



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 2 February 2016

Session 4

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CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTIONS	3
<i>Motions moved—[Joe FitzPatrick]—and agreed to.</i>	
TOPICAL QUESTION TIME	4
Single Farm Payment Applications	4
EDUCATION (SCOTLAND) BILL: STAGE 3	10
EDUCATION (SCOTLAND) BILL	86
<i>Motion moved—[Angela Constance].</i>	
The Cabinet Secretary for Education and Lifelong Learning (Angela Constance)	86
Mark Griffin (Central Scotland) (Lab)	88
Mary Scanlon (Highlands and Islands) (Con)	91
Stewart Maxwell (West Scotland) (SNP)	92
Cara Hilton (Dunfermline) (Lab)	94
Liam McArthur (Orkney Islands) (LD)	95
George Adam (Paisley) (SNP)	96
John Pentland (Motherwell and Wishaw) (Lab)	97
Alison Johnstone (Lothian) (Green)	98
Liz Smith (Mid Scotland and Fife) (Con)	99
Iain Gray (East Lothian) (Lab)	100
Angela Constance	102
“CODE OF CONDUCT FOR MEMBERS OF THE SCOTTISH PARLIAMENT” (REVISIONS)	105
<i>Motions moved—[Stewart Stevenson].</i>	
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	105
CHAIR OF THE SCOTTISH HUMAN RIGHTS COMMISSION	108
<i>Motion moved—[Drew Smith].</i>	
Drew Smith (Glasgow) (Lab)	108
DECISION TIME	110
LITTER	112
<i>Motion debated—[Cameron Buchanan].</i>	
Cameron Buchanan (Lothian) (Con)	112
Chic Brodie (South Scotland) (SNP)	114
Alex Rowley (Cowdenbeath) (Lab)	115
Kenneth Gibson (Cunninghame North) (SNP)	117
Malcolm Chisholm (Edinburgh Northern and Leith) (Lab)	119
The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead)	120

Scottish Parliament

Tuesday 2 February 2016

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Rabbi Y Y Rubinstein, who is a Torah scholar, international speaker, author, broadcaster and former pupil of Govan high school.

Rabbi Y Y Rubinstein: The cold war between the United States of America and the USSR never escalated—thank God—into a hot war. However, there was one area where it got a wee bit warm: the battle for prestige over who was going to get a man on the moon first.

The Soviets were originally more successful, and they were the first to put a man, Yuri Gagarin, in space. That spurred the Americans on to greater heights, and they eventually succeeded on 20 July 1969, when Apollo 11 deposited Neil Armstrong, who was of Scottish descent, on the moon's surface.

The run-up to that achievement presented NASA with an enormous problem. The astronauts were also scientists, and they had to record crucial data from their experiments. The problem was that pens do not write in weightless conditions. NASA spent a considerable amount of money and expertise on solving the problem. The solution came from a company called Fischer, which developed the space pen. I have one: it writes upside down, underwater and in weightless conditions.

The Russians took a pencil. That rather illustrates that the answer can be staring you in the face, and sometimes you just do not see it.

Staying in space for a wee while longer, it took 10 years and \$7 billion for the European Space Agency to develop a successor to the Ariane 4 space rocket. The next generation was called Ariane 5, and its first flight was on Tuesday 4 June 1996, when four very expensive satellites blasted into space. The flight lasted 39 seconds and ended in a huge explosion that resulted in the loss of \$370 million-worth of satellite, which in today's terms might be best expressed as, "Ouch!"

A subsequent investigation discovered that the fault was a simple human error. The software that was designed for Ariane 4 was used in Ariane 5 without taking into account that Ariane 5 was a much bigger and faster machine. The data

passing back to the software meant that it was overwhelmed, and the computer simply detonated and blew up the rocket because it could not handle it. It was a simple human mistake, and there was a lot of egg on somebody's face.

A tiny human error, sometimes overlooked, can sometimes have huge consequences. When I was growing up in Glasgow, the idea that four decades later there would once more be a Scottish Parliament, with Scots making Scottish law for the Scottish people, would have been seen as a forlorn hope or as particularly fanciful. As a rabbi, I give you a blessing: that those who pass legislation for the Scottish people should have a canny eye that watches out for the big things and for the tiny details that can sometimes lead to an "Ouch!"

Business Motions

14:03

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-15541, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for this week.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business—

(a) Tuesday 2 February 2016

delete

5.00 pm Decision Time

and insert

6.00 pm Decision Time

(b) Thursday 4 February 2016

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time—[*Joe FitzPatrick.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S4M-15537, in the name of Joe FitzPatrick, on behalf of the Parliament Bureau, setting out a timetable for the stage 3 consideration of the Education (Scotland) Bill.

Motion moved,

That the Parliament agrees that, during stage 3 of the Education (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 and 2: 30 minutes

Groups 3 to 5: 1 hour 5 minutes

Groups 6 and 7: 1 hour 35 minutes

Groups 8 and 9: 2 hours 5 minutes

Groups 10 and 11: 2 hours 35 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:05

Single Farm Payment Applications

1. Jean Urquhart (Highlands and Islands (Ind): To ask the Scottish Government what percentage of single farm payment applications in the Highlands and Islands and in the rest of Scotland has been paid as of the end of January. (S4T-01304)

The Presiding Officer (Tricia Marwick): One moment, Ms Urquhart. Can we check Ms Urquhart's microphone? I, for one, am having great difficulty hearing what she is saying, and I see from nods around the chamber that everyone else is in the same position. Given that the member's question is on the order sheet, I will go straight to the minister for an answer. However, I ask that we ensure that Ms Urquhart's microphone is working when she asks her next question.

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): I confirm that the percentage of first instalment payments made in the Highlands and Islands is broadly similar to the percentage of payments made in Scotland as a whole. At the end of January, about 28 per cent of farmers and crofters in the Highlands and Islands had received payment; as I announced last Friday, the equivalent percentage for Scotland was almost 30 per cent, equating to about 5,000 applicants. Since then, I can confirm that about a further 1,000 payments have been authorised, bringing the total to more than 6,000 payments, which is about 34 per cent of the total amount. I will, of course, keep Parliament informed about the payments, and I will write to the Rural Affairs, Climate Change and Environment Committee every Friday to update it and Parliament.

The Presiding Officer: Let us try again. I call Ms Urquhart.

Jean Urquhart: The cabinet secretary will know that many crofters in the Highlands and Islands region are having a difficult time. Late payments, combined with winter feeding, poor weather and low prices for beasts, are not helping. There is still deep resentment about the €230 million that the coalition Government did not forward to Scotland as was intended.

NFU Scotland is claiming that, although 30 per cent of claimants have been paid, that amounts to only 15 per cent of the budget. What have the claimants in the Highlands and Islands been paid in cash terms and what percentage of the budget is that? When can the many crofters facing hardship expect to be paid?

Richard Lochhead: I say to Jean Urquhart and other members that I appreciate the pressures facing many farming and crofting businesses throughout Scotland. They have had to contend with the recent storms and the flooding and wet weather over many months, as well as the low commodity prices and other issues facing the market not only in the United Kingdom and Europe but around the world. Of course, at the same time, we have had the biggest ever and most radical reforms to the common agricultural policy and to how it is implemented in Scotland. We are not only moving to area payments for the first time but introducing greening elements. Here in Scotland, we took an additional set of decisions to add more complexity to the new system—for good reasons, because we were trying to tailor a European policy to Scottish circumstances.

I am happy to ensure that the amount of money that has been issued to the Highlands and Islands is calculated in monetary terms, and I will forward that information to Jean Urquhart as soon as I can. In the meantime, I should point out that the reforms will lead to more payments going to the crofting counties between now and 2019.

We are doing our utmost to ensure that the payments go to as many crofters and farmers as possible before the end of March. The first instalment was to be a minimum of 70 per cent of the payment, but we have issued them with 80 per cent of the payment. I will do my best to keep Jean Urquhart and other members updated on the situation.

Tavish Scott (Shetland Islands) (LD): Is the cabinet secretary prepared to indicate to Parliament how many crofters in Shetland will receive their payments by the end of March, given that half have yet to do so? Will it be all the crofters in Shetland?

Will the cabinet secretary also clarify how much the crofters will get? As he knows from their response to his letter of 17 December 2015, most crofters and, indeed, farmers, across the country do not yet know how much they will get. Will he consider issuing a letter, as he did on 17 December 2015, to clarify that? That would provide assistance to banks and to others who are seeking to help crofters who are hard pressed at this time.

Richard Lochhead: I reiterate that crofters in Shetland and elsewhere face a number of pressures at the moment. I am keeping the banks updated and hope to meet them personally this week. They are saying to the Government that they are maintaining credit and will be working with the industry during the coming months—I hope that they keep that up.

It is important that any member of the Scottish Parliament who is aware of hardship cases urges their constituent either to use the helpline that is available or to call into their regional office, where local staff will do their utmost to prioritise cases of genuine hardship. That is already happening.

The complexity of each case will determine the pace at which payment is made, which is why I cannot give Tavish Scott or other members precise figures. We are moving to an area-based system, and until we know what the accurate payments will be to most crofters we will not know what they will be for all crofters and farmers, because errors in applications and payment rates can influence the overall pot and what other farmers and crofters receive. That is why there is a two-part payment. We need as much information as possible, to ensure that the final payments are accurate. This is a transition year; it is the first time that we have paid out on an area basis.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): The cabinet secretary noted that many crofters and farmers in my constituency are suffering at the moment, and I thank him for his comments about people who are experiencing hardship being able to phone the helpline or their local office, to make the case to local officials for a bit of help. People who have a cash-flow problem are the ones who will really struggle.

What is being done to ensure that lessons are learned from the process, so that the payments at the end of this year will be handled better?

Richard Lochhead: Dave Thompson made a number of pertinent points. Many of the tasks that have been undertaken in relation to the information technology system are one-off tasks, because this is the first year after a radical reform of the common agricultural policy, in relation to not only pillar 1, which is direct payments, but pillar 2, which is the rural development programme. That has required 20 separate schemes to be launched in 2015 alone; in relation to direct payments we have six schemes, many of which have regional variations, because of the industry requirement to ensure that there is regional targeting, which the Scottish Government supported.

At the same time, we decided that area payments should be made at three different levels, depending on the kind of land, because we wanted to ensure that we targeted resources at the most active farmers and crofters in Scotland. Again, the approach was supported by the industry and this Parliament.

Many of the tasks in that regard are one-off tasks. We will continue to improve the IT system and we will certainly learn lessons, as Dave Thompson suggested.

Members will be aware that in 2005 there was a move to area payments south of the border, and major difficulties were encountered at the time—indeed, only a couple of per cent of farmers received payments by February 2005. Our rate in Scotland is much higher than that, albeit that we face similar challenges.

Rhoda Grant (Highlands and Islands) (Lab): The Scottish Crofting Foundation says that only 1 per cent of its members had received payments by mid-January. The cabinet secretary might contact the Scottish Crofting Foundation to see where the discrepancy arises.

The cabinet secretary is aware that this is the time of year when crofters are feeding animals, so it is an expensive time of year for them. He has spoken to banks; has he spoken to suppliers about providing feedstuff? If not, the lack of available feedstuff and the lack of ability to pay for feed could lead to animal welfare problems.

Richard Lochhead: I will pay attention to the issues that Rhoda Grant set out. This week we will ensure that as many agricultural sectors as possible are aware of the arrangements that are being made to expedite payments and of our confidence that payments will continue every week between now and the end of March, so that we get as many first instalments as possible out before the end of March.

As I said, the system is paying out. About 34 or 35 per cent of payments are in the system, and around 30 per cent of recipients had received their payments by last Friday. We will expedite payments as much as we can do in the coming weeks and months.

Alex Fergusson (Galloway and West Dumfries) (Con): The cabinet secretary is often adept at deflecting attention away from the shambles of the £180 million IT system on which his reformed CAP relies—indeed, given time for reflection today I am tempted to suggest that it might have been better to have used a pencil. *[Laughter.]*

What assurances can the cabinet secretary give that the problems with the IT system, which are acknowledged, will all be addressed by the time that the next basic payment scheme application window opens in May, which is only three months away?

Richard Lochhead: A separate team is working on the IT for next year's payments. I assure Alex Fergusson that we hope to launch that as planned for the window for applications for next year's payments.

I commend Alex Fergusson on how he manages to successfully deflect attention from the fact that the Conservative Government's policy is to scrap

pillar 1 payments and not have any pillar 1 and direct payments in Scotland. Some of us who are quite reasonable may think that there is some hypocrisy in his coming to the chamber and complaining about the timetable for direct payments when his party's policy is to have no direct payments for Scottish farms and Scottish agriculture.

Liam McArthur (Orkney Islands) (LD): Earlier this week, I was contacted by a constituent who has yet to receive a letter that details her entitlement. The Government's online record does not even show an acknowledgement of the farm that she and her husband rent. After having phoned the Government's helpline, which the cabinet secretary referred to, she stated:

"staff aren't even allowed to look up people's payments ... we now seem to have fallen into the hole within the department where no one knows anything about our application."

Having failed to meet the January deadline, what reassurance can the cabinet secretary give that the measures that he has now announced will allow my constituent and many like her to get the information and, indeed, the payments that they are looking for?

Richard Lochhead: I reiterate that the applications have to be processed before any payment can be made under European regulations. We would much rather be further forward than we are and have payments going out more quickly, but because of the reasons that I gave earlier, we are giving a timetable that will get as many payments out as possible between now and the end of the March, with the balance being paid in April.

Each case very much depends on its complexity. The timetable for when there will be payment depends on that. If Liam McArthur has a specific case, I would be pleased to hear about it, and I will certainly investigate what the particular crofter or farmer has been told.

Graeme Pearson (South Scotland) (Lab): For completeness, only this week I was approached by farmers in Ayrshire who intend to raise the matter of the payments at the next NFU Scotland meeting. They left me in no doubt that they are in great financial difficulties not only because of the delay in the payments, but because of the costs of supplying milk at the current levels. Will the cabinet secretary also pay attention to the south of Scotland and the difficulties that are faced there? I will write to him with the details of the farmers concerned.

Richard Lochhead: I have agreed to meet a group of dairy farmers later this week, I think—I will firm up my diary today; there is no doubt about that—because I very much recognise the financial

pressures and market situation that are faced by our dairy farmers in Ayrshire, south-west Scotland and elsewhere in Scotland. One reason why we are throwing as much effort and resources as possible at getting the payments out in the coming months is that we recognise that they need that support for their cash flow.

Scottish agriculture now faces a range of coinciding factors. We have seen the weather, such as the storms, and the flooding and, of course, we see the market conditions, particularly in the dairy sector. That coincides with the transition year into the new common agricultural policy, which is the most complex ever and has involved the most reforms happening ever at the one time.

Education (Scotland) Bill: Stage 3

14:18

The Presiding Officer (Tricia Marwick): The next item of business is stage 3 proceedings on the Education (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, which is SP Bill 64A; the marshalled list, which is SP Bill 64AML; the supplement to the marshalled list; and the groupings list, which is SP Bill 64AG. The division bell will sound and proceedings will be suspended for five minutes for the first division. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a period of one minute for the first division after a debate. Members who wish to speak in the debate on the amendments should press their request-to-speak buttons as soon as possible after the group is called. Members should now refer to the marshalled list of amendments. *[Interruption.]*

The Deputy Presiding Officer (Elaine Smith): I advise members that we are having a sound check, because members are, I understand, having difficulty hearing what is said.

Section A1—Pupils experiencing inequality of education

The Deputy Presiding Officer: Group 1 is on inequality of outcome and so on, in relation to pupils with speech, language and communication needs. Amendment 17, in the name of George Adam, is grouped with amendments 19, 20, 23 to 28, 33 to 37, 40 and 41. I call George Adam to move amendment 17 and speak to all the amendments in the group.

George Adam (Paisley) (SNP): Closing the educational attainment gap is a key priority for the Scottish Government. I whole-heartedly support it in that aim, but we must look at the full picture.

If we believe that poverty is a factor in educational attainment, then we must look at poverty-related educational issues. I believe that many children from our poorest areas are experiencing both financial poverty and poverty of speech and language. If they turn up at school in primary 1 unable to communicate in a way that will help them to engage, then they will struggle for the rest of their school life.

I have lodged my amendments because I am convinced that 50 per cent or more of children who are living in poverty do not have to have delayed speech, language and communication development. SLC delay leads to poor literacy and numeracy skills, leading, inevitably, to inequality of outcome.

There are a couple of fundamental points to make. The statistics that link socioeconomic disadvantage—poverty—with speech, language and communication delay are compelling. The report commissioned by the Scottish Government in 2015, “Tackling Inequalities in the Early Years: Key messages from 10 years of the Growing Up in Scotland study”, highlights that 54 per cent of children from low-income homes present with below-average vocabulary ability at the age of five. Living in poverty also means that children are around eight times more likely to turn up at school with an SLC delay than the average child—of whom only 6 per cent have the disorder. The growing up in Scotland study also highlights that SLC delay is a staggering 24 per cent higher among poor children than children from richer income groups.

With these amendments I am saying that when we talk about poverty we have to look at the larger picture. If we say that poverty is an issue, then we also have to look at how to address the issue.

SLC delay is the second highest type of difficulty recorded among children from low-income families. It is just one point lower than the 55 per cent who are not breastfed, which, unlike SLC delay, is an issue that rightly attracts a lot of strategic attention.

I believe that there has been some confusion about what my amendments are about. They are not about making a special case for a special group of children with complex additional support needs. They are about poverty. These amendments address the biggest and most common barrier to learning that is faced by a majority of children that live in poverty. This bill explicitly sets out to help those children.

The statistics that link SLC delay to inequality of outcome are equally attention grabbing. The recent report by Save the Children, “Ready to Read: Closing the gap in early language skills so that every child in Scotland can read well”, highlights the importance of early language skills in setting the foundation of children’s later literacy and education. Studies showing that the majority of children and young people who are in crisis or who are excluded or in trouble have SLC needs are, perhaps, even more startling. I have often spoken about times when I have gone to young offenders’ institutes and met the young people there; they have often said that, if they had had such provision, they might not be where they are. Those are the type of people who have this type of disorder.

The amendments that I have lodged aim to establish an awareness of the strong associations between socioeconomic disadvantage and speech, language and communication delay, and subsequent low attainment and inequality of

outcome. They also aim to achieve focused, cross-agency and cross-discipline partnership action on speech, language and communication.

Ultimately, my amendments aim to reduce inequality of outcome for at least half of Scotland’s poorest children: young people who arrive at primary school with delayed speech, language and communication development and go on to carry that learning disadvantage through their school lives into adult life, when they are statistically more likely to become poor parents of future generations. I believe that that is the key issue in this debate. I believe that this group of amendments can help us to achieve the goal that we all want to achieve: to ensure that all our children get that opportunity and that we can close the attainment gap.

I move amendment 17.

Iain Gray (East Lothian) (Lab): I rise to support the amendments in the name of George Adam. The bill’s purpose is to close the attainment gap. Mr Adam said that we need to look at the bigger picture, but I argue that we need also to look at the smaller picture if we are seriously going to address the attainment gap. We must ask ourselves what the key problems are that lead to that gap.

Later this afternoon, we will move amendments about looked-after children—a group of young people who have particularly poor outcomes at school. Mr Adam also made a compelling case for considering the strong association between socioeconomic disadvantage and delayed development in speech, language and communication. Indeed, he quoted the huge figure of 54 per cent of children from low-income households presenting with below-average vocabulary ability at age five. That means that they arrive at school with problems in the very skills that are required for them to do well in their learning. It is therefore no surprise that, as Mr Adam said, there is a strong association between delayed development in speech, language and communication and inequality of outcome, including in attainment. For those reasons, we agree with Mr Adam that, although this is not a special case, it is a very powerful aspect of the problem that the bill is designed to address.

I will mention two of the amendments in the group that seem to be quite important. Amendment 27 is on the duty to use inclusive communication standards in communicating with, for example, parents. Those of us who have looked at the evidence around the attainment gap agree that engaging with parents and families in the round, not just children, is crucial to making a difference. Some of the parents to whom we need to provide the most support will themselves have SLC needs; therefore, we should require schools to consider that and how they can account for it.

If the cabinet secretary does not feel able to support the other amendments in the group, I hope that she will support amendment 28, which seems to be of particular significance because it would require the national improvement framework to take account of the most common barrier to learning—that which is faced by children and young people with SLC delay.

For those reasons, I support the amendments in Mr Adam's name.

The Deputy Presiding Officer: I think that the sound in the chamber has improved, but I make a plea to members to ensure that their microphones are directed properly.

Mary Scanlon (Highlands and Islands) (Con): At stage 2, I spoke to several amendments from the Royal College of Speech and Language Therapists in relation to the Gaelic language, and we are very supportive of the principle behind the amendments in the name of George Adam. The right support should be provided to pupils with speech, language and communication needs at the right time in their educational process.

Presiding Officer, as I am sure you remember, this has been an issue since the first session of Parliament. However, in the current financial climate, there is a fear that some of these services may either be cut from existing provision or just not provided at all. I hope that the integration of health and social care will help. I also asked the Scottish Government what commitments it will make to ensure that the needs of children with speech, language and communication delay are met. I am aware that we have had significant legislation and guidance over the four sessions of this Parliament.

Liam McArthur (Orkney Islands) (LD): During the committee's evidence gathering at stage 1, we heard criticism of the bill's provisions that are aimed at reducing inequalities of outcome in our education system. The concerns were not about the aspiration of reducing those inequalities and closing the attainment gap, although questions were asked about what that meant and whether it is possible to close the gap completely, as the First Minister and the education secretary have promised to do; rather, the concern was that the bill would do nothing to achieve that shared aspiration. Keir Bloomer memorably described the Government's proposals as

"pious thinking masquerading as law making."—[*Official Report, Education and Culture Committee*, 9 June 2015; c 20.]

Others suggested that, although poverty undoubtedly lies at the root of inequality of outcome, in many cases it is by no means the sole factor.

The evidence clearly shows that the education system is not delivering consistently for those with additional needs, including those with speech and language needs. Despite what George Adam says, those are not related solely to the issue of poverty or, as Iain Gray suggested, to those in the care system.

I therefore support George Adam's amendment, as well as those lodged by Mark Griffin in group 2. However, I make a plea. It is all very well putting safeguards of that nature into legislation but if ministers accept the amendments they have to be fully resourced. If councils are not funded to deliver those aspirations, it would look more like pious thinking than serious policy making.

14:30

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance): First, I thank George Adam and others for their sensitive presentation of the issues. I understand their concerns regarding the impact of speech, language and communication needs on children's learning.

As many in the chamber will be aware, I have been keen to use the legislation to focus on the particular educational challenges associated with poverty. Clearly, many of the children who face such challenges will require communication support in order to achieve their full potential.

In that context, I fully expect education authorities and ministers, working in partnership with speech and language specialists, to consider how best to support communication provisions when seeking to meet their respective "due regard" duties under the bill.

That point will be teased out in the statutory guidance and I am happy to commit to ensuring that communication organisations such as the Royal College of Speech and Language Therapists have the opportunity to influence what is said.

I hope that that provides Mr Adam with at least some of the assurance he is seeking through amendments 23, 28, 34 to 37, 40 and 41.

It follows that it would not be appropriate to extend the duties at section A1 in the way proposed. We have of course included a regulation-making power to allow us to extend those duties at a later date, and I remain open to discussion about how that power is exercised in the future. I therefore cannot support amendments 17, 19 and 20.

We are committed to enhancing the communication environment in Scotland. We understand the connections between children having a good communication environment and

developing good speech and language skills and their educational attainment. That is why we have taken steps to ensure that all children have those needs identified and met.

We have ensured that speech and language is considered as part of the assessment of child development through the 27 to 30-month review.

We have put getting it right for every child onto a statutory footing and the additional support for learning legislation is about making sure that any barriers to learning are quickly identified and overcome.

We have taken steps to promote partnership working between allied health professionals, including speech and language therapists, and education professionals.

More recently, that issue has been considered in the context of the Scottish attainment challenge, with two local authorities and a number of schools receiving funding for speech and language therapists. Those include Dundee City Council, which has recruited 3 therapists as part of its challenge improvement plan. The council works closely with Tayside NHS Board, which provides additional funding to extend the reach of the speech and language therapy team.

Only last week we launched the “Ready to Act” document, which sets out the contribution of allied health services to the wellbeing of children across Scotland.

I say this to reassure Mr Adam and other members that we are paying close attention to the issues raised by amendment 17 and the other amendments in group 1. Furthermore, I believe that those examples demonstrate the progress that we can make within the current legislative framework. Given that, I cannot support amendments 24 and 26.

We can always do more to ensure that an inclusive communication approach is in place and working well. It may be helpful if we were to bring together our partners to explore how we might build on the good work already being done. Such an exercise has the potential to deliver many of the benefits that Mr Adam is seeking to achieve under amendment 25 through the establishment of a speech, language and communication strategy. I give the commitment to convene such a summit.

I hope that those comments provide some reassurance and, in the light of the commitments that I have made, I ask Mr Adam to withdraw amendment 17.

The Deputy Presiding Officer: I invite George Adam to wind up—as quickly as possible, please—and say whether he intends to press or withdraw his amendment.

George Adam: I am pleased that we have had this debate. I have never been so popular with the Opposition members in the Parliament, but I am passionate about the issue. Children in our communities are turning up to school with a language difficulty. If we want to close the educational attainment gap and we believe that poverty is an issue, we must continue to look at the issue. I still believe that we must remain mindful of it.

I understand that I have lodged my amendments at stage 3 and that we have not had an opportunity to go through the whole parliamentary process and discuss the issue at length, but it is important that we look at how our legislation impacts on people’s lives in the real world.

I welcome the cabinet secretary’s reassurances and the offer of a communications summit, and I accept that she has a grasp of the issue. On that basis, and given that we can develop this further and discuss it in more detail, I seek to withdraw amendment 17.

Amendment 17, by agreement, withdrawn.

The Deputy Presiding Officer: Group 2 is on inequalities of outcome—looked-after children. Amendment 18, in the name of Mark Griffin, is grouped with amendments 21 and 22.

Mark Griffin (Central Scotland) (Lab): I ask members to support amendments 18, 21 and 22. We believe that we need to put looked-after children at the heart of the attainment gap challenge, and we are seeking to provide an equal footing for Scotland’s kids in care in the new focus on children from poorer backgrounds. With amendment 18, we seek to ensure that local authorities set out how they will tackle the attainment gap both for looked-after children and for children from deprived backgrounds.

We know that education is the most important economic policy that we can pursue. If we can give every child a world-class education, they and Scotland will be able to take full advantage of the amazing opportunities that the future will bring. The Government must be judged on how it supports the most disadvantaged people in our society, and they do not come much more disadvantaged than our young people in care. The system is failing them in a way that it fails no one else, yet the state owes a particular duty of care to those children because they are our children—the state is the parent and we pay the bills.

I do not believe that we can address the attainment gap without specifically addressing the educational needs of our young people in care.

I move amendment 18.

Angela Constance: I thank Mr Griffin for once again using the opportunity that the bill offers to

recognise the particular educational challenges that are faced by our looked-after children.

As I outlined during stage 2, I absolutely accept the thrust of Mr Griffin's argument. The state has a great responsibility towards looked-after children—we are indeed their parents—and we know that their educational outcomes are not as they should be. Throughout the bill's passage, I have been clear about my wish for it—first and foremost—to address the particular educational challenges that are associated with poverty, and that remains my view. However, I very much view the bill as the start of a process through which we can explore how best to use the powers that are set out in section A1 to support other groups who also face particular challenges. I alluded to that in response to Mr Adam's amendments. Of course, that process must be an inclusive one. We must provide all our partners with the opportunity to consider whether such a step could practically benefit our learners and, if so, how.

I am minded to strengthen the legislative provisions for supporting that group of young people. However, we must first consider how the duty would interact with local authorities' existing corporate parenting responsibilities, which were introduced by this Government through the Children and Young People (Scotland) Act 2014. In addition, we will explore how the national improvement framework might be developed over time to help us meet the needs of those young people. I am sure that we would all agree about the importance of building on our recent efforts to ensure a clear line of sight between policy and legislation at the national level and face-to-face work to improve educational experiences for particular groups of learners in classrooms across the country.

I am sure that those issues are not insurmountable; I am also sure that they are not trivial, and that is exactly why we must work with others to overcome them. The regulation-making power in the bill allows for such dialogue to take place and I am happy to commit to consulting, with a view to making regulations that extend the duty to looked-after children. I intend to start that work immediately, engaging with key partners, including the centre for excellence for looked after children in Scotland education forum and children with experience of our care system.

Those discussions will be delivered in the context of a system that is undoubtedly improving outcomes for looked-after children. Attainment levels are up, as are positive destinations, while exclusions are down. We are clearly on the right path, but that is not to say that more cannot be done—more can, and must, be done.

In closing, I once again thank Mr Griffin for raising an important issue. Although I cannot

support his amendments 18, 20 and 21 for the reasons that I have set out, I hope that the commitments that I have made today will provide members with reassurance on our commitment to improving the educational outcomes for that group of children.

The Deputy Presiding Officer: I invite Mark Griffin to wind up and to say whether he intends to press or withdraw amendment 18.

Mark Griffin: The cabinet secretary described the bill as

“the start of a process”.

The start of the process would have been to make a statement of intent as to how we will support children in care—loud and proud—on the face of the Education (Scotland) Bill. As the cabinet secretary said, they are our children—we are the responsible guardians and state parents of those children.

The cabinet secretary talks about the regulation-making power, but it would have been a fantastic message to send out—today or even at the start of the process—that when tackling the educational attainment gap, rather than being a secondary part of the bill, one of our first thoughts was how we can tackle that gap for looked-after children in particular.

I press amendment 18 and ask members to support it.

The Deputy Presiding Officer: The question is, that amendment 18 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: Parliament is not agreed, so there will be a division. As it is the first division of the bill at stage 3, I suspend Parliament for five minutes, after which there will be a 30-second division.

14:42

Meeting suspended.

14:47

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 18.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)

Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)

Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 73, Abstentions 0.

Amendment 18 disagreed to.

Amendments 19 to 22 not moved.

Amendments 23 to 25 not moved.

After section A1

Amendments 26 and 27 not moved.

Section 1A—National Improvement Framework

Amendment 28 not moved.

The Deputy Presiding Officer: Group 3 is on the national improvement framework—standardised testing. Amendment 29, in the name of Liam McArthur, is grouped with amendments 30 to 32 and 39. Mr McArthur, before you speak to the amendments, check that your microphone is directed properly so that we can hear you.

Liam McArthur: Thank you, Deputy Presiding Officer, for allowing the amendments to be considered. I observe at the outset that Mark

Griffin's amendment 39 appears to be driving at much the same thing as my amendments 30 and 31. My amendment 32 aims to hold ministers to their word about the timing of national testing, should it go ahead.

However, my preferred option, and that of the Scottish Liberal Democrats, is captured in amendment 29. I urge the Government to heed the calls of teaching unions, teachers and parents to drop plans for national standardised testing in primary schools.

Not one of us disputes the need to do more to allow every child to fulfil his or her potential, and too often a child's life chances appear to be predetermined by the circumstances of their birth. However, as Children in Scotland said at stage 2:

"the educational inequalities that stem from socio-economic disadvantage are complex and multifaceted".

Children in Scotland went on to accuse ministers of reducing

"a complex set of issues ... to an easily identifiable slogan with the hope that these issues will be amenable to equally short-term solutions."

That over-simplification is epitomised by the determination of ministers to return to national testing for primary pupils. It has been criticised by teaching unions as "a backward step" and few teachers have a good word to say about it. The emeritus professor of education at the University of Strathclyde observed last week that

"it is notable that the last time such an approach was introduced was by a Conservative government led by Margaret Thatcher ... born of a lack of trust in the teaching profession and narrow vision of what constituted progress".

Denials from the Cabinet Secretary for Education and Lifelong Learning and the First Minister that they are ushering in a return to high-stakes testing, teaching to the test and league tables are difficult to square with what is proposed. Information will be available on a school-by-school basis, so whether or not league tables are sanctioned by ministers, it seems that they are inevitable.

Of course, assessment of pupils is at the heart of good teaching. Teachers do it on a daily basis: observing what happens in the classroom, marking pupils' work, and gleaning information from the standardised tests that are already in place and—crucially—from their in-depth knowledge of the young person as an individual. The Scottish education system has no shortage of such data, particularly at classroom and school levels. The focus should be on making better use of the wealth of information that we already have.

Previously, the only people who were arguing for a return to national testing were the Conservatives, but they have never made any

secret of their desire to return to league tables. Bizarrely, the Scottish National Party Government now wants to ignore the concerns that have been raised by teaching unions, teachers and parents, and to abandon the ethos of curriculum for excellence, by pursuing a similar approach.

Jackie Brock of Children in Scotland concluded:

"There is clear evidence that high-stakes standardised testing, as proposed in the National Improvement Framework, can have a detrimental effect on all children's wellbeing."

In that context, I urge Parliament to reject the approach and to support amendment 29, which is in my name.

I move amendment 29.

Mark Griffin: The national improvement framework will result in a new era of data gathering by the Scottish Government on educational performance and outcomes. That new data will rightly support the Government and Parliament in taking the necessary measures to close the attainment gap. In that light, international best practice should be at the centre of the new approach.

My amendment 39 would require the Government to examine again the international benchmarks and to consider how they interact with the national improvement framework. The benchmarks are the trends in international mathematics and science study, or TIMSS, and the progress in international reading literacy study, or PIRLS. If the national improvement framework data were to be constructed in such a way as to reflect those studies, that would allow us to compare ourselves with other leading countries in education.

We are all ambitious about the future of our country. We want to cut the gap between the richest and the rest in our classrooms in order to make Scottish education the best in the world. I want to measure success not against countries throughout the United Kingdom but against countries throughout the world. By undertaking a review against TIMSS and PIRLS, we would be able to reconsider how we benchmark progress in Scottish education against countries throughout the developed world. As an outward-looking and confident country, Scotland should be prepared to participate in well-recognised and authoritative international studies.

I ask members to support my amendment 39.

Liz Smith (Mid Scotland and Fife) (Con): As Scottish Conservatives have said many times before, we are firmly committed to standardised and consistent testing that allows parents and teachers to have meaningful and accurate information about the progress of their children

and how that progress measures against other pupils'. That is not only because literacy and numeracy trends tell us that educational standards are not as good as they should be; just as important is that it is the right thing to do educationally. It is not about more testing or reporting about how we test, but about better testing. We whole-heartedly support the principle of good-quality testing, but we want the result of the bill to be successful classroom practice rather than burdens on local authorities when it comes to reporting.

We cannot agree with Liam McArthur on amendments 29 to 31, given that they subscribe to the Liberals' overall objection to testing and would introduce a complex reporting structure about "wellbeing". However, we would accept amendment 32, should he decide to press it, because it seeks to reduce the unnecessary burden on councils in relation to the dates of testing, on which provision the bill is far too prescriptive.

We have some sympathy with the intention of amendment 39 in Mark Griffin's name, especially in respect of the need to ensure that Scotland participates in the TIMSS and PIRLS data, because we firmly believe that that has considerable qualitative value in a way that we believe is important when measuring educational output. However, the other parts of the amendment are overly prescriptive; for that reason, we cannot accept it.

Iain Gray: I oppose the amendments in Liam McArthur's name.

With this group of amendments—group 3—we reach the heart of the bill: the national improvement framework. That is ironic, of course, because when the bill was introduced the national improvement framework was not part of it. It did not exist. Indeed, although the Government moved amendments to introduce it at stage 2, there was no framework to enable the Education and Culture Committee to consider what was being included in the bill.

We have been critical of the approach that the Scottish Government—and the First Minister, in particular—have taken to the debate on national standardised testing. The First Minister has, on occasion, tried to play both sides and to convince some commentators that she is supporting a return to high-stakes national testing and comparisons while reassuring others—in particular, the teaching profession and parents—that that is not the intention. The original version of the improvement framework rather risked such a return.

The final version of the framework removes much of that risk, although to a degree it does so

by delaying our knowing what national standardised testing will look like—a working group is developing it—but ministers, the cabinet secretary and the First Minister have given us strong assurances that all that is really intended is replacement of the existing standardised testing that is already used in schools with a particular national system that will be developed. In itself, that should improve the data that are available to us. That has to be a good thing, as long as it is done in a way that avoids high-stakes testing, teaching to the test and crude league tables.

On the basis of the assurances that we have been given, we will not support Liam McArthur's amendments.

15:00

Angela Constance: The national improvement framework represents a significant step forward. I have been heartened by the widespread support since the First Minister launched it early last month, and by the positive contributions of teachers, parents, children and others to its development.

Of course, the framework will not by itself deliver the improvements that we all want, but it will mean that we have available to us, for the first time, comprehensive information to inform our decisions. How the information is used will determine our success.

The framework sets out six drivers, all of which are vital to securing improvement. One of the six drivers is the introduction of a Scottish standardised assessment. It is a crucial element of our approach to improvement, and we have worked closely with partners across the education community to develop a model that we believe will benefit parents, teachers and—most important—pupils. It will provide us with more consistent and reliable data at local and national levels. It will also allow us to identify successes and areas for progress, it will inform policy making and it will enrich teaching in the classroom. It is a key strand of our strategy for improving evidence throughout the primary and early secondary education phase, which is in line with a finding from the recent Organisation for Economic Co-operation and Development report on our education system.

It has always been intended that assessment will be used to inform the professional judgment of teachers without creating the perverse incentives that often accompany high-stakes testing. I was therefore disappointed to see amendments from Liam McArthur that seem to take no account of the progress that we have made to secure consensus on our approach. Given that consensus, I cannot understand why, through amendment 29, Liam McArthur is again trying to remove standardised

assessment from the national improvement framework. First, I do not think that it would be right to legislate on such a specific point of detail in relation to the framework. More fundamentally, however, there has never been any question but that assessment is critical to supporting children's learning. It is already a feature of day-to-day learning and teaching across the country—most councils do baseline assessment or some form of standardised assessment in primary 1—and, by introducing a more consistent approach, we will only add to its value.

Furthermore, of course, 30 of the 32 local authorities already use a form of standardised assessment, so a national approach will give us the opportunity to strip out duplication costs, to add consistency and, for the first time, to have a bespoke standardised assessment tool for curriculum for excellence.

Liam McArthur's amendments 30 and 31 seek the publication of certain reports before assessments are introduced. Again, in arguing against the amendments, I point towards the significant degree of engagement that has taken place up to now, and which will continue as we seek in the months to come to implement the new approach to assessment. The data that we obtain through assessment will be a driver for improvement, alongside the range of other evidence that teachers already gather daily about children's progress, and will be used by teachers in a way that usefully informs the judgments that they make about how best to support individual children, as well as supporting their discussions with parents.

Our approach to assessment has never been a feature of the bill. As I have already said, I do not think that it is right to legislate for such a level of detail of individual elements of the framework. Rather, the detail should be in the framework itself and should be informed and amended through the annual review process. Furthermore, the First Minister and I have been clear that teachers should be able to use the standardised assessment when they think that it is the right time to use it. I hope that that gives Liam McArthur the assurance that he is perhaps seeking through amendment 32.

I have been clear that, when we are designing the standardised assessment, we will be sure to learn from the experiences of other countries—hence my decision to include at stage 2 a new requirement for all annual reports that are produced by Scottish ministers to take account of relevant international benchmarking data. Those data being restricted to the narrow and incomplete list of surveys that is set out in Mark Griffin's amendment 39 would not be helpful.

In summary, I do not think that it would be appropriate to prescribe arrangements in the bill in the way that is suggested by the amendments in group 3. For that reason, I cannot support them.

The Deputy Presiding Officer: I ask Liam McArthur to wind up and to say whether he intends to press or to seek to withdraw amendment 29.

Liam McArthur: I thank all those who contributed to the debate. I fully accept Mark Griffin's points about the need to re-engage with international benchmarks, and Liz Smith made a fair point about the qualitative nature of that data and the assessments. I thank her for her clear and consistent support for that approach and for indicating her support for amendment 32.

Iain Gray elegantly set out the cart-before-the-horse approach that has been taken to that element of the bill. We were being asked to vote on a national improvement framework that nobody had yet seen—certainly no one on the committee had. I acknowledge that Labour members, like the Conservatives and the SNP, support the reintroduction of national testing in primary schools. The cabinet secretary alluded to being heartened by the widespread support for the national improvement framework, and there is much to be welcomed in the focus on leadership, supporting teachers and engagement with parents, but when she talks about the consensus that exists she must recognise that, equally, there is a consensus in opposition that is concerned about the approach that is being taken in relation to imposition of national testing in primary schools. It has been described as a "retrograde step"; that is just one of the reasons why I and my colleagues will not be supporting it in the context of the national improvement framework.

The Deputy Presiding Officer: The question is, that amendment 29 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Ind)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)

Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 9, Against 107, Abstentions 0.

Amendment 29 disagreed to.

Amendment 30 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 30 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Finnie, John (Highlands and Islands) (Ind)
 Harvie, Patrick (Glasgow) (Green)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)

Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)

Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 9, Against 106, Abstentions 0.

Amendment 30 disagreed to.

Amendment 31 not moved.

Amendment 32 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 32 be agreed to. Are we all agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)

Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)

The Deputy Presiding Officer: The result of the division is: For 22, Against 94, Abstentions 0.

Amendment 32 disagreed to.

Amendment 33 not moved.

The Deputy Presiding Officer: That brings us to group 4, on the national improvement framework in relation to consultation during annual review. Amendment 1, in the name of the cabinet

secretary, is grouped with amendments 2, 3, 4 and 5.

Angela Constance: The amendments in this group are minor and technical in nature and are designed to simplify and clarify the national improvement framework provisions.

Amendments 1, 2 and 3 will amend new section 3C(4) of the Standards in Scotland's Schools etc Act 2000 to make it clear that it is for the Scottish ministers to determine which parents and pupils are to be consulted as part of any review of the national improvement framework. As currently drafted, the provisions could be interpreted as requiring that ministers consult all pupils and parents. Clearly that is not the intention.

I would like to take this opportunity to make clear my personal commitment to ensuring that the national improvement framework continues to be—and is seen to be—a shared endeavour, with parents, pupils, teachers and, of course, local and national Government all playing a key role. It is only by taking that type of collegiate approach that we will be able to unlock the huge potential of the framework and, indeed, of our education system as a whole.

For that reason we will continue to involve as many individuals and organisations as possible as we work to bring the framework to life. If it is passed, we will commence the relevant provisions in the bill later this year.

Amendments 4 and 5 focus on the definition of “school education” for the purposes of the framework. Section 2 of the 2000 act makes it clear that, for the purposes of raising standards, school education is to be taken to mean education that is

“directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential”.

That definition is to be applied in relation to the development, review and implementation of the national improvement framework. In the case of ministers' duties to establish and review the framework, that is made clear through the inclusion of new section 3C(7) of the 2000 act, which is introduced by amendment 4.

The same clarification is not necessary in respect of the duty of education authorities to work towards achieving the priorities of the framework—set out in new section 3D(2) of the 2000 act—as the term “school education” is not used to frame the duty in the same way. Consequently, amendment 5 removes section 3D(3) of the 2000 act, which was introduced at stage 2.

I encourage members to support the amendments, and I move amendment 1.

The Deputy Presiding Officer: As no other member has requested to speak, do you wish to add anything, cabinet secretary?

Angela Constance: I have nothing further to add.

Amendment 1 agreed to.

Amendments 2 to 5 moved—[Angela Constance]—and agreed to.

Section 1B—Plans and reports

Amendments 34 to 37 not moved.

The Deputy Presiding Officer: Group 5 is on “Reduction of inequalities of outcome—links with children’s service planning.” Amendment 38, in the name of Liam McArthur, is the only amendment in the group.

15:15

Liam McArthur: I will not repeat the concerns that I raised previously in relation to the Government’s plans to reintroduce national testing. However, given that that appears to be the direction on which we are now set, I hope that the minister and Parliament will accept this further minor amendment.

As Children in Scotland has pointed out, and as the Education and Culture Committee heard repeatedly during our stage 1 evidence on the bill, tackling inequalities and closing the gaps in attainment cannot be laid solely at the door of our education system.

Jackie Brock of Children in Scotland reminds us that education cannot be considered in isolation from wider children’s services planning and that any new duties that are introduced should be in harmony with the recently enacted Children and Young People (Scotland) Act 2014. Amendment 38 ensures that that will happen.

Others, including health partners, have a role to play, but on reflection I was reluctant to add further reporting requirements on health boards. I am persuaded that a more proportionate response, which should achieve the same outcome, is to incorporate the duty in children’s services plans. I hope that Parliament will agree.

I move amendment 38.

Angela Constance: Throughout the bill process we have been keen to identify opportunities to streamline and integrate the range of reporting requirements that are placed on education authorities.

At stage 2, that approach led to the removal of outdated planning arrangements that were provided for under the Standards in Scotland’s Schools etc Act 2000 and the introduction of

consolidated planning and reporting arrangements covering inequalities of outcome and the national improvement framework. We have sought to link school improvement planning and education authority standards and quality reporting directly to the framework, resulting in a coherent approach that I believe is well placed to support improvement at all levels in our education system.

That said, I absolutely recognise that education planning, reporting and delivery cannot be viewed in isolation. Many of the challenges that lead to low attainment cannot be fixed simply by our education services alone. Instead, they require a joined-up approach whereby all local agencies come together to plan and deliver services with our children’s wellbeing placed at the centre.

That is the key thrust behind the children’s services planning and reporting arrangements that were introduced through the Children and Young People (Scotland) Act 2014. I advocate the need to develop clear links between those arrangements and the planning structures for which this bill provides. To that end, my officials have committed to exploring how we might usefully support education authorities and other agencies in that endeavour, not least through the planned consultations on the respective pieces of guidance that are focused on this bill and on children’s services planning.

Nevertheless, I see no good reason that our commitment to a more coherent planning framework for public services should not be reflected in the bill. On that basis, I am minded to support Mr McArthur’s amendment 38, and I encourage colleagues on all sides of the chamber to do likewise.

Liam McArthur: I am staggering to rise to my feet. [*Laughter.*] I thank the cabinet secretary for her comments, and I certainly accept her point about the need to streamline the reporting requirements. I lodged my amendment more in hope than expectation, and I am delighted with the cabinet secretary’s response. I will press amendment 38.

Amendment 38 agreed to.

Amendment 39 moved—[Mark Griffin].

The Deputy Presiding Officer: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)

Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 38, Against 73, Abstentions 0.

Amendment 39 disagreed to.

Section 1C—Guidance

Amendments 40 and 41 not moved.

After section 1C

The Deputy Presiding Officer: That takes us to group 6, on a review of the effectiveness of measures to reduce inequalities of outcome. Amendment 42, in the name of Mark Griffin, is the only amendment in the group.

Mark Griffin: We believe in closing the attainment gap in our schools and we support the Government's intention to do so. However, we remain concerned that, if additional resources are not focused on those who need them most, the Parliament's good will and efforts will be lost. Therefore, we are asking the Government to review the progress that is being made on achieving the bill's aims and to look specifically at whether extra resources will be required. That would include looking at whether we should raise

taxes on the highest earners, to raise extra revenue.

The truth is this: how much we care about the issue will be demonstrated by how much we are willing to invest. It is a well-rehearsed point that Labour members believe that we should commit to a higher tax rate for higher earners and devote the resources to closing the gap. I accept that legislation is not where such a policy would usually lie, but we are keen to explore ways to ensure that the bill requires proper consideration of the resources that are devoted to achieving the bill's purpose.

We are not asking the Scottish Government to commit here and now to our position. We know that it has consistently voted against progressive taxes on higher earners to pay for funding for those who need it most. We are asking the Government to review the case for further resources once the act is in place. I hope that the minister will consider my amendment.

I move amendment 42.

Iain Gray: The cabinet secretary was right when she said—I hope that I get this right—that the national improvement framework will not by itself close the attainment gap and that it is what we do with the data that will have that effect. That is true, and amendment 42 goes exactly to that point.

It is simply not enough to legislate for an end, however noble that end might be, if we do not ensure that we have the means to achieve it. The Scottish Government's track record in that regard is not good. On climate change, on fuel poverty and on parents' rights, we legislated for entirely laudable ends, but in every instance the Scottish Government failed to deliver the means to achieve the end. Amendment 42 simply provides that, if the means that are allocated prove inadequate to achieve the purpose of the bill, that should be corrected, or the Government should explain why it is unwilling to make the correction.

Angela Constance: As I said in the context of Mr McArthur's amendment 38, the bill provides us with a robust and comprehensive planning and reporting framework that will give us the wide range of evidence that we will need if we are to deliver the excellence and equity in our education system for which I am sure that we all strive. Through the publication of annual plans and reports at authority and national levels, we will be able to assess our progress and the effectiveness of our overall approach to raising attainment. That scrutiny will extend to the legal framework within which we operate.

In light of that, I cannot see what value could be added by a one-off sunset review such as Mark Griffin's amendment 42 seeks to introduce. Indeed, I question whether a review that would be

delivered so soon after royal assent could realistically offer meaningful learning. After all, certain provisions might not even have been commenced by that point, and statutory guidance might be yet to be produced in partnership with education authorities. That would not be unusual.

Further, I do not see how a one-off review is consistent with our drive for continuous improvement in our system. Of course we want to see improvement 12 to 14 months from now, but improvement must be sustained and we must have a means of measuring it. That is exactly what the annual reporting process for which the bill provides will deliver.

I note the suggestion that the one-off report should describe our plans for income tax rates. I do not see why. Any revenue that is generated from the Scottish rate resolution or devolved taxes will be added to the pot of funding that is available to the Scottish ministers, who will then decide how those resources should be used.

At stage 2, to make the case for dedicated additional resources, Mr Griffin said:

"how much we care about this issue will be demonstrated by how much we are willing to invest."—*[Official Report, Education and Culture Committee, 7 December 2015; c 11.]*

He said something similar today. This Government has a strong track record of investing in our children's futures. We support education authorities across the country to spend some £4.8 billion on education, according to the most recent published figures. Through the Scottish attainment challenge alone, we are providing some £100 million over four years to support learners from our most disadvantaged communities.

I dispute what Labour members said, because Labour's plans are not progressive in the slightest. What Labour is proposing today and has previously proposed is a blunt instrument that tries to redress the lack of power to apply tax progressively. It would hit ordinary working Scots with additional taxation at a time of austerity and would shift the burden of austerity. I received interesting emails this morning from teachers who object to Labour's plans, because they have been through a period of pay restraint only to find that the official Opposition proposes to tax them more.

Many of the arguments that Mr Griffin made were rehearsed at stage 2, when he lodged an amendment that was similar to amendment 42. I absolutely accept the value of providing members across the Parliament with an opportunity to consider the issues, and in that context I welcome his proposal. However, for the reasons that I set out, I cannot support amendment 42 and I encourage members not to support it.

15:30

Mark Griffin: Thousands of pupils who live in certain areas or experience deprivation in their family are missing out on the Scottish attainment challenge fund. We have consistently pushed for additional resources to be targeted in a different way that would mean that those pupils benefited from the funding. That is why I said that how much we care about the issue will be demonstrated by how much we are willing to invest. Currently, zero is invested to close the attainment gap for thousands of pupils. That should be compared with what is invested for their peers in other areas.

Perhaps the cabinet secretary has a different idea of what “progressive” means. I think that increasing the top rate of tax on the people who are most willing to—*[Interruption.]*

The Deputy Presiding Officer: Order, please. I remind members that, if anyone wishes to make an intervention on a member who is speaking, they can request that of the member.

Mark Griffin: Perhaps SNP members should have listened to the consistent calls that we have made over a number of months for our fair start funding to be supported by an increased taxation rate of 50p on the highest earners.

Mark McDonald (Aberdeen Donside) (SNP): On the subject of consistent calls over a number of months, will the member explain why today's proposals were announced after Labour members signed up to a Finance Committee report that recommended no changes to the Scottish rate of income tax? *[Interruption.]*

The Deputy Presiding Officer: Order, please. *[Interruption.]* Order, Mr McDonald.

Mark Griffin: The Scottish Labour Party is setting out a clear progressive agenda ahead of May's election. We are setting out where we will raise additional funding to reverse the £500 million of Scottish Government cuts to local services. I make no apology for that.

As I said, thousands of pupils are missing out on the additional funding to close the attainment gap. A review is necessary to see what additional funding would be available at that point to support those pupils. I ask members to support amendment 42.

The Deputy Presiding Officer: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)

Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brennan, Lesley (North East Scotland) (Lab)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Dugdale, Kezia (Lothian) (Lab)
Findlay, Neil (Lothian) (Lab)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Henry, Hugh (Renfrewshire South) (Lab)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Kelly, James (Rutherglen) (Lab)
Lamont, Johann (Glasgow Pollok) (Lab)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Malik, Hanzala (Glasgow) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDougall, Margaret (West Scotland) (Lab)
McInnes, Alison (North East Scotland) (LD)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Rowley, Alex (Cowdenbeath) (Lab)
Scott, Tavish (Shetland Islands) (LD)
Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
Smith, Drew (Glasgow) (Lab)
Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and

Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 38, Against 81, Abstentions 0.

Amendment 42 disagreed to.

The Deputy Presiding Officer: Group 7 is on inequalities of outcome—targets. Amendment 43, in the name of Mark Griffin, is grouped with amendment 44.

Mark Griffin: A strong legislative framework is needed to secure faster progress in closing the attainment gap in every part of Scotland. We particularly believe that an ambitious goal is needed to help to close the socioeconomic attainment gap in children's literacy. We want a clear approach and an ambitious timescale for progress to be set out in legislation. There are precedents for such an approach, including the national targets for addressing fuel poverty,

reducing climate change and eradicating child poverty.

We believe that enshrining targets in legislation would clearly articulate the scale of the Scottish Government's aims in relation to closing the gap. That approach would promote greater public understanding of this key Government priority and raise the profile of the issue. It would demonstrate the changes that need to happen to succeed in closing the attainment gap and to ensure that future Governments remain committed to that vital objective. Achieving those goals will require a greater focus on supporting improvement for the poorest children—who are most likely to fall behind—while being consistent with the responsibilities of education authorities to support all children's attainment. It will therefore drive a more effective and strategic approach to closing the attainment gap at a national and local level.

By the time they finish primary school, 12 per cent of children are not reading well. The majority of those children live in the most deprived areas. That is a key driver of the attainment gap in Scotland, and it has damaging implications for children's outcomes later in life. We believe that, to close the attainment gap, the immediate priority must be for schools, parents, teachers and the Government to secure rapid improvement in literacy outcomes, particularly for the poorest children. Evidence suggests that that goal is achievable and that considerable progress can be made over the next decade.

I move amendment 43.

Angela Constance: Amendments 43 and 44 are similar to amendments that Mr Griffin lodged during stage 2. In arguing for the amendments, he identified that targets—such as those that he has proposed—would promote greater public understanding and demonstrate the changes that need to be made for our efforts to be a success.

I reiterate the Government's commitment to making significant progress on closing the attainment gap over the coming decade. The information that we will gather through the national improvement framework will allow us to set clear, precise and meaningful milestones on the road to closing that gap over the next few years. On that point, we share a common objective with Mr Griffin.

Where we differ is on the best means to drive improvement and monitor progress towards closing the gap. I set out at stage 2—and will do so again today—some of the clear risks that can come with the adoption of narrow targets such as those that the amendments propose. When such targets focus only on a select number of measures, they do not always provide us with an

accurate picture of how an education system is performing as a whole.

Further, the partial picture that I have described could skew learning and teaching in a way that was unhelpful and which narrowed the breadth and depth of the learning that our children could expect. It seems to me that many of the arguments against high-stakes testing are equally applicable to high-stakes targets.

A key reason for developing the national improvement framework is to broaden the range of available evidence at key points throughout our children's learning journey. Therefore, it seems counterintuitive to expand the range of evidence that we can collectively rely on but to then turn our attention to only one or two indicators of success.

When measuring progress, we will ultimately rely on key evidence about the achievement of curriculum levels. We will consider such information in a broad context and publish information annually, as is required by the bill. That material will be able to be used by parliamentarians, parents and others to identify successes and areas for improvement.

Such improvement is key. Sustained improvement against a range of measures, which will ultimately extend into the early years, will allow us to ensure that all children and young people have the potential to succeed, no matter where their individual strengths lie. It is important to note that the 27 to 30-month review is a review rather than some sort of compulsory test. It aims to provide proactive care and support by identifying at an early stage the development needs of children.

In light of what I have said, it remains my view that the proposed targets would not be helpful at this point. For that reason, I cannot support amendments 43 and 44.

Mark Griffin: I hear what the cabinet secretary says about high-stakes targets. However, we suggest attainment gap targets in the bill that could build on the existing attainment goals that are being worked towards through the early years collaborative and the raising attainment for all programme. Those initiatives include a goal that, by the end of 2017, 90 per cent of children in participating areas will be achieving all the expected development milestones by the time they start primary school, and a goal that, by 2016, 85 per cent of children in certain cluster schools will have had a successful experience and achieved curriculum for excellence second-level literacy and numeracy and health and wellbeing outcomes in preparation for secondary school. The issue is that the current goals do not ensure that the improvements are made for the poorest children, who make up the majority of the 10 to 15 per cent

of struggling learners and who are not included in those ambitions. Those goals do not have national coverage and do not have a statutory status.

I ask members to support the amendments in my name, and I press amendment 43.

The Deputy Presiding Officer: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 36, Against 81, Abstentions 0.

Amendment 43 disagreed to.

Amendment 44 moved—[Mark Griffin].

The Deputy Presiding Officer: The question is, that amendment 44 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rowley, Alex (Cowdenbeath) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)

Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hume, Jim (South Scotland) (LD)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McInnes, Alison (North East Scotland) (LD)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 36, Against 80, Abstentions 0.

Amendment 44 disagreed to.

Section 7—Initial assessments

The Deputy Presiding Officer: Group 8 is on requests for provision of Gaelic-medium primary education—initial and full assessments.

Amendment 45, in the name of Mary Scanlon, is grouped with amendments 46 to 52.

Mary Scanlon: These amendments seek clarity around the provision of Gaelic-medium education. As we all know, in passing legislation, what is important is not what happens here but how our legislation is implemented around Scotland. The provision of Gaelic-medium education must happen in partnership with local authorities. Therefore, it is important that, in considering these amendments, we examine the issues that the Convention of Scottish Local Authorities and other local authorities have raised in order to ensure successful implementation.

Amendment 45 seeks to ensure that a council, before deciding whether to proceed to a full assessment costing £25,000, is able to take into account existing information that is relevant to the delivery of Gaelic-medium education. The bill as introduced allows the council to consider only demand from parents as the sole measure of whether a more detailed assessment is warranted. It is completely proper that parental demand be given proper attention and prominence in the bill, and amendment 45 asks for that.

15:45

However, where an education authority already has information about other factors that could determine the viability of Gaelic-medium education, that information should be taken on board at the earliest possible stage. For example, the authority may have advertised unsuccessfully several times to recruit a Gaelic teacher. The amendments in group 8 would present an education authority with the ability to balance parental demand with other existing information relevant to the delivery of Gaelic-medium education.

That would help education authorities to take a more balanced decision on whether to proceed to the full assessment or, despite everything, move to deliver Gaelic education. Councils will have to pay £25,000 to carry out a full assessment even if they know that the end result is likely to be that there are insufficient resources or, more particularly, insufficient teachers, to be able to meet parental demand.

The amendments in group 8 seek clarity and some understanding from the Government of the issues facing local councils at this time. I hope that the minister will bring forward the information needed in order that councils can positively make provision for increased Gaelic teaching in our schools.

Amendments 46 and 48 seek to create the condition that an education authority can consider at the assessment stage other relevant information

on whether Gaelic-medium education could be delivered. Given the duty on local authorities to provide Gaelic-medium education, they are asking what is to happen if they cannot recruit teachers or find adequate premises. It is a fact that there has been a shortage of Gaelic teachers for more than nine years, even before the Government came into power, and there is still a drastic shortage of Gaelic teachers.

At stages 1 and 2 we heard of the practical issues about the lack of teachers and also the lack of additional funding for Gaelic-medium provision. As the bill stands, COSLA is worried that it will cause parents to be disappointed as detailed assessments founder on a lack of teaching staff and insufficient resources.

I am unclear as to the Scottish Government's presumption in favour of Gaelic when the local authority cannot—despite all its best efforts—recruit qualified teachers. I seek clarity on that point. Resources are not available when a presumption already exists. What action will the Government take in those circumstances? That would be helpful for local authorities to know.

Finally, Conservative members are delighted to support Mike Russell's amendment 51.

I move amendment 45.

Michael Russell (Argyll and Bute) (SNP): Tha e air leth cudthromach gu bheil foghlam tro mheadhan na Gàidhlig anns a' bhile seo.

Following is the translation:

It is exceptionally important that Gaelic-medium education is in the bill.

The member continued in English.

Without doubt, parents groups have had a very strong influence on the growth and development of Gaelic-medium education. That role needs not just to be recognised but to be utilised to ensure continued community support.

Comann nam Pàrant has helped to drive forward Gaelic-medium education and represent the interests of parents who are enthusiastic about Gaelic education—including those parents who are not Gaelic speakers themselves. The organisation gave evidence during the bill's progress in committee and it is right that it should now be named in the bill and given a role in the process.

The process of change is welcome. It takes forward a commitment for wider Gaelic education, but that will be all the stronger if the correct organisations are involved. I hope that the Government will accept amendment 51 and that members will support it. The amendment is entirely commensurate with the wider policy of

parental involvement and it has wide support in the Gaelic communities.

John Finnie (Highlands and Islands) (Ind): The modest proposal in my amendment 52 is much narrower than a right to Gaelic-medium education, which many would favour, myself included. It relates to the degree of discretion that local authorities have to refuse requests for Gaelic-medium education.

The bill establishes a complex mechanism for assessing parental requests for GME. The major weakness, as I see it, is in the key section 10(7A), which provides:

“The education authority must decide to secure the provision of GMPE”—

that is, Gaelic-medium primary education—

“in the GMPE assessment area unless, having regard to the matters mentioned in subsection (6), the authority considers that it would be unreasonable to do so.”

Twelve matters are mentioned in subsection (6)—some of them have been alluded to this afternoon—as factors that are relevant to decisions, including the level of demand, the cost and the availability of premises.

Amendment 52 would simply remove the phrase “the authority considers that” so that the provision would read:

“The education authority must decide to secure the provision of GMPE in the GMPE assessment area unless, having regard to the matters mentioned in subsection (6), it would be unreasonable to do so.”

That change would ensure that the issue would be assessed in terms of objective reasonableness rather than the authority's subjective perception of reasonableness. If an authority refused to provide GME, it would thereby be easier for parents to exercise their basic right to make an appeal under section 70 of the Education (Scotland) Act 1980.

It is 17 years since an additional local authority began to offer GME—that was Stirling Council—and quite a few authorities have a poor record. For local authorities to have too much discretion to decide on reasonableness would undermine the bill's core purpose in relation to Gaelic.

On the other amendments in the group, I do not support my colleague Mary Scanlon providing additional escape clauses, but I support my colleague Michael Russell's amendment 51. Mòran taing.

Liam McArthur: As John Finnie suggested, the minister initially offered Parliament and parents a clear, consistent process for assessing applications for Gaelic-medium education. Goaded by Mary Scanlon ever since, he has been dragged to a point where he is now promising a presumption in favour or, as he referred to it at

stage 2, an entitlement. For the reasons that have been cited by Ms Scanlon and detailed by COSLA involving a lack of resources, including teachers, that commitment looks increasingly like a hostage to fortune.

Thankfully for the minister, he will not be left to deal with the angry and frustrated parents whose expectations have been unfairly raised by the bill. Councils, on the other hand, will again be left carrying the can. Over recent days, the historic concordat has never felt so historic.

We support Ms Scanlon's amendments 45 to 50 and Mike Russell's amendment 51, which, as he fairly said, is in keeping with the general thrust of parental involvement in education across the piece, but we have misgivings about Mr Finnie's amendment 52.

The Deputy Presiding Officer: I call the minister, Alasdair Allan.

The Minister for Learning, Science and Scotland's Languages (Dr Alasdair Allan): Tapadh leibh, Oifigeir-riaghlaidh.

The bill delivers on our manifesto commitment for parents to have an entitlement to Gaelic-medium primary education where reasonable demand exists. Where there is that demand and the full assessment process that is envisaged in the bill identifies no fundamental obstacles to its provision, the authority should and will provide it. The full assessment process in section 10 is just that—an opportunity for authorities to look at all relevant matters in the round and decide how to take things forward.

I appreciate the interest that Ms Scanlon has taken in the bill. However, as I explained when similar amendments were lodged at stage 2, the provisions in amendments 45 to 50 would add to the initial assessment stage significant considerations that already feature in the full assessment and, in my view, are not suitable for inclusion at the filtering stage of the initial assessment.

I accept Ms Scanlon's point about the shortage of and demand for Gaelic teachers nationally, but I am not so sure that I accept the point locally. I do not believe that the example that Ms Scanlon gives, which involves a council that has already advertised for a teacher for a non-existent post before the assessment process begins, is one that is likely to arise. However, I understand the spirit in which she has investigated the issues.

In the bill, we have aimed to make the initial assessment stage as light as possible, with minimal requirements on local authorities and parents at the requesting stage. If we are serious about promoting and supporting Gaelic, we need to create a system for assessing requests that

parents understand and believe will give their request a fair hearing. Keeping the initial assessment process simple and straightforward and moving quickly to a full assessment will give parents that confidence.

Therefore, I cannot support amendments that would allow an authority to decide not to provide GMPE at the initial assessment stage with reference to just two factors in isolation. Those factors are relevant but they should be considered as part of the full assessment process. I ask Mary Scanlon to withdraw amendment 45 and not to move her other amendments in the group.

Mr Russell's amendment 51, to include Comann nam Pàrant, sits squarely with the Scottish Government's belief that those bodies with relevant expertise and interests in the matter of Gaelic-medium education should be asked for a view on an authority's decision about whether there is a potential need to secure the provision of Gaelic-medium primary education in a certain assessment area. For that reason, I ask members to support Mr Russell's amendment 51.

I turn to amendment 52 from John Finnie. The bill creates a strong presumption that Gaelic-medium primary education provision will be established where there is a wish for it and reasonable demand exists. Section 10(7A) places a duty on authorities to decide to secure the provision of Gaelic-medium primary education unless, having regard to the specific list of matters in section 10(6) as part of the full assessment process, the authority considers that it would be unreasonable to do so.

It is well established that local authorities must act reasonably. As such, an authority already has to act reasonably under section 10(7A) if concluding that, in its view, it would be unreasonable to provide Gaelic-medium primary education. Section 11(2) ensures that the authority is required to account for its decision with reference to its duty and each of the matters that it is required to have regard to.

It is right that such decisions lie with the local authority and the bill is clear about that. Amendment 52 would not change the matters on which the decision must be taken and justified or the basis of the decision, namely reasonableness. However, Mr Finnie's amendment would ensure that the decision on whether it is unreasonable to provide GMPE must be taken and justified from an objective perspective rather than in the subjective view of anyone.

Let me emphasise that when an authority takes a decision after a full assessment of a parental request for Gaelic-medium primary education, it must have regard to a number of factors. The presumption is in favour of establishing Gaelic-

medium primary education and, if an authority's decision was against that, the authority would already have to demonstrate that that was because the provision of GMPE was unreasonable with reference to the specified factors. We have already taken steps to constrain the subjective nature of that decision and Mr Finnie's amendment is in line with our stage 2 amendments. For those reasons, I welcome Mr Finnie's amendment 52. I support him in moving amendment 52 and urge members to support it.

The Deputy Presiding Officer: I invite Mary Scanlon to wind up and to say whether she intends to press or to withdraw amendment 45.

Mary Scanlon: I am grateful for the points that have been made by members. I am also grateful to Liam McArthur for pointing out that I had to look at the SNP manifesto for 2007 to 2011 to see that an entitlement to Gaelic-medium education was promised, while all that we were getting in the legislation was an administrative process to look at parental assessments. However, I think that I have made some gains on the matter and we have moved on to a presumption of Gaelic-medium education.

There are a couple of points that I want to raise. I asked a question about the £25,000 that local authorities have to pay for the full assessment. Will there be additional funding from the Government for that? The minister can respond to that another day. I would also like to know where a local authority stands when there is a presumption to provide Gaelic-medium education, but despite every best effort by a local authority to recruit a teacher, it has been unable to do so. I would be happy to get an answer to that in correspondence from the minister.

Finally, I realise that the historic concordat died in the water a long time ago, but given that the amendments in my name all came from COSLA and the local authorities, will the minister continue talking to COSLA and the local authorities about the information that they are seeking?

Amendment 45, by agreement, withdrawn.

Amendments 46 to 48 not moved.

Section 8—Duties of education authorities

Amendments 49 and 50 not moved.

Section 10—Full assessments

Amendment 51 moved—[Michael Russell].

16:00

The Deputy Presiding Officer: The question is, that amendment 51 be agreed to. Are we agreed?

Members: Yes.

Members: No.

The Deputy Presiding Officer: There was a "No". I will put the question again. The question is, that amendment 51 be agreed to. Are we agreed?

Members: Yes.

Members: No.

The Deputy Presiding Officer: I ask all the members who agree with the amendment to stay silent. I will call it again, because the two clerks and I heard a "No" being shouted from the Labour benches. I want silence, please, in the chamber. If there is a "No", I want it shouted out very, very clearly.

Amendment 51 agreed to.

The Deputy Presiding Officer: We move to amendment 52, in the name of John Finnie. *[Interruption.]* Order, please.

Amendment 52 moved—[John Finnie].

The Deputy Presiding Officer: The question is, that amendment 52 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a one-minute division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

Against

Hume, Jim (South Scotland) (LD)
 McArthur, Liam (Orkney Islands) (LD)
 McInnes, Alison (North East Scotland) (LD)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scott, Tavish (Shetland Islands) (LD)

Abstentions

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)

Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

The Deputy Presiding Officer: The result of the division is: For 82, Against 5, Abstentions 28.

Amendment 52 agreed to.

Section 17—Additional support for learning

The Deputy Presiding Officer: Group 9 is on rights under the Education (Additional Support for Learning) (Scotland) Act 2004. Amendment 53, in the name of Liam McArthur, is grouped with amendments 60 to 73, 16 and 74.

Liam McArthur: I will be as brief as I can be, notwithstanding the complexity of the issues and the importance of the underlying principles in the amendments in this group.

As at stage 2, my amendments are backed by a wide coalition of experts in the field, to whom I am extremely grateful.

The schedule to the bill extends a range of rights to children with additional support needs. At present, parents can exercise those rights on their child's behalf. The bill seeks to put 12 to 15-year-olds on a similar footing to those aged 16 and over, by enabling them to act independently. I support that extension, but I am concerned by the bill's approach.

The bill requires children successfully to negotiate two assessments before they can even begin to exercise their rights. The first assessment, which is on capacity—to establish whether a child has sufficient understanding to exercise a particular right—would be carried out by a local education authority or the additional support needs tribunal, depending on the right that is to be exercised. The second assessment is of the adverse impact on wellbeing. Ministers argue that that is needed in order to guard against a child being damaged by the experience of pursuing their rights.

The approach is, I believe, well intentioned but misguided. Exercising a right may be difficult for a child, but instead of looking at how the process can be made more child friendly, ministers appear to have ensured that only those judged by adults to be most resilient are ever likely to be able to exercise those rights, despite the fact that the bill

creates a support service that is specifically designed to assist children in exercising their rights.

The Age of Legal Capacity (Scotland) Act 1991 already provides an excellent framework for establishing a child's capacity. My amendments 53, 60, 61 and 63 to 75 therefore use the law that is currently in operation as the basis for assessing capacity, including a presumption of capacity for all children over the age of 12, unless proven otherwise.

Where there is dispute over a child's capacity, the child can appeal to an ASN tribunal, but the starting point of the 1991 act is that as many children as possible should have the option to exercise their rights, regardless of whether they eventually choose to do so. That is consistent with what the minister said he wanted at stage 2.

The minister also expressed concern that

"these rights would not be nor can be absolute."—[*Official Report, Education and Culture Committee*, 1 December 2015; c 33.]

That implies that the approach that I was advocating would not allow for situations in which a child lacks capacity, which is not true. Some children may never be able to exercise those rights; again, the 1991 act makes provision for that. Yes, we must consider a child's wellbeing, but we must do so more broadly, looking at the substance of a child's request, rather than by making an initial assessment that prevents them from making the request in the first place.

I conclude by illustrating the problems that the bill creates. A child who wishes to make a disability discrimination claim under the Equality Act 2010 would be required to bring their case to the additional support needs tribunal. Unlike the Education (Scotland) Bill, the 1991 act presumes capacity at 12 years of age, so a child pursuing such a claim is presumed to have capacity to do so from the age of 12. Where they have that capacity, they would not need to undertake further assessments before taking a case to the tribunal.

However, that same child will have to complete successfully both the capacity assessment and the adverse effect on wellbeing assessment before exercising one of the rights extended by the Education (Scotland) Bill. My amendments seek to remove both those assessments and to amend the 1991 act to ensure that, where rights are extended under the bill, the 1991 act will apply. Where there is dispute over capacity, there needs to be a way of resolving it. As such, I have ensured a route of appeal to the tribunal.

I fully support the extension of these rights to 12 to 15-year-olds. However, I want children to feel that exercising their rights is a positive experience, to feel supported and to be confident that they can

exercise their rights without adults putting barriers in their way.

The 1991 act has acted as a framework for establishing children's capacity for more than 20 years. Professionals are familiar with it and know that it works well in a wide range of scenarios. There is no reason why it could not work just as well in supporting children to exercise the rights extended to them by the bill.

I move amendment 53.

Liz Smith: I think that everyone recognises that this is an exceedingly complex area of legislation, not least because of the diverse assessments of those who have additional support needs and, most especially, the growth in the number of children who are identified as having additional support needs. In recent years, the number of professionals who are involved in working with those young people has also grown considerably, and increased responsibilities have been put on local authorities and other stakeholders.

I am grateful to the minister for his willingness to engage on section 17—a section that still contains a little lack of clarity when it comes to interpretation of specific policies, most especially in relation to the definition of the word "capacity". That point was made in the committee's stage 1 report, and it has also been made by many groups that represent children and young people. It is exactly why we have been left with an extensive number of amendments that all seek to clarify the language of section 17.

The minister made the fair point that we must comply with rulings in relation to the European convention on human rights. Existing legislation in Scotland prevents some listing of specific capacities, lest that be discriminatory in any way when it comes to the offer of assistance to people who have ASN. We totally accept that. However, the word "capacity" itself creates difficulty with the interpretation of the bill, and that is reflected in some of the thinking in Mr McArthur's amendments. In amendment 62, I have resubmitted at stage 3 my earlier proposal in order to probe the minister further about the wording of section 17. We are in danger of some general language being misinterpreted.

Dr Allan: I thank Liam McArthur for his presentation of this sensitive and important issue. Although I recognise and understand his intent, I continue to disagree with his proposed approach.

The Government is committed to enhancing, promoting and respecting children's rights wherever it can. We also have a responsibility to ensure that the wellbeing of children and young people is at the heart of what we do. We need to respect and take into account the views and responsibilities of parents and carers and to

ensure that our approach strikes an appropriate balance between all those matters.

Amendments 53, 60, 61 and 63 seek to significantly change the definition of when a child has capacity to exercise rights under the 2004 act, to remove any statutory requirement for authorities to assess a child's capacity and wellbeing before they exercise a right, and to extend the rights under the 2004 act to children of any age.

Education authorities should take an evidence-based decision about whether there would be any issues in relation to each individual child exercising a right under the 2004 act. The requirement to assess capacity and wellbeing is the correct approach to take, rather than for capacity simply to be presumed for children aged 12 and over, with no statutory assessment for children aged below 12.

If Liam McArthur's amendments were accepted, any issues or problems would emerge only once a child proceeded to exercise a right, which could create a situation in which further additional support was required. My preference is to deal with such issues up front and transparently, with appeal rights for children and parents to the additional support needs tribunal if the education authority's decisions are felt to be incorrect.

I am aware of the comparison of presumption of capacity in disability claims at tribunals and the assessment of capacity under the provisions. However, the right to make a claim about disability discrimination is a single right that is exercised in the formal setting of a tribunal at which the child would be expected to be legally represented. We propose a range of rights, of which a handful relate to tribunals. They enable the child to be central in the requests, decisions and information about their support. The child may or may not choose to be supported or represented in those processes, and we must establish at the start whether there is likely to be any adverse effect on the child.

Concerns have been raised that there may be a conflict of interests due to the requirements on authorities to assess capacity and adverse impact on wellbeing. However, no organisation is better placed to establish a child's requirement for support, their capacity or the potential for adverse impact on their wellbeing. That is no different from a lawyer deciding whether a child has capacity in a legal case or a medical professional deciding capacity in relation to a medical intervention. The provisions, of course, provide the safeguard of an appeal should the child or their parent feel that a mistake has been made.

I turn to Liz Smith's amendment 62, on the definition of "lacking capacity" in relation to young people. I recognise the points that she made and

her motivation in making them. However, my view remains that the level of detail that amendment 62 brings to the definition is not required, particularly given the stage 2 changes to remove the assessment of a young person's capacity prior to their exercising rights under the 2004 act. There is, therefore, no longer a need to include a detailed definition in the bill, as a young person will be presumed to have capacity under the 2004 act unless it is clear that they do not have sufficient understanding to exercise their rights under that act. We also intend to produce guidance on when an authority might consider a young person to be lacking sufficient understanding to do something under the 2004 act. I hope that Liz Smith finds that that assurance addresses at least some of her concerns.

16:15

The amendments that follow—specifically amendments 64 to 71 and 74—are consequential on Liam McArthur's earlier amendments that relate to the definition and assessment of capacity. They seek to remove amendments to various provisions in the 2004 act and to replace them with amendments that provide that children of any age may exercise rights, provided that they have a general understanding of what it means for them to do so. For the reasons that I have already explained, we cannot support the amendments, which include no safeguard as to whether children, including children of a very young age, are equipped to cope with the processes that are associated with the exercise of rights under the 2004 act. Unfortunately, the drafting of some of the amendments is not entirely clear, particularly amendment 70, where there is ambiguity about the role of parents.

The remaining amendments, 72 and 73, are also consequential and seek to extend the remit of the children's support service that is established by the bill to support all children who are considering using their rights and not just those aged 12 and over. For the reasons that I have already given, I cannot support that approach.

The provisions in the bill significantly extend the rights of children, but they also provide appropriate safeguards. They ensure that children will not have to cope with information, processes and decisions that could be detrimental to their wellbeing. They ensure that parents and carers are involved appropriately, and they provide an established route of appeal where those safeguards can be rigorously tested and challenged if a child or parent feels that they are being applied wrongly or unfairly.

Amendment 16 is a technical amendment that strengthens the process of Parliamentary consideration of any regulations that are made

under new section 3AA of the 2004 act. We lodged the amendment to ensure consistency with any other regulations that are made under the Children and Young People (Scotland) Act 2014 to change the list of SHANARRI—safe, healthy, active, nurtured, achieving, respected, responsible and included—indicators that are to be considered in assessing adverse impact on wellbeing.

In conclusion, I cannot support the amendments in the names of Liam McArthur or Liz Smith for the reasons that I have set out. I therefore urge Liam McArthur to withdraw amendment 53 and not to move his other amendments in the group, and I urge Liz Smith not to move amendment 62. I invite members to support amendment 16 in the name of Angela Constance.

Iain Gray: This debate goes back to stage 1 and the concerns that were raised by the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission. They were concerned that the extension of rights to 12 to 15-year-olds, which they fully supported, had what appeared at the time to be unintended consequences. My recollection is that, at the time, the cabinet secretary and ministers indicated that they would seek to address those concerns. It is clear from the briefings that we have received from the Children and Young People's Commissioner and the Scottish Human Rights Commission that those concerns have not been addressed, as Liam McArthur said. For those reasons, we support the amendments in Liam McArthur's name.

Liam McArthur: I thank Iain Gray for his support. He rightly points to the coalition of experts in the field who have been supportive of the amendments and who have raised the issues since stage 1—the Children and Young People's Commissioner and the Scottish Human Rights Commission, as well as Govan Law Centre, Enable Scotland and Inclusion Scotland.

I thank Liz Smith for fairly articulating the linguistic minefield that we have been operating in since stage 1. She is right to flag up some of the ECHR issues that that coalition brought to the committee's attention at the outset.

I also thank the minister for his remarks and for his willingness to engage with me between stage 2 and stage 3 to see whether there was a way to address the concerns that I and the coalition have. I think that it is fair to say that we reached an honest disagreement at the end of the process, which is reflected in the exchanges this afternoon. He talks about determination to extend rights but put in place safeguards. I am still of the view that the 1991 act provides a framework that allows us to do just that. It has demonstrated over the past 20 years its capability in that regard.

I conclude with the words of the Children and Young People's Commissioner, who said that the bill places children in a position where they are given the impression that they can exercise their rights independently, yet in reality they are beholden to adults to assess that they are capable of doing so. With the introduction of the support service and other measures in the bill, we can have confidence that the 1991 act is up to the job of extending those rights and of providing the safeguards.

On that basis, I press amendment 53.

The Deputy Presiding Officer (John Scott): The question is, that amendment 53 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)

Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)

White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 73, Abstentions 0.

Amendment 53 disagreed to.

Section 17B—Learning hours

The Deputy Presiding Officer: We move to group 10. Amendment 6, in the name of the cabinet secretary, is grouped with amendments 7 to 9, 54 to 56, 10 to 14, 14A, 57, 15, 58 and 75.

Angela Constance: Amendments 6 to 15 make a series of improvements to section 17B of the bill, refining the provisions brought forward at stage 2 to protect the length of the primary school week. Before describing those changes in detail, I would like to respond to some of the—in my view misguided—criticisms surrounding our decision to introduce those provisions.

I turn first to the lack of formal consultation. I have been absolutely clear, both in my representations to the Education and Culture Committee at stage 2 and in all the subsequent discussions on the matter, that regulations made under section 17B will be underpinned by a robust and inclusive consultation exercise. That is why the bill provisions have been drafted as they have, intentionally providing us with the necessary flexibility to respond to the outcome of those discussions, which I hope will start later this year.

We have also been criticised for stating our view that a primary school week consisting of 25 hours of contact time with a qualified teacher seems a reasonable starting point for those discussions. I believe our position to be an entirely reasonable one. After all, it simply reflects the level of provision that is currently made available in the vast majority of schools across the country. Further, it is a level of provision that teachers, parents and—most importantly—pupils have come to expect over many years and which has survived through periods of significant transformative change within our system, not least with the introduction of curriculum for excellence. To start anywhere else would therefore seem to me to be rather counterintuitive.

As I have said, we are keen to listen to the representations that will undoubtedly be made, particularly in relation to the level of provision within infant primary years, where there is some slight variation in practice across the country. Let me make it clear, however, that the decisions that we reach will not be driven by the same financial considerations that have underpinned the local proposals to reduce the school week that have been brought forward in recent years. Our children's education is simply too important for that.

I have brought forward my amendments in order to prevent the type of postcode lottery that would undoubtedly have developed if local councils had proceeded with those proposals. It remains absolutely my view that that cannot be allowed to happen and that to allow it would be short-sighted and inconsistent with this Government's commitment to deliver an education system that delivers for all. For those reasons, it will come as no surprise to members that I reject Mary Scanlon's amendments 58 and 75, which seek to remove the learning hours duty from the bill outright.

For different reasons, I do not support amendment 54, which Mary Scanlon has lodged to ensure that the learning hours duty cannot be imposed before the beginning of the 2018-19 school year. I fully accept that education authorities and grant-aided schools require advance warning of the learning hours duty and time to ensure that they are able to comply with it. As I have already made clear this afternoon, I accept too that we must take the necessary time to consult fully and widely on the detailed implementation of the duty through regulations. It is also important that we listen to stakeholders and that we understand fully the implications of the duty as it is imposed. It is important that we get it right.

I do not believe, however, that it is necessary or appropriate for a timetable to be included explicitly on the face of the bill—not least an arbitrary timetable that takes no account of what will doubtless be an important consultation feedback on the matter.

The changes that are proposed by my amendments at stage 3 are relatively minor. They are designed to clarify aspects of the legislation and to ensure that we have the necessary flexibility to accommodate situations in which it would be entirely legitimate to offer a reduced level of provision.

To start with, amendments 6 and 8 are minor drafting changes that are required to improve on the readability of the section and to leave out one unnecessary word.

Amendments 7 and 9 should be considered together. Amendment 7 makes it clear that the duty on education authorities and grant-aided schools to provide the prescribed number of learning hours is subject to the power that is set out in new section 17B(3), which is introduced by amendment 9. That subsection provides for fewer than the prescribed number of hours to be provided in certain circumstances, which are set out in new subsection (3A).

Those circumstances cover situations where an individual pupil's wellbeing would be adversely

affected as a result of the pupil receiving the prescribed number of learning hours. They also include situations where, due to matters outwith its control, it would be impractical for the school to provide the prescribed number of hours. That could occur, for example, due to severe weather. New subsection (3A)(c) will allow ministers to prescribe, through regulations, other circumstances in which fewer hours could be provided.

Amendment 9 also introduces new subsections (3B) and (3C). New subsection (3B) requires that, when the prescribed hours are not made available due to the circumstances that I have just described, the authority or school must make available reduced hours. New subsection (3C) defines "reduced hours" as the prescribed hours less those hours that would have been provided but for the circumstances arising.

The result is to place a cap on the reduction in the number of learning hours that the child receives. The learning hours can be reduced only in so far as they need to be reduced to address the relevant circumstances under subsection (3A).

In contrast, Mary Scanlon's amendments 55 and 56 seek to disapply the learning hours duty in its entirety—in relation to all pupils or groups of pupils in the case of amendment 55, and to whole schools in the case of amendment 56—where it is deemed that the provision of the prescribed hours is not in those pupils' best interests.

Once the duty is disapplied under those proposals, we would return to the status quo, under which no requirement is placed on education authorities or managers or on grant-aided schools to provide a particular number of—or, indeed, any—learning hours. I have already made it clear that I do not find that position tenable, and on that basis I cannot support amendments 55 and 56.

Amendment 9 also makes it clear that, when an authority or school is considering reducing the number of hours that are made available to a child due to a concern around their wellbeing, it must do so with reference to the SHANARRI indicators that are already recognised in law through the Children and Young People (Scotland) Act 2014. The amendment will therefore ensure that the prescribed hours can be reduced only in so far as it can be demonstrated that they impact adversely on the extent to which the child will be safe, healthy, achieving, nurtured, active, respected, responsible and included.

16:30

Amendment 14 provides for ministers to modify the list of SHANARRI indicators in regulations following consultation. I have made it clear

throughout the process that we are committed to consulting on the regulations through which the learning hours duty will take effect.

I commend the policy intention behind Mary Scanlon's amendment 57, and I would be happy to place in statute a requirement on the Scottish ministers to consult in advance of making regulations. Amendment 57 as drafted, however, falls short of requiring statutory consultation to take place in relation to all aspects of the learning hours regulations, focusing instead just on the number of hours to be prescribed.

Amendment 14A ensures that the consultation duty is more comprehensive by amending amendment 14 to require the Scottish ministers to consult in relation to the number of learning hours, the nature of those learning hours, the additional circumstances in which fewer hours can be made available and any modification of the list of SHANARRI indicators against which consideration of any adverse impact of the prescribed hours should be made.

I believe, therefore, that amendment 14A gives better effect than amendment 57 to Mary Scanlon's policy intention, and I ask her not to move amendment 57.

Section 17B(4) of the bill currently allows ministers to prescribe a different number of learning hours for different purposes and for different types of pupil, thereby providing scope to adjust the duty to reflect the needs of particular groups. Amendment 10 extends that flexibility by allowing ministers to define learning hours differently for different groups or for different purposes. For some, "learning hours" might be taken to mean contact time with a registered teacher. For others, such as those with additional support needs, the nature of provision may look quite different.

Furthermore, amendment 10 allows ministers to specify through regulations circumstances in which fewer than the prescribed number of hours may be made available for a particular group of pupils or for a particular purpose. Any such regulations will be subject to affirmative procedure as a result of amendment 15.

Amendment 11 allows ministers to make transitional or transitory provision in relation to the learning hours duty. That would allow ministers to introduce the new duty in an incremental way—for example, by requiring that a certain number of hours should be made available by a certain date, climbing to a higher number of hours by a date further in the future. Amendments 12 and 13 are minor amendments that are consequential to that change.

Taken together, the amendments will deliver a strengthened set of provisions that will be well

placed to accommodate the findings of the consultation that will follow. For that reason, I ask members to support my amendments 6 to 15 and not to support the remaining amendments in the group.

I move amendment 6.

The Deputy Presiding Officer: I call Mary Scanlon to speak to amendment 54 and other amendments in the group. I have no spare time left, so I ask you to make your contribution as briefly as you reasonably can, please.

Mary Scanlon: I am delighted to hear that consultation will now take place on the measures before us today, but I remind the Government that consultation takes place before stage 1 or even before stage 2, and not, generally speaking, after stage 3.

Highland Council has taken pride in its long-standing, close and constructive relationship with the Scottish Government. I put on record that, as an MSP for the Highlands and Islands since 1999, I have never had any complaint whatsoever about the quality of teaching in any Highland and Islands school.

Highland Council was, therefore, more than surprised by the announcement, without any notice or consultation, of a proposal to legislate for a 25-hour week in all Scottish primary schools, regardless of local circumstances and four days before the Education and Culture Committee considered amendments to the bill at stage 2.

Objections came from Margaret Davidson, leader of the independent group; Alasdair Christie, leader of the Lib Dems; Jimmy Gray, leader of the Labour group; and Drew Millar, chairman of the education committee and leader of the Highland Alliance group. Most Highland primary schools have always operated a 22.5-hour week for primaries 1 to 3. That involves 272 schools from the north of Sutherland to Badenoch and Strathspey, and it is done largely because of the length of the day for young children, who may have to travel considerable distances to school.

Young children travelling to school for a 25-hour week could be away from home for more than 35 hours and travelling more frequently back and forth in the dark. There is no educational evidence linking a 25-hour school week to better attainment. Although all local authorities operate 25-hour school weeks for at least P3 to P7, a number of them successfully operate 22.5-hour school weeks for younger pupils.

Moray Council has said that implementing the measure will require an extra 13 teachers. Highland Council's director of care and learning has said:

“It would mean providing more than 1000 extra teaching hours, and recruiting more than 30 additional teachers, at a time when it is difficult to recruit to existing vacancies, and this number of available teachers simply does not exist.”

COSLA was never consulted on the issue. Its letter of 22 January states:

“There was not a hint at any meeting between COSLA, Government officials or the Cabinet Secretary that a Government amendment on the length of the school week was even being considered, let alone was a likely prospect.”

In the cabinet secretary’s response to me, she said that teachers and parents have been championing the matter for months. They certainly have not been championing it in the Highlands. However, in the same response, there was a glimmer of hope and understanding in response to the new duty, when the cabinet secretary stated:

“it will be necessary to provide a degree of flexibility, enabling Ministers and education authorities to make exceptions for individual children or groups of learners in certain limited circumstances. For example, pupils who live far from their school and whose travel time lengthens their day to the extent that, in the younger stages in particular, it may be inappropriate for them to spend as long at school as others”.

The length of the school day does not apply to an individual pupil—it gets dark at the same time for every pupil in the school.

Amendment 54 seeks to delay implementation of the measure for two years until councils can plan and recruit additional teachers and reallocate funding. However, since lodging the amendments, I note that there is a new financial memorandum. Paragraph 28 of it states that the requirements will be in place for the year 2018-19. I seek clarity on that because, if that is the case, I will not move my amendment.

The supplementary financial memorandum, which is not part of the bill and has not been endorsed by the Parliament, states that an additional 120 teachers will be needed across six education authorities. We trust that the Government will pay the extra £4.8 million identified that councils will require to fund the proposal.

Amendment 55 seeks to exempt a whole education authority, such as Highland, from implementing the 25-hour week for children in primaries 1 to 3, and amendment 56 seeks that individual schools, particularly in the most remote and rural areas—in north-west Sutherland, for example—be considered for exemption.

I understand that the Government has accepted the principle in amendment 57 and will, in fact, go further, so I will not be moving it.

We will be supporting amendment 9, which states the exemption criteria for individual pupils, although, obviously, I would wish it to go further.

Cara Hilton (Dunfermline) (Lab): I speak in support of the amendments in the name of Angela Constance on learning hours.

During the stage 1 debate, I highlighted Scottish Labour’s intention to lodge amendments to the bill to guarantee primary school pupils at least 25 hours teaching time a week. I am pleased that we are seeing progress on the issue and that the Government has lodged an amendment.

It is an issue of great importance to the mums, dads and carers who I represent in Dunfermline, just as it is important to the mums, dads and carers right across Scotland. Parents quite rightly want to know, as the cabinet secretary said, that their children’s access to learning is not based on a postcode lottery. Yet that is what parents face, with Reform Scotland estimating a variation of 149 hours a year in the teaching that our children receive. Although pre-school children have a statutory right to 15 hours of free early education a week, there is no such requirement for school-age children beyond the stipulation of 190 days teaching a year.

Scottish Labour will support the Government’s amendments on learning hours, because they are about protecting the rights of pupils and teachers. They will ensure that every child in Scotland, wherever they live or go to school, will have their learning hours protected, and they will ensure that parents do not face a fight to protect the school week as councils are forced to think the unthinkable in trying to meet their budget challenges. Our children should not pay the price of cuts.

The Government’s amendments are not perfect. We would prefer primary legislation, rather than regulations, to guarantee a statutory number of learning hours, and we would like further assurances that teaching time will be with a registered teacher. Nevertheless, we are pleased that there is progress. Every child in Scotland should have a guaranteed number of learning hours. We will support the amendments in Angela Constance’s name.

Liam McArthur: During the committee’s consideration of the bill we repeatedly heard witnesses complain about the Government’s failure to consult. We were even put in the position of having to take additional evidence at stage 2 because of the rather ham-fisted approach to managing the bill. However, we were denied an opportunity to consider the merits, the costs and the implications of the Government’s proposal to mandate learning hours for every school in the country. Why? Because the cabinet secretary failed to inform the committee that she was even minded to introduce such amendments at stage 2.

At the 11th hour, to avoid being outflanked by the Labour Party, which had made its intentions clear, and to curry favour with the Educational Institute of Scotland, the minister took it upon herself to legislate. She did so without consulting local authorities, without having evidence on the need for or cost of the policy, and with utter contempt for the committee and its members and for the Parliament.

Amendments 6 to 15 show that the minister is still scrambling around to make sense of her proposals. Meanwhile, the revised financial memorandum reveals the cost of the proposed approach to be around £5 million per year, along with a further loss of flexibility for local authorities. That comes at a time when the Government is proposing to cut council budgets by £500 million, which will have inevitable consequences for local education spending.

Mary Scanlon was quite right to say that for the cabinet secretary to offer a consultation after writing a policy into legislation with no warning and no evidence is pretty insulting. Local authorities in Scotland deserve better, this Parliament deserves better, and teachers, parents and pupils deserve better from their legislators.

The Deputy Presiding Officer: I call the cabinet secretary to wind up the debate.

Angela Constance: I make absolutely no apology for this Government's conviction that a child in Scotland, wherever he or she lives, should be entitled to receive a consistent education offer. That lies at the heart of our decision to establish a learning hours duty.

Liam McArthur: Will the cabinet secretary give way?

Angela Constance: Perhaps later.

No parent should have to fight to protect from cost-cutting proposals the number of hours of education that their child receives. To sacrifice our children's education in the name of savings is quite simply to pay too great a price.

The amendments in this group that I lodged are aimed at clarifying and refining the provisions that we introduced at stage 2 and ensuring that the bill is sufficiently flexible to be able to accommodate—now and in future—the varying needs and circumstances that could arise and might impact on delivery of the learning hours duty.

As I said in the committee, it has always been our intention that consultation will be key in taking forward the provisions and developing the regulations.

Liz Smith: Even if that were correct, does the cabinet secretary acknowledge that there has been a complete lack of consultation with the

people who must deliver the education—the local authorities?

Angela Constance: That is really interesting, because it gets to the nub of the matter. I have stood in this chamber and answered oral parliamentary questions on proposals from Falkirk. When the Government last attended a Cabinet meeting in the Highlands there was a public question-and-answer session, and I was asked, in front of Highland Council councillors and the council leader, about the proposals. COSLA—to be blunt—was never off the phone to officials, because Labour had been quite open about its views and intentions.

Liam McArthur: Will the cabinet secretary take an intervention?

Angela Constance: No, thank you.

Our decision to legislate follows representations from key partners, including the national parent forum of Scotland and EIS—

Liam McArthur: Will the cabinet secretary give way?

The Deputy Presiding Officer: Mr McArthur, please sit down.

Angela Constance: Mr McArthur might want to sit on his hands at a time when there is a real risk of local authorities the length and breadth of the country cutting the school week. I, for one, will not be accused of sitting on my hands or missing an opportunity.

On the notion that there is no evidence that more hours lead to better outcomes, we are protecting the number of hours as they currently stand. This is about safeguarding our children's education.

16:45

Mary Scanlon: Will the cabinet secretary give way?

Angela Constance: No, thank you.

No one can suggest that reduced teaching time will improve outcomes, and no council has presented proposals to reduce the school week as a means of driving up attainment. Councils' proposals have been firmly focused on making savings.

On a conciliatory note, I say to Mrs Scanlon that it is not our intention to introduce the regulations before 2018. As I said in my opening remarks, we do not think that it is appropriate to put the timetable in the bill, as we want to have the full consultation.

I am very proud that we have taken decisive action to prevent our children's education from

being sacrificed in the name of financial services, and I will make no apologies to the Tories or the Liberals on that account.

Amendment 6 agreed to.

Amendments 7 to 9 moved—[Angela Constance]—and agreed to.

Amendment 54 not moved.

Amendment 55 moved—[Mary Scanlon].

The Deputy Presiding Officer: The question is, that amendment 55 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 17, Against 97, Abstentions 0.

Amendment 55 disagreed to.

Amendment 56 moved—[Mary Scanlon].

The Deputy Presiding Officer: The question is, that amendment 56 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Brodie, Chic (South Scotland) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)

Henry, Hugh (Renfrewshire South) (Lab)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hilton, Cara (Dunfermline) (Lab)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kelly, James (Rutherglen) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McDougall, Margaret (West Scotland) (Lab)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McMillan, Stuart (West Scotland) (SNP)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Rowley, Alex (Cowdenbeath) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 17, Against 96, Abstentions 0.

Amendment 56 disagreed to.

Amendments 10 to 13 moved—[Angela Constance]—and agreed to.

Amendment 14 moved—[Angela Constance].

Amendment 14A moved—[Angela Constance]—and agreed to.

Amendment 14, as amended, agreed to.

Amendment 57 not moved.

*Amendment 15 moved—[Angela Constance]—
and agreed to.*

Amendment 58 not moved.

After section 18A

The Deputy Presiding Officer: We move to group 11. Amendment 59, in the name of Malcolm Chisholm, is grouped with amendment 76.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I see that only four minutes are left. Does that mean that I should take two minutes and the minister will take two, or can I overrun?

The Deputy Presiding Officer: Just take as long as you need, Mr Chisholm.

Malcolm Chisholm: That sounds very generous.

There is guidance about administering medication and meeting the other healthcare needs of children in schools, but the Children and Young People's Commissioner Scotland said in a report two or three years ago that it was extensively ignored, and there is no reason to believe that the forthcoming guidance that is being worked on will be any different. That leads in some cases to the enforced absence of children, while in others it leads to parents having to come to school to administer medication or provide other healthcare support. Sometimes, children in school simply do not get the help that is required.

That is a further factor that contributes to educational inequality, and it often involves a double disadvantage because, statistically, children who are at a socioeconomic disadvantage are overrepresented among pupils with ill health. Therefore, the issue is relevant to the bill's main theme.

Amendment 59 recognises the importance of guidance, which it says that education authorities should have regard to. There would be a much better prospect of compliance if it was required by statute. Part of the problem seems to have been the failure of any one particular authority—the health board, the education authority or whoever—to take responsibility. Amendment 59 would make it clear that the education authority

“must ensure that adequate arrangements are made for the provision”

of assistance that is needed.

The problem was brought to my attention by Action for Sick Children Scotland, which has been concerned for some time about the extent to which children's healthcare needs are not being met in various educational settings. That is a matter not

just of educational equality, as I have emphasised, but of children's fundamental rights. Recent research suggests that 15 per cent of children have conditions that impact on their education, and although not all those children have long-term chronic conditions, the fact remains that the issue affects a large number of children.

The Government may say that the Education (Additional Support for Learning) (Scotland) Act 2009 addresses the matter, but it does not refer specifically to medical assistance. More fundamentally, in practice the reality is that nobody feels that there is any statutory obligation to meet the healthcare needs in question.

The children concerned cannot fulfil their potential without the help that is required, so I pay tribute to all the educational support staff and others in schools who discharge their duty. Today, let us put in place the training and anything else that is required so that all those children have their healthcare needs met and we do not end up with new guidance that is widely ignored in the same way as the present guidance is.

I move amendment 59.

Angela Constance: I thank Malcolm Chisholm for lodging amendments 59 and 76, both of which I have considered carefully.

Amendment 59 seeks to insert a new section in the bill that, in turn, would insert a new section 56F in the Education (Scotland) Act 1980, to place a legislative requirement on education authorities to make

“adequate arrangements ... during school hours”

to support any

“pupil who requires assistance with the administration of medicines or health care procedures”

and to have due regard to guidance. Amendment 76 is consequential and seeks to amend the long title of the bill to take account of amendment 59.

I do not think that we need further primary legislation in the area. There is already a legislative and policy framework that ensures that such children and young people get the support that they need. Under the National Health Service (Scotland) Act 1978, NHS boards must secure the medical inspection, supervision and treatment of pupils in schools. Education authorities help them to discharge those responsibilities. The amendments would cause confusion as to which body was primarily responsible.

The 2009 act requires authorities to identify, provide for and review pupils' need for support, including support that arises from health or medical issues. The Equality Act 2010 also requires responsible bodies to make reasonable adjustments for pupils with a disability. In addition,

through the Children and Young People (Scotland) Act 2014, we are introducing new provisions on the child's plan, which include a requirement for interagency planning. It is for practitioners across education, health and other appropriate agencies to work together in accordance with that legislation and policy context to play their part in improving outcomes for children and young people who require medication and healthcare support.

Nevertheless, I am mindful of the need to keep things under review. As Mr Chisholm intimated, the Scottish Government has guidance on the administration of medicine and the provision of healthcare in schools, which is under review in partnership with stakeholders. We will ensure that the guidance continues to address the issues that the member has raised.

I have clearly set out why I do not believe that Malcolm Chisholm's amendments are needed. There is an existing legislative and policy framework, and we are working in partnership with a range of stakeholders to review guidance. I am happy to meet Mr Chisholm to discuss practice and implementation. For those reasons, I ask him to withdraw amendment 59 and not to move amendment 76.

The Deputy Presiding Officer: As we have passed the agreed time limit, I consider it necessary under rule 9.8.4A(a) of standing orders to allow the debate on group 11 to continue beyond the limit in order to allow those with the right to speak on the amendments in the group to do so.

Malcolm Chisholm: I thank the cabinet secretary for her kind offer of a meeting. I would never turn down a meeting with her, so I shall take her up on that. However, I disagree with what she said. She said that the amendments would cause confusion, but the substance of her speech indicated that there already is confusion.

We have health legislation and we have the additional support for learning legislation, which is focused on local authorities. Part of the problem is that nobody knows who has responsibility for this area. Over and above the confusion in the legislative framework, which she described, the reality is that nobody believes that there is any statutory requirement to fulfil such obligations. I argue that amendment 59 deals with the existing confusion and presents a simple solution to the problem.

I will disappoint the cabinet secretary by pressing amendment 59, but I welcome the offer of a meeting with her.

The Deputy Presiding Officer: The question is, that amendment 59 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)

Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 69, Abstentions 0.

Amendment 59 disagreed to.

Schedule—Modifications of the Education (Additional Support for Learning) (Scotland) Act 2004

Amendment 60 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 60 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)

Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)

Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 42, Against 68, Abstentions 0.

Amendment 60 disagreed to.

Amendment 61 moved—[Liam McArthur].

The Deputy Presiding Officer: The question is, that amendment 61 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brennan, Lesley (North East Scotland) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)

Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)

MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 41, Against 68, Abstentions 0.

Amendment 61 disagreed to.

Amendments 62 to 73 not moved.

Amendment 16 moved—[Angela Constance]—and agreed to.

Amendment 74 not moved.

Long title

Amendments 75 and 76 not moved.

The Deputy Presiding Officer: That ends consideration of amendments.

Education (Scotland) Bill

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-15221, in the name of Angela Constance, on the Education (Scotland) Bill.

17:04

The Cabinet Secretary for Education and Lifelong Learning (Angela Constance):

I am pleased to open the stage 3 debate on the Education (Scotland) Bill. I thank members for their contributions this afternoon, and I thank the Finance Committee, the Delegated Powers and Law Reform Committee and particularly the Education and Culture Committee for their consideration and scrutiny of the bill as it progressed through the parliamentary process.

The Education (Scotland) Bill is a wide-ranging bill containing measures that are important to key aspects of Scottish education. It forms part of the work that the Government is undertaking to ensure that excellence and equity are embedded throughout our education system. I acknowledge that the bill began life as a much smaller bill that focused primarily on Gaelic-medium education and extending children's rights in the additional support for learning framework. One of my first acts as Cabinet Secretary for Education and Lifelong Learning was to ensure that the bill was developed to reflect better, and to provide for, the Government's commitment to raising attainment for all and closing the attainment gap.

At the bill's introduction and at stage 1, I made it clear that I wanted to make the bill as strong and effective as possible. In order to do that, we listened to the views of members, to the relevant committees in particular and to those who gave evidence throughout the parliamentary process. Accordingly, we lodged a range of amendments at stage 2 to strengthen existing provisions and to introduce important new ones to provide a necessary statutory underpinning to key policy developments from the programme for government. We have made further refinements this afternoon, at stage 3, and I am confident that the bill that is before us today in this final stage will achieve its purpose and will elicit the support of the whole Parliament.

The common thread in the bill's provisions is the focus on creating an education system that is wholly centred and focused on children's interests and needs—especially children who have particular interests and needs. The bill places a strong duty on education authorities and ministers to address inequalities of outcome, and it makes explicit the link between those inequalities and socioeconomic disadvantage. That marks a

significant milestone for education in this country, in that we are now utterly focused on there being duties on national and local government to act to reduce the impact of inequality and poverty on children's learning experiences. However, the creation of a new statutory duty is a new stage in a journey to success that will be completed only by effective actions to close the attainment gap.

The bill also anchors in legislation the national improvement framework, which was published on 6 January. It sets out parameters for the framework and how it might be reviewed, the duties on national and local government to provide plans, requirements for regular reporting and—crucially—a requirement for education authorities to publish annual equal opportunities statements. That further ensures a relentless focus on the need to deliver equity for all children in education.

I am acutely aware of the importance of headteachers to the success of our education system, which is why school leadership is one of the six drivers of improvement that are set out in the national improvement framework. The bill includes measures to ensure that every child in Scotland has the right to be educated in a school with a headteacher who has the appropriate knowledge and skills to help them to succeed and to allow the school to flourish.

The Government believes that it is right that the bill protects the number of learning hours that each child should receive. However, a national entitlement should still be flexible enough to meet individual children's needs and to accommodate varying circumstances, so it is important that we consult fully to reach agreement on what the national entitlement should be.

The bill provides a consistent approach around our collective actions to help to remove barriers to education, to reduce inequality gaps, to raise attainment and to improve children's health and wellbeing through the provision of school clothing grants. To create further consistency, the bill makes the provision of a free school lunch equally applicable to young children who receive their entitlement to early learning and childcare at partner providers.

The bill also provides a regulation-making power to enable the provision of meals other than a lunch. Our more vulnerable two, three and four-year-olds could receive a breakfast or tea instead of a lunch, if that better suits the time of their session.

True to its roots, the bill also introduces new measures to promote and support Gaelic-medium education. It introduces a right for parents to request the provision of Gaelic-medium primary education in their local area and a presumption

that an authority must respond positively to that request unless it would be unreasonable to do so.

Importantly, the bill enhances the rights of children with additional support needs. We have grasped the opportunity that the bill affords to put children's needs, interests and rights at the heart of our education system.

Although the bill provides an overarching framework, it does not set the detail in stone. Its measures provide scope and opportunity to build consensus and collaboration with teachers, schools, local authorities, Education Scotland, parents, and children and young people, so that we can develop the secondary legislation and guidance that will ensure that we get the detail right on how things will work in practice.

I firmly believe that the bill will help to move Scotland forward in our ambition to embed excellence and equity in education, and in our determination to create a world-class system in which every child has the chance to succeed. I look forward to the debate and urge members to pass the Education (Scotland) Bill.

I move,

That the Parliament agrees that the Education (Scotland) Bill be passed.

17:11

Mark Griffin (Central Scotland) (Lab): We come to the chamber today to debate the Education (Scotland) Bill in its final form and, in all likelihood, to pass the bill at decision time tonight. I have said it before and I will say again: the first step towards solving a problem is recognising that there is a problem. I welcome the fact that the Government is acting now, almost nine years after it took office.

Any attempt to close the attainment gap is welcome, but we believe that the legislation could be so much more ambitious. However, where the Government has shown some ambition, there are serious questions about the practicalities of delivery and the intent behind it, given the ever-reducing budgets of the education departments in our local councils.

We have set out areas in which we feel the bill could have been improved: there should be a specific focus on looked-after children, we should review the resources that are available to support closing the attainment gap when new powers on taxation become available, we should re-enter internationally renowned benchmarking, and we should set targets on reducing the literacy attainment gap. As I said during the debates on amendments, the Government owes a particular duty of care to children in care because they are our children. The Government should be judged

by how it supports the most vulnerable people in our society, and they do not come much more vulnerable than young people in care. The system is failing those children but, on the face of it, the bill does nothing to address that.

We have consistently called for the Government to adopt our fair start fund by using the new powers that are coming to Parliament to raise to 50p the rate of income tax on people who earn more than £150,000. Rory Mair, the previous chief executive of the Convention of Scottish Local Authorities said:

“why are we keeping tax the same and making public service cuts? That’s the very definition of an austerity budget.”

That is a description of the austerity budget that the Government will deliver tomorrow. We feel that the Government should have made a commitment to increase the level of taxes that are paid by the wealthiest people in our country to support those who need it most. Our fair start fund would target resources over and above what the Government has allocated to the attainment Scotland fund and would, crucially, follow the child.

We welcome the Government’s ambition to close the attainment gap, but there is still a big question mark over how it will be achieved. The attainment fund should be used to close the gap, but thousands of pupils across the country are missing out on support. Under the plans, more than 1,500 schools in Scotland will get no extra support to close the gap between the richest and the rest. With £500 million of cuts to local services, including our schools, coming in the Government’s budget, there is a real risk that pupils who are already at a disadvantage will get left even further behind.

Figures from the Improvement Service have shown that the average spend per primary school pupil in 2010-11 was £5,214, but that has now dropped to £4,653 in 2015-16, which is a £561 drop. In the light of the further cuts to local government budgets, it is hard to see how education departments will be able to make real inroads into tackling educational inequality.

As regards international testing, with the introduction of the national improvement framework and the additional data from testing, we felt that the data could have been collected and constructed in a way that aligned with international benchmarks in the studies that we mentioned in amendment 39—the trends in international mathematics and science study, or TIMSS, and the progress in international reading literacy study, or PIRLS. That would have allowed us to compare ourselves with leading education providers in other countries. Given what the cabinet secretary said previously about not wanting to restrict the number of studies, it will be interesting to see exactly in

what wide range of international studies the Government now decides to participate.

The Government could also have been more ambitious in the bill in relation to closing the attainment gap. We suggested a target of 95 per cent of children hitting targets for literacy by 2025 to reduce the attainment gap. Just now, 12 per cent of pupils are not reading well by the time they finish primary school. Our target would have built on existing goals and clearly demonstrated the Government’s ambition to close the gap.

The national improvement framework was brought into the bill at a late stage. It could probably take up a debate on its own but I will touch on it briefly. The framework sets out what the Government feels are the key drivers of improvement: school leadership, teacher professionalism, parental engagement, assessment of children’s progress, school improvement and performance information.

It is difficult to disagree with the Government’s conclusions, but I cannot help but wonder whether that document was drafted in a bubble—a bubble that ignores the reality of deep cuts to education budgets by this Government, which ignores the concerns of the teaching profession over workload and which ignores the question that has been asked repeatedly about how the Government will prevent national test data from being used to compile crude national league tables.

I agree with the section in the framework on parental involvement, which is about improving

“the offer available to parents and families to help their children to progress in literacy, numeracy and health and wellbeing.”

Where it falls apart is where it goes on to talk about schools working in partnership with community learning professionals to achieve that. Councils up and down the country are considering wiping out entire community learning and development departments just to keep schools open.

We will support the bill at decision time because anything that raises the issue of the attainment gap and at least starts to describe the problem is better than nothing at all, but we feel that the Government could have been so much bolder, so much braver and so much more ambitious when it comes to making sure that every child in Scotland has an equal chance in life.

The Deputy Presiding Officer: Before I call Mary Scanlon, I will just warn the open-debate speakers that they have three minutes each. Mary Scanlon has up to five minutes.

17:18

Mary Scanlon (Highlands and Islands) (Con):

Thank you, Presiding Officer. First, I have to say that in terms of developing, consulting on and passing the bill, the Scottish Government has fallen far short of what may be considered best practice in any democratic institution. Despite that experience, we will support the bill.

I put on the record my thanks to Stewart Maxwell. It is not an easy job to convene the Education and Culture Committee but he did it fairly, in a measured and thorough way. I thank him for allowing me and other members time to speak to amendments where previous consultation on the whole issue simply did not exist.

The Gaelic entitlement that was promised in the Scottish National Party manifesto became an administrative process by which to consider parents' requests for their children to learn Gaelic. Having raised those issues at stage 1, I am delighted and pleased that the minister has now responded with a presumption in favour of Gaelic. With about eight weeks to go before I retire, I think that I can take the credit for making sure that the SNP manifesto has been implemented in this Parliament.

I hope that the measures that we will pass today will lead to more people learning Gaelic and I hope that they will lead to more investment in the language. However, any outcome will not be based on us sitting here patting ourselves on the back and saying, "Haven't we done a good job on Gaelic?" The bill will be a success only if we work in partnership with local authorities to ensure that what we pass today is implemented. We would be arrogant to think otherwise.

We are told that the cost of a full assessment will be £25,000. We have heard from councils that, if that is the case, they will have to stop providing music tuition, because the money has to come from somewhere. Later this week, we will look at the budget. The bill will create additional costs for local authorities, when there is talk all around of cuts of £500 million to the same local authorities. Therefore, we have to be realistic and honest. Whatever we do, we have to work in partnership and with respect for the organisations and institutions that we expect to implement our legislation.

The bill has given me an insight into the joint working between the Scottish Government and COSLA and individual local authorities. It is funny that we never hear about the historic concordat these days. Highland Council is proud of its excellent working relationship with the Scottish Government. I read all the local papers and I can confirm that it is very rare to hear Highland Council

criticising the Government on the record. That was until, suddenly, with four days' notice, the council was told that all primary 1 to 3 children would have a 25-hour week. We are told that people were queuing up to see Angela Constance, but none of them was a councillor and certainly none of them was known to Highland Council, which is a very good council with an excellent academic record. There was no consultation and no evidence base to state that the measure will benefit a child's learning or attainment.

So rapid have the changes been to the bill that a new supplementary financial memorandum had to be issued. That financial memorandum

"does not form part of the Bill and has not been endorsed by the Parliament",

and, of course, it has never been seen by the Finance Committee. The document states:

"Some of the new provisions will place new responsibilities and costs on local government."

It continues:

"It is not therefore possible at this stage to say ... where all costs will fall."

Can members understand why councillors and councils are worried?

The original estimated cost of the bill for this year was £187,000, but it is now £2.5 million. The original cost for 2020 was £0.5 million but, following stage 2, it is now £12 million, which is up 24 times on the original. There is very little indication of who will pay, where the money will come from and what the opportunity cost is.

Given that Highland Council has estimated that it will need 30 new teachers, I presume that the £4.8 million that is identified in the new financial memorandum will be used to find those teachers.

The Deputy Presiding Officer: You must close, please.

Mary Scanlon: Finally, I want to say that I am delighted that we now have standardised assessment. I hope that no child will be left behind. I hope that it will be a diagnostic tool to identify development needs and that support will be given to each child as and when it is needed.

The Deputy Presiding Officer: We move to the open debate, with speeches of up to three minutes, please.

17:23

Stewart Maxwell (West Scotland) (SNP): I am proud of the Government's record on education. The recent report on Scotland's schools by the Organisation for Economic Co-operation and Development review group shows that there is plenty to be positive about. However, the report

also underlines a number of challenges, and we must be open about where we can do better. The First Minister has been clear in setting out the Government's twin priorities of closing the attainment gap and improving educational outcomes for all of Scotland's children. The Education (Scotland) Bill contains a range of measures that move us closer to achieving those goals.

The drive to tackle the attainment gap is at the heart of the debate, and the introduction of the national improvement framework has been the focus of much discussion. The proposed use of standardised assessments has certainly been one of the more contentious parts of the bill, but the Government has consulted widely on the matter, including over 5,000 teachers, parents, children, academics and other stakeholders in its discussions. The minister has worked hard to address concerns about the proposals, and I welcome assurances that teacher judgment will continue to take priority.

It is worth noting that the OECD expert group singled out the national improvement framework proposals for praise. Its report said:

"Scotland has the opportunity to lead the world in developing an innovative national assessment, evaluation and improvement framework that is consistent with what is known about promoting student, professional, school and system learning."

Part 2 of the bill covers the provision of Gaelic-medium education. I have been contacted about the issue by a number of Gaelic and non-Gaelic speakers. I was interested to read the letter from Bruce Robertson, the interim chief executive officer of Bòrd na Gàidhlig, praising the cross-party work of the Parliament on Gaelic education and urging all members to get behind the bill.

Mr Robertson has been clear that, in developing the statutory guidance on the presumption in favour of Gaelic-medium education, Bòrd na Gàidhlig will work to strike the right balance between prioritising the needs of learners and taking reasonable account of local circumstances. My view is that, whenever possible, people who wish to learn and teach through Gaelic-medium education should be given the opportunity to do so. Therefore, I welcome the provisions in the bill that strengthen support on that.

The amendments on school clothing grants that the Scottish Government introduced are also worth highlighting. The Child Poverty Action Group and others are to be applauded for bringing attention to the inconsistency in school clothing grants across the country. The provisions in the bill are designed to end the existing postcode lottery, thereby removing an important barrier to education and helping hard-pressed families. I would welcome further detail from the minister on

what the Government plans to do to guarantee a minimum school clothing grant for disadvantaged children.

I thank everyone who contributed to the work of the Education and Culture Committee during the passage of the bill. I have not been able to cover the whole bill in a speech of three minutes but, throughout the process, the input and help of those who contributed have been welcome. Their input has been invaluable in making a number of improvements to the draft legislation, and I look forward to the bill moving us another step closer towards ensuring a truly world-class education system for Scotland's children.

17:26

Cara Hilton (Dunfermline) (Lab): We can make no greater investment than ensuring that our children get the best start in life. We all want Scotland to have a world-class education system to be proud of and we all aspire to a Scotland in which every child has the opportunity to fulfil their true potential. We all know, too, that we will achieve a fairer, more progressive Scotland only if we ensure that life is fairer, better and more equal for every child.

It can never be right that a child's postcode has more influence on their achievements in life than talent, effort and hard work. Therefore, I am pleased that, across the chamber, there is real recognition of the need to put closing the attainment gap at the centre of all that we do. However, the bill is a missed opportunity to be much bolder about tackling the inequality that undermines the opportunities of too many children throughout Scotland.

Ambitious goals are all well and good, but they must be backed up by concrete policies to end the cycle of disadvantage. Such a policy is Scottish Labour's fair start fund, which would provide investment to support poorer children in every school and in every community. In my constituency, it would mean an extra £1 million a year on top of the Government's attainment challenge fund going direct to schools to support measures to tackle the gap.

Our aspirations must be backed up with clear targets, too, so that we can really measure progress and ensure that schools and education authorities are able to recognise success. That is highlighted in the excellent briefing for the debate from the Child Poverty Action Group.

I am disappointed that the Scottish Government opposes Scottish Labour's proposal to set a target of halving the attainment gap within a decade and that it opposed all our amendments to the bill. However, I am happy that the Education (Scotland) Bill starts to tackle the issue on the

school week that I raised during the stage 1 debate and in our debate on the amendments. Every parent or carer in Scotland should have the right to expect a minimum number of hours of learning per week for their child when they send them to school. I hope that that change and the Government's willingness to act will ensure that all children, wherever they live in Scotland, have an equal right to at least 25 hours teaching time a week during term.

Although parents across Scotland should no longer face cuts to the school week as councils are forced into desperate measures, the reality is that our goal of closing the gap will be threatened by the huge cuts to council budgets. In Fife Council, 45 per cent of the budget is spent on education. Local authorities throughout Scotland have said that the additional cuts that John Swinney has announced could have devastating consequences for local budgets for schools and nurseries. We cannot close the gap between the richest and the rest in our classrooms if we cut the budgets for our schools, nurseries and early years programmes.

I hope that the Scottish Government will think again, consider Labour's policies and act now to protect education budgets. Let us use the powers of our Scottish Parliament to ensure that our children do not pay the price of austerity.

17:29

Liam McArthur (Orkney Islands) (LD): Like others, I thank everyone who helped the committee in our gathering of evidence. It was more of a challenge than usual, partly because of the eclectic mix of issues that are contained in the bill, and partly because of the chaotic approach that the Government took to consultation, which appeared to be on-going as we considered the bill with regard to General Teaching Council for Scotland registration in independent schools, the statutory requirement for a chief education officer and a range of other issues in relation to which it was clear that prior consultation had not taken place.

The most egregious of those issues, as Mary Scanlon identified, concerned the mandatory minimum number of teaching hours. No evidence was provided for that proposal. It came out of left field at the 11th hour. Earlier, I heard the cabinet secretary tell us about the problems that had been building up, but she was before the committee in November and at that stage she gave no hint that the issue was even at the back of her mind. Whatever the merits of the proposal—we are prepared to have a debate about that—the lack of evidence for it and the problems that Mary Scanlon noted would be caused by such a provision in certain parts of the country suggest

that this is no way to run a railway. In a Parliament with no revising chamber, it is important that committees get early sight of Government proposals.

I want to touch on a couple of key aspects of the bill. I warmly welcome the extension of rights in relation to provisions around additional support for learning and I thank the minister for his engagement on those issues. I realise that we have reached an honest disagreement in terms of our approach to the issue. It is regrettable that we have not been able to adopt the Age of Legal Capacity (Scotland) Act 1991 and the presumption of capacity at the age of 12, which is embedded in practice and, over two decades, has been demonstrated to work. Nevertheless, I welcome the provisions in the bill and hope that we can find a way of making them work effectively in practice.

I agree with the Government that we must attach a priority to tackling inequality. Time will tell whether the requirements in the bill lead simply to further reporting of activity rather than more effective activity on the ground, including partnership working. It is regrettable that the attainment fund is targeted using an area basis rather than being focused on the needs of individual pupils. I cannot see how that squares with the commitment to close the attainment gap completely. I think that a pupil premium that is targeted on the needs of individual children, wherever they live, is a far more effective approach.

The obsession with national primary school testing will come to be regretted. As the emeritus professor of education at the University of Strathclyde said, it is difficult to see national standardised testing as anything other than "a retrograde step", out of sync with the vision of curriculum for excellence.

There are elements of the bill that are worthy. I am still reeling from the rare experience of having a successful amendment, although I think that some of the Scottish Government claims about the impact might be slightly hyperbolic. In the context of the £500 million-worth of cuts to council budgets, the impact that the move will have on education and wider children's services is yet to be seen.

We will continue to oppose the proposals for national primary school testing, but I confirm that the Liberal Democrats will support the bill at decision time.

17:33

George Adam (Paisley) (SNP): I, too, welcome the passage of the bill and support what it wants to achieve. As I have said, the Scottish Government is to be commended for putting educational

attainment at the top of the political agenda. The bill sends a strong message nationally and locally and allows us to voice our concerns about inequality.

The fact that the bill places a statutory duty on local authorities to close the attainment gap keeps us focused on the prize. The bill also ensures that local authorities will have a chief education officer, similar to the situation in social work departments. I used to be a council member and can see how local authorities are merging departments to the point where children's services and social work are in the same department. That is all well and good, but it is good to have a chief education officer who can make the arguments at management level in the local authority. That keeps the focus on education.

The £100 million attainment fund is quite rightly targeted on primary schools that serve our most deprived communities. The point of the attainment fund is to improve attainment overall. To do that, we must be open to innovation and new practice, and local authorities must work together—now, there's an idea—and share best practice. That addresses some of the issues that Opposition members raised.

Education authorities need to have a long, hard look at themselves with regard to how they conduct their business and share best practice. During some of the evidence sessions, I asked COSLA and local authority representatives what they thought of various ideas for delivering education and gave them a couple of my own, but they had never looked at anything other than what they themselves were doing. They have to look at themselves and ensure that they are up for the challenge, because we live in extremely challenging times.

The provisions on the national improvement framework are obviously an important part of the bill. They will ensure that we have the opportunity to direct the right resource to the right place and the right child at the right time. Education Scotland said that the attainment advisers in all 32 local authorities should have the power to ensure that that happens.

I believe that the bill sends us in the right direction as we deal with the many challenges in closing the educational attainment gap, and that if we continue the debate and move forward we can ensure that we make that difference.

17:35

John Pentland (Motherwell and Wishaw) (Lab): Some aspects of the legislation are okay as far as they go; with some, it is for the best that they do not go further; and with others, it is a pity that the legislation lacks ambition. The most

important point, however, is that successful legislation is more than just a bill. Without better management and funding, whatever the legislation is supposed to achieve for Scottish education is likely to be overwhelmed by the devastation that is being wrought by the Cabinet Secretary for Finance, Constitution and Economy's attack on the local authorities that deliver education.

It may suit SNP members to pass the buck, as they often do, but it is wrong to blame councils when the SNP Government expects them to operate with two hands tied behind their backs—underfunded on the one hand, and hamstrung by undeliverable commitments on the other. That is why Labour sought a review of progress on the aims of the bill—specifically, a look at whether extra resources will be required—and it is deeply disappointing that the SNP did not support that.

Although league tables for schools do not accurately reflect their relative merits and can have undesirable consequences, the same is not true for international comparisons. If we are to collect data, it should be in a form that enables us to benchmark the performance of our education system as a whole against other countries' systems.

On the Government's performance in education, if the Government is confident of its ability to tackle the attainment gap, why is it reluctant to set a target of halving the gap? Reducing the attainment gap should mean ensuring that no one is left behind or underperforms because they are disadvantaged. That means extra help for disadvantaged groups, such as looked-after children. It is disappointing that Labour's proposals were not taken on board.

The Government's unwillingness to listen is a barrier to progress, as is shown by its reluctance to accept and address concerns from outside the chamber. I note in particular the briefing from several bodies, including the Children and Young People's Commissioner Scotland and the Equality and Human Rights Commission, which argued that, although it extends rights for 12 to 15-year-olds, the bill would also create barriers to the exercise of those rights. We heard from Liam McArthur about the difficulties that that would cause, and it is a pity that his amendments fell.

I will support the bill, but I have misgivings about its content and about the SNP's commitment and ability to deliver better education, so my vote will not be a ringing endorsement.

17:38

Alison Johnstone (Lothian) (Green): The Scottish Green Party welcomes the introduction of a duty on ministers to reduce inequalities of outcome, although we would have preferred a

focus on increasing teacher numbers and reducing class sizes. We are, however, concerned about the potential outcomes of the duty on local authorities to follow the national improvement framework when it comes to the assessment of children's progress.

The cabinet secretary clearly understands that we need a broad approach to reducing the attainment gap—one that requires work within, between and beyond schools—but we already have a wealth of data at local authority level and we are more than capable of working together to meet any data needs. Although we welcome the cabinet secretary's efforts to provide assurance on the potential risks of reintroducing standardised testing, we remain concerned that, in practice, it will be difficult to prevent test data from coming out in a way that allows league tables to be constructed. We will support the general principles of the bill, but we believe that testing should remain an internal tool for use by professionals. Although teachers will, quite properly, decide when tests are carried out, the risk of the reappearance of national league tables remains.

I ask the cabinet secretary to describe what the Government will do with the new evidence that it has not been able to do so far or is unable to do at present.

The Deputy Presiding Officer: We now move to closing speeches. Liz Smith has up to four minutes.

17:40

Liz Smith (Mid Scotland and Fife) (Con): You keep changing the amount of time, Presiding Officer.

Mark Griffin made a very interesting point when he opened for the Labour Party. When we look at a bill, we have to ask what it is for, what it is trying to do and what problems it is trying to address. The Education (Scotland) Bill, which we will support at decision time, is a little mixed in terms of success.

There have been several problems with the bill. Some relate to language and a lack of clarity in the drafting in various sections and in some parts of the policy memorandum, where different terminology has been used in different places, although the intention has been that the meaning should be the same..

It is also absolutely clear that there has been a lack of consultation on several key aspects of the bill, which has taken away from some of the very good intentions that span it.

I will deal a little bit with testing. As I said when we looked at the amendments earlier, we are very firm in our commitment to the process of testing,

because we think that there has to be consistency and an ensured standard that is understandable and acceptable to parents and teachers and which allows us to draw down the important data that we need to measure a particular child's progress.

The bill is not about having more testing. I think that some of our recent debate has clouded the actual intentions with regard to testing, and I believe firmly that the intention is to have a mixture of diagnostic testing and some of the normative, formative testing that already happens in schools. At the moment, we do not have the consistency that we need to address whether our educational standards are improving. As Mark Griffin said, that is a very important aspect of raising attainment across the board and trying to narrow the attainment gap. Nobody is in any doubt about that, but the terminology that describes how we go about achieving that in some parts of the bill is difficult.

There is no doubt that there are great pressures on local authorities. My colleague Mary Scanlon spoke about the Gaelic community. The bill does some great things, but at the end of the day it is very difficult for some local authorities to hire Gaelic teachers, who are absolutely essential if we are to provide Gaelic-medium education.

We have spoken quite a lot about additional support needs. That is a crucial issue, too, but it is wound up in complexity—sometimes, it is a legal complexity—and that has made the bill difficult.

The intentions behind the bill are very good. It is a pity that it is a mixed bill: it tries to do an awful lot of catch-up in areas where post-legislative scrutiny has perhaps not been particularly good, and we have used it as a catch-all for some very important issues.

There are lots of good intentions behind the bill, which is why we support it, but there are some key lessons for the Scottish Government on how it should approach the bill. Two of the most important are that it should ensure, first, that the stakeholders—those who will deliver—are properly and fully consulted, and, secondly, that we have great clarity of language about what we are trying to do.

17:44

Iain Gray (East Lothian) (Lab): Let me start by congratulating the cabinet secretary on getting the Education (Scotland) Bill to this stage and on its imminent approval—I believe—by the Parliament this evening. That is an achievement for any minister, and we will be supporting her in the vote tonight. That is because there are a good number of things in the bill that we certainly support, some of which have not had much of a mention.

We support the creation of a chief education officer; the headteacher qualification, which the cabinet secretary spoke about today and which is an important step forward in improving the professional standards of our teaching profession; and GTCS registration for all teachers in the independent sector as well as the state sector. We also support the measures on Gaelic-medium education, which happily were strengthened at stage 2, and the learning hours duty, which—as Liam McArthur pointed out—we did, in a form, bring in at stage 2.

I could not help but be a little amused when the cabinet secretary said that she had been made aware of the learning hours issue recently when she was in the Highlands. I have been aware of it since around 2010, when her colleague Derek Mackay was running Renfrewshire Council and tried to make exactly the sort of change that would have been outlawed under the provisions as they were originally drafted. Ever since then, I have felt that we should introduce such a duty. It may be new to the bill, but the concept itself is not new.

If I am being honest, the bill would, if it had stayed as it was, have been worthy but hardly earth-shattering. It became a much more important piece of legislation when it became primarily about closing the attainment gap with the introduction of the national performance improvement framework. We have already debated today the process by which that happened and some of the curious elements of it. At first the framework was not there, and then it was there in name but we did not know what it actually was.

It is worrying that it is still unclear—I think that Liz Smith used the word “cloudy”—as to what the framework will do, particularly in terms of testing. I have said that we accept the assurances that the cabinet secretary and the First Minister have given about national testing. I hope that the cabinet secretary understands that we, and teachers and parents, are taking a lot on trust in this area. I hope that I am right to do that, and that Liam McArthur is proved to be wrong and the Government does not reintroduce high-stakes testing.

The bill could have been much stronger. It is the type of legislation that is often criticised; I do not have the exact quote from Keir Bloomer—I think that Mr McArthur used it earlier in the debate—about

“pious thinking masquerading as legislation”,

but there are bad examples of that. The accusation could be made about our legislation on climate change and patients’ rights, for instance, that we are legislating for something that is terribly

worthy but we do not really know how we are going to deliver it.

We have pressed the Government to show some confidence in its own legislation and the purpose behind it. That is why we wanted to ensure Scotland’s re-entry in the TIMSS and PIRLS global comparisons. If we believe that we are working towards a world-class education system, we should not be afraid to judge it against the rest of the world. That is why we wanted to set a modest target for the attainment gap in a decade, which the cabinet secretary resisted again today. I do not understand why. I am sure that I heard the First Minister talk about closing the attainment gap in a decade, and the target that we wanted to set was extremely modest by her standards. The danger is that people might conclude that she is not serious about what the bill sets out to do.

The greatest criticism of that type of legislation is that it legislates for an end but fails to will the means to achieve that end. That is why we have tried, at stage 2 and again today, to strengthen the bill by building in assurances that the means will be forthcoming. The Scottish Government sets obligations on others in the bill but dodges some of those obligations itself.

The cabinet secretary claimed a strong track record in investing in our children’s futures, but we know that that is not really true. The attainment fund is worth only £25 million in a budget of £4.5 billion, and 1,500 schools for children from poorer families get no help. The claim is not true in general either. The cabinet secretary cannot claim a track record of investing in children’s futures if she has cut 4,500 teachers and is cutting half a billion pounds from local authorities.

We support the bill and its purpose, but it could be so much stronger if it came with the commitments to make everything actually happen. We will pass the bill tonight, but tomorrow, when the budget comes to the chamber, we can show that we actually have the will to make it happen.

17:49

Angela Constance: I have been a minister for five years and, as chance would have it, this is my first piece of legislation. I am quite sure that, when I get home tonight, my eight-year-old will be somewhat disappointed that the bill does not include provisions that ban singing practice, dancing with girls or homework.

Over the weeks and the months, we have all had a wide-ranging debate on many matters that have a direct impact on Scottish education. We have discussed at length the importance of leadership at all levels. I commend the bill for its introduction of the qualification for headship. The

chief education officers' posts are important, but we must have quality leadership at all levels and registered teachers in all our schools.

The bill has a number of practical measures to improve access to education. I assure Ms Hilton that, as a Government, we will continue to work with the Child Poverty Action Group. The bill certainly responds to many of the issues that it has raised with us. We will also continue to seek improvements where we can.

I am proud that we will introduce regulations to ensure a consistency of school clothing grants, that we are extending the free school meal entitlement to children in early years settings with private providers, and that we are ensuring a national entitlement of a school week in primary school based on 25 hours a week, reflecting the curriculum for excellence.

Curriculum for excellence was built on the basis of a primary school week of 25 hours. Where there are well-made exceptions that are in the interests of children, they will, of course, be reflected in the regulations and how we go forth.

I take on board some of the criticisms in and around the lack of consultation. I am sure that members will understand and accept that, sometimes, a decision has to be made. On balance, I would rather be criticised for the action that I have taken rather than the action that I have not taken.

At the heart of the bill is the national improvement framework. It is the next stage of curriculum for excellence. In its recent report, the OECD was very supportive of our approach, and it has laid down the challenge to us that we have the opportunity to be world leaders in developing an integrated assessment and evaluation framework.

We have debated standardised assessment at length. There is an opportunity here, given that 30 out of 32 local authorities do some form of standardised assessment. It is important to recognise—I say this directly to Mr McArthur and to Alison Johnstone—that we have been clear, given the length of consultation and our reflection with parents, teachers, representative bodies and educational experts, that we have absolutely no desire to introduce an assessment window. The Government is not proposing or introducing an assessment window in any shape or form. The decisions about when to assess children should be taken by teachers. Our Scottish standardised assessment will bolster professional teacher judgment and in no way replace it.

To pick up on Iain Gray's point, we will publish for the first time the proportion of children reaching curriculum for excellence levels. That information will, of course, be informed by the Scottish

standardised assessment tool, as well as the other tools that teachers use daily.

In essence, we must ensure that we have the right information at the right time for each and every child, so that our system can act to improve the outcomes and achievements of our children. We will of course have to measure progress; this Government is not shying away from that. We have to step up to the challenge that the OECD set us by ensuring that we develop the right measurements that reflect the breadth of the curriculum and how we are trying to equip our children for an ever-changing world.

The First Minister has made it clear that within a decade we want to be within touching distance of closing the attainment gap. Nothing else is good enough.

The Presiding Officer (Tricia Marwick): You need to close, cabinet secretary.

Angela Constance: There is often a debate about outcomes in education. It is important that we talk about outcomes and how they vary depending on a child's background or where they live. According to Audit Scotland, that is not always about the money that we spend, but it is important to recognise that councils plan a 3.3 per cent increase in cash terms in 2015-16. It is important to recognise that revenue spending on schools and revenue spending per pupil have increased under this SNP Government.

We heard a lot about Labour's plans today and no doubt we will hear more tomorrow. However, as the Labour leader conceded on the radio this morning, there is no guarantee that the extra revenue that Labour proposes to raise will be spent on education. So here we are: another blunt instrument from Labour—

The Presiding Officer: You need to close, cabinet secretary.

Angela Constance: By and large, over the weeks and months we have had a constructive debate about the Education (Scotland) Bill, which is very much a new stage of our journey to ensure that every child has every chance to succeed. I commend the bill to the Parliament.

“Code of Conduct for Members of the Scottish Parliament” (Revisions)

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motions S4M-15512 and S4M-15513, in the name of Stewart Stevenson, on code of conduct revisions and a written statement determination. I call Stewart Stevenson to speak to and move the motions on behalf of the Standards, Procedures and Public Appointments Committee.

17:57

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): With the Interests of Members of the Scottish Parliament (Amendment) Act 2016 becoming law, we need to amend the “Code of Conduct for Members of the Scottish Parliament” and the written statement forms that set out the information that members are required to provide when registering interests. The Standards, Procedures and Public Appointments Committee’s report “Code of Conduct Revisions” describes the required changes. We also propose changes to the rules for cross-party groups.

Our 2016 act moves interests that are currently registrable with the Electoral Commission into the Parliament’s regime. The benefits are that MSPs’ financial interests will be in one place, on the Parliament’s website; that MSPs will have to provide information only once; that Parliament officials will be able to advise members on all their interests; and that the complaints process will be all in the hands of one body—the Commissioner for Ethical Standards in Public Life in Scotland.

The Electoral Commission, which will rely on our collecting the data that it needs, is satisfied with the changes that I am asking the Parliament to approve today.

Members new and old can rely on sage advice from our clerks on registration matters. We must talk to them, listen to them and protect our individual and collective reputations.

The 2016 act enhances the sanctions that are available after breaches of the rules, broadens the existing paid advocacy offence and adjusts the threshold for registering certain gifts. All the changes are set out in the revised code of conduct.

On cross-party groups, the committee previously reviewed our rules and the groups’ operation and found that too few groups fully complied with the form and intention of our rules. Therefore, twice a year we now consider a report on groups’ activities and their compliance with the code. With some prompting from standards clerks,

groups are operating to standard. When necessary, we have indicated that we can deregister a group.

In that context, we have considered whether the rules are working effectively and whether further change is needed. In part, that was driven by our consideration of recent complaints against groups. The revised code of conduct will provide clarity for the committee and the public on the status of attendees at meetings and certainty for groups on the purpose and timings of their annual general meetings.

We consider that automatic reregistration of a group in a new parliamentary session should not continue. Prior to our agreeing to registration, we now routinely assess whether a group’s proposed remit overlaps with those of others. The start of a session is a good time to test in that way all previous groups that want reregistration. We need a proper balance between the number of groups that we would wish to cover a wide area of interest and the number of MSPs who are available to be members of them.

Finally, we propose changes to the rules that relate to groups that are accorded recognition late in a parliamentary session. Groups should not be able to receive recognition if there is not enough time left in a session for them to demonstrate that they can comply with the requirements of the code. We therefore propose that new groups will not be permitted to be established after March in the year that precedes an election, except in exceptional circumstances.

I move,

That the Parliament agrees to amend the Code of Conduct for Members of the Scottish Parliament by making the alterations set out in Annexes A and B of the Standards, Procedures and Public Appointments Committee’s 2nd Report 2016 (Session 4), Code of Conduct Revisions, and by inserting the written statement forms contained in Annex A of that report at Annex 3 of Volume 4 of the Code of Conduct, with effect from the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

That the Parliament, in exercise of the powers conferred by sections 4(1) and 4(2) of the Interests of Members of the Scottish Parliament Act 2006 (asp 12)—

makes the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016 as set out in the Annex to this resolution;

revokes the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2010; and

provides that these changes shall have effect from the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

ANNEXE

The Interests of Members of the Scottish Parliament

Act 2006 (Form and Content of Written Statement) Determination 2016

The Scottish Parliament, in exercise of the powers conferred by sections 4(1), 4(2) and 8A(6) of the Interests of Members of the Scottish Parliament Act 2006, on the 2nd day of February 2016 made the following Determination. This replaces the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2010:

Citation and commencement

1. This Determination may be cited as the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016 and shall have effect from 25 March 2016.

Interpretation

2. In this Determination—

“the Act” means the Interests of Members of the Scottish Parliament Act 2006 (asp 12);

“the Code of Conduct” means the Code of Conduct for Members of the Scottish Parliament, as amended by the Parliament by resolution on 2 February 2016;

“written statement” means the written statement which members are required to lodge under sections 3(3), 5(2) or 6(2) of the Act or may lodge under section 7 of the Act and the written notice which members are required to lodge under section 8A(5) of the Act.

Form of written statement

3. A written statement shall be in the form set out in Annexe 3 of Volume 4 of the Code of Conduct.

Content of written statement

4. A written statement shall contain the information required in the form set out in Annexe 3 of Volume 4 of the Code of Conduct and for the purposes of registration includes only those parts of the statement completed by a member.

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

Chair of the Scottish Human Rights Commission

The Presiding Officer (Tricia Marwick): The next item of business is consideration of motion S4M-15504, in the name of Drew Smith, on the appointment of the chair of the Scottish Human Rights Commission.

18:01

Drew Smith (Glasgow) (Lab): I speak on behalf of the cross-party selection panel, which was established under our standing orders, to invite members to nominate Judith Robertson to Her Majesty the Queen for appointment as the chair of the Scottish Human Rights Commission. The *Official Report* should record that the selection panel was chaired by the Presiding Officer and that the other members who were appointed to the panel were Christine Grahame, John Lamont, Kenny MacAskill, Alison McInnes, Fiona McLeod and Elaine Murray.

Members will be aware that Parliament is not subject to the “Code of Practice for Ministerial Appointments to Public Bodies in Scotland”, but it follows the guidelines to ensure that best practice is observed and that the process is open and fair. On behalf of the panel, I thank the independent assessor, Louise Rose, who has provided Parliament with a validation certificate that confirms that the process complied with good practice and that the nomination is made on merit after a fair, open and transparent process.

I turn to our nominee. Members will wish to welcome Judith Robertson to the gallery. She was the panel’s unanimous choice from a strong field of candidates who were invited to interview. She currently works for the Scottish Association for Mental Health as see me programme director. Prior to joining SAMH, she was head of Oxfam Scotland.

The panel believes that Ms Robertson will bring to the post enthusiasm, integrity and a determination to promote widespread awareness and understanding of and respect for human rights across all communities in Scotland. I am sure that Parliament will want to wish her every success in her new role. [*Applause.*]

I think that Parliament will also wish to record its thanks to the inaugural chair of the commission, Professor Alan Miller, and to wish him well for the future. [*Applause.*]

I move,

That the Parliament nominates Ms Judith Robertson to Her Majesty The Queen for appointment as the Chair of the Scottish Commission for Human Rights.

The Presiding Officer: The question on the motion will be put at decision time.

Decision Time

18:03

The Presiding Officer (Tricia Marwick): There are four questions to be put as a result of today's business. The first question is, that motion S4M-15521, in the name of Angela Constance, on the Education (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees that the Education (Scotland) Bill be passed.

The Presiding Officer: The next question is, that motion S4M-15512, in the name of Stewart Stevenson, on code of conduct revisions, be agreed to.

Motion agreed to,

That the Parliament agrees to amend the Code of Conduct for Members of the Scottish Parliament by making the alterations set out in Annexes A and B of the Standards, Procedures and Public Appointments Committee's 2nd Report 2016 (Session 4), Code of Conduct Revisions, and by inserting the written statement forms contained in Annex A of that report at Annex 3 of Volume 4 of the Code of Conduct, with effect from the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

The Presiding Officer: The next question is, that motion S4M-15513, in the name of Stewart Stevenson, on a written statement determination, be agreed to.

Motion agreed to,

That the Parliament, in exercise of the powers conferred by sections 4(1) and 4(2) of the Interests of Members of the Scottish Parliament Act 2006 (asp 12)—

makes the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016 as set out in the Annex to this resolution;

revokes the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2010; and

provides that these changes shall have effect from the date after the date of the first dissolution of the Parliament following the date on which this resolution is passed.

ANNEXE

The Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016

The Scottish Parliament, in exercise of the powers conferred by sections 4(1), 4(2) and 8A(6) of the Interests of Members of the Scottish Parliament Act 2006, on the 2nd day of February 2016 made the following Determination. This replaces the Interests of Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2010:

Citation and commencement

1. This Determination may be cited as the Interests of

Members of the Scottish Parliament Act 2006 (Form and Content of Written Statement) Determination 2016 and shall have effect from 25 March 2016.

Interpretation

2. In this Determination—

“the Act” means the Interests of Members of the Scottish Parliament Act 2006 (asp 12);

“the Code of Conduct” means the Code of Conduct for Members of the Scottish Parliament, as amended by the Parliament by resolution on 2 February 2016;

“written statement” means the written statement which members are required to lodge under sections 3(3), 5(2) or 6(2) of the Act or may lodge under section 7 of the Act and the written notice which members are required to lodge under section 8A(5) of the Act.

Form of written statement

3. A written statement shall be in the form set out in Annexe 3 of Volume 4 of the Code of Conduct.

Content of written statement

4. A written statement shall contain the information required in the form set out in Annexe 3 of Volume 4 of the Code of Conduct and for the purposes of registration includes only those parts of the statement completed by a member.

The Presiding Officer: The next question is, that motion S4M-15504, in the name of Drew Smith, on the appointment of the chair of the Scottish Human Rights Commission, be agreed to.

Motion agreed to,

That the Parliament nominates Ms Judith Robertson to Her Majesty The Queen for appointment as the Chair of the Scottish Commission for Human Rights.

Litter

The Deputy Presiding Officer (Elaine Smith):

The final item of business is a members' business debate on motion S4M-14991, in the name of Cameron Buchanan, on keeping litter off the streets. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes with concern the amount of litter on Scotland's streets and waterways, including around the Lothian region; notes the view that the lasting way to tackle littering is through changes in attitude, including through wide-ranging programmes to inform members of the public; believes that, although showing a willingness to challenge a person littering in public is helpful, ultimate responsibility lies with the litterers themselves; considers that the work that local authorities do to clean up litter is an unwelcome burden, and applauds the work of charities and community campaigners, such as Leithers Don't Litter, which resolve to set an example and keep Scotland's streets tidy.

18:06

Cameron Buchanan (Lothian) (Con): Scotland is dirty: there is no way around that. The amount of litter bears that fact out, in spite of well-meaning local initiatives such as Leithers don't litter and many others across Scotland. Such initiatives can make a difference in local areas and are setting the exact example that we need to see replicated on a national scale.

Unfortunately, the problem of litter is more prevalent in Scotland than it is in almost any developing country. Gerry and Zsuzsa Farrell of Leithers don't litter—among others—are running a determined campaign that is spreading the message about the problem and what we can all do to help. As they have highlighted, problems include general rubbish, dog fouling, overflowing bins, fly-tipping and takeaway cartons.

On tackling the problem, they are right to highlight the difference that comes from adopting a street and using a simple litter-picker. If locals make that effort for their communities and such initiatives spread across Scotland, we will see the lasting difference that we need. However, local authorities also have a large role to play. As well as clearing up reported messes, they must do their utmost to clear litter before it has to be reported and to improve standards of bin collection.

Addressing the problem is not just the duty of councils. The key thing is education. We have to educate people not to leave litter, and that education has to start in nurseries from the age of three or four. I heard recently that there are litter classes for primary school children in Germany and that all those children grow up with due regard to the problem of litter. The fines in Scotland seem

to make no difference at all, even though they have recently been increased.

When we see people dropping litter, we might ask them to pick it up and say that they should not drop litter, but the problem is that some of them will just give the happy motoring sign or tell us to go and see a taxidermist. The public are therefore not willing to confront litter louts or litter droppers. Somebody phoned me the other day to say that he had seen bottles being thrown out of a car window, which is totally unacceptable. I suppose that all that people can do about that is honk their horn loudly to show disapproval, but that can lead to aggressive road rage.

Another problem is that, when grass verges are mown and cleared on country lanes, nobody stops to pick up the litter that has been left, so it blows all over the place. During the summer—this is what started me on this debate—I telephoned Edinburgh airport to say that there was an awful lot of litter on the approach road to the airport, which had been left after the grass was cut. I was told that it was the responsibility not of the airport but of the City of Edinburgh Council. I then phoned the council, which said that it was not the council's responsibility but the airport's. I do not know what happened, but the litter was cleared up quickly.

The solution is that the people who are employed to mow the lawns and tend to the verges could pick up the litter while they are at it. Surely it does not take much initiative for people to have a bag strapped around their waist for collecting what has been left, as is done in other countries.

Another problem is the collection of rubbish bags in the street. With the City of Edinburgh Council cutting back on collections, it is even more important that bins and boxes are gull proof and weather proof and are put out on the correct day. I do not think that we need litter wardens—however much we might want them—because the council would not be able to fund them. There is no way of controlling them anyway. If other countries do not have them, why do we need them? Why is it necessary in Scotland?

The problem of litter is becoming a scourge. We should tackle it head on, so what do we do about it? We have had debates on the issue before in the Parliament—I have looked them up. They just went on and on. As I said, I think that this is all about education. We have to educate people not to drop litter but to put it in their pockets until they get to a bin. It is rather like dealing with the problem of dog fouling.

It cannot be a coincidence that places such as Switzerland and Austria—and even, to a lesser extent, northern Italy—have a lot less of a litter problem than we do. It gives Scotland a bad

name. All the tourist brochures extol the virtues of the Scottish countryside, but it takes just a few pieces of litter lying around to destroy that image.

I do not think that straight penalties are the answer, as they have to be enforced, and that seems also to be a problem. Penalties have to be enforceable. We need to shame people into not dropping litter and we need to encourage children from a young age not to drop any litter at all. Perhaps we could have more dedicated days in schools that encourage children to pick up litter. An initiative such as that might work.

We must remember that educational initiatives have to extend beyond schools into adult life. Promoting awareness of the scourge of litter and what we can do about it has to reach parents, dog walkers, takeaway owners and adults across Scotland. The many worthwhile local initiatives are excellent for raising awareness locally, but we have to make sure that their example is spread nationally through education.

Accordingly, I hope that the debate will play a small part in the collective effort that is needed to spread the benefits from local initiatives such as Leithers don't litter around the country and to keep litter off our streets.

18:10

Chic Brodie (South Scotland) (SNP): I thank Cameron Buchanan for bringing this important debate to the chamber. I brought a similar debate to the chamber some three years ago.

Litter costs Scotland over £53 million each year. That is money that could be better spent on other services. Litter is a scourge and a blight, it decries any sense of proper national behaviour with regard to rubbish and it affects public health, the environment and landscaping.

Scotland produced its first national litter strategy in June 2014. It is not working. The strategy identified ways to encourage people to take personal responsibility through communication, infrastructure and enforcement. However, they do not, and in my view local authorities certainly do not. For example, at the time of my debate, I proposed that we apply a 10p levy on chewing gum to avoid the chicken pox that destroys our pavements and our streets.

It is a matter of personal responsibility. In the end, we will pay for litter either as taxpayers or as customers of goods and services. There is now an £80 penalty if people are caught littering, which can discourage future offending. However, the mess that lies in the streets today but that could be recycled amounts to something like £1.2 million, which would generate income for the relevant authorities. We can influence behaviour

when we work together; I commend Glasgow City Council for its “time or fine” initiative, whereby people who cannot afford to pay the fine spend time picking up the litter that has been created.

When we look at our attitude to recycling now compared to our attitude 10 to 15 years ago, we see that there has been a societal change. There is still lots to do, but awareness is much greater. We need to ensure that we promote social change in relation to littering and fly-tipping to the same degree, and we can do that in a number of ways. We could make better use of materials that may end up as litter or being fly-tipped, and the whole packaging industry needs to consider biodegradability in packaging much more than it does now.

Ensuring that our communities are cleaner and safer is essential where we live and do business. Ultimately, that will lead to a reduction in the damaging consequences of litter and fly-tipping to our wellbeing and to our environment. Information is key in delivering our goals. We need to explain to people what the right thing to do with waste is. As Cameron Buchanan said, that starts in schools: we need to educate.

Along with education, there is also now a need to ensure that we have proper infrastructure. We must work with business and designers to ensure that their products can be recycled in the first place, and we need to ensure that there are incentives and support in place to support activity that delivers litter-free environments.

Meaningful enforcement needs to sit alongside that, though; we need effective laws and procedures that deter littering in the first place. To deliver the strategy, we need to involve businesses, the resource management industry, the Scottish Government, local authorities and the third sector, including environmental charities and local community groups. Local authorities and business improvement districts are encouraged to apply for funding and, where that has been implemented, it has resulted in an average drop in littering of 38 per cent. I encourage our local authorities to do much more specifically to create social enterprises or community enterprises to take over management of cleaning up litter.

If Scotland is to be attractive to tourists and if we are to ensure that Scotland is the beautiful country that we know it to be, Government, local authorities, businesses and schools must work together to push for the change in culture and behaviour that is very much needed.

18:15

Alex Rowley (Cowdenbeath) (Lab): I also thank and congratulate Cameron Buchanan for securing a member’s debate today on what is a

very important issue for people’s everyday lives. The impact of living in a housing estate that is continually littered up or strewn with the results of dog fouling because people are not cleaning up at the back of their dogs cannot be stressed enough.

I always assume that the majority of people are responsible and caring, would not litter up their streets or public parks, would not walk away from litter and would clean up at the back of their dogs. It is a minority who tend to cause the major problem—but a problem it is.

A housing estate’s being full of litter impacts on the environment in which people live and can impact on the health and wellbeing of residents. That is how important the subject is. It is disappointing therefore that the national strategy does not seem to be working. Perhaps we need to ask what we can do about that. The minister might pick up that point.

As a former council leader, when a council is faced with making cuts in budgets and there is a choice between the grass verges that Cameron Buchanan mentioned being cut four times per year—or once a year—or cutting school budgets, the grass verges will come first for budget cuts every time. As we have seen in the summer when verges are cut perhaps once, the grass then gets very long, and people have a tendency to throw rubbish in it. When the grass is eventually cut, the mess is a nightmare.

We have seen a reduction in the number of wardens. Again, if the choice is whether to cut wardens or to cut education for the children, the wardens will be chosen. It is important that the local authorities recognise the importance of litter, but if their budgets are under pressure, that service will often be what goes first.

I held street surgeries over the summer and dog fouling came up as an issue in many parts of the constituency. My experience in Fife has been that, where the council has been proactive with signs and phone numbers and is clearly willing to act and to fine people who will not clean up at the back of their dogs, something is done about it and improvements take place. Enforcement is important and we need to recognise that if we are to tackle the problem.

As both Chic Brodie and Cameron Buchanan said, education is also very important. The example that I cite is that recycling rates in Fife—the highest in Scotland—are partly the result of promoting recycling through eco-schools. The education of children has meant that they have constantly pushed their parents, grandparents and the community to recycle, which has had a big impact on the recycling achievements that we are very proud of in Fife. Education is important. I visited last year a school from which pupils had

been across in Germany. I asked them how they had got on. They stressed that one of the first things that their guide said to them when they got off the bus in Germany was, "Whatever you do, don't drop any litter, because it's simply not tolerated in this country." Perhaps we need to make the point that it is simply not tolerated in any community here.

I am out of time, Presiding Officer, but I congratulate Cameron Buchanan again for bringing the debate to the chamber. Let us hope that it does not stop today, but that we find out what is working, and what is not. It is a very serious issue for people and communities across Scotland.

18:20

Kenneth Gibson (Cunninghame North) (SNP): I, too, thank Cameron Buchanan for lodging his motion and congratulate him on securing time for this debate on an issue that I think we all agree is important.

Scotland is a country that is world renowned for its beauty—not only in our vast rural landscapes, but in our towns and parts of our cities. However, such places are all too often tainted by an abundance of litter on the streets and waterways of our towns and our countryside.

As someone who has never dropped so much as a sweetie paper in my life, I find it shocking, incomprehensible and, quite frankly, distressing that the issue is still such a problem in 2016. Some 250 million pieces of litter are picked up every single year. That figure is so high that it is hard to fully contemplate the number of people who must be discarding litter. Littering must be tackled and reduced.

Sadly, not everyone is aware of the impact that rubbish has not only on the environment and Scotland's wildlife but on people's health and wellbeing. Short-term ways of dealing with litter might work for a while, but the only lasting way to stop the problem is by going straight to the source. Public attitudes to littering must change.

There is no way round the fact that the responsibility for littering must always come back to the culprits. The very definition of littering must be challenged, for while most people appear to be absolutely against ever deliberately littering, they view accidental littering—perhaps if there is only a little bit, or if there is a lack of bins—as a different matter. Such attitudes must be challenged.

People are generally embarrassed about admitting to littering, so it could be helpful to challenge any littering that is witnessed. However, as Cameron Buchanan pointed out, that could be

met with aggression, so people must always be cautious.

There have been moves in the right direction. The introduction of a charging scheme for single use carrier bags in 2014 was a huge step forward towards cleaner and healthier streets in Scotland. The figures from the first year following the introduction of the charge showed that the number of plastic bags that were given out in shops fell by a massive 80 per cent, which is equivalent to 650 million bags. Not only that, but the scheme has saved more than 4,000 tonnes of material when we take account of factors such as the increased use of bags for life. In addition, as we all know, significant amounts of money have been generated for charity.

Such schemes help to change people's attitudes to the environment and what they do with resources. That allows at least some pressure to be taken from local authorities, which lie under the heavy burden of cleaning up litter. Some 15,000 tonnes of litter are cleared by local authorities every single year, and that work is costly. Included is about 4,000 tonnes of tobacco-related litter, such as packaging and cigarette butts. That is another reason to give up smoking.

It is extremely important, then, to applaud the work of the charities and volunteer groups that dedicate their efforts to helping to keep Scotland's streets clean. The work that these communities do is invaluable, and as well as setting an example to others on how to keep their streets clean, they can encourage others to follow in their footsteps.

In my constituency, I have carried out a Cumbrae beach clean once a year for nine consecutive years, involving the local community. Wearing high-visibility vests with "Volunteer" and "Keep Scotland Beautiful" on them helps to make people think. Kilbirnie community council carries out six such days a year, and others take place across my constituency from Beith to Fairlie and Arran. The Ayrshire litter volunteer network is at the forefront of such action, organising groups wherever possible. Such groups must be applauded, as the work that they do not only keeps Scotland's streets cleaner and safer but helps to alleviate the pressure on local authorities and allows them to use their time and resources on other matters.

I have long been an advocate of the adopt a road scheme that works so successfully in North America, whereby groups, individuals or businesses take responsibility for keeping a given stretch of road free of litter, working closely with local authorities. Schools also work hard to inculcate responsibility for not littering. Indeed, adults are more likely to be responsible for littering, so it is their attitudes that must be focused on.

Scotland is rightly considered beautiful by many visitors, but they also find it dirty by the standards of other European countries. In 1985, I had a German girlfriend who invited her parents to stay with her in Scotland for a fortnight. They left after three days because the country was just too dirty, in their view. I found it profoundly embarrassing. We must work together to reduce litter and thereby change perceptions of Scotland for the better.

18:24

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I congratulate Cameron Buchanan on bringing forward this important debate, while apologising to him, the cabinet secretary and the Presiding Officer because I have to leave as soon as I have finished speaking. I should not really be speaking in the debate because I am due to be at a meeting in my constituency, but, when I saw the motion, I could not not speak because of the reference to the Leithers don't litter campaign.

I will mention education and enforcement briefly, but what has struck me most recently is the contribution of voluntary groups to the effort. That has been brought to my attention because of the amazing Leithers don't litter campaign. It has been going for only a few months but it has engaged large numbers of people in the community. When I have a bit more time on my hands in seven weeks, I will want to get involved personally in the campaign.

One of the key things that the campaign is doing is adopting a street, which is the concept that Kenneth Gibson described a moment ago. If people go on to the Facebook page, they can sign up to adopt a street. There is a clear focus on litter but there is also a focus on dog fouling. A few days ago, there was a post on the page saying that dog poo had even been found in a children's playground. That has prompted the campaign to organise a demonstration of responsible dog walkers in Leith. That is part of a community effort to put pressure on those who behave in an antisocial way in relation to dog fouling to change their behaviour. It is one of the best community initiatives that I have seen and I cannot speak highly enough of all the many people in my constituency who are involved.

Those people clearly want to keep Leith beautiful. Leith is beautiful. It is spoilt only by litter and dog fouling. To my mind, if litter is bad, dog fouling is even worse. I spoke about the example of the children's playground but my own family had an incident last week. My three-year-old granddaughter was going to nursery school and got a massive amount of dog poo on her boots. It was under the soles and up the side of the boots and she had to go to nursery school like that. That is absolutely shocking from every point of view,

especially from a health point of view. We have to have a special effort to change people's behaviour in relation to that issue. I often say—not entirely jokingly—that any politician who could get rid of dog fouling in my constituency would be elected to Parliament instantly because so many people feel so strongly about it.

Enforcement is important, as is education in schools. There are sometimes national campaigns about such issues and I suggest that there should be a national initiative and campaign about this problem of dog fouling. However, it has to be backed up by enforcement. I do not see how culture change can be brought about unless there is a stronger element of enforcement. One of the problems is that there are not enough environmental wardens to catch people. Of course, we understand the reasons for that, given council budgets. Another problem is that the fixed-penalty notices that can be imposed by environmental wardens are not always paid. In fact, they are not paid on a large number of occasions and the fiscals are not always willing to intervene. The offence must be given higher status. It is very serious antisocial behaviour and there has to be an organised effort at the enforcement and legal levels to deal with it, as well as the wider initiatives for cultural change.

In my final 10 seconds, I again pay tribute to Leithers don't litter. I cannot speak highly enough of the work that the campaign has done and is continuing to do.

18:28

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): I thank Cameron Buchanan for raising the issue of litter on our streets in the Scottish Parliament, as many members have done over the years. I can see that all the members who have spoken tonight feel strongly that litter is a blight on our amazing country and that those who continue to litter in Scotland are highly irresponsible individuals.

Litter affects the way we feel about where we live, work and spend our leisure time. That, in turn, has a huge impact on our health and wellbeing. The numbers involved are truly jaw-dropping, with more than 250 million items of easily visible litter being dropped every year. That is 26,000 tonnes of littered material. High-value littered items, such as plastic bottles and cans, would be worth more than £1.2 million if they were recycled. More than £53 million of public money is spent every year on tackling litter and fly-tipping. That is money that could be better spent on other important services in our society.

Of course, items that are littered or fly-tipped also pose a health hazard to humans and animals

alike. We all know about the impact that marine litter can have on marine wildlife.

Recognising all those negative impacts, the Government launched our towards a litter-free Scotland strategy in June 2014. It was our first national litter strategy since devolution and, as was mentioned, it was only about 18 months ago; 18 months is not a long time to properly evaluate the success or otherwise of the strategy, given that the issue is about cultural change in Scotland and, as I said, it is the first ever national litter strategy in Scotland.

As part of the strategy, we ran a national media campaign against littering behaviour across television, radio and social media. As was also mentioned, we increased the fines for littering from £50 to £80 and for fly-tipping from £50 to £200 after the consultation that we held a couple of years ago.

In October 2014, we introduced a charge on single-use carrier bags—a highly visible form of litter. So far, that has resulted in an 80 per cent decrease in the number of bags distributed in the first year of the charge, as Kenneth Gibson mentioned. That is 650 million fewer bags being taken every year by shoppers in Scotland, which is good news in anyone's book.

We have also committed more than £575,000 towards Keep Scotland Beautiful's clean up Scotland campaign from 2013 to 2016. If members in the chamber have a view on whether that organisation has delivered the goods for that resource, we should hear it. We are still hearing about problems with litter in Scotland, yet Keep Scotland Beautiful and other organisations are being funded to make sure that a lot of activity is happening. To be fair, a lot is happening and we all know that from activity in our own communities.

From April 2015, we introduced powers for the Loch Lomond and the Trossachs National Park Authority and other public bodies to issue fixed penalty notices.

We are also continuing to explore the role that deposit and return could play in Scotland to reduce littering and improve recycling quality. I certainly agree with many members that we need to find a fresh approach where necessary for some of the topics within the litter strategy. We also need to learn from what other countries are doing successfully that perhaps we are not doing in this country. Deposit and return is not a new idea; it is new to Scotland and indeed the rest of the United Kingdom, but it works well in other countries and the Scottish Government has put in a lot of effort to ascertain whether it would work in Scottish circumstances.

Zero Waste Scotland was commissioned to carry out that work and we are now undertaking

further research to look at issues such as the impact of deposit and return on smaller businesses—corner shops, small grocers and so on—because it is likely that they would have to take back the returned cans or bottles and be part of that arrangement if it was to go ahead. We would have to make sure that we understood exactly how that would work in Scottish circumstances.

The system works in other countries and, if we attach a value to cans or bottles, people are less likely to litter them because they can go and get their money back. Indeed, others are incentivised to go and collect them from our streets and our communities because, in turn, they can raise money from doing that. That is certainly the experience in other countries. If we decide to go for deposit and return in this country—that decision is yet to be taken—it could be part of our litter strategy as well.

As members have said, tackling litter is about behavioural change, and that is a core part of our litter strategy. We are working with our partners to provide information, improve infrastructure and make enforcement more of a deterrent. We are encouraging people to take responsibility for their own behaviour. In addition to the national campaign mentioned earlier, Zero Waste Scotland has developed a toolkit of signs that organisations around Scotland can customise and use free of charge.

We have improved the infrastructure throughout our communities by funding the installation of more than 3,300 "recycling on the go" bins since 2011, so more of them are now present in our communities. We are supporting their use with the "Recycle for Scotland" branding.

Work is on-going to update the code of practice on litter and refuse, which covers the various ways in which local authorities in particular can intervene. We are bringing that guidance up to date to ensure that it supports our wider litter strategy.

We know that real change will take time, innovation and commitment from everyone involved. Since 2014, another £0.5 million has been invested in supporting innovative projects by local authorities and community groups, with the aim of moving away from simply cleaning up to a focus on prevention. Those groups are helping to drive the behaviour change that we need. That work has included the Scottish Waterways Trust, which is working to develop a crowd-sourced approach to monitoring litter and raising awareness through schoolchildren.

Other initiatives that are being funded are Greenspace Scotland's work with three communities to tackle litter and fly-tipping

problems through a range of community-led green space and street improvements. A range of actions are under way. As I said, we know that littering behaviour costs Scotland £78 million in direct and indirect costs to our society and economy.

A bottom-up approach is important. Cameron Buchanan's motion talks about the Leithers don't litter initiative. I commend Cameron Buchanan for bringing that to our attention, and I commend the people behind that fantastic initiative, which Malcolm Chisholm also spoke about. I personally congratulate Mr and Mrs Farrell, who founded the initiative. From looking at all the actions that they have undertaken and from hearing about them today, it is clearly a fantastically successful idea. I hope that it is an example for other communities across Scotland to follow.

I should mention Pete Miners in my constituency of Moray, who tirelessly patrols the Lossiemouth river banks and collects lots of coastal litter in the area. He gets a lot of press coverage for doing that. It is the kind of activity that we love to see, as it involves local people volunteering. We owe them a huge debt.

Last week, a young man called Joe Pirnie phoned me at my office as he is starting up, with some others, the Forres community clean-up group. Because he feels so strongly about the issue and he wants to clean up the streets of Forres and elsewhere, he has started a campaign in the town. I of course told him that I look forward to working with him in doing that.

All members will be able to give examples from their experience of people at grass-roots level putting their effort where their mouth is and going out and cleaning up streets in their community. We have to do a lot more to encourage and resource that in the years ahead, so that we have a national voluntary effort across every town, village and city in Scotland. I believe that that will take us far along the road to having a much cleaner Scotland, which is something that we all want.

I thank members for their contributions. I will certainly take away the good ideas that I have heard about during the debate.

Meeting closed at 18:37.

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