



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 18 September 2012

Session 4

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## Scottish Parliament

*Tuesday 18 September 2012*

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

### Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. Our first item of business is time for reflection. Our time for reflection leader this afternoon is the Rev Gus Macaulay, the minister at Knightswood Baptist church.

**The Rev Gus Macaulay (Knightswood Baptist Church, Glasgow):** Thank you, Presiding Officer and members of the Scottish Parliament.

On 17 December 1927, while the American submarine S-4 was resurfacing off Cape Cod, Massachusetts, she was accidentally rammed and sunk by a coastguard vessel. Immediately, rescue efforts were made to save the souls on board. As US navy divers listened to the side of the hull, the same question was being tapped out by those on the inside over and over in Morse code: "Is there any hope?"

When I speak to the people in Knightswood, I hear that same question being asked again and again, by the woman who lives alone in the nearby high flats, the asylum seeker family trying to make a new start in our community and the young family doing their best to make ends meet: "Is there any hope?"

Well, is there? When Jesus walked among us, he brought hope into people's lives, to the outcast and the downcast, to the poor and the broken and to the needy and the hungry; so much so, that when people reflected on who he was and what he did, they described him as a light in the darkness.

But is there hope today? Well, I believe there is, and you have the privilege of being part of that answer. You have the privilege of making decisions that bless people and give them opportunities and something worth striving for that gives them hope.

I was once in Galway and asked for directions from an old gentleman to a place in town. After he struggled to tell me the way, he said, "Look, if I were you, I wouldn't start from here!"

When we think of our social, political and economic circumstances, maybe we would not start from here, but here is where we are, and since we are here in the midst of these circumstances, let us give the people hope; not a false hope of pipe dreams or a phoney hope of soundbites, but a hope that is real, a hope that is

tangible, a hope that is something worth living for and striving for and working for.

We serve a great nation. Let us in our different ways, but together, make our nation even greater, and may we give the people hope. As you do that,

May the Lord bless you and keep you; may he make his face to shine upon you and be gracious to you; may he lift up his countenance upon you and give you peace. Now and always.

Amen.

## Scottish Government Question Time

### Topical Questions

14:04

#### Clyde and Hebrides Ferry Services (Tendering Process)

##### 1. Richard Baker (North East Scotland) (Lab):

To ask the Scottish Government whether it plans to delay the tendering process for the Clyde and Hebrides ferry service. (S4T-00043)

**The Minister for Transport and Veteran Affairs (Keith Brown):** The Scottish Government is absolutely committed to supporting our island communities and we continue to invest millions of pounds in new, cutting-edge ferries, ports and harbours that are fit for the 21st century. As I said in my statement to the chamber on 5 September, on the subject of ferries to Orkney, our next challenge is the replacement of the contract for the Clyde and Hebrides ferry services, which expires in October next year. We will announce our plans for the procurement of the next contract soon. No final decisions have been made regarding the Clyde and Hebrides ferry services tender.

**Richard Baker:** I thank the minister for his answer, but I am still not entirely clear on the point. RMT officials have been told that the process has been delayed by three years and Transport Scotland has pointedly not denied that. Is it the minister's intention to delay the tendering process for those vital routes by three years?

**Keith Brown:** I think that I just explained that no final decisions have been made regarding the Clyde and Hebrides ferry services. I cannot be held to account for statements by RMT. I have said previously, as the member well knows, that we feel that the contract length for all the tenders for ferry services is too short. We made that known to the European Union when I met the European Commission in Brussels. However, as yet, no final decision has been taken regarding the Clyde and Hebrides ferry services.

**Richard Baker:** With such a key decision, surely it is important that the Parliament is informed first about when the procurement process will take place. Will the minister give that guarantee? Will he also guarantee that in the procurement process—whenever it finally takes place—the recently given commitment by the First Minister not to debundle the routes for the services will still apply?

**Keith Brown:** I must point out that that is not what the First Minister said. He said that we have

no plans to unbundle the routes and that no case had been made for unbundling. That gives a fairly strong indication of the Government's thinking. It is right that the Parliament, as well as the communities that are most affected by the services, should be told first, and that is of course what we will do.

**Dave Thompson (Skye, Lochaber and Badenoch) (SNP):** CalMac Ferries is an excellent public service provider that has a special place in the hearts of Hebrideans and we must do all that we can to ensure its success as a company. Can the minister therefore assure the Parliament that CalMac, which is our company after all, is doing everything that it can to improve efficiency while maintaining the high level of service that the travelling public expect, so that the company is in the best possible position to win the west coast ferry contract, whenever the process happens?

**Keith Brown:** We must bear it in mind that the tendering process has to be open and fair—we are obliged to do nothing but that. As the First Minister said recently and as the member says, we enjoy a fantastic service from the people at CalMac who provide services right across Scotland. Obviously, the awarding of the NorthLink contract was something of a shock to the system for CalMac. I know from speaking to CalMac that it has learned lessons from that and that it intends to apply those lessons to its application for the Clyde and Hebrides ferry services contract. CalMac is working to the October 2013 deadline, and it is working hard to ensure that it is successful in the next contract process.

**Alex Johnstone (North East Scotland) (Con):** Can the minister reinforce his guarantee that the open and fair tendering process will be able to accommodate the potential for bids from some of Scotland's successful small ferry companies that would like to become bigger in serving the Clyde and Hebrides area?

**Keith Brown:** The member has made that point before, as have Mike Russell and other members who have an interest in the issue. We will of course consider all those issues when we go out to tender. I can guarantee the member that the bidding process will be fair and transparent.

#### Hall's of Broxburn Task Force

**2. Colin Keir (Edinburgh Western) (SNP):** To ask the Scottish Government what progress has been made by the Hall's of Broxburn task force in relation to the company's future. (S4T-00042)

**The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney):** The Scottish Government remains committed to ensuring that there is a positive future for the Hall's of Broxburn plant and its

workforce. The Scottish manufacturing advisory service has been working closely with the company and has identified savings of about £4 million. Those savings, along with energy efficiency and sales and marketing measures, could significantly improve Hall's financial performance. Regular liaison has been established with key supermarkets to ensure business continuity during the process at Hall's of Broxburn.

Along with the leader of West Lothian Council, Councillor John McGinty, I met Peter Beckers, the chief operating officer of Vion Food International, in Edinburgh on 7 September. I put a proposal to Mr Beckers that would involve the Scottish Government, working with West Lothian Council and Scottish Enterprise, purchasing and leasing back the Hall's site on a commercial basis, thereby enabling significant capital investment to be made at Hall's. Unfortunately, Vion has declined to take up the offer. The manufacturing advisory service is continuing with its work on site and the company will continue dialogue with any interested buyers. As I understand it, there has been a further expression of interest in Hall's in recent days. The Government stands ready to engage with all interested parties.

In the next few weeks, the partnership action for continuing employment team will continue to deliver presentations to all 1,700 staff, in collaboration with Skills Development Scotland and Jobcentre Plus.

**Colin Keir:** Does the cabinet secretary agree that Vion's decision not to accept the Government's substantial offer is extremely disappointing? Although the plant is in Fiona Hyslop's constituency, it is a short distance from my constituency of Edinburgh Western, and I am concerned about potential job losses in the area. Would the Government be open to alternative bids if a company came forward and was willing to accept the Government's offer?

**John Swinney:** I stress to Mr Keir—I make this point very publicly—that the Government stands ready to provide assistance where we can to support continuity of employment at Hall's of Broxburn.

Employees at Hall's of Broxburn are predominately resident in the area adjacent to the Broxburn site, with a concentration of employment that is quite unusual given the labour mobility that exists in today's society. Therefore the economic impact on a specific labour market in West Lothian would be significant, were the plant to close. I have already met one of the groups of bidders and my officials have talked to two others, which makes three interested parties at this stage, and the Government will be only too prepared to advance dialogue with those parties to find

whether there is a way to maintain employment at the Hall's of Broxburn site.

**Colin Keir:** I welcome the fact that the Government is pursuing talks with bidders, but will the cabinet secretary provide an assurance that everything will be done to stand by the employees in the event that a future operator cannot be found?

**John Swinney:** The process is difficult. At this moment, we must concentrate on two particular outcomes. One is finding an alternative bidder—the Government and our agencies will engage in active dialogue to identify an alternative bidder and to put together the type of proposition that makes investment in Hall's of Broxburn attractive to other parties and interested individuals.

The other side of the work must be to focus on the interests of the employees of the plant, who are clearly going through a very uncertain time. Officials from Skills Development Scotland and Jobcentre Plus are actively involved on site, and Vion has been entirely co-operative during the process. Advice is available through the two agencies, one of which is responsible to the United Kingdom Government ministers and the other to ministers here, and both are working together on site to provide the support required by individual employees. Although we wish to avoid any closure of the plant or large-scale job losses, we are ensuring that members of staff are given the advice that they need during what is, clearly, an uncertain time for them.

**Neil Findlay (Lothian) (Lab):** I want to put on record my genuine thanks to the finance secretary and the Labour leader of West Lothian Council, John McGinty, for their joint efforts and their innovative plan to secure the whole site. In rejecting the proposal, it now seems clear that the biggest obstacle to saving the plant is the owners, Vion. What further encouragement will the finance secretary give to prospective parties with an interest in buying the site and to those who work there?

**John Swinney:** I welcome Mr Findlay's remarks. During the whole process, the Government has worked effectively with West Lothian Council, other stakeholders and our agencies, and with parliamentary representatives including my colleague Fiona Hyslop, and Graeme Morrice, who is the constituency MP, both of whom have been a tremendous support to the task force, with Mr Findlay supporting Mr Morrice into the bargain.

The key to resolving the issues lies in the combination of the ability to excite and interest bidders in the plant, and in Vion being prepared to be a part of that solution. Clearly, Vion will have to incur a significant cost to close the plant—I

estimate that to be in the order of £17 million to £25 million. That is a pretty negative cost, but some of that could be avoided or reinvested if there was a managed and orderly transfer of responsibility—providing the necessary assurance to the workforce about their future—to a third party. In that respect, the Government, our agencies and, if I may say so on its behalf, West Lothian Council, would be willing to be a part of the brokerage of a solution.

The closure of Vion will clearly result in a cost to the public purse—there will undoubtedly be an increase in benefit payments in the vicinity—and, although avoiding that cost does not benefit the Scottish Government, it is important that we do not lose sight of that potential impact on the public finances and that we act to keep people in employment as much as we possibly can.

I also place on record the fact that we have had outstanding co-operation in the task force from the representatives of the Union of Shop, Distributive and Allied Workers and also from non-union members of the Hall's of Broxburn workforce. That has greatly assisted the progress that we have been able to make, although unfortunately we have been unable to conclude an outcome at this stage.

**Chic Brodie (South Scotland) (SNP):** Given the clear direction that the cabinet secretary has outlined in his answers, does the Scottish Government know whether Vion, the owner of Hall's, is considering sale of the company as a whole or whether it will consider selling off the various parts of the company as individual components?

**John Swinney:** Those are issues for Vion to address. I have made it clear to Peter Beckers and to Peter Barr, the UK chair of Vion, that the Scottish Government wishes to engage constructively and actively with the company. We do not underestimate the scale of the challenges that it faces. As a Government, we have been acting to support business continuity at Hall's of Broxburn. As I indicated in my answer to Mr Keir, the Cabinet Secretary for Rural Affairs and the Environment is maintaining a regular dialogue with supermarkets and customers of Hall's of Broxburn to assure them of the Government's determination to deliver business continuity.

The Government is keen to be as supportive as we can be in resolving these issues for the benefit of the workforce of Hall's of Broxburn, and for the wider benefit of the West Lothian and Scottish economies.

## National Planning Framework 3

**The Presiding Officer (Tricia Marwick):** The next item of business is a statement by Derek Mackay on the national planning framework 3. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:16

**The Minister for Local Government and Planning (Derek Mackay):** This Government sees planning as a key component of delivering sustainable economic growth, with planning playing its full part in the finance, employment and sustainable growth portfolio and being geared towards contributing to the Scottish Government's purpose of delivering that sustainable growth.

From the top-level strategic plan to the detail of the Scottish planning policy and front-line implementation, our duty is to ensure that the system moves forward and continues to make Scotland the best place to live, work and invest. Planning is a priority for this Government and, as we stated in our manifesto,

"a more efficient and effective planning system will be good for investment and growth."

The Government's economic strategy, which it published in 2011, highlights the role that our planning system has to play.

Today, I want to announce three important areas of work to strengthen planning's contribution to increasing sustainable economic growth and to reflect on the progress that has already been made in Scotland to drive forward improvements and efficiencies in our planning system. Those three areas of work are: the review of the national planning framework; a review of the Scottish planning policy; and an update on the "Planning Reform—Next Steps" package of measures that was set out in March.

As I mentioned in my statement to Parliament on 28 March, work on the third national planning framework has begun. The NPF is a spatial strategy for Scotland's development over the next 20 to 30 years and I want that future to be about ambition, opportunity and place. I said in March that I saw the key themes of NPF3 as being helping economic recovery and supporting the transition to a low-carbon economy. I remain of that view, but there are other broad objectives that must be remembered, which include creating jobs and supporting people; moving to zero waste and improving green infrastructure; adapting to climate change; and improving connectivity through better transport links, energy networks and broadband.



Today, I have published our participation statement for NPF3, which sets out how we will go about preparing the new national planning framework. In responding to the development of the second national planning framework, Parliament asked us to go further to ensure comprehensive and meaningful engagement for NPF3 by beginning early and sustaining participation throughout the process.

The participation statement shows that we have already started doing that. For example, we have consulted a wide range of stakeholders to shape the engagement process, including community groups, business interests, professionals and public bodies, whom I thank for providing their thoughts, advice and time. We will prepare a report on the main issues instead of preparing a detailed and full draft proposed framework, which will deliver a much more effective way of presenting different options and seeking views on them.

In 2007, cabinet secretary John Swinney set out the criteria that ministers would use to identify national developments for the current national planning framework. We consider that those criteria remain relevant and have updated them to reflect current circumstances and priorities, and, in particular, our economic strategy.

Proposals must make a significant contribution to sustainable economic growth and they must be nationally significant—not just regional. In addition, national developments must make a significant contribution to one or more of the following: job creation and skills development; meeting our Climate Change (Scotland) Act 2009 commitments and an 80 per cent reduction in emissions by 2050; adapting to or mitigating the effects of climate change; the zero waste plan; the Scottish Government's renewable energy targets; delivering jobs and investment; strengthening Scotland's links with the rest of the world; improving our digital, transport, energy, utilities or green infrastructure networks; and improving the quality of the built or natural environment where we live and work.

We will use those criteria to assess all candidate national developments that are proposed to us, and we will identify those that we think should be designated as national developments in our main issues report, which is to be published in spring 2013.

Fourteen national developments are currently identified in the second national planning framework, from the Forth replacement crossing to the facilities and infrastructure related to the 2014 Commonwealth games. We will consider whether each of those should remain as a national development in NPF3. Some of them may not—for example, those that are already consented and on

track for delivery. However, it is likely that several existing national developments will be carried forward into NPF3 and updated and modified as necessary.

When the second national planning framework was being prepared, Parliament took a close interest—and rightly so—in the process for identifying national developments. The Scottish Government has put in place improved consultation arrangements for finalising national developments and is making accessible more public information about how we assess them.

Today, I intend to issue a call for candidate national developments. I want, as far as possible, to hear about proposals for national developments as early as possible. That will enable us to properly assess projects from the outset, so that we have the best candidates. We want to be open about the information that we receive about all candidate national developments and about how we assess them. Therefore, we commit to publishing all suggestions for national developments and supporting information that we receive and to publishing our assessment matrix at the same time as the main issues report.

Today, we also publish the scoping report for the strategic environmental assessment of NPF3. This is the first stage of the SEA process and will accompany other assessments on equalities, business and regulatory impact, and carbon.

The NPF is the spatial strategy that indicates where we want to see development in Scotland and which developments are national priorities. The Scottish planning policy is about how that vision is delivered. In 2010, we published the current SPP, which consolidated into a single policy 21 previous policy documents on topics such as housing, renewable energy and transport. It reduced our weight of planning policy by some 80 per cent—down to just 55 pages from 400—and our planning policy is clearer and more proportionate as a result. Although the policies were largely developed before the economic downturn and in a different planning culture, that consolidation has proved to be innovative and effective.

Today, I am announcing a review of the Scottish planning policy to ensure that it remains fit for purpose and meets the challenges presented by the economic circumstances that we now face. The SPP makes it clear that sustainable economic growth is a material consideration and indicates that planning should proactively support growth-enhancing activities. That does not mean development at any cost. Protecting community and environmental benefits will continue to lie at the heart of our policy. Indeed, the Government economic strategy is clear that the quality of Scotland's built and natural environments is vital to

the success of the economy. The Government economic strategy is clear on the priority of developing good-quality, sustainable places. We will therefore look to make place more central to the policy.

I have set the Scottish Government a challenging timescale, which is to complete the review and publish a revised SPP by the end of 2013. I have asked my officials to carry out the review of the SPP alongside work on the early stages of the review of the NPF. That means that interested parties will be able to see the connections between the two.

The Planning etc (Scotland) Act 2006 introduced the biggest changes to the Scottish planning system in a generation. Those changes have made a difference. Our subsequent planning reform actions include: completion of the e-planning programme; investment in practitioner training; service improvement plans from Government, planning authorities and agencies; delivery of efficiencies in the operation of the planning appeals system; and earlier and more proportionate involvement in planning from agencies.

It is worth noting that, last week, our United Kingdom counterparts announced a series of amendments to the English planning system. In Scotland, we have already gone a long way towards addressing issues that are being looked at south of the border. We have permanently increased permitted development rights for householders, thereby reducing regulation, and we are taking forward changes for non-householder developments. We have introduced measures to enable developers to revisit legal agreements that have made developments unviable. We are addressing performance through a new performance framework, which has been developed by and with planning authorities and which has been welcomed by many stakeholders. We are working with partners to improve handling of major planning applications, through better use of processing agreements and initiatives such as planning protocol in enterprise areas. We are working towards streamlining multiple consents processes and ensuring that appraisals and assessments are conducted without adding unnecessary financial burdens and time delays to the planning process. We have a comprehensive, joined-up package of reforms in Scotland to tackle issues in the short and long term.

My next steps statement in March contained a package of measures, which focused on ensuring a fitter, more streamlined planning system, giving a higher priority to place than to process. I take this opportunity to update the Parliament on the measures. We published the analysis reports on "Planning Reform—Next Steps" last week. Shortly,

I will begin to lay legislation that will simplify the regulatory burden for developers and planning authorities. We have worked with planning authorities on progressing their development plans and exploring new ways of working. In recognition that it is not just about legislation, we are working to improve culture, leadership and delivery.

Planning authorities approve around 93 per cent of applications, but performance remains variable across the country and needs to improve. We want the process to be more predictable and more proportionate. Following the publication of the new planning performance framework in March, I am looking forward to receiving the first annual performance reports this month, which will cover the quality of services and commitments to future improvements. I have made it clear that there will be a direct link between performance improvement and an increase in planning application fees, on which we have consulted. I will confirm the way forward in that regard in the coming months.

Making the system work more efficiently is not an end in itself; it is about supporting economic recovery, providing a supportive business environment and—importantly—promoting quality of place for people to live in, work in and enjoy.

**The Presiding Officer:** The minister will take questions on the issues raised in his statement. I intend to allow about 20 minutes for questions.

**Sarah Boyack (Lothian) (Lab):** I thank the minister for the advance copy of his statement. I strongly agree that the national planning framework presents an opportunity to focus public and private sector investment on national priorities. Does the minister agree with the Royal Town Planning Institute, which has called for a review of progress on NPF2 projects? It is important that we learn the lessons of success and barriers, to inform the delivery of NPF3.

We need to focus on national developments that will bring economic prosperity and put Scotland firmly on a low-carbon path. It is instructive that although expansion at Glasgow and Edinburgh airports was a key objective in NPF2, proposed rail links to both airports and investment in the Edinburgh to Glasgow improvement programme have been either dumped or drastically reduced. The Government talks the talk on jobs and green growth but fails to deliver on the ground.

In the context of strengthening our contacts with the rest of the world, the failure of Scottish National Party MPs to turn up to yesterday's debate at Westminster on the west coast main line franchise calls into question the SNP's commitment to rail.

If we are to deliver national developments, we need big thinking, big investment and big decisions. My criticism is that there is no sense of

that from today's document. Rather than having a list of projects, do not we need NPF3 to develop into a coherent national physical plan that joins up Government strategies and plans and gives us a vision, so that leaders from every sector in Scotland can buy into that vision and work to deliver it?

**Derek Mackay:** I thought that the harmony that had developed between Sarah Boyack and me would perhaps continue with her opening question, as I agree that we have lessons to learn from NPF2 about the process and what can be transplanted and augmented in NPF3 by way of participation and involvement. There will be projects that can adapt, and there is a monitoring arrangement for the work in NPF2. That is reported to us, and we consider it closely. However, we are setting an ambitious agenda for Scotland, and the national planning framework will certainly cut across all agendas and strategies. Whether we are talking about our marine, renewables or regeneration strategy, it is clear that we want a joined-up and strategic approach to our ambitions for Scotland.

On the bigger and better question, if we had all the powers of an independent nation we could do even more to realise the ambitions that, I am sure, members of the Labour Party share. However, we will get on with delivering a very ambitious agenda with the tools that we currently have.

**Margaret Mitchell (Central Scotland) (Con):** I apologise for not being in the chamber for the start of the minister's statement. I thank the minister for early sight of that statement. I want to look at the forthcoming review of Scottish planning policy.

What role, if any, does the minister envisage community benefit clauses, with their ability to create jobs and promote regeneration and sustainable growth, having in the planning policy? I am disappointed that, further to the "Planning Reform—Next Steps" statement on 28 March, there has been no reference to the crucial role of enforcement in the planning system. Can the minister give an assurance that enforcement will be covered in the review, given that it is fundamental to the efficiency and effectiveness of any planning system?

**Derek Mackay:** On the connection to other bills and benefits, economic benefit is, of course, a material consideration in any planning application, and each planning application should be judged on the merits of its case. Economic benefit is already taken into account in the planning function. Through the Scottish planning policy review, I want to ensure that appropriate weighting is given to economic benefit and economic development in any planning application and in the implementation of the policy. It is appropriate that

we should consult on that to ensure that we get the maximum benefit and get the policy right.

On enforcement, we are currently looking at how we can ensure that the planning system is fit for purpose and can adapt to the circumstances in which we find ourselves. I remain interested in how individual planning authorities execute their regulatory and enforcement functions, of course, and would be happy to have further talks about how the member thinks they could be strengthened, taking that opportunity forward, but this is about ensuring that the system delivers and supports the development that we all want to see.

**Aileen McLeod (South Scotland) (SNP):** I, too, thank the minister for his statement.

The "National Planning Framework 2 Monitoring Report 2012" states:

"Growth in renewable energy capacity is providing benefits in relation to climate change mitigation, but at the same time, landscape trends suggest that onshore wind is having cumulative effects on the character of upland areas which may become increasingly significant in the coming years."

What consideration is the Scottish Government giving to that issue in drawing up the third national planning framework?

**Derek Mackay:** The "National Planning Framework 2 Monitoring Report 2012", which was published in March, concluded that wind farm development

"has not physically impinged on ... landscapes safeguarded by designations to any significant extent".

We have produced guidance on the cumulative impact and effect, which is considered with any application, and we have gone to great lengths to ensure that our environment is protected and that our renewables policy is delivered in a way that is sensitive to the local environment. That work and that on-going approach will be built into both our national policy and local policy as it applies in such determinations.

**Anne McTaggart (Glasgow) (Lab):** I thank the minister for providing an advance copy of his statement. I note that there is no mention in the statement of a specific strategy for cities. Glasgow, along with other cities, is the powerhouse of Scotland's economy and while I am pleased to note that the minister has included the 2014 Commonwealth games, the national planning framework is about not the next two years but the next 20 years.

With that in mind, what action will the minister take to ensure that a specific city strategy is included in the national planning framework 3? What steps will he take to ensure a legacy of regeneration for Glasgow after the 2014 games?

**Derek Mackay:** The city of Glasgow is clearly a major driver in the Scottish economy—that point is well made. However, the Government has outlined a policy approach and new resources to support the cities, both individually and collectively, to ensure that through the city strategy there is greater effect from the cities working together. The development opportunities that will be presented and the developments of a national scale will reflect the place of cities in our strategy. At this stage, as we move towards NPF3, we are looking to the opportunities that exist across cities, towns and villages and rural Scotland. Of course, cities will play a central part in that, as they already do in the Government's over-arching economic strategy.

**Kenneth Gibson (Cunninghame North) (SNP):** I welcome the minister's statement. Can he confirm that the Scottish Government will actively consider removing from NPF3 any possibility of a coal-fired power station being built at Hunterston? He will be aware that an application to build one generated 21,000 objections—more than any other application in Scottish planning history—and was subsequently withdrawn. Does he appreciate that while another application is unlikely, the possibility greatly concerns many of my constituents and a host of environmental groups across Scotland who fought against the previous unwanted proposal?

**Derek Mackay:** I am sure that Mr Gibson would not want me to prejudge the outcome of both the ongoing engagement, through the participation statement, and the process that I have outlined today. It is possible that projects identified in NPF2 may not progress to NPF3 but each case—each candidate project—will be considered on its merits. Some projects may not progress, but we will engage in the process and whatever we do will be done in a very transparent and open way.

**Graeme Dey (Angus South) (SNP):** Following the announcement in June that a national community planning group, comprising all 32 community planning partnerships, would be set up, will the minister update Parliament on the progress being made by the group? Will he outline the part that it will play in taking forward the developments announced today?

**Derek Mackay:** The national community planning oversight group has had a very productive first meeting. It will assist in combining both spatial planning, as discussed today, with community planning—it has the potential to do that. The group will provide guidance, support and leadership in the way that we would expect in order to realise the ambitions outlined in today's strategy.

**John Pentland (Motherwell and Wishaw) (Lab):** I apologise to the minister for being late. Last week, we discussed the plan for a steel

workers' memorial at Ravenscraig. I was pleased to see the support for that from the Government and Opposition back benchers, not just for the past but also for the future of Ravenscraig.

Ravenscraig is Europe's largest brownfield site and gives the Scottish Government the opportunity to stimulate the economy of not just North Lanarkshire and central Scotland but the whole of Scotland. [*Interruption.*] You will have to excuse me, Presiding Officer, but I have forgotten my reading glasses.

This year, the NPF2 monitoring report notes that tax increment financing will support the second phase of development at Ravenscraig. However, the project should be more than just a regional priority. I call on the minister to ensure that NPF3 seizes the opportunity and moves beyond TIF and regional status for Ravenscraig regeneration, so that it becomes a substantial national development that is significant at European level and will boost Scotland's economy.

**The Presiding Officer:** I see that you have still got your glasses on, minister.

**Derek Mackay:** Indeed, Presiding Officer, and when Mr Pentland locates his own he will be able to read eagerly the call for national candidate projects and he will, I am sure, assist his local authority to progress the Ravenscraig project to transform it into the kind of project to which he aspires.

For the member's benefit, I say again that whatever we propose will be decided according to an assessment matrix that is published and which will have participation and involvement in every priority. Every project will be fully considered. I know that the Ravenscraig project is very close to the member's heart and I am sure that he can compose with partners a case that ensures that, in addition to the range of supports that the Scottish Government has already delivered for that initiative, it gets the priority that it deserves.

**Kevin Stewart (Aberdeen Central) (SNP):** In light of cases such as that relating to the Aberdeen western peripheral route, in the north-east, which has been subject to huge delays as a result of legal challenges, how can the planning process be streamlined further to ensure that decisions on key strategic infrastructure projects can be progressed more efficiently?

**Derek Mackay:** The member might be aware that through our on-going reforms we want to remove processes that add little to decision making on planning. Sometimes interventions, however justified they might be, can be frustrating.

As for the case the member has highlighted, the member will also be aware of Lord Gill's Scottish civil courts review, which made a number of

recommendations on public interest litigation and looked at, for example, judicial review procedures, time limits and case management by the courts. We are now preparing legislative proposals for civil courts reform with a view to issuing a public consultation by the end of the year.

**Tavish Scott (Shetland Islands) (LD):** Given the lack of detail that the minister has mentioned today, will he inform the Parliament whether it will be able to amend the national planning framework when it comes forward?

On planning fees, which the minister referred to in his statement, is his policy objective full cost recovery or is he planning to cap planning fees according to the size of the development? I would be grateful for some detail in that respect.

Finally, the minister will be aware that the strategic environmental assessment scoping paper that he published today with his statement contains 80 separate key environmental objectives. What does he expect developers to do about SEA when potentially they will face having to deal with 80 separate objectives?

**Derek Mackay:** In response to Parliament's request about its involvement in NPF2, we have made amendments to the process for NPF3, some of which are outlined in the participation statement. On whether Parliament will have a say before the conclusion of the process, my answer is yes. Final decisions will, of course, rest with ministers, but members will be able to input on the issues. What will be helpful in that will be the kind of main issues report that we have for planning, which will present options, rather than a fait accompli or a recommendation without any options. That, together with the assessment matrix and the publication of all national candidate bids that are made, will result in a very transparent, open and engaging process.

On planning fees, it is proposed that such fees will be capped. The costs will still be less than those in England but will leave enough finance to support planning authorities in delivering the kind of planning service that they want—and we would expect them—to deliver. However, planning fee costs, application costs and the performance delivered must be linked. Such an approach will not deliver complete cost recovery; however, it will contribute much more to the planning fee system, and further detail on how we will deliver that link can be found in the March statement; the consultation, the responses to which were published online last week; and the consultation on the better regulation bill, which is live.

As for the impact on business, we propose to deliver systems that take as much of the burden as possible off business while still protecting the environment. As a result, many of the impact

assessments will still be necessary, but we want to deploy them in a proportionate way.

**Jamie Hepburn (Cumbernauld and Kilsyth) (SNP):** The minister might be aware of North Lanarkshire Council's decision last week not to grant permission for the construction of a new store in Motherwell, which would have led to hundreds of new jobs and a diversification of retail opportunities. I realise that he cannot comment on the specific application, but can he tell us how sacrosanct local plans should be in a reformed planning system in the face of a specific application that would create hundreds of new long-term jobs and act as a precursor for further investment in any local authority area?

**Derek Mackay:** Indeed, I cannot prejudge any planning application but, speaking in general terms, I note that support for a plan-led system gives local communities a great deal of power as it ensures that local plans reflect their wishes. We support a plan-led system, but decisions and determinations on applications can depart from the zoning of a local plan if material considerations allow that. Economic benefit would be one such material consideration, so in some cases complete adherence to the local plan might not be delivered because circumstances lead to another conclusion.

The review of Scottish planning policy will be designed to support greater weighting for and emphasis on economic benefit. The approach might therefore give further support and strength to those who wish to secure sustainable economic growth in such areas.

**Neil Findlay (Lothian) (Lab):** I listened carefully to the minister and wrote down what he said. He said:

"We want the process to be more predictable and more proportionate."

Can he reassure me that he will not go down the route of the coalition Government at Westminster, which wants to introduce a planning free-for-all that is in danger of taking us back decades, if not centuries?

**Derek Mackay:** I assure the member and the whole Parliament that whatever we do in respect of planning reform will be methodical, will engage stakeholders and will take the profession and local authorities with us, because it has to be delivered in partnership. Sometimes, planning is perceived to be a process of conflict between applicant and objector. It is important to focus on partnership and to take a can-do approach. Planning is about enabling development and not about being seen to stifle development.

That said, whatever we do has to create places in which people want to live. It is also about

protecting the environment and ensuring that processes are right and have been reviewed and delivered in a methodical way. That is exactly the process that I have undertaken as the planning minister, as I outlined in March and in my statement today, and I will continue with that approach as we turn to further legislation.

I will, of course, watch carefully what happens by way of planning reform in other parts of the UK, but we will take only the best from that. I believe that we in Scotland have delivered much of the best reform, both in the Planning etc (Scotland) Act 2006 and in further refinements. Whatever we do will be delivered in a methodical way to support sustainable economic growth, not necessarily to grab headlines but to deliver the kind of society in which we want to live.

**Alison Johnstone (Lothian) (Green):** I welcome the plans for greater clarity and transparency on how the national developments are proposed and finalised, and for targeted engagement with affected communities.

On the subject of parliamentary participation, will the minister make a commitment to bring a Government debate on the main issues report, when it is published, to allow the Parliament to be consulted at that earlier stage?

**Derek Mackay:** I am delighted that there is such enthusiasm in the chamber today. It seems that members have not heard enough from me on the subject of planning and want me to return to the subject in a future debate. [*Interruption.*] I hear dissension from the Labour Party.

I am, of course, more than happy to return to the chamber to outline our vision for Scotland and to discuss how we will deliver a planning system that is fit for purpose and use every lever at our disposal to deliver sustainable economic growth.

**Duncan McNeil (Greenock and Inverclyde) (Lab):** I have two issues with the national planning framework 2. First, in my constituency, we felt that we lost out unjustifiably because of a matrix, a weighting and a decision-making process that acted against us in relation to offshore renewables construction. Secondly, the committee of which I am convener took evidence from many of the applicants to the national planning framework who lost out in that process.

Can the minister assure us that the process will be open, transparent and well understood to ensure that there is the maximum number of applications and the maximum amount of success for jobs in Scotland?

**Derek Mackay:** I reassure the member that we are trying to be as engaging as possible. We are putting more information in the public domain than ever before and we are being fully transparent

about how we will deliver the programme. Crucially, participation will be on-going and it will evolve and adapt to circumstances to ensure that people feel that their voices are being heard. If Mr McNeil would like to contribute his views on how I can further improve that, I will certainly be interested to hear from him.

## Social Care (Self-directed Support) (Scotland) Bill: Stage 1

**The Presiding Officer (Tricia Marwick):** The next item of business is a debate on motion S4M-04086, in the name of Alex Neil, on the Social Care (Self-directed Support) (Scotland) Bill.

14:50

**The Minister for Public Health (Michael Matheson):** I am delighted to open the debate on the general principles of the Social Care (Self-directed Support) Scotland Bill.

I will thank a number of people. I thank Duncan McNeil, his colleagues on the Health and Sport Committee and the committee's clerking team for the careful and robust way in which they have scrutinised our proposals and for the considered conclusions in the committee's stage 1 report. I also thank the Finance Committee and the Subordinate Legislation Committee for the part that they have played in scrutinising the bill, and I thank the many witnesses who have provided evidence to the committees.

I offer my thanks to the organisations and individuals who have helped to shape our policy on self-directed support over a number of years. Their input has helped to ensure that the bill will make a difference to the lives of people who access care and support and to the lives of their carers.

At some point in our lives, each one of us in the chamber will need to draw on care and support services for ourselves or for someone in our family. We must ensure that we plan, design and provide services in a way that best meets people's needs now and in the future. People have told us that greater choice and control are key to better outcomes and we therefore need to empower people to play a full and active part, working in partnership with professionals, in designing their own solutions to their support needs.

That is not only a more sustainable approach to delivering and planning public services, but it is better for people, carers, families and communities as a whole. It is the kind of approach that was called for by the Christie commission. Indeed, the commission recognised the role that self-directed support can play in reshaping social care. However, it also noted the current low uptake of self-directed support and called for more action to build the capacity for and awareness of self-directed support to encourage broader participation.

I am strongly committed to self-directed support, not only as a concept that embodies the ideas of equality, human rights and independent living, but

as a mechanism that across Scotland delivers practical, tangible benefits to many people, their families and their carers. It is a privilege to hear directly from people in communities across the country who receive social care services and their carers about the positive difference that self-directed support makes to their lives.

I was particularly pleased that the Health and Sport Committee had a chance at its final evidence session to hear from a variety of individuals, including Omar Haq and Margaret Cassidy, about what self-directed support means to them personally. It is clear from their experience that giving people more choice, more control and a greater say in their support—whatever they choose to do with it—leads to improved outcomes and a better overall experience for them. Such stories strengthen my resolve to ensure that the ambitions of self-directed support are realised for the benefit of all people who are eligible for social care.

I am therefore pleased that there has been significant support for the bill during the earlier consultation phases and in its parliamentary passage to date.

**Liam McArthur (Orkney Islands) (LD):** Mr Matheson has set out well the benefits of self-directed support. I am sure that he is aware that Orkney Islands Council has in some senses led the way on the number who receive self-directed support, although the amounts are smaller. Does he recognise the constraints on smaller local authorities in delivering packages? Other areas can deliver economies of scale in service provision.

**Michael Matheson:** I recognise the work that Orkney Islands Council has done. A number of local authorities have a good track record in promoting self-directed support. Rurality and the provision of some services in small communities create challenges, but I know that Orkney Islands Council always works hard to try to deliver the best range of services that it can, within the limitations that it experiences because of the challenges. Self-directed support provides an opportunity to look at other options that might not traditionally have been considered in designing care for individuals that they can develop to meet their care needs.

I hope that Health and Sport Committee members have seen my written response to their stage 1 report, but it is worth while summarising some of the main points, as I have no doubt that they will be touched on in the debate. First, I welcome the widespread support for the principles that we have placed at the forefront of the bill— informed choice, control and participation. I am always open to potential improvements, so my officials are exploring the committee's

recommendation that the bill should also refer directly to the principle of independent living.

On the allocation of budgets by local authorities, I share the committee's view that

"self-directed support must not be, or be seen to be, a cover for cuts."

Under the Social Work (Scotland) Act 1968, local authorities have a responsibility to meet a person's assessed eligible needs, no matter which option that person chooses in self-directed support. We will ensure that that is made very clear in the framework of statutory and best practice guidance that will accompany the bill.

**Bob Doris (Glasgow) (SNP):** The minister touched on the idea that self-directed support should not be a cover for cuts. Would it be helpful to put it on the record that Glasgow City Council has cut its social work budget by 20 per cent in the past year, although its revenue budget was cut by only 3.4 per cent? [*Bob Doris has corrected this contribution. See end of report.*] What would he say to people who look for self-directed support in Glasgow and who might see the self-directed support model being used as a cover for cuts in that city?

**Michael Matheson:** The key issue is that, as I said, irrespective of someone's choice under self-directed support, their local authority remains under a legal obligation to meet their assessed eligible needs. That stands for any local authority—Glasgow City Council and others. When individuals feel that a local authority's system is not meeting their needs sufficiently, they should use that authority's processes to pursue the matter further.

I agree with the Health and Sport Committee that it is important to identify and share best practice in relation to complaints and the appeals process. Following a consultation this year on how social work complaints procedures might be updated, a working group is being set up. Among other things, the group will look at whether disputes need to be separated from the complaints process. My officials will ensure that the committee's views on that issue are passed on to that group for further consideration.

The committee asked whether the provision in the bill for support for adult carers should be a power or a duty. I am acutely aware of the contribution that unpaid carers make and I share the view that supporting their health and wellbeing is hugely important. The vital point is that we should create the right legislative and policy framework to support carers appropriately. Having a power rather than a duty will give us the necessary flexibility to meet our ambition to provide early preventative support to carers. Through investment from the change fund, the

carers information strategy and the short breaks fund and through work on other issues such as dementia, autism and mental health, we are already working hard to help to support carers in Scotland. The bill provides a further important tool to enable local authorities to continue to support carers in the most flexible and appropriate way.

Self-directed support applies to children and their families as well as to adults, and I am pleased to note that the committee supports that position. It is in line with the principles of getting it right for every child, and I believe that it can be of real benefit to children and young people and their families. However, I also note concerns about the specifics of the policy's application to children, particularly around issues relating to transition.

I assure all members that we will ensure that the guidance that is developed around the bill has specific information on support for children and on transition planning. We will draw practitioners' and providers' attention to that guidance through a variety of means. Although direct payments for children's support are well established as an option, there is considerable scope for extending their availability to many more children. I am confident that, along with the work that we are pursuing at present, we can further develop that area in a positive way.

One of the great strengths of self-directed support is the flexibility that it affords individuals, and a key factor in that flexibility is the workforce. However, I appreciate that there are concerns about personal assistants, who provide some of the most flexible support. There are risks inherent in employing or being employed as a PA, but I believe that those risks are manageable and that the current safeguards are proportionate. Therefore, we have no plans to require the compulsory registration of PAs with the Scottish Social Services Council or with any other body. Nevertheless, I share the committee's view that we need to enhance the status and value of personal assistants. In my written response, I discussed the wide range of actions that are being developed or which are already under way to support PAs and their employers. I believe that the emphasis should be on enhancing the capacity of professionals, individuals and their carers to make the right choice to best meet their needs.

Closely related to the question of personal assistants is the issue of the employment of family members. I believe that our approach should be one of flexibility and proportionality. I welcome the committee's agreement that the current definition of "exceptional circumstances" is no longer appropriate. If the bill is enacted, I will launch a consultation on regulations that will include definitions of appropriate and inappropriate circumstances for the employment of a close



relative. The aim is to move towards a culture that seeks to identify appropriate circumstances rather than one that focuses on exceptional circumstances. Safeguards will be important and I expect that to be fully explored during the consultation exercise.

I will say a brief word on costs. The financial resources accompanying the bill have been a source of concern for some. However, I am confident that the transformational funding that has been allocated to local authorities, providers and advice and support organisations will be sufficient to support a significant improvement in the provision of self-directed support options throughout Scotland. My officials have held several meetings with the Convention of Scottish Local Authorities and the Association of Directors of Social Work, and we will continue to meet them in the run-up to the implementation phase of the legislation. In addition, my officials have started a programme of visits to local authorities, which is aimed at gathering useful information about transformational processes across Scotland.

The bill raises a number of important and complex issues, and I am sure that we will hear much more about those during the debate. I remind members that, although the detail of the bill is of crucial importance, and although it is right and proper that it is thoroughly scrutinised and discussed, the overall purpose of the legislation is to make a difference to the lives of those in our society who need to access social care and support. We owe it to them to deliver real change.

I move,

That the Parliament agrees to the general principles of the Social Care (Self-directed Support) (Scotland) Bill.

**The Deputy Presiding Officer (John Scott):** I call Duncan McNeil to speak on behalf of the Health and Sport Committee.

15:04

**Duncan McNeil (Greenock and Inverclyde (Lab):** Legislation and policy making can be an impersonal business, but I want to recount the very human story of Omar Haq, to whom the minister referred. Omar is an intelligent young man with his life and career ahead of him. He graduated a couple of years ago with a masters degree in human resources management and is currently looking for work. Employers take note.

Omar Haq has cerebral palsy and he spoke eloquently to the Health and Sport Committee during its stage 1 consideration of the bill about the positive impact that access to self-directed support has had on his life. The bill has four options for self-directed support, one of which is the use of direct payments to employ a personal assistant. That is what Omar does. He described

his personal assistant as fulfilling a personal need by enabling him to go about his day-to-day activities, including travelling on a bus and filling out application forms. Ultimately, the flexibility that is offered by direct payments enables Omar to take more control over not just his care but his life. It raises his ambition to what is possible and drives him on to greater levels of independence. That striving for independent living is at the heart of the aims of the bill.

The committee received compelling evidence from Pam Duncan of the independent living in Scotland project that we should not be too focused on the process of self-directed support as an end in itself; instead, we were urged to look at its ability to empower those who use it to lead independent lives so that they may participate in society and live a full and ordinary life. As in Omar Haq's case, it is not just the system of support that is important but what the system enables people to achieve. The committee believes that the core principle of independent living should be more explicit in the bill. I welcome the Scottish Government's commitment to explore the possibility of such an amendment.

There are high expectations that the bill will bring greater freedom, choice, dignity and indeed control for people like Omar Haq, who require social care to maintain a quality of life and fulfil their potential. However, in the course of our scrutiny, the committee heard the changes that will be required of local authorities and independent and voluntary sector providers to ensure the success of the policy described as dramatic, wide ranging and difficult in every area. We heard evidence from practitioners about the individual, rather than collective files that will need to be kept. The changes were described as "seismic".

Local authorities seem to be in a variety of states of readiness. Some are further down the line than others in areas such as decommissioning group services, creating individual budgets around packages and embedding the concept of self-directed support in their assessment and care management processes. Concerns were raised with the committee about the approach of some councils to implementing self-directed support, and the impact of that on service users. The issue appears to get very complex at that level, although the problems are no less for that.

We drilled down below the usual suspects as we took evidence. We found invaluable the insight that was provided by service users and carers at discussion sessions co-ordinated by the Princess Royal Trust for Carers and the independent living in Scotland project. Strong views were expressed by individuals about the implementation of self-directed support alongside reassessment processes in Glasgow. Bob Doris touched on that.

That negativity was put into context by service users who had been on the receiving end of cuts to their budgets. For them, self-directed support had got off to a bad start and was not an empowering process.

Self-directed support cannot be seen as camouflage for cuts—I was pleased to hear the minister recognise that. The perception of the bill is important in terms of poisoning the process at an early stage. If things seem to be imposed on people, the bill could be seen as having a cuts agenda—that denies the opportunities that the bill would offer people.

The Scottish Government must ensure that the system is robust and that service users are offered a package that meets their needs. I understand that officials are working with COSLA to assess whether there is merit in establishing a national threshold for access to formal support. Perhaps the minister can say something about that later.

The committee believes that the statutory complaints procedure is inappropriate for dealing with disputes that arise regarding an individual's social care assessment. As the Law Society of Scotland told the committee:

“An appeals procedure is about saying that we think that something has not gone right and asking where we want to get to and what we want to put in place. Complaints procedures tend to be backwards looking”—[*Official Report, Health and Sport Committee, 15 May 2012; c 2269.*]

and focused on apportioning blame.

Local authorities need to make a clear distinction between complaints and appeals. The committee urges the forthcoming Scottish Government working group on social work complaints procedures to endorse the need for such a distinction. I heard the minister's comments earlier that that work is going on.

As well as focusing on service users, the committee's scrutiny took into account the views of unpaid carers, because without Scotland's army of unpaid carers our health and social care system would grind to a halt. They play a vital role in the provision of care in Scotland. We heard first hand from carers of their desire for the proposed discretionary power to become a duty on local authorities to provide support following an assessment.

Florence Burke of the Princess Royal Trust for Carers suggested:

“Potentially, a small investment for carers ... who want to take up self-directed support in their own right”

could go a long way. She told us that it could even “help to maintain the £10 billion savings to the public purse that carers provide by giving unpaid support.”—[*Official*

*Report, Health and Sport Committee, 22 May 2012; c 2325.*]

The committee recognises that it is vital that carers are given support to protect their physical and mental wellbeing. The bill should underline that most moral of imperatives.

Another key strand is the cost of the bill's implementation, particularly at a time of reduced budgets. There is a major discrepancy in the estimates of how much the bill will cost to implement, with COSLA estimating that it could cost double the amount claimed by the Scottish Government. That difference is so great that it cannot be explained simply as the result of different methodologies. COSLA's failure to share with the committee the details of individual cost estimates by local authorities is unacceptable—it is not acceptable for it to come to a committee and not be prepared to back up its argument, because the committee cannot determine whether the funding gap that was identified is real or imaginary.

I am keen to seek assurances that there are sufficient resources to ensure that the bill can be implemented effectively. I look forward to hearing further updates from the minister on the on-going discussions that he described. Seriously, those discussions need to be out in the open—this is not something for back rooms. The committees exist to enable such open discussion.

The bill holds challenges for service users and service providers alike. However, the committee believes that legislating on the policy of self-directed support should ensure uptake and promote greater consistency of approach across local authorities. The committee welcomes the proposed legislation.

**The Deputy Presiding Officer:** We are very tight for time today. Jackie Baillie has up to nine minutes.

15:14

**Jackie Baillie (Dumbarton) (Lab):** I welcome the opportunity to contribute to this stage 1 debate on the Social Care (Self-directed Support) (Scotland) Bill and I associate myself with the minister's thanks to all those who were involved in shaping and scrutinising the bill.

I am sure that the minister will forgive me for saying that the bill has been a long time coming. It was promised for the previous parliamentary session, but I understand that it was sacrificed in negotiations with COSLA just before the 2011 election because there were legitimate concerns about funding. As Duncan McNeil explained, there remain legitimate concerns about funding.

The bill has returned and some would say that it is a pale imitation of its previous incarnation, but perhaps it is a more practical set of measures and therefore a greater opportunity to create some change at a local level. On the basis that the bill will extend choice and control for people who receive social care, Labour members will be pleased to support the bill's general principles this evening.

Before I consider specific areas of the bill, I want to look at the policy context for self-directed support and, in its widest form, personalisation, which was first advanced by the previous United Kingdom Labour Government, working alongside disabled people. Personalisation is of course much wider than social care, given that it is about all the different things that contribute to the way we live our lives: our education, housing, employment, health, transport and so on. It is not intended to be a narrow focus on social care alone. It is about empowering those with additional needs to shape their lives in a way that suits them. I hope that the Scottish Government will in due course consider the wider possibilities of personalisation.

Let me look to social care for an illustration. Many of us have constituents, many of them older people, who benefit from a tuck-in service that helps them to get ready for bed every night. Nine times out of 10 that tuck-in service is delivered between 7pm and 8pm. I do not know about members, but I do not know anybody who goes to bed that early in the evening. *[Interruption.]* Jackson Carlaw has put up his hand to say that he does—old age is clearly advancing. Visits at such times are perhaps more about the interests of the service and lack the flexibility to respond to individuals' needs. Self-directed support is about exercising a degree of choice and control that makes life better.

Let me outline some specific concerns that have been raised. First, the independent living movement is clear that the bill should be viewed as a mechanism to support disabled people and those who live with long-term conditions to realise independent living. In his evidence to the committee, the minister agreed with that and I was pleased to hear today that he will give further consideration to strengthening the bill with perhaps a clear statement of intent about independent living.

That statement should recognise that disabled people have a right to independent living and state that the bill will empower those who use self-directed support to have the same freedom, choice, dignity, and control as other citizens at home, at work and in the community so that they may participate in society and live an ordinary life. That approach is supported by a powerful range of

organisations, including Inclusion Scotland, the Health and Social Care Alliance, Self Directed Support Scotland and the independent living in Scotland project.

Secondly, there is the question of advocacy. There is no doubt that, although the bill seeks to extend choice and control so that there is greater direction over how support is provided, there remains a need for independent advocacy. We know from experience that it can be difficult for some people to negotiate through choices that are often different and complex and that they require assistance and guidance in doing so. Including in the bill a right to advocacy will ensure that the bill's provisions, which we all support, will become a reality for all.

Thirdly, there is the question of an appeals mechanism. As the bill is written, it seems to me that the local authority will determine need and provide what it believes are appropriate services to meet those needs but that there will be only an internal complaints procedure if things go wrong. There may be access to the Scottish Public Services Ombudsman, but it looks only at the process by which a decision was made rather than at the substance. My experience tells me that people generally need money to access a judicial review.

The provision in the bill is not as comprehensive as having an independent and impartial tribunal to ensure that appeals are robust. Indeed, I understand from Capability Scotland that the Scottish committee of the Council on Tribunals—never heard of it before—recommended this month

“the establishment of a new tribunal jurisdiction to deal with appeals against community care decisions”.

The absence of an appeals procedure ultimately has the effect of weakening rights, and I hope that the minister will take time to reflect further on that.

Fourthly, there is a concern about the postcode lottery of care and, in particular, care charging. That is not a new issue in the Parliament, as I have been raising it consistently for three, if not four, years. I am genuinely disappointed that the Government and COSLA have taken so long to resolve the issue. There is a working group but, as I have said before, if that group was on performance-related pay, it would not be earning very much. Apparently, the issue is just too difficult. Frankly, in a country of this size, it is not acceptable for a service to have wild variations in charging such as those in my area, where the charge is £30 per week for a service in West Dunbartonshire, but £300 per week for the same service in neighbouring Argyll and Bute. There are different charges and criteria, and a lack of transparency and fairness.

Wherever someone lives Scotland, they should pay broadly the same and the criteria for charging should be the same.

**Bob Doris:** Will the member give way?

**Jackie Baillie:** No—not on this point.

The postcode lottery in charging could have a negative impact on disabled people's ability to direct their support in a meaningful way. Will the minister ensure that rapid progress is made in developing a national framework for the provision of and charging for care? We need fairness and transparency on the issue once and for all.

Fifthly, there is the matter of balance between individual and collective services. For example, day care centres are much valued by their users as a means of providing social interaction, yet their very existence could be threatened because of the withdrawal of funding. Although I absolutely acknowledge that self-directed support would not prevent an individual from continuing to use a day care centre if they chose to do so, that is not the practical experience on the ground. Therefore, more thought perhaps needs to be given to the transition for collective services. Sufficient financial support is needed to underpin the changes so that we do not have the perverse consequence of losing valuable services.

I turn briefly to carers. There is a call from carers organisations and carers that the bill should establish a duty to support unpaid carers so that they can receive direct payments in their own right following an assessment. I sympathise with the carers' view, and with the minister's approach, not least because the contribution that carers make is invaluable and because, by supporting carers, we spend to save. I suspect that such a duty will require additional funding and some thought. I am interested to hear whether the minister has made an assessment of that, never mind ensuring that carers have their needs assessed in the first place. Carers already have the right to an assessment, but it is difficult for them to access that. Their view is that a discretionary power is perhaps not enough. I would welcome it if the minister considered that issue.

Finally, I turn to the integration of health and social care. That developing policy, rather than an obsession with separation, should be dominating the Parliament's discourse. We need nothing short of a transformation of people's experiences of health and social care so that no one falls through the gaps. We might disagree about the means, but we do not disagree about the need for integration. The challenging demographics alone underline the need to act and to do so decisively. Labour believes in the creation of a national care service, which would be as radical as the creation of the national health service more than 60 years ago,

with local delivery and local accountability. It would be a seamless service that joined up health and social care, with a framework of minimum standards and an end to the postcode lottery.

Self-directed support is an important step in that journey, although it is disappointing that it is focused only on social care. The Scottish Government had a pilot on self-directed support in health. I would want to explore the opportunity of taking that further in a limited number of cases in which people's health needs overlap their social care needs.

The bill is an opportunity not to be missed, but it needs further improvement. We will work with the Government to ensure that the bill truly supports choice, control and independent living.

15:24

**Nanette Milne (North East Scotland) (Con):** In my nine years plus as a member of the Parliament, I have not been closely involved with a bill that has had such widespread support for its general principles. The bill will become legislation that, if properly implemented, will embody the principles of independent living for everyone, giving to all citizens the same freedom, choice, dignity and control in their lives, whether they are at home, at work or in the community. The bill will give everyone the right to secure practical assistance and support to participate in society and to live an ordinary life—something that, to date, has not been achieved. That point is emphasised in the briefing that was sent to members by independent living in Scotland, Inclusion Scotland and others, for whom it is crucial that the bill is viewed as a mechanism to support disabled people and those who live with long-term conditions in realising independent living.

The current system of direct payments to those who wish to select and pay for some of or all their social care entitlement was first introduced in the late 1990s. That system has not worked as intended, with uptake being less in Scotland than south of the border and patchy across the country. It is widely felt that legislation is now required to enable everyone to choose how they wish to receive the social care that they require. The only dissenting voice has been COSLA, which does not see the need for legislation at the present time.

We have heard about the four options, which are on a sliding scale, that will be available under the legislation to those assessed as requiring a package of social care, so I will not repeat that information. Of course, SDS options are currently available to service users, but the bill would place a duty on councils both to offer them and to act on the service user's choice, and should result in

greater consistency of provision across local authorities.

Although they are implicit in the bill, I agree with organisations such as independent living in Scotland that the principles of independent living should be made more explicit—there should be a direct reference to them in the bill. I am pleased that the minister is exploring the possibility of an amendment to that effect. I am also attracted to the suggestion of including a statement of intent in the bill, to further strengthen the link between SDS and its role in supporting independent living.

If the legislation is to be effective, there must be a clear focus on the requirements of the service user rather than those of the provider. A market will emerge for service users as SDS develops. It may be that, in the fullness of time, facilities such as council-run day centres will cease to be required if they are generally not what service users want. There are bound to be tensions, and a change of culture will be required in how the public sector meets individual needs, which will no doubt throw up problems along the way. However, the general thrust is that the end result of real independent living is what should be available in a fair 21st century Scotland.

The Royal College of Nursing voiced concern about users opting to use social care resources to pay for health-related provision, such as physiotherapy—or vice versa. However, such provision is precisely what should be happening if that is what would give the user most benefit and if provision is not readily available in the national health service. I hope that that issue will be dealt with as the integration of health and social care develops, on which I personally eagerly await the details of the Government's proposed legislation. Indeed, I feel that the benefits of SDS will only be fully realised once the promised integration is complete.

There are legitimate concerns about the lack of an appeals process in the bill or the failure to include the right to independent advocacy as a statutory provision. There are issues about support for adult carers, which the minister has spoken about—carers organisations want to see a duty on rather than a discretionary power for local authorities. There are also concerns surrounding the management of transition planning from children's services to adult services, particularly from school to further education.

Also worrying a number of people is the Government's decision not to regulate personal assistants but instead to rely on the protecting vulnerable groups scheme to mitigate some of the risks for those wishing to employ a PA, and I am not sure that the response given by the minister will completely reassure those who have raised such concerns. I note that there are plans to

launch a consultation exercise on the employment of relatives by service users, once the bill is passed—I look forward to that.

As we have heard, there have been disagreements between COSLA and the Government about the cost estimates for implementation of the bill's provisions and whether promised Government resources will be sufficient to facilitate the process of change required. I am pleased that those discussions will continue.

Although there are a number of important details and concerns to be dealt with as the bill goes through the parliamentary process, and no doubt there will be amendments from those who think that changes need to be made, I think that, overall, there is consensus that the legislation will be of significant benefit to those who are assessed as requiring social care. Provided that it is perceived not as a cost-cutting opportunity, but rather as the chance to give greater independence and a better quality of life to service users, the bill, particularly when it is seen in conjunction with the forthcoming legislation on the integration of health and social care, will be widely welcomed across Scotland.

I agree with Barnardo's Scotland that there will need to be robust oversight of the implementation of self-directed support, with sanctions imposed on local authorities that are deemed to be failing. However, Scottish Conservatives will be happy to support the general principles of the bill at decision time.

15:29

**Gil Paterson (Clydebank and Milngavie) (SNP):** As someone who supports the principle of independence for Scotland—I am doing a bit of multitasking—I fully support the bill, as it will empower people with disabilities to have more control over their lives. That is the key message that drives the bill—giving disabled people the same freedom, dignity and choice as their fellow citizens in all walks of life.

As a member of the Health and Sport Committee, I listened to a great deal of evidence during our meetings on the bill, from organisations with a stake in the issue to individuals who live with it on a daily basis. The evidence was wide ranging and informative, and it gave me more clarity about what is needed to ensure that everyone in Scotland is given every opportunity to achieve some level of choice and control in their lives.

At present, two options for receiving support are available to people with disabilities. Direct payment involves the local authority paying the supported person directly. They then spend the money on the support that is required. There is also the more traditional method, whereby local

authorities are given the responsibility of selecting the support that is required and paying for it without the direct involvement of the supported person. The bill aims to strengthen both those methods and to offer further options.

In some cases, people would feel generally more confident if they could choose the support that they receive without being burdened with having to deal with the financial side of the equation. The bill offers people that option while recognising that individuals have different levels of support needs, which is why I am pleased that the fourth option is a mixture of the three that I have already set out. The bill aims to consolidate, modernise and clarify existing laws on direct payments, which it is hoped will lead, in turn, to an increased uptake of direct funding, thus expanding the empowerment of disabled persons.

The bill is invaluable not just in helping disabled persons to take more control of their lives. For most, if not all, members, a week will seldom go by without constituents contacting our offices to ask for help on carer issues. As the unsung heroes of Scottish society, carers need all the help that they can get, and I am pleased that the Scottish Government has announced a number of initiatives to alleviate their problems. The investment of £24 million in direct support over the next three years will be welcomed by carers across Scotland, as will the allocation, through the change fund, of £46 million to support carers of older people, which will be spread over the next three years. However, more can be done, and I am sure that the Scottish Government will look further into how it can support those who require further assistance.

A major concern for some people who receive support is the prospect of a close family member using undue influence to become the employed provider of support to the disabled person. The fear is that, because money is involved, the family member's need for additional income may be considered to be greater than the disabled person's need for high-quality support. The family situation might mean that the strength of being an employer could be lost by people who are unable or unwilling, for whatever reason, to say no to employing a family member to look after them. That is a particular concern in situations in which the family member who would be employed is not equipped to provide the high levels of care that are demanded and expected. If a family member applies pressure to have a particular person appointed, a situation will arise in which the employer—in other words, the disabled person—will be forced, in effect, to fire someone who has been doing the job to a good standard, perhaps for a considerable period of time.

Such family coercion would be completely counterproductive to the achievement of the goal of independent living and giving people with disabilities more control over their own lives. It would create issues that would restrict further measures to empower them to live more independently. Just how difficult would it be to fire a family member who is not up to the job, or to deal with someone who, part-way through a chore, decides that they have done enough for the moment?

I listened carefully to the minister's speech and I am pleased that the Government has taken the matter seriously, has looked at the possibility of failings in human nature and is consulting on instructions and guidance to ensure that assessments are regular and meaningful, so that the individual who is seeking support is protected.

**The Deputy Presiding Officer:** You must close now, please.

**Gil Paterson:** I very much want to thank the Government for attempting to provide solutions to tackle the potential difficulties.

**The Deputy Presiding Officer:** Please close.

**Gil Paterson:** We all want people to have control of their choices—that is essential. I very much support the Government in its deliberations.

15:36

**Malcolm Chisholm (Edinburgh Northern and Leith) (Lab):** I welcome the bill, which is the first piece of legislation in this policy area since the Community Health and Care (Scotland) Act 2002, which extended the scope of direct payments to all care client groups. Self-directed support, however, is about much more than direct payments. I particularly welcome the new option 2, whereby the supported person decides the support and the local authority arranges it.

Self-directed support requires profound cultural change to make it work properly, and action on the postcode care issue, which will require some central direction, as Jackie Baillie outlined.

Culture change is certainly necessary. Not that long ago, the City of Edinburgh Council was preparing to change social care provision for hundreds of disabled people without any consultation with those who were about to lose a trusted carer. That was stopped because of a great campaign against it, but it leads me to agree totally with Professor Frank Clark, who said:

"The situation is a bit like what happened with the integration of health and social care, in that there is no point in getting the structure right unless practitioners on the ground behave differently."—[*Official Report, Health and Sport Committee*, 15 May 2012; c 2266.]

That is partly about training, and it is certainly about an understanding of the personalisation agenda in health and social care and a determination to do things with people rather than to them.

Self-directed support has to be about promoting human rights and independent living rather than consumerism and the cost of services. To make it work effectively, however, there has to be investment in independent advice and advocacy to help people access it. Age Concern and the Scottish Association for Mental Health argued for that in their submissions on behalf of their respective client groups.

It is also crucial that people should get the appropriate level of direct payment; a related point is that, where charging is permissible, they should be charged fairly. More central direction is required for that via a framework of standards, and an appeals system is probably necessary to ensure equity.

**Bob Doris:** Malcolm Chisholm raises a vexed issue—the expression “postcode lottery” is sometimes used—but does he accept that charging is sometimes directly related to the amount of money that local authorities decide to invest in their social work departments, and that that is a local democratic choice for them? The situation must be monitored nationally, but how much local authorities want to invest in their social work departments should be a real local democratic choice.

**Malcolm Chisholm:** That will become quite an issue during discussion of the bill and the forthcoming health and social care legislation. There is always a balance between local decision making and national decision making—I have been having a Twitter conversation with Roseanna and others over the weekend about that. My general view is that there needs to be a bit more national direction—a framework of standards—because otherwise people will feel that the system is simply not fair. Charging people very different amounts and assessing them in different ways will be a threat to this excellent bill. That is why we need a framework of standards and an appeal mechanism.

I accept that there are no large sums of extra money available for self-directed support, but it is important to ensure that the policy is not used as a cost-cutting exercise. The principle of equivalence of resource is important in the context of the bill. There are fears about costs—Duncan McNeil talked about COSLA’s view—but we should remember that, in his report, Professor David Bell said that self-directed support costs are similar to the costs of existing commissioned services. The issue to do with bridging costs has been recognised for a long time, and it is interesting that

the financial memorandum draws on the direct payments finance project report of 2003—the situation has become easier since then, because of the move from block to spot contracts. Such issues can be resolved.

Many more issues will be discussed in detail at stage 2; I will touch on two or three matters in the remaining time that I have. There is an issue to do with personal assistants, who were not included in the Regulation of Care (Scotland) Act 2001. Barnardo’s is calling for a register of carers and personal assistants who are eligible to be employed. I am not sure that we need to go that far, but we should certainly ensure that all carers and personal assistants are covered by the protection of vulnerable groups scheme. The Government should consider the SSSC recommendations in that regard, because there needs to be protection for vulnerable people. As SAMH pointed out, many potential employers will be vulnerable.

I agree with what the minister said about the employment of family members. The move in that regard from exceptional to appropriate circumstances is entirely right.

The interplay between the bill and the health and social care integration agenda needs greater clarity. In a sense, it is unfortunate that we are not discussing two bills together. The committee said in paragraph 199 of its report:

“the Committee encourages the Scottish Government to ensure that the principles of self-directed support enshrined in this Bill can be extended to address the health needs of people also in receipt of social care.”

I support that.

I strongly support the inclusion of children and young people in the scope of the bill, but I was interested in Barnardo’s comment that not enough evaluation has been done. It is important that there is full analysis of current projects that involve children. In general, I certainly agree that children and young people should be included in the bill.

15:42

**Richard Lyle (Central Scotland) (SNP):** The bill will enshrine in law the opportunity for adults and children who use social care to exercise choice and control over their care. The Government will support independent living and the right of supported people to participate in society to the full, so that people can be helped, quite rightly, to live an ordinary life. If that is to happen, we must redouble efforts to increase take-up of self-directed support. We must not just shift the balance of care towards home and the community but shift the balance of power towards users of support services.

Independent living means that supported people of all ages have the same freedom—I like the word “freedom”—to exercise choice and control over their lives as is enjoyed by many citizens of this country. Supported people can exercise the rights and duties that come with being a citizen of this country in a full and equal way, participating in society. SDS presents people with essential, practical assistance, to ensure that they are free to live their lives as they want to, with the dignity that they deserve.

The SNP Government is committed to Scotland’s estimated 650,000 unpaid carers. The extension of direct payments to carers, as proposed in the bill, is further proof of that commitment. I note that more than £46 million will be invested during the spending review period.

What happened in the past will not work in modern Scotland. Legislation is needed to ensure consistent provision and to ensure that supported people have greater choice and control over the services that they receive and need if they are to live their lives to the full. Progress has been made on increasing uptake of direct payments, and legislation is needed to ensure that further progress can be made.

The bill will give eligible people four options: direct payment, whereby the local authority makes a direct payment to the supported person, for them to spend on the support that they require; direction of the available budget, whereby the supported person selects support, which is then arranged by the local authority; local authority-arranged service, whereby the council selects and makes arrangements for the support that is to be provided; and a combination of options 1 to 3, to suit the individual’s needs.

As a member of the Health and Sport Committee at stage 1, I thank its convener and deputy convener for the excellent report on the bill. I am sure that the bill will receive the support that it deserves. I will monitor its progress through the Parliament—I am sure that many others will do so, too. I believe that it will receive the full backing of all members.

I also thank all the organisations that sent us briefings on the bill. I note that the minister received a request from the director of the Royal College of Nursing about the possibility of delaying the legislation. I for one would certainly not agree with that. Carry on, minister, with the bill, which I fully support. I hope that he will say in his summing-up speech how he has responded to the letter from the RCN.

15:46

**Siobhan McMahon (Central Scotland) (Lab):**  
There has been a concerted effort in both

Scotland and the UK for a number of years to give care recipients greater power and influence over decisions that will have direct and tangible effects on their everyday lives. That effort has been accompanied by attempts at local and national levels to tailor individual care to personal specifications. The general principles of the bill— involvement, informed choice and collaboration— attempt to reconcile those two objectives in relation to social care. The bill’s aim is to ensure that service users are engaged partners as opposed to passive recipients in the commissioning and delivery of care. As a passionate advocate of independent living, I fully support that aim, but as the Health and Sport Committee’s report has already highlighted, there remain aspects of the bill that must be addressed.

The bill in its current form promotes independent living, but I would like that to be strengthened by the inclusion of a statement of intent that would underpin our common right to live an independent life. To ensure that that right becomes a reality, we must continue to work towards integration of health and social care. That is an explicit Government aim, which the Labour Party supports, and that is why we have called for the creation of a national care service. We believe that that is the best route to achieving that aim, but it is not currently on the agenda. Therefore, we must focus on the other obstacles that we must overcome.

The first and foremost of those obstacles is cost. We agree that, where possible, individuals who are currently cared for in hospital should be cared for in the community. The bill is part of the process, but the transition of care necessitates a transition of budget. Significant bridging finance is needed to shift the cultural balance from hospital to home-based care. At present, it seems to be doubtful that the bill will make adequate financial provision for the increased numbers of people who will receive care in their own homes, as is their right. That is precisely the sort of detail that we must have regard to if we are to ensure that the spirit of the bill is matched by its outcome. I would welcome any assurances that the Government can give me on that.

**Bob Doris:** The convener of the Health and Sport Committee, Duncan McNeil, has already made clear one of the reasons why there is uncertainty about the finances behind the bill. The Scottish Government has clearly stated what it believes the proposals will cost and it has shown the workings behind that figure, but COSLA has simply made broad assumptions and will not share with the committee how it reached its figure. Does Siobhan McMahon agree that that is unsatisfactory on the part of COSLA?



**Siobhan McMahon:** All the information should have been provided to the committee so that an informed choice could be made. I call on both sides to provide that information so that such a choice can be made.

Statutory access to self-directed support is undoubtedly empowering, but it may also be intimidating. Individual care requirements will vary a great deal in their nature and complexity, so it is imperative that the available options be promoted clearly and consistently across local authority boundaries. That will enable individual service users to make informed choices and will help to ensure that a constantly high standard of care is maintained across the country. That is especially the case when it comes to direct payments.

Taking sole responsibility for commissioning one's own care is a daunting prospect. In many cases, it will entail the removal of the local authority as the traditional middleman in provision of care, but local authorities must remain part of the process, with a statutory obligation to ensure that the appropriate advice and support are available prior to the allocation of a direct payment.

Service users who choose this path should have access to budget management training and must be made aware of their rights and responsibilities as employers. In addition, the bill must make provision for any incidental costs arising from direct payments.

Capability Scotland cites examples of cases in which direct payments have been discontinued immediately upon the death or long-term hospitalisation of the recipient, which has left families being liable for redundancy payments that are owed to personal assistants. The bill must stipulate that the amount of the award is commensurate with the overall costs of care, including those that arise from sudden death or hospitalisation.

Another matter of note is that the bill will, in effect, create a market in provision of care by placing local authorities and other service providers in direct competition. Some people have argued that many local authorities offer less in direct payments than the equivalent cost of arranged services, in an attempt to keep service provision in-house. As a consequence, it has been suggested that primary responsibility for setting the value of direct payments be passed to an independent arbiter.

In addition, Capability Scotland has argued for the establishment of an independent statutory appeals process to allow for decisions on assessments of needs and the cost of care packages to be effectively challenged. That seems to be a sensible request. The formation of an

independent appeals panel would offset the fears of many service users that their challenging of decisions through existing internal mechanisms will result in prejudicial treatment in the future.

As self-directed support becomes more established, there is likely to be increased uptake of direct payments. Although that will be a positive development, it may lead to more use of personal assistants as opposed to service providers. In 2011, 39 per cent of direct payments involved use of personal assistants, with 34 per cent using service providers and 3 per cent using some combination of both.

Personal assistants are not regulated and little is known about the PA workforce. In order to guarantee a consistent high level of care to service users, and to safeguard the PA workforce, the Scottish Government should, I believe, consider developing a register of all carers and personal assistants, as has been suggested by Barnardo's Scotland. I was disappointed to hear the minister ruling that out in his opening speech. Inclusion on such a list should be made a precondition of funding, especially in the provision of care for children and young people.

Finally, it is imperative that the provisions of the bill be implemented. There should be robust oversight to ensure local authority compliance because we cannot allow any party to fail in its obligations. There is too much dormant legislation on the statute book. Self-directed support must not be allowed to join the list.

15:52

**Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP):** The term, "independent living" is defined by the Government as:

"disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself or fending for yourself. It means rights to practical assistance and support to participate in society and to live an ordinary life."

What does independence mean to members? I believe that its meaning is enshrined in that statement. Imagine having the same choices as a non-disabled person and the freedom to make that choice. Imagine taking part in the same activities as your friends without having to sit on the sidelines. Imagine taking part in civic society, in a work place, in a recreational activity, without the stigma or barriers that can so often stop people, literally, in their tracks. Imagine being empowered not just to take control but to actually be in control, when much of your life is in other people's hands. Imagine the dignity of not only being consulted, but of being respected in the choices that you make for yourself, without fear or favour, safe in

the knowledge that the choices that you make for yourself are yours to own, to decide, to control.

Those are all things that non-disabled people take for granted. We cannot imagine how difficult life can be in some respects, and as non-disabled people we cannot understand the sense of liberation a person has when they take control and ownership of their life. Imagine how you would feel as a young person trying to make your way in the world and attempting to keep up with your siblings and friends.

The story I am about to tell illustrates the need for underpinning legislation. I have the permission of the people concerned, but I will maintain confidentiality. This is the story as told to me by a father; these are his words and his experiences.

"We first heard about self-directed support via parents at the Scottish Spina Bifida Association and we thought it would be great for my child with the outcome being that Mum gets some respite and my child's care needs are being addressed, including personalisation, socialising and learning social skills for her to learn independently without her mum; the perfect all-in-one package.

What we did not realise is that we were entering a minefield of events that would have us unnecessarily stressed, resulting in submitting complaints to the local authority to fight for our rights and receive what we are entitled to.

Our first appointment with our local social worker was within 6 weeks of expressing our interest in self-directed support, the meeting went well, we explained that we were interested in self-directed support and the outcome for my child would be care needs being addressed along with independence, personalisation, socialisation and learning social skills independently while her mum gets respite—the social worker went away with our request to report back to her team leader.

A few weeks passed and we received a call to arrange a follow up appointment—on arrival the social worker asked similar questions to the first meeting, we were confused and said that it was self-directed support that we were looking for for my child. The social worker in surprise looked at us and asked for more information, and so once again we explained why we wanted the self-directed support and the social worker went off to report to her team leader.

A few weeks passed and we received a call to arrange a follow up appointment—on arrival the social worker asked similar questions to the first and second meeting, we were very confused and I asked if she was having a laugh as we had spent the last two appointments discussing this—at this point the social worker admitted that the team leader is unaware of the details of self-directed support—I asked that if I did not quiz her then would we be having a coffee in another few weeks to talk discussing self-directed support? Talk about *déjà vu*. We gave the social worker in-house contact details within the local authority to request the process of self-directed support.

A few weeks passed again and we received a call to arrange a follow up appointment—on arrival the social worker smiled and the assessment began all over again.

A few weeks further passed and we were informed that there was no money in the budget to pay for the self-

directed support which would be revised at the next financial year.

And now the complaints start as we arrange meetings with the social workers, team leaders, people at Scottish Personal Assistants Employers Network, Christina McKelvie MSP, the Head of Adult and Older People Services, the executive director of social work in South Lanarkshire Council—resulting in my child being awarded 2 hours per day which was awarded from another budget as there was no money in the children's budget, even though Scottish Government had awarded SLC with £600,000 every year for the next 3 years, £1.8 million swallowed into other budgets.

The social worker verbally gave us permission to arrange a personal assistant for my child as the first payment would be processed at month end. Lesson number one, take nothing verbal from a social worker as my child's first payment took 3 months and was not back dated—so who would have paid the wages if I had managed to find an appropriate personal assistant for my child?

A few weeks later we received an email from the social worker and team leader requesting for more information, (remember that I have taken everything to every meeting) which may now result in monies being paid back, 6 months later my child's 1st review is still waiting to be heard.

This will leave the matter of respite for Mum not dealt with, with her having caring duties for my child's twin sister who is now recognised as a young carer. We have requested a review to receiving extra hours for respite on a weekly basis to support Mum—6 months later we are still waiting."

There is nothing more powerful than a person's experience of trying to navigate a system that does not have legislative backing. For that reason alone, I welcome the plans to legislate and hope that families will not have to experience what I have detailed this afternoon. I ask the minister to pay particular attention to children's needs during the bill's process.

15:58

**Liam McArthur (Orkney Islands) (LD):** I, too, congratulate Duncan McNeil and his colleagues on the Health and Sport Committee on the production of a very thorough report. I am also happy to confirm the Liberal Democrats' support for the bill. As others do, we think that it is overdue, but it certainly represents an important step in giving adults and children, carers and young carers, more control over meeting their social care needs.

Although the idea of self-directed support is increasingly prevalent, there is still a lack of consistency in the options and where they are available. The headline figure comparing direct payments in England and in Scotland provides a stark illustration, and the Christie commission was right to highlight that further action was needed to increase uptake of self-directed support.

In that respect, I welcome the Government's intentions behind the bill. Enshrining in law a

requirement for all local authorities to offer people with support needs four distinct options—receiving direct payments, directing available resources, having the local authority arrange support, or a combination of the three—represents a significant step in the right direction and I hope that it will ensure that everyone is able to make the choice that best fits their circumstances.

I understand that questions have been raised in committee about implementation of the new duty. Local authorities and providers will certainly face challenges in adapting to what will inevitably be changing demands for certain services and—as we have heard from Siobhan McMahon, Duncan McNeil and others—providers will, no doubt, be wary of the cost implications. The Coalition of Care and Support Providers in Scotland highlighted, for example, that

“High demand for out-of-hours care and flexible care could mean a more expensive workforce.”—[*Official Report, Health and Sport Committee*, 22 May 2012; c 2309.]

As I mentioned to the minister earlier, there are specific issues in Orkney. In our small rural island-based community, there is certainly demand for more self-directed support, but the scope for making savings in the provision of other services is limited. That has been our experience to date. I hope that the minister will reflect on the specific challenges that are faced in Orkney and, probably, in Shetland and the Western Isles.

We must ensure that providers can meet the demands that self-directed support might place on them. Key in this is maintenance of levels of funding and of transparency. A number of groups have raised concerns that implementation of self-directed support must not be used as a cost-cutting exercise, so I welcome the strong statement that the minister made on that in his opening remarks. Examples have been cited; Bob Doris and Duncan McNeil both mentioned the situation in Glasgow, which offers a cautionary tale. The Government must ensure that sufficient funding is in place for implementation of self-directed support and that it is clear where the money is going.

I also welcome the requirement on local authorities to ensure that individuals can make informed choices about the options that will best meet their needs. However, concerns have been raised with me about the omission from the bill of the right to access independent advocacy. I know from experience in Orkney that advocacy services are vital in helping people—particularly vulnerable people—to make informed choices, so I support the calls for a right to access to independent advocacy to be included in the bill.

I turn to the second aspect of the bill. It is equally important that, as well as putting in place better options for people with support needs, we

ensure that their carers have full access to the help that they need. The bill gives local authorities the option of providing support services to carers as well. At stage 1, the committee heard a great deal about that provision—in particular about the fact that the bill will not impose a duty on local authorities in that regard. Carers Scotland argues that

“enacting the legislation simply as a power will result in inequity with significant variances in practice, and thus support for carers, across local authorities.”

There are readily identifiable benefits to having proper levels of support in place universally. Carers Scotland also stated that

“Providing support at the right time can also prevent carers from having to give up paid employment and activities that sustain their life outside caring, resulting in negative consequences for their finances, health and wellbeing.”

Although I acknowledge the concerns that placing a duty on local authorities could lead to strict eligibility criteria, I believe that the argument for such a duty has much to commend it. Many carers have worried that the bill as it stands would not deliver the necessary improvements for them. I invite the minister to reflect further on the evidence that was presented to the committee on that aspect before stage 2.

A further concern, which is particularly relevant for young carers, is about the impact that the need to manage self-directed support budgets might have on people. Carers might end up having to manage personal budgets for family members on top of their caring responsibilities, which could be an unwanted burden. Several members have highlighted the views of Barnardo’s Scotland, which advocates the introduction of training and support for budget holders. That suggestion certainly warrants further consideration.

Finally, the bill opens up the possibility of unpaid carers being charged for services that help to support them in their caring role. Clearly, that would not be welcome, and the matter needs to be addressed. I ask the minister to clarify the situation.

As we have heard today, although the principles of the bill are sound, a number of details need to be dealt with. The minister touched on a number of them in his opening speech, but I hope that he will cover a few more in closing the debate so that we can be confident not only that the bill will be implemented successfully and smoothly to help people with support needs to manage their care, but will bring meaningful change for carers as well.

The Liberal Democrats will be only too happy to vote in support of the general principles of the bill at decision time. We look forward to working with the Government, other parties and people outwith

Parliament to improve and strengthen it as it progresses through its various stages.

16:04

**Dennis Robertson (Aberdeenshire West) (SNP):** As other members have done, I thank all the various agencies that provided information for this afternoon's debate.

I did not intend to stand up and defend social work, but having heard Christina McKelvie's story, which was very real, I will say a few words on the subject. As a former social worker, team leader and service manager, I think that there is a failure in process. That highlights an essential point about the bill—that it is not about process but about people.

The bill is about enabling people to make a choice, but they cannot make the right choice if they do not have the information. To enable choice, the information must be free of bias and it must reflect the needs of the individual, their family and their carers. In my 30-odd years in social care, I met many families with many different needs. However, the principle of doing the assessment to identify that need must not be and should never be resource driven; it must be outcome based. We must divorce what resources are available from that consideration in order to ensure that we provide an assessment that is free of that information. We must ensure that when we carry out an assessment we assess the need of the individual and their carers at that time. We must come up with an informed care package, not one that is decided for them. As Malcolm Chisholm eloquently pointed out, it is not what we do to people, but what we do with and for them.

The setting up of a care package and the establishment of what a person's needs are is a partnership. It is about establishing what the person needs and when they need it. There are many good examples and we have been given many case studies in the briefing for the debate. I can take members back to a case of my own many years ago when I was practising in social work. In my early days in social work, I came across a young lad in Inverclyde who had very limited communication skills. He had no speech, but was able to smile and laugh. Unbeknown to me, when I walked into the room to come and see the family his eyes apparently lit up, because I sat beside him and he held my hand. He got immense pleasure from that very basic contact.

That is the principle behind the bill. It is about identifying basic needs. It is not complex; it is about identifying people's basic needs, ensuring dignity and ensuring respect. We cannot lose sight of that.

I remember an occasion when I achieved independence as a result of being able to use a computer through screen-reading technology. That gave me the ability to do things for myself rather than be dependent on others. Fortunately for my wife, the screen reader does not read the bank statements, so I have no idea about those.

Independent living is not about the person living on their own, but about their living with the appropriate supports. None of us lives in isolation. We live with support from others, whether that is through partnership or marriage or the support of colleagues in our profession. We are interdependent, but at different levels. We must respect that and identify it. We must recognise that the person's needs must be met. As I said, the process must be outcome led, not resource led. We must meet a person's needs in the best way that we can.

We have heard much about carers. I welcome the fact that Parliament will hold its first carers parliament on 1 October. Carers will come together in the chamber so that we can hear their voice. That is a step forward for Parliament, for our communities and for our carers.

I endorse the work that the Government has done on the bill so far and I endorse the support that it has received from the chamber.

16:09

**Mary Fee (West Scotland) (Lab):** Given the concerns that I have shared with Parliament in previous debates on care, I welcome the chance to take part in today's debate. Like my Labour colleagues, I welcome the bill and the general principles that are enshrined in it. The hope must be—as, I am sure, it is—that the bill will increase uptake of direct payments, which has slowly increased in the past decade. It is welcome that carers groups, service users and trade unions have been supportive of the bill and that they have been involved with the Health and Sport Committee through the evidence-gathering process.

After stage 1, changes will be proposed. I feel that an amendment is needed to include in the bill a right of access to independent advocacy. In his response to the committee, Michael Matheson said:

"The Bill will place a duty on local authorities to give people information and advice about the decisions that they make and point them in the direction of independent advocacies."

I take a slightly different view from the minister; I feel that local authorities will not have the impartiality that independent advocacy services can offer from the outset.

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** Will the member take an intervention?

**Mary Fee:** If I have time later, I will take an intervention, but I am really tight for time and I have a lot to get in.

In its submission, Independent Advocacy Perth and Kinross said that it had

“concerns regarding the quality of information ... provided to people making decisions around whether they should use this method of personalising their care. In some instances”,

it has been noted

“that the person has not always been made aware of the responsibilities connected with direct payments and has only been informed of the benefits”.

For the bill to work, service users and carers must know all aspects of what they will be taking on.

In the past year, there has been much discussion about carers and the carers strategy. We all appreciate the important role that carers play, and the bill provides the best opportunity to give something back, by creating a duty instead of a power to offer carers self-directed support. In its submission to the committee, Carers Scotland pointed out that a power will

“result in ... significant variances in practice, and ... across local authorities ... By legislating for a statutory duty rather than simply a power, this Bill presents an opportunity to deliver a limited right to some practical support, subject to assessed need.”

The creation of a duty would give some carers back their normality, let them be themselves again and ensure that their own health and wellbeing are paramount.

I listened with interest to the minister's comments on personal assistants. I accept that the use of PAs has decreased in recent years, but I still have concerns about their training and qualifications and about monitoring them. Some of my concerns were highlighted by others in evidence to the committee. The Coalition of Care and Support Providers in Scotland called for

“some basic level of accreditation for Personal Assistants, and as a minimum a requirement that they be made subject to PVG checks.”

The Scottish Social Services Council added that

“agencies providing personal assistants, and indeed other social service workers should be regarded as care services and required to register with the Care Inspectorate.”

The need for regulation is a safety net not only for service users, but for the workforce.

During my time on the Health and Sport Committee, many stories that related to care of the elderly attracted national press coverage. To ensure that cases of neglect, abuse or poor care provision do not occur, regulation of PAs is a must. I have a reservation about the employment

of family members, which concerns how they are trained and regulated. Much of what I said about PAs can be applied to family members. However, what is most important is that employment of a relative must be in the service user's best interests. Much unpaid care is provided by family members, so it is right to reduce the restrictions, but training and regulation must balance that reduction.

A constituent contacted me to ask me to use the following quotation in my speech. It is fitting, because it reflects carers' uncertainty and feelings about the bill. My constituent said:

“As a carer for my husband who has a spinal injury, I find myself increasingly worried for the future. What happens when we really do need support? What hoops will we have to jump through? It took five months and four different professionals when all we wanted to do was put an emergency plan in place. We gave up, and did something ourselves. The first professional we met didn't know about Direct Payments.

So when things get worse—as they will—will we be able to get help to lift my husband? To get him to bed? Support that means I can continue working?

Or will I have to give up a job I enjoy? Will any help we get in future work around our needs as a family? We don't mind paying for services which support us ... but they need to work around my husband's life and let him have some dignity. Will the SDS bill enable this to happen?

I watch with sadness some of the battles my friends have had to go through to get help with caring—and I know some for whom self-directed support has been a godsend. So I want it to be easier for others to get the help they need.

So my plea is to recognise that carers need their own rights—the SDS bill provides a starting point.”

16:15

**George Adam (Paisley) (SNP):** I, too, welcome the bill and the debate.

I am speaking as a member of the Health and Sport Committee but, unfortunately, I cannot take any credit for the great work that Duncan McNeil and the committee have done on the bill because I have been a member for only two meetings—and, as of 5 pm tonight, I will be a Health and Sport Committee member no more.

In football parlance, I asked for the transfer to the committee not only because it was the only committee that I wanted to play for but because it deals with issues that are close to my heart. My wife Stacey suffers from multiple sclerosis, and seeing her on-going struggle with it I have experienced what it is like for someone who has had to access services as the years have passed.

Stacey is quite lucky compared with others with whom I have worked as an elected member in seeing what difference the bill could make to their

lives. As Dennis Robertson said, the bill is about people, and that is the most important thing.

Part of the evidence that the committee received involved a dialogue between Bob Doris and Margaret Cassidy, who has been a user of social work services in the past. He said to her:

“Your prepared statement mentions that you now do things like go dancing and go swimming, not when you are told to go swimming, but at a time of your choosing”.

She agreed:

“They told me to do things when they wanted.”

Bob Doris then said:

“I suppose that I am trying to give you the opportunity to put on the record whether you thought that enough choice was previously offered to you”.

Margaret then told an interesting story that is a perfect example of why the bill is so important:

“It was so-so. I will tell you a wee thing. One time I wanted milk and the woman who was helping me said that that was not her job. I was only asking for a pint of milk, but she said, ‘By the way, that’s not my job.’ I said to her, ‘What is your job?’ We had a falling out and I told her, ‘There’s the door. Don’t come back.’”—[*Official Report, Health and Sport Committee*, 29 May 2012; c 2358.]

The bill gives people such as Margaret Cassidy the power to do that and take control of their own lives. That is an important point to take on board.

As the minister and Duncan McNeil have said, the bill should be seen not as an agenda for cuts but as a vision of the independence that it offers families across our nation. I support the core values of the 2010 strategy—respect, fairness, independence and freedom—and I see those values in the bill and in its ensuring that supported people have the independence to lead a fulfilled life.

As others have said, it is important to acknowledge the 650,000 unpaid carers in Scotland. The extension of direct payments to carers is proof that the Scottish Government acknowledges them. The Scottish Government is also providing other investments of more than £24 million over three years in direct support to carers, plus £46 million to support the carers of older people, because we live in a society that is getting older.

Another great addition, which has been mentioned, is the carers parliament. I have already booked my place and look forward to the first carers parliament. It is important that we in this chamber engage with everyone across society. Hearing their stories in that forum, and not just at our surgeries, brings the importance of the issue home and makes this place relevant to the people whom we serve.

The issue is close to my heart because I am, technically, a carer. My wife might say otherwise

but, technically, I care for her. I am lucky because I have the support and help of my mother-in-law and father-in-law. Without their support, I would not be able to do the job that I do as well. I have that support, but there are other families who need further support. We must never forget the contribution that those 650,000 unpaid carers make. We must strive to provide as much support as possible, which is one of the reasons why I support the bill.

The most important support that the bill offers is choice. I would like the minister to look at the potential for making the application process for direct payments a wee bit easier at local authority level. I know from various cases that I have dealt with that the process can be quite difficult and that payments can take a long time to go through. Although people who have taken up the idea of self-directed support have done extremely well and have enjoyed it, there is still the traditional local-authority arranged service, directing the available budget and a combination of eligible options.

I am particularly looking forward to the clarification of the existing laws on direct payments as they are haphazard and something of a mishmash at present. The minister spoke about family members being in receipt of direct payments—I welcome that flexibility. That is something that we have to look at because it is a natural process for families to look after individuals.

I add my voice to support for the bill. It carries forward the legacy of the Christie commission and ensures practical support for people and families throughout Scotland. I have mentioned Scotland’s 650,000 unpaid carers and their contribution to our communities. They and their families must be supported and assured of a quality, independent life. This is a strong bill, and I agree with the minister that it can make a difference to people’s lives throughout Scotland.

16:21

**Helen Eadie (Cowdenbeath) (Lab):** I echo the views of other members who have welcomed the bill, particularly Malcolm Chisholm in his support for option 2, in which the individual chooses and the local authority provides. I do not like the notion or the spectre of individuals hiring and firing at their will, which is the Tory proposition coming down the line at us.

I bring with me experience as a carer of my parents. I watched the tender loving care of my stepmother-in-law before the death of my father-in-law. He needed care at home for almost two years, which was quite a traumatic experience for

her. We watched that experience and did what we could to support her.

I also bring the experience of 13 years as a councillor in Fife and a long-time member of the social work committee. When I first joined the council, home helps were provided free of charge by the Labour administration. In those days, home helps did everything that they were called on to do. Times have changed. The service was free when I first joined the council but by last year, when the SNP lost control of the council, charges in Fife had reached £11 an hour for those not on benefits—unsustainable for individuals who desperately need care.

My work as an MSP has helped to underline that problem for me. Myriad issues come before us in our case load as parliamentarians. I have read with interest much of what has been said before today and have been fascinated by the proposals that have come before us. When I cared for my parents 29 years ago, just before they died, we had none of the support services that will be in place. I welcome that support—it is critical for individuals and carers.

Given that my remaining time is so short, I shall dwell on representations made to me about Capability Scotland, which has been mentioned by others. I will go into no more detail than to say that I found compelling Capability Scotland's call for the establishment of a new tribunal jurisdiction. Recent case law from the European Court of Human Rights suggests that, even cumulatively, the mechanisms in the bill do not amount to an independent and impartial tribunal. Capability Scotland says that, after extensive consultation, the Scottish Committee of the Council on Tribunals this month recommended

“the establishment of a new tribunal jurisdiction to deal with appeals against community care decisions”.

I hope that the minister listens carefully to what Capability Scotland has said.

The minister spoke about having the right policy framework for carers and about whether support for carers should be a duty or a power. The point that came over in the briefings on the bill is that we are talking about a discretionary power. I was moved—as I always am when I hear him speak in the chamber—when Dennis Robertson described a real, compelling situation and what it is like for the individuals concerned. That is why the minister has to think about those carers across Scotland: he has to understand that they will be at the mercy of every local authority's financial consideration, which is what Dennis Robertson said should not happen. Decisions should not be based on financial consideration; they should be based on the needs of the particular individuals and their carers. It would be a great mistake if the bill goes

through and we do not issue the minimum regulation of standards across the whole of Scotland, because we know what a postcode lottery means.

I note from the briefings that carers assessments are not common practice in all local authorities. I note too that there have been calls to ensure that the assessments are better publicised—that is important. There is also the issue of carers complaining that the assessment processes are too long, especially when a short or small intervention is required.

I need to ask the minister about the sheltered housing issue. Perhaps he can talk about how the bill fits in with sheltered housing when he sums up. Across Scotland, sheltered housing associations such as Bield Housing and Care charge for the services that they provide. Some of that money goes towards those services, but what happens when those sheltered housing associations cut back on the services that they provide? The individuals are still paying for the services, but the services are cut. It is an issue in the area that the minister represents and it has been an issue for me in Fife over the past three years. I hope that the minister will address whether that issue is affected by the bill.

Broadly, I welcome the support that all colleagues in the chamber have given to the bill.

16:27

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** Members have already heard about the vast army of 650,000 unpaid carers across Scotland who save the Scottish purse £10 billion a year through their work. I want to speak about one large section of those unpaid carers—family carers.

As a member of the Health and Sport Committee when it took evidence on the bill, I found it interesting to look at the Government's decision to change from the payment of family carers under exceptional circumstances to payment where it is appropriate, and I welcome the minister's comments on that.

When the committee was taking evidence, it was interesting to see the sharp divide on that question. It was perhaps reflected in Gil Paterson's speech when he talked about the risk of undue influence and coercion by family members if they became paid carers. In the evidence received by the committee, it was councils and organisations such as the Association of Directors of Social Work that, illogically, talked about the right of everybody who receives care to choose the care that they think best and then said that we have to keep in place the exceptional circumstances criterion for paying

family members through direct payments. That contrasts with carers organisations and such organisations as Age Scotland, which in their evidence talked about the facts that most unpaid care is done by family members and that, when those family members are able to provide the care, it leads to better outcomes for the person who is receiving care.

Reflecting on the dichotomy in the evidence that we received on the topic, I thought that I would take members in the chamber on a personal journey. For nigh on 23 years, I have been a family carer. When it happens to you, you start by thinking in a particular way: I thought that I was just being a good daughter and doing the things that my mum needed me to do. However, it escalated over the years, and I ended up doing the banking, the bills and the messages: if my mum said, "I want a pint of milk," I went and got the pint of milk.

The work escalates: you take the family member you care for to health appointments, you do emergency hospital admissions, and you receive phone calls at work perhaps four or five times a day when they are not coping. There comes a point when there is a realisation and you think, "We need a care package here. This is not something that I'm doing well." You set off on that route, but very quickly you learn about the limitations of the care packages that are on offer through local councils: the four times a day 15-minute visit, which is inadequate for anything—not just for cooking meals but even for giving company to somebody.

**Dennis Robertson:** Does that mean that the council is doing resource-led interventions and assessments rather than needs-led ones?

**Fiona McLeod:** As Dennis Robertson has suggested in his intervention and his earlier contribution, that is exactly what happens. If the person getting care has control through direct payment, they will choose the care that they need and not what a council says is what its resource limitations will allow it to provide.

I had some other examples of the limitations, but let me just take members to the next step. The next realisation is that the care packages do not work and that what they provide is certainly not support for independent living in the community. All the time that the care package is in place, the family carer is still doing all the jobs, such as paying the bills, doing the messages and taking the cared-for person to hospital.

It is at that point of realisation that you ask, "How do we get a personal service?" I found out about direct payments, but you have to know the system. Dennis Robertson has explained that, but I will give members a little anecdote. My son said

to me once, "It feels like you're having to beat the system, mum." That is exactly what Christina McKelvie explained that her constituents had gone through. My son said as well, "Mum, you used to be an MSP. If you can't beat the system, how does anybody else manage?"

When someone does get their direct payment, the family member who has been giving them their care is no longer considered under the exceptional circumstances condition. If a person who needs care gets a direct payment and decides that the family member who has been giving them their care is the most appropriate person to continue to give them that care, they should be able to use the direct payment to employ that family member.

I will just finish by talking about the toll on the family carer of going through all the hoops, processes and so on under the exceptional circumstances condition. You end up as a carer thinking not that you are a good daughter but that you are a bad carer. I ask members: please support this legislation and the move to the appropriate circumstances condition.

**The Presiding Officer (Tricia Marwick):** We move to the wind-up speeches.

16:33

**Jackson Carlaw (West Scotland) (Con):** For those in the chamber who were in the previous session of Parliament, this is going to be my Jamie Stone summation, in as much as I am tempted to say that I largely agree with everything that everybody has said and sit down. However, that might be unhelpful to you, Presiding Officer, so I would like to touch on some of the themes that I think emerged during the course of the debate.

First, I thank the minister for his pre-legislative courtesy in entering into discussions with Nanette Milne and me—and, I am sure, with others. I was certainly not in any doubt about his own personal sincerity regarding the bill that the Government has introduced. It is a subject about which he spoke before he was a minister, and it is clearly something that he wishes to see progressed. He clearly understands well the benefits that will come from the legislation succeeding.

The minister said that the overall purpose of the bill is to make a difference to those in society who need support. His response to the Health and Sport Committee was interesting. Mr McNeil detailed that in a fine speech that was characterised by its illustration of the personal examples that moved him and other committee members in taking evidence. He was too quick with Omar's surname for me to scribble it down, but the name was mentioned several times. Through Omar and others, the committee became clear about the difference that can be made. In



Omar's case, that is through a direct payment to a personal assistant.

I was also interested in Duncan McNeil's comments on the strength and resonance of the appeal against prescription from Pam Duncan of the independent living in Scotland project, who wanted to ensure that, as a result of the bill, as many people as possible have a chance to plot their own lives.

Mr McNeil identified a conundrum that worries me in relation to the bill and the forthcoming adult health and social care integration bill. It is easy for us in the Parliament to agree that we approve of the principles but, if forces elsewhere are not wholly committed to the process, it will be much harder for our understanding of and support for the principles to translate into the successful introduction and implementation of what we seek to achieve. We know from previous examples such as community health partnerships that such a situation can be unhelpful if we are to make progress.

Mr McNeil talked about COSLA's inability to produce detailed costings, despite the fact that it challenged the Government's costings. That inability is extremely unhelpful, because I imagine that the Government would welcome alternative suggestions so that it could robustly test whether its assessment of the costs is correct.

Some bills will get a second chance in the public mind, but this is one bill that will not. The test of whether the bill, when enacted, has succeeded will be whether people, at the start, feel that they can trust the legislation as implemented and that it meets the challenge it seeks to address.

Jackie Baillie warmly welcomed the proposed legislation. She made pertinent points when she said that she supported it on the basis that it extends choice. It was hitherto unknown to me that that was a principle in the Labour Party, but I took that at face value and welcomed it. Jackie Baillie touched on the independent advocacy issue, which Mary Fee returned to, and the appeals process, which several members mentioned.

Gil Paterson touched directly on a difficult area, which is the involvement of family members in the personal assistant role. In a gentle and sensitive way, he made the point that, as the minister said, we need to be able to determine whether there is appropriate involvement and that the circumstances and criteria are appropriate without ending up with a system that is difficult and which obstructs individuals from exercising their first choice.

Malcolm Chisholm alarmed us all with his talk of a Twitter conversation, which I think he said was not with "the minister" or "Ms Cunningham" but with "Roseanna". I was quite jealous. I thought that

I had the perfect working relationship with the previous health secretary, but I called her "cabinet secretary" or "Ms Sturgeon", and I never got any more familiar than that. Malcolm Chisholm's point goes back to the point that I tried to make a moment ago that there is an awful lot of detail and that, unless it is properly understood and worked out, there is a capacity for us to trip over it as the legislation is implemented and for the achievement of our aims to be frustrated.

Siobhan McMahon is probably a bit worried about the fact that she, the Conservatives and the SNP are similarly minded to progress on the issues. Normally, she would follow me only if I was walking towards a hole in the ground, but in this instance, as a Parliament, we are agreed that we support the general principles of the bill and want it to succeed.

Christina McKelvie, Dennis Robertson, Fiona McLeod and George Adam all used personal experience to illustrate their points. One point that struck me latterly in the debate was about how common or ordinary it is to have personal experience of self-directed support or care. People in this chamber, as with those outside it, have a first-hand experience of the subject and understand the difficulties and the obstacles that need to be overcome.

**The Presiding Officer:** Mr Carlaw, you need to close.

**Jackson Carlaw:** I will close on that point and say that we welcome and support the general principles of the bill and we look forward to the discussion that takes place as we move forward.

16:40

**Drew Smith (Glasgow) (Lab):** As another member of the Health and Sport Committee, I too associate myself with the remarks that others have made about the clerking team and, as Jackson Carlaw did, pay tribute to Duncan McNeil for the powerful way in which he set out the committee's approach in examining the bill.

In opening the debate for the Scottish Labour Party, Jackie Baillie made clear our support for the Social Care (Self-directed Support) Scotland Bill at stage 1. If the purpose of the bill is to provide a framework for a more personalised system of social care, independent living or, as Richard Lyle would have it, freedom, the key point that the Parliament should understand is the level of service personalisation that users are able to direct already. I thought that Christina McKelvie, Liam McArthur and Mary Fee made it clear that, despite personalisation being a long-held objective of the Parliament, the situation across the country continues to vary enormously.

Variation in the services that people choose to make use of is no bad thing and, indeed, creating more flexible services that are better tailored to the needs of individuals is the goal of the proposed legislation. Scottish Labour shares the Government's belief that the problem, in that respect, is not too much variation in individual care packages but, rather, too much variation in the choice and control that individuals exercise over their own care or support. In the case of those who require support to meaningfully exercise choice and control, the chances of self-direction are often slim.

The Government has set out in the bill a description of what a budget for self-directed support could be used for. By enshrining in law a right to self-directed support, Parliament is providing users of social care with a menu of four options. Those were set out by the minister, Richard Lyle, Duncan McNeil and others, and I will not repeat them. The committee heard and, indeed, proactively found, a number of examples of how such an approach—or components of it—is working in different parts of Scotland. However, Parliament should be clear that increasing direct payments—we should not forget that that has been a feature of our social care system for longer than the Parliament has been in existence—should not necessarily be the only or most important goal of self-directed support. Increasing direct payments should not be seen as the only measure of success, or the sole indicator of systemic change. Changes in the process of selecting and, ultimately, procuring social care, will not, in and of itself, lead to an improvement in the standards of social care provided or a better experience for those who are assessed as requiring support.

At a time of significant change in the welfare system and budgetary pressures in local authorities, as members across the chamber have said, there is a considerable risk that some will see SDS as an opportunity not to drive up quality, but to cut costs. Malcolm Chisholm pointed out that the bill comes in advance of changes that are needed to ensure adequate integration of health and social care, and that presents a significant risk to the legislation achieving the Government's intended effects.

Scottish Labour believes that the most urgent change needed in social care is an improvement in quality with an emphasis on respect for—yes—choice and control but also for human dignity and fairness across Scotland. To deliver that, Labour believes in a more radical shift towards a national care service, based on local delivery and control, but with minimum standards of care to end the postcode lottery, as Jackie Baillie set out. We look forward to the minister's continuing discussions

with COSLA to ensure that postcode charging becomes a thing of the past.

Members have highlighted a number of other areas of concern. Siobhan McMahon talked about the greater focus that is required on how direct payments will be ended, when the need for them has passed. There also remain questions about whether the regulation of those employed through direct payments is all that it should be. Support for carers is spend to save, and there will continue to be questions about whether we are getting the right balance between support to carers and the desire to put the cared-for at the heart of the new regime. Equally, the appropriate role for family members—often—in a system that puts greater emphasis on individuals making their own choices and controlling their own budgets is an issue that I suspect Parliament will return to whether the bill passes in its current form or not, and I hope that the Government front bench will continue to have regard to the comments of both Gil Paterson and Fiona McLeod.

The interests of those who work in the care sector should also be considered, as should the regulation of workers such as PAs. As a member of the committee, I feel that it would have been useful to hear more directly, through oral evidence, from people who work in the care sector—I know that we received written evidence from such people.

The final and most substantial concern that I want to reflect on relates to the call for an enshrined right to advocacy. As well as having a right to make choices and exercise control, service users also have a right—which they may need—to the appropriate level of support to make their choices and control meaningful, as I said earlier.

**Fiona McLeod:** I draw Mr Smith's attention to section 1(3), which says that a person

"must be provided with any assistance that is reasonably required to enable the person"

to express their views and

"make an informed choice".

Is that not advocacy?

**Drew Smith:** I think that Mary Fee made the point when she talked about the relationship of trust that exists between those who rely on care and those who provide care. In that context, the key word in respect of advocacy becomes "independent".

Individuals' ability to make choices will be heavily influenced by the resource—or the lack of it—that is allocated to them as a result of a needs assessment. It is imperative that that is done properly, with the aid of advocacy, if required, and a system of review. The Government's working

group on appeals and review is welcome but, as Duncan McNeil argued, it is vital that the Government is mindful of the evidence that the committee heard that a complaints procedure is not a substitute for an appeals process. Assessments should be carried out properly in a way that can be monitored and challenged through a review process that recognises that circumstances can not only change but be misunderstood.

As the committee made clear in its stage 1 report, and as the debate has highlighted, the changes that are contained in the bill present significant challenges for service users and service providers, and it is the view of the Scottish Labour Party, in common with the Scottish Independent Advocacy Alliance and many other organisations, that support should include making independent advocacy available by right and ensuring that proper funding is available to local authorities to successfully promote and deliver self-directed support.

In supporting the bill at stage 1, I do not quite echo Richard Lyle's call of "Carry on, minister". Scottish Labour urges the Scottish Government to ensure that the best possible system of support is created to deliver effectively the changes that ministers seek to make.

**The Presiding Officer:** I call Michael Matheson to wind up the debate. I would be obliged, minister, if you would continue until 4.58.

16:47

**Michael Matheson:** Thank you, Presiding Officer.

This has been a very good debate, involving a range of contributions from members across the chamber. In his remarks, Jackson Carlaw referred to the way in which the personal experience of a number of members helped to shape their views on the personalisation of care and self-directed support agenda.

When Duncan McNeil set out the case of Omar Haq, who gave evidence to the Health and Sport Committee, he spoke about direct payments giving him flexibility and raising his ambitions. I know from meeting people across the country who have benefited from self-directed support that those are consistent traits. The flexibility that self-directed support provides addresses the difficulty that Jackie Baillie highlighted to do with choice for people who receive a tuck-in service. Should the tuck-in service come in at 6 o'clock, 7 o'clock or 8 o'clock? We know that Jackson Carlaw goes to bed early, but I am assured that he also rises early. That illustrates some of the small issues that have a real impact on the quality of someone's life—but which can often be forgotten—that self-

directed support can assist us in addressing. As Pam Duncan said to the committee, we need to ensure that we focus on empowerment and how it can enable someone to lead an independent life.

Nanette Milne referred to the low uptake of direct payments and the variation across local authorities. Direct payments have been in place for several decades. On average, about 3 or 4 per cent of people will make use of a direct payment. In recent years, there has been an increase in uptake, but it has not been sustained to the level that one would expect. Why is that the case? I know that some local authorities actively dissuade people from looking into direct payments by saying that they do not provide them, although the neighbouring local authority happens to do so. People can also be anxious about the implications of and responsibility involved in employing directly a member of staff to meet their care needs.

That is why the four options—to which Malcolm Chisholm referred—that are set out in the bill are drafted in such a way as to maximise the opportunity for individuals to have much greater control over their personal care. It will be their choice whether they want to make a direct payment, direct the way that the resource is used by the local authority, have the local authority provide everything, or have a mix of those three options. I say to Helen Eadie—and I may disappoint her—that the bill clearly sets out that the local authority must offer those four options. It will not be a case of just offering option 1 or option 2. Helen Eadie obviously thinks that option 1 is a Conservative type of privatisation agenda, but I disagree. A person's ability to choose when someone comes in to meet their care needs is about their personal needs and independent living, rather than about any political ideology.

**Helen Eadie:** Will the minister take an intervention?

**Michael Matheson:** I will let Helen Eadie in shortly.

What is important is allowing people to have choice on these issues and putting in safeguards that empower people and allow them to fall back on the safety net of the local authority when they do not have the confidence to take forward their care arrangements on their own.

**Helen Eadie:** The minister misunderstands what I meant. My concern is fundamentally this: the Conservative Government is introducing legislation that Vince Cable has talked about, which will erode all the workers' rights that we have across the United Kingdom. If we go down the route that the minister proposes by not following option 2, we could find that we are leading the charge on that. Many individuals just

do not have the human resource capabilities that we would expect them to have.

**Michael Matheson:** The bill is about empowering people to be able to make a decision that best suits their needs. It is not about laying down that people must choose option 2, option 3, option 4 or option 1—it is about giving people choice. Individuals in the independent living movement have been calling for that for years. My understanding was that it had broad support in all political parties in Scotland and the UK.

I do not want to intervene in the Twitter conversation that Malcolm Chisholm was having with Roseanna Cunningham over the weekend. I have never understood why someone would have conversations over Twitter rather than phone someone for a discussion. However, the conversation illustrates the point that the debate about national and local will go on and we should continue to have it. Christina McKelvie illustrated in her speech why we need to have statutory underpinning of people's rights and choices around how their care is managed. Her case illustrated the types of hurdles that can often dissuade people from moving forward and arranging care in their own way.

I want to try—in the limited time available—to touch upon a number of points that members raised. Several members raised the issue of charging by local authorities. Jackie Baillie asked me to tell the chamber when the working group will report. The review is a COSLA review. The last time I looked, COSLA had a Labour leadership, so perhaps Jackie Baillie can help by telling us when the working group intends to get to the point of finalising its report. I assure her that we are contributing to that process to assist the working group in taking forward that piece of work. The sooner it is completed, the sooner we can consider how we move forward on the issue.

**Jackie Baillie:** Will the minister take an intervention?

**Michael Matheson:** I will let Jackie Baillie back in later.

I say to Helen Eadie that I cannot comment on the charges that housing associations apply. I noted her point about the change of administration on Fife Council. I can tell her that in the Falkirk Council area some homecare services were completely free until Labour and the Conservative Party took over the administration and introduced a wave of charges that the previous SNP administration had never applied.

**Jackie Baillie:** Will the minister remind members that the working group was set up by COSLA at the behest of the Scottish Government and that the Scottish Government is represented on it? Three years later, there is still no progress

on ensuring that care charging is consistent across Scotland, which is surely an ambition that we share.

**Michael Matheson:** It is a COSLA review group, and we are helping it by providing information—

**Jackie Baillie:** You are on it.

**Michael Matheson:** Maybe Jackie Baillie will use her political influence, if she has any, to tell the Labour leadership to get on with it and give us a report, so that we can move forward.

Members asked whether advocacy services will be provided. I think that there is a misunderstanding and that some members think that there is no provision for advocacy in the bill. Section 8 will confer on local authorities a duty to direct people to a source of impartial advice and support, to assist them as they consider the issues. I am more than happy to consider whether we can enhance the provision. It is about independent advice, rather than local authority advice, and I refer members to what the bill says in that regard.

Dennis Robertson talked well about the need to be much more focused on the outcomes that we intend to achieve through the bill. The bill has the potential fundamentally to change how social care services are delivered in this country, in a way that reflects the needs of individuals and gives people greater choice and an opportunity to lead an independent life.

I am delighted that the bill appears to have cross-party support at stage 1. I have no doubt that the people who have been calling for such legislation for many years will welcome the way in which the Parliament is uniting behind the bill. If we are successful in taking the bill through Parliament and it receives royal assent, I am determined to do everything in my power to ensure that it starts to transform lives in Scotland in a way that has never happened before in social care provision in Scotland.

## Social Care (Self-directed Support) (Scotland) Bill: Financial Resolution

16:57

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-03851, in the name of John Swinney, on the Social Care (Self-directed Support) (Scotland) Bill financial resolution.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Social Care (Self-directed Support) (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.—[*Michael Matheson.*]

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

## Enterprise and Regulatory Reform Bill

16:57

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-04091, in the name of John Swinney, on the Enterprise and Regulatory Reform Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Enterprise and Regulatory Reform Bill, introduced in the House of Commons on 23 May 2012, relating to the "green purpose" of the UK Green Investment Bank, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*John Swinney.*]

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

## Parliamentary Bureau Motions

16:58

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of two Parliamentary Bureau motions. I ask Joe FitzPatrick to move motion S4M-04149, on committee membership.

**The Minister for Parliamentary Business (Joe FitzPatrick):** The motion provides for changes in committee membership following ministerial appointments.

I move,

That the Parliament agrees that—

James Dornan be appointed to replace Humza Yousaf as a member of the Public Audit Committee;

Brian Adam be appointed to replace Margaret Burgess as a member of the Standards, Procedures and Public Appointments Committee;

John Mason be appointed to replace Paul Wheelhouse as a member of the Standards, Procedures and Public Appointments Committee;

Bruce Crawford be appointed to replace Paul Wheelhouse as a member of the Finance Committee;

Jean Urquhart be appointed to replace Mark McDonald as a member of the Finance Committee;

Willie Coffey be appointed to replace Bill Kidd as a member of the European and External Relations Committee;

Roderick Campbell be appointed to replace Aileen McLeod as a member of the European and External Relations Committee;

Marco Biagi be appointed to replace Stuart McMillan as a member of the Equal Opportunities Committee;

Richard Lyle be appointed to replace Mark McDonald as a member of the Public Petitions Committee;

Chic Brodie be appointed to replace Sandra White as a member of the Public Petitions Committee;

Stewart Stevenson be appointed to replace James Dornan as a member of the Subordinate Legislation Committee;

Stuart McMillan be appointed to replace Chic Brodie as a member of the Subordinate Legislation Committee;

Marco Biagi be appointed to replace Stuart McMillan as a member of the Economy, Energy and Tourism Committee;

David Torrance be appointed to replace Angus MacDonald as a member of the Economy, Energy and Tourism Committee;

Dennis Robertson be appointed to replace John Wilson as a member of the Economy, Energy and Tourism Committee;

George Adam be appointed to replace Marco Biagi as a member of the Education and Culture Committee;

Colin Beattie be appointed to replace Jean Urquhart as a member of the Education and Culture Committee;

Mark McDonald be appointed to replace George Adam as a member of the Health and Sport Committee;

Aileen McLeod be appointed to replace Jim Eadie as a member of the Health and Sport Committee;

David Torrance be appointed to replace Richard Lyle as a member of the Health and Sport Committee;

Sandra White be appointed to replace Humza Yousaf as a member of the Justice Committee;

John Wilson be appointed to replace Joe FitzPatrick as a member of the Local Government and Regeneration Committee;

Stewart Stevenson be appointed to replace David Torrance as a member of the Local Government and Regeneration Committee;

Stuart McMillan be appointed to replace James Dornan as a member of the Local Government and Regeneration Committee;

Angus MacDonald be appointed to replace Dennis Robertson as a member of the Rural Affairs, Climate Change and Environment Committee;

Jim Eadie be appointed to replace Aileen McLeod as a member of the Infrastructure and Capital Investment Committee; and

Linda Fabiani be appointed to replace Margaret Burgess as a member of the Welfare Reform Committee.

**The Presiding Officer:** Minister, will you also move motion S4M-04150, on substitution on committees?

*Motion moved,*

That the Parliament agrees that—

Rob Gibson be appointed to replace Joe FitzPatrick as the Scottish National Party substitute on the Public Petitions Committee;

Bruce Crawford be appointed to replace Marco Biagi as the Scottish National Party substitute on the Subordinate Legislation Committee;

Joan McAlpine be appointed to replace Jim Eadie as the Scottish National Party substitute on the Economy, Energy and Tourism Committee;

Stuart McMillan be appointed to replace David Torrance as the Scottish National Party substitute on the Equal Opportunities Committee;

Marco Biagi be appointed to replace Colin Beattie as the Scottish National Party substitute on the Education and Culture Committee;

Jim Eadie be appointed to replace Adam Ingram as the Scottish National Party substitute on the Health and Sport Committee;

Christina McKelvie be appointed to replace Linda Fabiani as the Scottish National Party substitute on the Welfare Reform Committee;

Jamie Hepburn be appointed to replace Gil Paterson as the Scottish National Party substitute on the Public Audit Committee;

George Adam be appointed to replace Roderick Campbell as the Scottish National Party substitute on the Standards, Procedures and Public Appointments Committee;

Aileen McLeod be appointed to replace Stewart Maxwell as the Scottish National Party substitute on the European and External Relations Committee; and

Mark McDonald be appointed to replace Jamie Hepburn as the Scottish National Party substitute on the Local Government and Regeneration Committee.—[*Joe FitzPatrick.*]

**The Presiding Officer:** The questions on the motions will be put at decision time, when five questions will be put as a result of today's business.

In view of the time, minister, I wonder whether you would be prepared to talk for 30 seconds about the substitution on committees that is needed. [*Laughter.*]

**Joe FitzPatrick:** The changes to committee membership will strengthen the SNP's representation across committees. I congratulate all the members and look forward to their input on committees. I know that members who are moving to new positions look forward to working closely with Opposition members across the Parliament in helping to take forward the Government's programme for government.

**The Presiding Officer:** I think that that was your first test, minister.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are five questions to be put as a result of today's business. The first question is, that motion S4M-04086, in the name of Alex Neil, on the Social Care (Self-directed Support) (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Social Care (Self-directed Support) (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S4M-03851, in the name of John Swinney, on the Social Care (Self-directed Support) (Scotland) Bill financial resolution, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Social Care (Self-directed Support) (Scotland) Bill, agrees to any expenditure of a kind referred to in paragraph 3(b) of Rule 9.12 of the Parliament's Standing Orders arising in consequence of the Act.

**The Presiding Officer:** The next question is, that motion S4M-04091, in the name of John Swinney, on the Enterprise and Regulatory Reform Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Enterprise and Regulatory Reform Bill, introduced in the House of Commons on 23 May 2012, relating to the "green purpose" of the UK Green Investment Bank, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is, that motion S4M-04149, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, on committee membership, be agreed to.

*Motion agreed to,*

That the Parliament agrees that—

James Dornan be appointed to replace Humza Yousaf as a member of the Public Audit Committee;

Brian Adam be appointed to replace Margaret Burgess as a member of the Standards, Procedures and Public Appointments Committee;

John Mason be appointed to replace Paul Wheelhouse as a member of the Standards, Procedures and Public Appointments Committee;

Bruce Crawford be appointed to replace Paul Wheelhouse as a member of the Finance Committee;

Jean Urquhart be appointed to replace Mark McDonald as a member of the Finance Committee;

Willie Coffey be appointed to replace Bill Kidd as a member

of the European and External Relations Committee;

Roderick Campbell be appointed to replace Aileen McLeod as a member of the European and External Relations Committee;

Marco Biagi be appointed to replace Stuart McMillan as a member of the Equal Opportunities Committee;

Richard Lyle be appointed to replace Mark McDonald as a member of the Public Petitions Committee;

Chic Brodie be appointed to replace Sandra White as a member of the Public Petitions Committee;

Stewart Stevenson be appointed to replace James Dornan as a member of the Subordinate Legislation Committee;

Stuart McMillan be appointed to replace Chic Brodie as a member of the Subordinate Legislation Committee;

Marco Biagi be appointed to replace Stuart McMillan as a member of the Economy, Energy and Tourism Committee;

David Torrance be appointed to replace Angus MacDonald as a member of the Economy, Energy and Tourism Committee;

Dennis Robertson be appointed to replace John Wilson as a member of the Economy, Energy and Tourism Committee;

George Adam be appointed to replace Marco Biagi as a member of the Education and Culture Committee;

Colin Beattie be appointed to replace Jean Urquhart as a member of the Education and Culture Committee;

Mark McDonald be appointed to replace George Adam as a member of the Health and Sport Committee;

Aileen McLeod be appointed to replace Jim Eadie as a member of the Health and Sport Committee;

David Torrance be appointed to replace Richard Lyle as a member of the Health and Sport Committee;

Sandra White be appointed to replace Humza Yousaf as a member of the Justice Committee;

John Wilson be appointed to replace Joe FitzPatrick as a member of the Local Government and Regeneration Committee;

Stewart Stevenson be appointed to replace David Torrance as a member of the Local Government and Regeneration Committee;

Stuart McMillan be appointed to replace James Dornan as a member of the Local Government and Regeneration Committee;

Angus MacDonald be appointed to replace Dennis Robertson as a member of the Rural Affairs, Climate Change and Environment Committee;

Jim Eadie be appointed to replace Aileen McLeod as a member of the Infrastructure and Capital Investment Committee; and

Linda Fabiani be appointed to replace Margaret Burgess as a member of the Welfare Reform Committee.

**The Presiding Officer:** The next question is, that motion S4M-04150, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, on substitution on committees, be agreed to.

*Motion agreed to,*

That the Parliament agrees that—

Rob Gibson be appointed to replace Joe FitzPatrick as the Scottish National Party substitute on the Public Petitions Committee;

Bruce Crawford be appointed to replace Marco Biagi as the Scottish National Party substitute on the Subordinate Legislation Committee;

Joan McAlpine be appointed to replace Jim Eadie as the Scottish National Party substitute on the Economy, Energy and Tourism Committee;

Stuart McMillan be appointed to replace David Torrance as the Scottish National Party substitute on the Equal Opportunities Committee;

Marco Biagi be appointed to replace Colin Beattie as the Scottish National Party substitute on the Education and Culture Committee;

Jim Eadie be appointed to replace Adam Ingram as the Scottish National Party substitute on the Health and Sport Committee;

Christina McKelvie be appointed to replace Linda Fabiani as the Scottish National Party substitute on the Welfare Reform Committee;

Jamie Hepburn be appointed to replace Gil Paterson as the Scottish National Party substitute on the Public Audit Committee;

George Adam be appointed to replace Roderick Campbell as the Scottish National Party substitute on the Standards, Procedures and Public Appointments Committee;

Aileen McLeod be appointed to replace Stewart Maxwell as the Scottish National Party substitute on the European and External Relations Committee; and

Mark McDonald be appointed to replace Jamie Hepburn as the Scottish National Party substitute on the Local Government and Regeneration Committee.



## Keep Scotland Beautiful

### **The Deputy Presiding Officer (John Scott):**

The final item of business is a members' business debate on motion S4M-03683, in the name of Graeme Dey, on Keep Scotland Beautiful. The debate will be concluded without any question being put.

#### *Motion debated,*

That the Parliament congratulates the Keep Scotland Beautiful 2012 National Spring Clean campaign; notes that 120,000 people in Scotland registered to participate in the event, which was supported by charities, businesses and organisations across the country; understands that a further 100,000 were estimated to have participated without registering; believes that this makes this the biggest mass mobilisation for civic purposes in Scotland since the Second World War; considers that the removal of around 1,100 tonnes of litter from Shetland to the Borders should act as an encouragement to everyone concerned to champion the cause of keeping Scotland beautiful, and wishes Keep Scotland Beautiful every encouragement in preparing and implementing its plan to involve up to one million people in the 2013 clean-up, which, it understands, would remove 10,000 to 20,000 tonnes of litter from the streets and country roads of Scotland.

17:02

**Graeme Dey (Angus South) (SNP):** I thank Scottish National Party colleagues, Alex Fergusson, Alison Johnstone and Labour members whose support for the motion has allowed an extremely important subject to be aired in the chamber.

It is entirely fitting that members have an opportunity to recognise Keep Scotland Beautiful's work in inspiring up to 220,000 Scots to take part in this year's two month long clean-up, which removed 1,100 tonnes of rubbish from the environment. In so doing, we should offer it our encouragement as it plans an even bigger and better exercise next year, which is the year of natural Scotland.

We must recognise, as KSB does, that what is needed to address the littering issue is not just volunteers trailing behind the litterers and cleaning up after them; a culture change is also needed. We need people to realise that dropping litter or fly-tipping are unacceptable antisocial habits. In part, that might be achieved by exercising existing enforcement powers more effectively or increasing penalties to provide an enhanced deterrent. I believe that my colleague Chic Brodie will cover that issue in his speech. However, it is also about fundamentally altering mindsets.

I took part in one of the litter picks in my constituency, which was organised by Colliston primary school. That school is located just off the crossroads on the main Arbroath to Brechin road, which links the village of Colliston with nearby

Letham Grange. Teachers, parents and kids set out in teams to tackle the scourge of litter in an area that extended no more than 500m away from the school in assorted directions. In spite of the relatively small amount of ground that we covered, we soon ran out of litter bags; indeed, my team had to return to the school for fresh supplies within minutes.

It was not just the volume of rubbish that we found that was disturbing; its nature was also disturbing. Why would anyone feel the need to dispose of a pair of Y-fronts by apparently throwing them from a moving car? Perhaps I have led too sheltered a life. Actually, our experiences were rather tame compared with those elsewhere. Among other items that were found in the clean-up were a guitar, a drum and 70 bottles of a particular brand of light perry. That must have been some party. A bed, fish boxes, a toilet seat, a park bench, the rear seat of a car, ironing boards, a wheelie bin and a whip were also found. That was the kind of whip that Indiana Jones uses, not the type that back benchers in the Parliament dread. To be serious, those are hardly items that people would drop inadvertently or accidentally—they were deliberately dumped.

Before and during the litter pick in which I was involved, it was interesting to listen to what the kids were saying about littering and to note their horror that people abandon food, drink and goodness knows what all round their school. Hopefully, those youngsters will grow into the kind of adults that we should be—people with respect for the beautiful country that we are fortunate enough to live in—although, sadly, most of us have almost become oblivious to the rubbish that is abandoned in our streets and our countryside.

However, that is not the case for many of our youngsters. Earlier this year, I was asked to judge a photography competition that was organised by Webster's high school on the theme of "My Kirriemuir", in which pupils were asked to produce photographic images that encapsulated their town. Mixed in with the predictable shots of Peter Pan's statue and the camera obscura, there were disturbing photographs of rubbish abandoned in the stream running through the Den and, most memorable of all, a close with litter spilling out of bins and strewn across the area. That is how some kids saw Kirrie—a town spoiled by people lacking pride in their surroundings—but we must face the fact that those images could have come from any corner of Scotland.

People's attitude to litter must sometimes be called into question. A farmer in my constituency farms at least 7 miles away from the closest fast-food outlet. He told me of how he had watched from a distance as a dog walker dropped a half-eaten burger and fries on the private road leading

to his property. Presumably, that gentleman had purchased his food and driven out to the countryside to consume it while taking a leisurely stroll with his dog only to discover, when he got there, that the grub was cold, so he tossed it aside. That is an interesting contradiction. The individual valued the countryside enough to want to drive out and take a stroll in it, but he had so little respect for those surroundings that he discarded his uneaten food there.

That is the kind of attitude that Keep Scotland Beautiful wants to change by establishing a sense of civic pride. When Keep Scotland Beautiful was established more than 40 years ago, its aim was to campaign for a cleaner country. In the 21st century, that aspiration remains. KSB estimates that there are approximately 2,000 pieces of litter per kilometre on Scotland's beaches. It also estimates that in the past year it has been involved in the removal of enough litter to fill 42,000 wheelie bins. All told, KSB reckons that the uplift of litter is costing the country £100 million a year. We cannot continue like that, especially when, as well as the eyesore that that presents, there is the lost opportunity for recycling.

The Scottish Government's important initiatives include the planned recycling on the go initiative. It has also tasked zero waste Scotland with producing what has been described as

"a robust and comprehensive 'state of the nation' evidence report on litter",

which will inform future litter strategies.

The £250,000 litter prevention innovation fund—applications to which closed last week—assists local authorities, community groups, landowners and businesses to support and implement innovative local schemes. However, successfully tackling the issue will need more than Government initiatives, local authorities discharging their responsibilities effectively or even the many worthy small-scale local campaigns that are operating around the country and which other members may choose to highlight. People must take personal responsibility and there is a need for many more people to develop a respect for their surroundings.

I refer to the theme of Keep Scotland Beautiful's 2013 campaign. If 220,000 folk could collect 1,200 tonnes of rubbish in eight weeks during the springtime, how much could be collected if 1 million people could be mobilised over 52 weeks? KSB hopes that a successful campaign will see well in excess of 10,000 tonnes of rubbish removed from the environment. It hopes that the campaign will succeed in changing the nation's behaviour with regard to litter and fly-tipping. KSB realises that that will require it to capture the hearts and minds of individuals, communities,

institutions and businesses. Those ambitions are bold but, after the unprecedented response to the 2012 national spring clean campaign, KSB is optimistic that a momentum is building with people becoming much less willing to tolerate litter and fly-tipping.

I hope that the message from Parliament today is that it supports the work of Keep Scotland Beautiful as part of a general drive to make Scotland a cleaner, greener place.

17:09

**George Adam (Paisley) (SNP):** I thank Graeme Dey for bringing the debate to the chamber. He may be surprised to hear that I will speak about the situation in Paisley.

A fresh attitude to the problem of rubbish can make a difference. Vandalism is one of Paisley's problems, which is evident in graffiti writing and antisocial behaviour in some areas. I know a community activist—I will not mention his name—who is an elderly gentleman living in the south end of Paisley. At every meeting that he attends—the community council meeting, the tenants and residents association meeting, or the local area committee—he asks what they will do about the Neilston Road shops, which are covered in graffiti.

That leads us into an interesting debate about how we might keep a whole area clean and tidy—which, as Graeme Dey has pointed out, is not just the responsibility of the local authority or the kids who pick up rubbish after school. Everyone has to be involved, including local businesses. For too long now, many retailers and those running businesses in the streets of our towns and cities, who take money from our pockets, seem to forget that, although they might not live in the town that they serve, they actually gain from being part of the community and should work along with it to ensure that the town is clean. After all, such an approach could make a massive difference in many different areas. Not only is rubbish in our town centres unsightly and wrong, but who will invest in a town centre that has rubbish all over its streets? No one will spend thousands of pounds on setting up a new business if there is rubbish everywhere, bin bags lying uncollected and so on. These things make a difference.

We have all seen pictures of housing estates throughout the country that show how lovely the estates were in the 1950s and 1960s. If those in certain areas or streets simply allow rubbish to go everywhere, everyone simply gives up and leaves it lying. As a result, such behaviour becomes the norm. Graeme Dey does us a favour by highlighting this issue and reminding us that this is not just about some on-going campaign but something that should always be part of our lives.

When the Scottish National Party was the administration in Renfrewshire, it introduced the clean Renfrewshire campaign; although we offered community clean-ups, we focused on the ownership of the idea and on getting people to realise that it was our problem and that we had to deal with it. I think that that is the most important issue. We also gave the warden service the powers to book people for littering and the like in the town; the move was not very popular initially, but it made a difference in the area and helped to change the culture. As Graeme Dey pointed out, we have to make it clear that fly-tipping is totally unacceptable. Once it happens in one area, it quickly starts to happen non-stop.

I thank Graeme Dey for securing the debate. We have to work together on this issue; indeed, the message of the local campaigns in which I was involved was that every one of us was responsible and that we needed to clean Renfrewshire together. That made all the difference.

17:12

**Claudia Beamish (South Scotland) (Lab):** As a long-time community and environmental activist, eco-schools co-ordinator and now shadow minister for the environment and climate change, I, too, thank Graham Dey for securing this debate, for focusing our minds on Keep Scotland Beautiful's 2012 national spring clean campaign and for setting our sights on the 2013 campaign. The debate is vital in highlighting the major and urgent contribution that is required from communities across Scotland to improve our environment.

I also pay tribute to Keep Scotland Beautiful's work. Almost 60 years ago, the National Federation of Women's Institutes set out to keep Britain tidy by trying to stop littering, and to encourage pride in local environments. Since then, that work has continued in various forms and the organisation's remarkable achievement of getting 120,000 participants—and perhaps thousands more unofficial participants—involved in its recent campaign shows that it is as strong as ever.

When I first came to Scotland 20 years ago, I, a farmer's wife and a couple of others had a vision of turning a dump in our village—Douglas Water in Clydesdale—into a community nature reserve. Some members of the community council laughed when we first raised the possibility of cleaning up an area that had been undermined by years of dumping and neglect. However, years later, after volunteers had cleaned it up, divers had taken cars out of the burn and so on, people once again had pride in their local area. That—and the fact that we received financial support and advice from a range of organisations—shows that we need a behavioural change to allow communities to take

ownership of their areas. If that happens, people can once again take pride in their neighbourhoods. That very point is made clear in the briefing from the Carnegie UK Trust, which has just produced a report that I would highlight, called "Pride in Place: Tackling Environmental Incivilities".

The specific initiatives that are organised by Keep Scotland Beautiful, such as the annual spring clean, help to build links between schools, their communities and local businesses. A primary 6 pupil in the community where I worked as a primary teacher wrote to a local hotel and asked whether the school could clear the burn between the hotel and the school. The owner got involved and was delighted not only to have the burn cleared, but to work alongside the local schoolchildren and to build community links.

KSB also administers the eco-schools programme, for which I was responsible when I was an eco-schools co-ordinator. According to the KSB website, more than 3,000 schools have now signed up as eco-schools. The programme engages children and young people and enables them to learn about key issues, including the environment, sustainability, local citizenship and, of course, litter. Pupils take ownership of the problem of littering, and assessments for the coveted green flag award emphasise clean playgrounds and playing fields. As a result, many schools now operate a rota of litter pickers, which not only gets pupils physically involved in keeping the school tidy, but teaches them skills such as organisation and taking responsibility, and makes them feel that they are owners of their communities. Even more significant, recycling and reuse become common parlance, and through a cultural shift litter can almost become a thing of the past.

The significance of developing children's and young people's understanding of a sustainable future—from local to global—is fundamental to the future of our planet, yet the work by Keep Scotland Beautiful is often overlooked. The work also flows through to parents and others, when children go home and tell them what has been going on.

Unfortunately, as Graeme Dey and George Adam highlighted, there are still those who think that litter does not matter and who take no personal responsibility for the state of their community. The 2013 national spring clean will be an opportunity for all of us to help to change that by involving our communities in making their neighbourhoods better and clearing up a little more litter along the way. I thank Graeme Dey.

17:17

**Chic Brodie (South Scotland) (SNP):** I, too, welcome Graeme Dey's motion. He spoke of a

cleaner, greener, more sustainable Scotland, and we all support that. I would like to focus on the clean part and indicate the impact that I think it has on the latter two aspects.

Graeme Dey said that I would mention enhancing the powers in legislation. I have indicated that I might wish to introduce a member's bill on litter, because litter is not just a zero waste issue, although working with zero waste Scotland is clearly important. Tackling litter is important in order to further beautify Scotland, but also to increase morale and boost confidence. Renewed action is needed to further preserve and improve Scotland's beauty and environment. That will become increasingly important as we approach 2014, given the number of visitors that we anticipate having then.

The responsibility for clearing litter from Scotland's streets and public areas lies with our local authorities, but not just with them; it also lies with us. I do not want to dwell on the obvious opportunities of recycling and waste to energy—Graeme Dey mentioned those subjects—but they are important factors. The local authorities are failing in some cases. In some areas, the duties that local authorities were given under the Environmental Protection Act 1990 are manifestly not being met, and neither are the standards in the code of practice on litter and refuse. Given that those standards exist and are considered to be important, we have to ask why they are not being applied and met.

One can walk down the Canongate and see all over the place black bags that have burst. We had a recent report on Ayr and Stonehaven beaches. A couple of months ago, I did a radio phone-in on litter at West Sound in Ayr, and the number of phone calls that we received was striking. Graeme Dey mentioned people throwing material out of cars while they are driving. I have to say that it is only high-class Y-fronts that we have on the A77, but that is an issue. Fly-tipping is unacceptable. We can fine people £40,000 for fly-tipping, or put them in prison for six months, but we do not apply the legislation.

All those things have an impact on health and safety. However, it is not just that. Local problems such as litter, graffiti and dog fouling have major social impacts on wellbeing and quality of life. They define people and communities. There is a clear correlation between the extent of the problem and the nature of the area. Some 44 per cent of people in our most deprived neighbourhoods encounter problems with litter and rubbish, compared with 17 per cent in the most affluent areas. Various other factors and measurements substantiate that point.

We need action and—as has been said—it must be more than just voluntary action. That is why I

have talked about introducing a member's bill. We must look at awareness raising, education and, regrettably, at penalties. Awareness raising should highlight behavioural change and should focus on the impact on communities, our environment and climate. Although some work has been done on a coastal clean-up, we still have more to do. There must be more education in schools and communities. We must also create enterprises, as has been done in Dundee, where the Clean Close Company has cleaned up a city that used to be recognised by some people as probably the dirtiest in Scotland. It is not now. All those things are required.

At its heart, Scotland is beautiful. We must now tidy up the body of Scotland. I support the motion.

17:21

**Jamie McGrigor (Highlands and Islands) (Con):** I, too, congratulate Graeme Dey on securing this important debate. I also commend all my constituents throughout the Highlands and Islands who participated in this year's national spring clean. The extent to which local residents across the Highlands and Islands got involved is demonstrated by the fact that there were around 40 spring clean sessions in Argyll and Bute alone, which involved 1,934 children and 591 adults.

Participants in the sessions included a wide variety of groups and individuals, including the staff at Loch Fyne Oysters at the head of Loch Fyne, who organised a beach clean-up early in April. Rumours that they found a pocket book that belonged to Gordon Brown are unconfirmed, although there was a mass of sweetie papers underneath where John Prescott had been sitting.

The spring clean sessions also involved school pupils from numerous schools, including Strachur, Kirn, Toward and Strone primaries and Dunoon grammar school. It is fantastic to see such a strong volunteering spirit. All of us would want that sense of community pride to be repeated in next year's spring clean and, indeed, would ideally like it to become an effort that is repeated throughout the year.

I have been chairman of the Loch Awe Improvement Association since 1992. I remember the first clean-up that we had, in 1993, which was organised by our volunteer wardens. It resulted in more than 1,000 black bags of rubbish being filled from the banks of Loch Awe, which somewhat overwhelmed Argyll and Bute Council. I send a wish to the council that it should back up the efforts of volunteers to clean up areas of great beauty by providing litter bins free of charge. I take the opportunity to thank the retired schoolmaster at Eredine in Argyll, Donald Beckett, who has devoted so much of his own free time over many

years to picking up litter left by others so that the public can enjoy the banks of Loch Awe.

All of us in the chamber support the aims of Keep Scotland Beautiful. Although clean-ups are vital in removing the presence of litter and improving the condition of our communities for local residents and tourists alike, all of us would also support tackling the scourge of littering itself, because prevention is better than cure. Keep Scotland Beautiful is to be commended for the work that it does in that regard in our schools and communities. Where adequate litter bins and receptacles are available, we should all back a zero tolerance approach to dropping litter. Councils could play a better part by providing more litter bins and emptying them more regularly.

In Inverness, Keep Scotland Beautiful is working in conjunction with Highland Council and the Inverness business improvement district to tackle the littering of cigarette butts on streets and pavements. As well as the visual blight, cigarette butts can become trapped between paving stones, can be washed into drains and can cause blockages, which in turn lead to flooding. They also leak toxins that contaminate water and can harm marine life. Many smokers believe that butts are biodegradable, but due to their plastic content they can in fact take 10 to 12 years to degrade.

Highland Council is also to be congratulated on the campaign that it is running to prevent people from dropping their used chewing gum on the streets.

I make a plea to yachtsmen off the coast of the Scottish mainland and the islands not to throw their plastic rubbish over the side. It all gets washed up on beaches—especially in the Clyde estuary—and it is a blight on the beautiful scenery and a danger to wildlife.

The Scottish Conservatives are happy to support Graeme Dey's motion and the work that Keep Scotland Beautiful is doing across the country. We hope that the spring clean 2013 will be an even greater success and will encourage local groups, schools and individuals to become involved in taking practical action that can make our localities more attractive and better for residents and the tourists who come to our country.

17:25

**The Minister for Environment and Climate Change (Paul Wheelhouse):** I thank my colleague Graeme Dey for securing this members' business debate. It is clear that we all agree that Keep Scotland Beautiful is to be congratulated on the success of its annual national spring clean campaign and on its valuable contribution to our environment.

The growth in the number of volunteers who take part from 11,500 in 2007 to more than 117,000 this year is a fantastic achievement that we should celebrate. The Scottish Government has supported the national spring clean with £116,000 of funding from our delivery partner zero waste Scotland. The fact that the Cabinet Secretary for Rural Affairs and the Environment launched the 2012 national spring clean—in March, alongside schoolchildren in Portobello—reflects the value that is placed on the event.

Graeme Dey is right to highlight the issue. Few things can be as corrosive to our pride in our communities as the preponderance of litter on our streets and in our beautiful countryside. I identified with all the points that colleagues have made.

Littering and fly-tipping are problems that continue to blight many communities. In the Scottish household survey for 2011, 25 per cent of residents who responded agreed that litter was a serious problem for them. The fact that about one in 50 of the population officially participated in the 2012 national spring clean underlines the strength of that feeling. More than 75,500 of the participants were schoolchildren. Claudia Beamish was right to highlight the significance of eco-schools. Many schools have signed up to the international eco-schools programme, which encourages whole-school action for the environment and includes a mandatory topic on litter. That is important in relation to the education point that George Adam and others made. The Scottish Government funds Keep Scotland Beautiful to support that programme, in which Scotland is a world leader. Tomorrow, our 1,500th green flag will be officially awarded to Mearns Castle high school in East Renfrewshire.

Events such as the national spring clean are a great way not only of tackling litter head on and removing a blight from our streets, parks and lanes but of helping to raise public awareness. However, the litter that the national spring clean volunteers pick up should not be there in the first place. Graeme Dey and others, including Chic Brodie, were right to highlight that we need to change the culture. Littering is totally unacceptable and should be seen as such by all and not just by the majority of the public, whom I genuinely believe see it in that way.

During my local village's litter pick this year for the floral gateway competition in the Borders, colleagues and I picked up litter from the verge of a local B-road. We passed a couple of cars that were filled with young men who were in their 20s. When we turned back along the same route a mere 10 minutes later, we found that three cigarette packets and a can of Coke had been left behind. That truly infuriated me, and my behaviour has probably never been closer to resembling that

of Victor Meldrew—I think that I even said, “I don’t believe it.”

While children help to clear up litter, those who should know better are creating more of it. Tackling that point really matters. As well as being an unnecessary eyesore that can deter visitors and investors—others have made that point—litter can cause a risk to health. If valuable materials that could have been recycled are wasted, that is a loss to society.

I assure the Parliament that the Scottish Government is committed to tackling the problem and that I take the issue seriously. As Graeme Dey said, the Scottish Government has tasked zero waste Scotland with producing a state of the nation evidence report on litter. A steering group that involves Keep Scotland Beautiful is guiding research that is investigating the wider cost of litter to society, analysing litter enforcement trends and the effectiveness of current legislation, and considering how best to influence littering behaviour and successful approaches to tackling the problem. That report is due early next year and will provide a powerful basis for our approach to tackling littering, which is antisocial and damages our habitats.

In parallel with that work, zero waste Scotland has launched two new funds to help to address the problem further. It is funding a new £250,000 litter prevention innovation fund for local authorities, community groups, landowners and businesses that will support local innovative approaches to tackling and preventing litter. It is also repeating last year’s successful £75,000 fly-tipping small grants scheme, to help communities to tackle and prevent fly-tipping.

Those schemes can help local organisations to make a real difference to their environment. For example, last year, Friends of Possilpark Greenspace in Glasgow was awarded just over £5,000 to clear fly-tipping from the park, and the organisation re-landscaped the area to make it more inviting for the local community. Through studying the impacts of those grants, we hope to establish what works and does not work in the hope that we can learn something from that.

Zero waste Scotland has also made £500,000 available to support the roll-out of more recycle-on-the-go facilities throughout Scotland, along with guidance about how to make the most from installing those facilities in public places such as shopping centres and high streets. The new bins allow people to recycle while they are out and about, taking away the excuse that there is nowhere to put the waste and helping to turn problem litter into materials that can be used again. We are keen for the number of such facilities to be increased substantially.

Richard Lochhead wrote to all councils last month to highlight the opportunities and remind the councils of their enforcement powers to penalise people who litter. I encourage all councils and the police to make use of those powers to impose fixed-penalty fines of £50 for littering. It is vital that people understand that littering is unacceptable, antisocial and a criminal offence. I do not know about other members, but I have been shocked to hear people occasionally say that littering is in some way excusable because it helps to keep someone in a job. I have heard that uttered by members of the public, and it shows that attitudes must change.

Zero waste Scotland is also piloting deposit-return and reverse vending of drinks containers to see which approaches are most effective. It is hoped that, as well as driving recycling, giving containers a value will reduce the proportion of them that become litter.

Reflecting the harm that irresponsibly disposed-of carrier bags can do, we are consulting on proposals for retailers to charge 5p for a single-use carrier bag, with the proceeds going to charitable good causes. We want to encourage people to reuse their bags whenever possible, and experience from other areas shows that that measure is highly effective in reducing the number of bags that are used and left as litter.

Litter such as carrier bags causes problems not just on our land. Our forthcoming marine litter strategy will address the problems of marine and coastal litter, which have been referred to by Chic Brodie and others and which give cause to annual beach-clean events organised by bodies such as the Marine Conservation Society.

In the next couple of years, Scotland will host high-profile events such as the Ryder cup and the Commonwealth games. We all want the watching world to see Scotland—one of the world’s most beautiful countries—at its very best. We will continue to work with zero waste Scotland, Keep Scotland Beautiful and others to tackle litter, to deliver a cleaner, greener Scotland and to keep Scotland beautiful.

*Meeting closed at 17:32.*

## Correction

Bob Doris has identified an error in his contribution and provided the following correction.

**Bob Doris (Glasgow) (SNP):**

*At col 11517, paragraph 5—*

*Original text—*

Would it be helpful to put it on the record that Glasgow City Council has cut its social work budget by 20 per cent in the past year, although its revenue budget was cut by only 3.4 per cent?

*Corrected text—*

Would it be helpful to put it on the record that Glasgow City Council has cut its social work personalisation budget by 20 per cent in the past two years, although its revenue budget was cut by only 3.4 per cent?





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