce Crawford—from our parliamentary committees. Given both the complexity of what we will be dealing with, but also its import, it is vital that the committees of this Parliament are closely engaged with it.

**Kenneth Gibson:** Yes. I and other conveners have talked about a committee debate on the issue to involve the wider Parliament.

I move on to another issue. You touched on the 2012 act. One thing that came out of that was the block grant adjustment, although it took more than two years to get agreement on that. What concerns do you have that it will create difficulties as we go forward? What mechanisms can we have to ensure that the matter is dealt with transparently, that the Barnett formula also becomes much more transparent—as Bruce Crawford touched on earlier, it is not particularly transparent at present—and that we will be able to scrutinise both the Barnett formula and the block grant as we go forward?

**The First Minister:** Without immediately being negative, I note that our experience of negotiating the block grant adjustment around the 2012 taxes does not immediately make me all that optimistic about the timescales and the process that we are looking at for a fiscal framework that will look at similar adjustments around a much broader suite of policy areas. On the other hand, it has to be the case, in my view, because we cannot allow ourselves, as a Parliament, to have legislation being scrutinised and considered, and certainly not agreed, before we understand the fiscal framework implications of that. That would be the Parliament not fulfilling its responsibilities properly.

How do we ensure that the process happens in the requisite timescale and that there is sufficient scrutiny around it? Without throwing it straight back to the people round the table, I note that the committees will have an absolutely critical role to play in ensuring that the whole thing stays on track, but also in really getting into the detail. We as the Scottish Government will be as forthcoming as we can be with the committees in ensuring that you have the information and the material that you need to do that job. For the Finance Committee

and the Devolution (Further Powers) Committee, this is as important as, if not more important than, the scrutiny of the legislation.

When I met the Prime Minister on the day when the command paper and the clauses were published, one of the points that I made to him was about the importance of the fiscal framework and getting as much work as possible done around it. John Swinney will be looking to have early discussions with the chancellor and the Treasury to ensure that we get that work under way as quickly as possible.

**Kenneth Gibson:** Thank you.

**Paul Martin MSP (Convener, Public Audit Committee):** First Minister, you will be aware that the number of public services that are delivered by the third sector, charities and so-called arm's-length companies has increased significantly over the past number of years. Those organisations do not come under the audit framework of the Auditor General for Scotland. Is that something that you and the Scottish Government are looking at?

13:45

**The First Minister:** If the Public Audit Committee feels that that is something that we should be looking at, I am happy to do so. I am sure that the Auditor General would have a view on that, too. You are right to say that there are more services being delivered directly or with significant input from third sector organisations.

Because it is an area for which I have previously had portfolio responsibility, I know that there is a similar debate around freedom of information legislation. For example, Glasgow City Council has outsourced many services to arm's-length external organisations that were not under the ambit of the freedom of information legislation, so we changed the FOI regime in order to bring sporting and leisure organisations within its ambit.

We must ensure that we keep our procedures and processes up to date with the reality of how services are delivered. It is not something that we have taken any decision on, or come to any conclusion on, but I am more than happy that we should enter into a discussion with the Public Audit Committee about that.

**Paul Martin:** With respect, is it not something that the Government should have looked at, given the significant sums of public money that are being spent? I would not expect the Public Audit Committee to have to lead on that. In terms of the governance of the organisations, should the Government not have looked at that?

**The First Minister:** The Government will consider these issues, as we do with freedom of information, on an on-going basis. I am more than

happy to provide more detailed information to your committee about what particular consideration we have given. I was not suggesting that it was for the Public Audit Committee to take the lead; I was trying to be helpful in suggesting that, as would be the case with any committee, if there were a dialogue that you wanted to have about how we can improve your ability to audit and scrutinise the use of public money, I would be happy for the Government to enter into that.

**Paul Martin:** Let me return to my point, though. Is it not something that should have been looked at by the Government?

**The First Minister:** What I am saying is that the Government will look at these things on an on-going basis. I am happy to provide you with written information about exactly what consideration we are giving.

As there is with freedom of information, there will be different circumstances depending on the degree to which various organisations are delivering public services. There will not necessarily be a blanket approach one way or the other, which is why some detailed dialogue would probably be appropriate.

**Paul Martin:** With respect, the point that I am making, and the point of the question that I asked, is this: is it not something that the Government should have looked at, so that we could allow the Auditor General to scrutinise the organisations that you have already referred to? Would it not be best practice for the Government to ensure that those organisations, which are expending quite considerable public funds, come within the remit of the Auditor General? Surely it is something that the Government should lead on.

**The First Minister:** I am trying to agree with Paul Martin and to be helpful.

**Paul Martin:** I am not asking you to agree with me; I am asking you a question.

**The First Minister:** I am offering to send Paul Martin and his committee detailed information of what consideration the Government will have undertaken of the different aspects of this. I am saying that, as we do with freedom of information, the Government will consider these things on an on-going basis. However, I am also saying—again, from my experience with the freedom of information legislation—that there are often complexities that mean that we cannot take a blanket approach one way or another. The approach must be more nuanced than that.

It is up to Paul Martin, as convener of his committee, whether he wants to be part of that dialogue, but I would be happy for that to happen.

**Paul Martin:** Just to clarify, I am not making the point that you are being unhelpful; I am asking a

question. Given that the Government has been in office for seven years, and given the considerable public sums that are being spent, should not the Government have looked at the issue by now? We do not want this issue getting lost in the Bermuda triangle of things that the Government is looking at.

**The First Minister:** I am not suggesting that. I am offering to send Paul Martin and his committee detailed information of what consideration, in particular circumstances, the Government will have given.

We are the first Government that has taken account of these issues in the context of freedom of information legislation, so there is no sense in which the Government does not want to ensure that our processes and procedures are taking account of the changing ways in which public services are being delivered. Many third sector organisations will be contracted by public bodies to deliver services that are, themselves, already fully audited in terms of these arrangements.

**Stewart Stevenson MSP (Convener, Standards, Procedures and Public Appointments Committee):** In its most recent annual report, the Commissioner for Ethical Standards in Public Life in Scotland highlighted that over 10 years the percentage of applicants to public boards who say that they are disabled has risen from 2.4 per cent to 13.1 per cent, which is very welcome. The commissioner welcomes the Government's approach to gender equality, but notes that over 10 years the percentage of women on boards has not changed very much and currently sits at 34.5 per cent. What initiatives might the Government take to improve that?

**The First Minister:** I have made it very clear that I want to see significant progress on the gender balance on public, private and third sector boards. I have played a small part in leading by example with the Scottish Government's Cabinet, in which the ratio is now 50:50. We do not yet have power to legislate for quotas on public boards. We have been arguing that there should be early devolution of power on that, but to date we have not prevailed in that argument. As soon as we have that power we could use it to legislate appropriately.

In the meantime—as I set out in the programme for Government—we will launch over the next few weeks a partnership for change initiative to challenge public, private and third sector bodies to sign up to a 50:50 by 2020 pledge. We are discussing with a range of organisations across those three sectors their willingness to sign up to that. The initiative is about encouraging organisations to make a voluntary commitment to doing what we do not yet have the ability to

mandate by law. I hope that we can make significant progress on that.

We are making progress on gender balance, but it is painfully slow. If we leave it at the rate of progress that we have seen over recent years, the next generation of female First Ministers and MSPs will still be sitting here talking about the need to make progress. I do not want that to be the case; I would like this generation to fix the problem, so that the next generation can worry about other things.

**Stewart Stevenson:** The UK Government's command paper shows in draft clause 24 the intention to devolve the ability to set quotas for public boards. In your previous answer you referred to private sector boards; clearly there is no intention to devolve anything in that respect. Do not we need a stream of well qualified and experienced women coming from beyond the public sector to feed into public positions? Unless we get that power we are likely to continue to experience difficulties in getting suitably experienced and willing volunteers.

**The First Minister:** Yes—I agree with that. We wanted the entirety of equality and employment legislation to be devolved to the Scottish Parliament, but that has not been proposed. Whether we are talking about public or private bodies and whether we are talking about doing it voluntarily or by quotas, we need to look not just at the top levels of organisations—although they are important—but at the pipeline of people coming into those sectors and organisations, who will over time make it much easier for women to get into positions of seniority.

On Monday I chaired the Scottish energy advisory board and we discussed gender balance on boards. Many people around that table rightly made the point that if we are going to have 50:50 in the board rooms of energy companies, we should challenge them to do that very quickly, and that in order to make that sustainable we need to get more women into engineering and other professions that work in the sector's companies.

We have to tackle the issue at all levels. There are several arguments against quotas, one of which is that they are a blunt tool. Although a quota can help to deal with the problem at one level of an organisation, it will not necessarily deal with the problem throughout it.

However, my view has firmed up a lot in recent years—the progress that we are making towards gender balance is too slow. If the things that we have been doing until now have not delivered quicker progress, we should probably be telling ourselves that we need to do different things. That is why I have come to the view that although quotas have a role to play, until we can do more

about that, we must put as much effort as we can behind the voluntary commitment.

**The Presiding Officer:** I have six minutes. I call John Pentland then Nigel Don. I would be grateful if you could keep it brief.

**John Pentland MSP (Convener, Public Petitions Committee):** As one of the newer conveners, I have been playing catch-up on the Public Petitions Committee's previous business, and one of the things that I have come across is that the committee regularly receives petitions on access to justice and the openness of judicial systems. Examples include petitions on legal aid availability and the rights of the unmarried father. I acknowledge recent legislation, but I would like to know what the First Minister and the Scottish Government are doing to ensure that people have meaningful access to justice.

**The First Minister:** There is a range of things that the Scottish Government has done and will continue to do around court reform and making it easier for victims or witnesses to participate in the criminal justice process. There have been significant changes to legal aid, and we are either consulting at the moment, or are just about to consult—I cannot exactly remember—on further potential changes to legal aid. There is a range of things that we do to ensure that people who need to access justice are able to do that with the right support.

Of course, there are always challenges, and we all see in our constituency surgeries many examples of people who find it difficult, for a variety of reasons, to access justice. Some of those cases involve things that we cannot do much about, but others will lead us towards further reforms of the justice system. If there are particular petitions that give rise to questions that you want to point me towards, I would be happy to look at the detail of them.

**Nigel Don MSP (Convener, Delegated Powers and Law Reform Committee):** The First Minister will be aware of the fact that the Legal Writings (Counterparts and Delivery) (Scotland) Bill is just about to get to stage 3. It is the first bill to go through the Delegated Powers and Law Reform Committee. What are your thoughts on how Parliament, with the assistance of the Government, can do more in the future to tidy up the law book? I ask because the committee is the forum that has to look after and maintain the Scottish legal system.

**The First Minister:** The Legal Writings (Counterparts and Delivery) (Scotland) Bill, which I know everyone has been following closely, is an important piece of legal reform. It is not yet completely through the legislative process, but the way in which Nigel Don's committee has led on

that bill and its smooth passage so far are a good advert for the new procedure for the Scottish Law Commission's proposed legislation. We are holding discussions with the Scottish Law Commission to ensure that we in the Government are able to identify at an early stage bills that might be appropriate for that new procedure. As you will be aware, bills that do not raise particular legal, financial or European convention on human rights issues would be appropriate for that procedure.

Under the programme for government that we are talking about now, it is thought that the proposed succession bill, which is due to be introduced in June—assuming that we can satisfy ourselves that it meets the necessary criteria—will be the next bill that will be appropriate to take forward using the new procedure. As you will be aware, that bill deals with a lot of technical issues around succession—not the kind of succession issues that are raised by some land reform measures, which will be the subject of separate legislation.

The procedure, as far as I can observe, is working reasonably well, but we need to ensure that we are making full use of it because, as Nigel Don rightly says, making sure that the law of the land is fit for purpose and remains up to scratch is an important function; it regularly needs to be tidied up in some key respects.

**The Presiding Officer:** I need to finish by 2 o'clock because business in the chamber is just about to start and I do not want to be the person who gets the blame for holding a committee meeting while Parliament is in session.

Thank you, First Minister, for coming in and answering the conveners' questions today. I will come back to the Conveners Group and we will discuss the kind offer that you made to come more regularly to be examined by the Conveners Group. For the moment, however, I thank you on behalf of all the committee conveners.

*Meeting closed at 13:59.*

