



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Wednesday 5 December 2012

Session 4

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Scottish Parliament

Wednesday 5 December 2012

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

Business Motion

The Presiding Officer (Tricia Marwick): Good afternoon. The first item of business is consideration of business motion S4M-5093, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revision to the business programme for today.

14:00

The Minister for Parliamentary Business (Joe FitzPatrick): The change of decision time to 6pm tonight will allow for a fuller debate on the Referendum (Scotland) Bill Committee's report on the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [Draft].

I move,

That the Parliament agrees the following revision to the programme of business for Wednesday 5 December 2012—

delete

5.30 pm Decision Time

followed by Members' Business

and insert

6.00 pm Decision Time

followed by Members' Business

Motion agreed to.

Portfolio Question Time

Finance, Employment and Sustainable Growth

National Planning Framework 3

14:01

1. **Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government when it will publish its proposals for the third national planning framework. (S4O-01556)

The Minister for Local Government and Planning (Derek Mackay): The national planning framework 3 main issues report will be published for consultation in March 2013. Following consultation, the proposed national planning framework 3 will be published in late 2013.

Linda Fabiani: The minister will be aware of the recent task force set up by South Lanarkshire Council to address the specific issues in East Kilbride and the town's economic future. How will the proposals for the candidate national developments align with Scottish planning policy so that the challenges presented by significant economic situations can be met?

Derek Mackay: The review of Scottish planning policy and the national planning framework will run concurrently, which is helpful. Both focus on sustainable economic growth and, by working in tandem, there will be mutual benefits.

We outlined how candidate projects would be assessed in the statement that I gave to Parliament earlier this year. I assure Linda Fabiani that all candidate projects will be assessed and that that will be transparent, with publication of how projects were considered as part of the process that I outlined.

Areva (Turbine Manufacturing Site)

2. **Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government when it expects Scottish Enterprise to decide on the location of the Areva turbine site. (S4O-01557)

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): The memorandum of understanding between Scottish Enterprise and Areva sets out both parties' intentions to work together to find the most appropriate location for Areva's United Kingdom manufacturing site and to support Scotland in becoming an offshore wind manufacturing hub. The final decision on location—and therefore the timing of the decision—is for the company to make.

Claire Baker: The award of the Areva site would be good for the Fife energy park in Methil and the local economy. It would bring in much-needed investment and would ensure that Fife is at the forefront of the renewables sector in Scotland. Will the minister confirm whether or not Fife energy park is being actively considered as a location for the Areva site? Will he confirm whether there are concerns about capacity at the site?

Fergus Ewing: I am aware of the good work that is done in Fife by a number of companies and of the support for that work locally, which we value.

It is for the company to decide where to locate. Areva made a commitment in Paris on 19 November to locate its UK turbine manufacturing site in Scotland. We believe that that will pave the way to create a great deal of jobs—up to 750—for manufacturing and the supporting supply chain. It is absolutely correct that Claire Baker lobbies for the area that she represents. I am sure that it will feature in the decision making of the company, but it is for the company to decide which particular location to opt for.

I am delighted that Areva has shown that commitment to Scotland, especially since I visited its Bremerhaven operation in June.

Mary Scanlon (Highlands and Islands) (Con): I do not wish to ask the minister to lobby for the area that he represents but, in light of the planning application that has been announced today to make the Ardersier yard fit for purpose for renewable energy manufacturing, does he support any developments at that yard?

Fergus Ewing: As the local MSP, I very much welcome the progress that has been made in bringing Ardersier back into use. Many of us remember the heyday of its oil fabrication success. Thanks to the Scottish Government's renewables policy, which I am pleased to say all parties in the chamber supported when we debated the issue in September, we now see massive opportunities all around our coasts, including at Nigg; potentially at Ardersier; at Wick; at Montrose; at Leith; at Methil; at Dundee; at Kishorn; at Orkney; at Lybster and at Scrabster. I could go on but the great news is that opportunities are being created all over Scotland because of our unwavering support for the potential that renewable energy off our coasts has for Scotland and her communities.

Kenneth Gibson (Cunninghame North) (SNP): Given that, according to Experian, North Ayrshire is predicted to have the lowest level of economic growth of any of the UK's 378 local authorities over the next five years, it would be great if we could get some renewables industries

into Hunterston, which has a deep harbour and a highly skilled workforce nearby.

Fergus Ewing: That resembled more of a statement than a question. Notwithstanding that, I am happy to say that we are well aware of Hunterston's aspirations; indeed, I understand that planning permission has already been granted to Mitsubishi for a testing facility. That development is very important and I very much hope that we can work together with Mr Gibson, who is always a strong advocate for North Ayrshire's interests, to ensure that the area is by no means left out. However, the success that Hunterston has already had and its ability to attract a company of Mitsubishi's international status are a huge testimony to our Scottish Enterprise colleagues' massive efforts in successfully gaining the interest and commitment of companies throughout the world to locate in Scotland. It has been a truly momentous achievement thus far and we must now translate that commitment into a great number of jobs and businesses throughout the whole country.

Falkirk Council (Meetings)

3. Angus MacDonald (Falkirk East) (SNP): To ask the Scottish Government when it last met Falkirk Council and what matters were discussed. (S4O-01558)

The Minister for Local Government and Planning (Derek Mackay): The Scottish Government meets regularly with Scotland's councils to discuss a wide range of issues. I last met Falkirk Council on 9 August.

Angus MacDonald: The minister will be aware that Falkirk's tax increment financing bid has the potential to attract to my constituency nearly £600 million-worth of investment for more than 8,000 local jobs over the next 25 years. Now that the business case has been submitted, when do the Scottish Government and the Scottish Futures Trust expect to make a final decision and announcement on whether this exciting TIF project can go ahead?

Derek Mackay: Members will be well aware of TIF's potential benefits. In November 2011, the Scottish Government invited Falkirk Council to develop a TIF business case for its £52 million project, focusing on direct investment to key strategic road improvements, the Grangemouth flood defences and site-enabling works. The council is working with the Scottish Futures Trust to finalise the business case and, when that work is completed, we will look forward to receiving it formally and will consider it in due course.

Renewables (Community Benefits)

4. Dave Thompson (Skye, Lochaber and Badenoch) (SNP): To ask the Scottish Government what progress it has made in helping communities to benefit from the use of renewables. (S4O-01559)

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): Through initiatives such as our flagship community and renewable energy scheme—the CARES loan scheme—and the public register of community benefits, we are both supporting community ownership of renewable energy and helping to ensure that communities benefit from commercial projects.

Indeed, we are making good progress towards each of those aims. For example, we are around a third of the way towards our target for 500MW of community and locally owned renewables across Scotland by 2020, and our support for community renewables was recognised recently by the Organisation for Economic Co-operation and Development as a pioneering policy intervention and a global example of good practice in taking a bottom-up approach to renewable energy.

Dave Thompson: Last year, the First Minister asked Highlands and Islands Enterprise to develop a pilot project for community involvement and equity in renewables projects. What progress has been made with that pilot and, in particular, the involvement of Glenelg and Arnisdale Development Trust in the marine current turbines project in the Kyle Rhea narrows, which was to be used to test that pilot?

Fergus Ewing: I thank Dave Thompson for giving me notice of that question.

The First Minister met members of the Glenelg and Arnisdale Development Trust last November. Since then, there have been a number of meetings between officials of HIE, Community Energy Scotland, the Scottish Government and the trust.

The trust has accepted our offer to provide funding for an independent assessment of the investment opportunity that is open to it, including an investigation into financial models that might be adopted. Work on that assessment is well advanced: the report is due for completion early in the new year.

Once the report is available, a further meeting with the trust will take place to explore how Scottish Government funding for community renewables could support the project through CARES—the loans scheme—or the renewable energy investment fund. We will continue to offer support to the trust as it seeks to take the project forward. We will also continue to keep Dave Thompson, as the local member who is campaigning on the issue, closely informed.

Rhoda Grant (Highlands and Islands) (Lab):

The minister will be aware that community developments in the Western Isles are being delayed because of slippage on the interconnector to the islands. He will also be aware that those delays add to costs. What is the Scottish Government doing to speed up the delivery of an interconnector?

Fergus Ewing: Rhoda Grant is right to raise that matter. It is of huge concern to us. That is why in June this year I wrote to Ed Davey suggesting that, because of its importance, we set up an intergovernmental body to consider the matter. I was pleased that he agreed to that, and I believe that the first meeting of the intergovernmental group has just taken place or is just about to take place.

It is essential that we address transmission charges to the islands. The problem has existed for some time but was exacerbated when the estimated cost of the connection went up from, I think—I will need to check the figures—just below £500 million to more than £700 million. That has had a massive knock-on effect so that, if the recommendations of the Office of the Gas and Electricity Markets were accepted, the charges would be £10 per megawatt hour on the mainland and £150 or thereabout on the islands. I will check those figures, but they indicate the scale of the problem.

It is essential that we tackle that problem together with United Kingdom Government. We are working extremely positively with it towards finding a solution. A solution is necessary if we are to realise the potential in our islands for renewable energy. Indeed, Shetland, Orkney and the Western Isles are the places in the UK with the best potential for renewable energy, both onshore and marine.

We are determined to solve the problem and to work with people such as Rhoda Grant, who rightly campaigns on the issues.

Chic Brodie (South Scotland) (SNP): I welcome the minister's comments. Will he comment on the Economy, Energy and Tourism Committee report on the achievability of the Scottish Government's renewable energy targets? I refer specifically to the conclusion:

“the generation of community owned energy brings benefits beyond financial ones. The income can increase the sustainability of fragile communities, lead to greater social cohesion and provide work for local people in areas such as energy efficiency”.

Fergus Ewing: Yes, I welcome the committee's report and hope that we have the opportunity to debate it in due course.

Chic Brodie is right to point out the enormous benefits to communities. The target of 500MW,

which we are one third of the way to achieving, could be worth £2,400 million to communities in Scotland over the lifetime of the project. Since 2007, more than 800 grants for community renewables schemes have been awarded—some £16 million—and now we have CARES.

We are absolutely determined that communities throughout Scotland should receive every practical and affordable assistance that we can provide in order to realise their aspirations to have community renewable energy schemes. The benefits therefrom are of a huge variety and people are increasingly becoming aware of them, which is a good thing. I welcome the cross-party support that exists for community renewables and undertake to work with all parties to advance such schemes across Scotland.

Co-operative Businesses

5. Willie Coffey (Kilmarnock and Irvine Valley) (SNP): To ask the Scottish Government what it is doing to develop co-operative businesses. (S4O-01560)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The Scottish Government supports the on-going work of Co-operative Development Scotland, which is a subsidiary of Scottish Enterprise, in its promotion of co-operative business models and in its hands-on work with new and existing co-operative enterprises. In addition, businesses operating co-operative models in Scotland can receive general advice and support from business gateway, Scottish Enterprise, and Highlands and Islands Enterprise.

Willie Coffey: The cabinet secretary will be aware that this is international year of co-operatives and that Scotland currently has more than 500 co-op businesses, which employ more than 28,000 people and have a combined turnover of more than £4 billion. Does he have any plans to extend the good work that the Scottish Government is already doing to promote co-operative businesses within our local communities and to encourage even greater participation in the successful co-operative model?

John Swinney: In the previous parliamentary session, I answered a question from Bill Butler, who asked me what the Government would do to celebrate international year of co-operatives. I have to say that, when Mr Butler asked me that question in 2010, it was news to me that international year of co-operatives would take place in 2012. I am glad to say that, after Mr Butler's prompting, we have taken forward a series of events to mark international year of co-operatives and to celebrate the achievements that have been made. Possibly more important, we have also committed ourselves to supporting and

developing the enhancement of the co-operative model within Scotland.

Over the past number of months, I have taken part in a number of discussions with and visits to co-operative enterprises to ensure that the type of measures that I set out in my original answer are fully available and at the disposal of co-operatives in Scotland. We are keen to ensure that Co-operative Development Scotland continues its work through the Scottish Enterprise network.

At this time in the economic cycle, when new business models need to be developed and taken forward, the co-operative model possesses some substantial strengths for development within the Scottish economy, and I can assure Mr Coffey and colleagues that the Government will provide support to assist in the development of such enterprises.

John Scott (Ayr) (Con): I declare an interest as a council member of the Scottish Agricultural Organisation Society and declare an interest in farmers markets.

Is the United Kingdom legislation required to support and develop the co-operative movement in Scotland—in particular, to support the capability and development of SAOS—now in place? If it is not, when does the cabinet secretary expect the legislative process to be completed?

John Swinney: Mr Scott will need to forgive me for not being able to give him a definitive answer at this stage, but I will ensure that the issue is explored speedily and that a response is given to him in writing.

Capital Investment

6. Annabelle Ewing (Mid Scotland and Fife) (SNP): To ask the Scottish Government what response it has received from the United Kingdom Government to its recent call for an immediate targeted boost to capital investment. (S4O-01561)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): I am working on the basis that the Chancellor of the Exchequer's autumn statement was the response.

Annabelle Ewing: Taking into account the unprecedented UK Government cuts to the Scottish capital budget that we have already suffered, can the cabinet secretary indicate how long the Scottish Government has been calling for the release of capital to invest in public sector projects? Can he indicate at this stage how many jobs he thinks may be supported, further to today's announcement?

John Swinney: I congratulate Annabelle Ewing on conspiring to get the swiftest ever Scottish Government response to an autumn budget

statement, given that the chancellor completed delivering his statement to the House of Commons only about an hour ago.

There are a number of elements in the autumn budget statement, particularly in relation to capital investment, that the Scottish Government welcomes. As Parliament will know, ministers have for a sustained amount of time put pressure on the United Kingdom Government to change its approach on capital spending because we considered that the reduction of 33 per cent in capital budgets was far too severe.

As the growth figures that the Office for Budget Responsibility published today demonstrate, the UK Government's approach has harmed the development of growth in the economy. We welcome the announcements that have been made today on capital investment, and we note that the UK Government has learned a lesson from the Scottish Government on transferring resource into capital to support long-term investment in the economy. We welcome that into the bargain.

Gavin Brown (Lothian) (Con): I welcome the cabinet secretary's welcome for the UK Government's autumn statement. A Scottish Government press release mentions 40 or so projects that it describes as "shovel-ready". As things stand, how many of those projects have not completed the planning and procurement process?

John Swinney: A number of them will definitely not have completed the procurement process: how on earth could we lead the market up the garden path to deliver projects for which we do not have the money?

The purpose of a shovel-ready project list is to have projects that are ready to be delivered on the ground but to which we cannot commit until we have the money to do so. If that is the level of sophisticated questioning to which I am to be subjected by the Conservative Party, heaven help the Conservative Party today.

Financial Assistance (Compliance with Conditions of Grant)

7. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government how it ensures that companies setting up or expanding activities in Scotland comply with the conditions attached to any financial assistance it has granted. (S4O-01562)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): All available schemes of financial assistance have clear monitoring and audit processes set out in the terms of the award of assistance, and projects are monitored to ensure

compliance with national rules and agreed terms and conditions.

Murdo Fraser: When Amazon came to Fife last year, it received more than £8 million in support from the Scottish Government. At that time, Amazon promised to create 750 permanent jobs but, to date, only half of them have been delivered, with many other workers on short-term or casual contracts. What is the Scottish Government doing to ensure that companies such as Amazon not only pay their taxes but, more importantly, keep their promises?

John Swinney: As Mr Fraser will know, the Scottish Government does not have responsibility for the collection of the taxes for which Amazon is liable, other than in relation to the payment of non-domestic rates for the property that it occupies in Dunfermline. The tax collection issues are very much the property of Her Majesty's Revenue and Customs, which I remind Mr Fraser is a reserved organisation.

On the Scottish Government's responsibilities in relation to the payment of grant awards, I can tell Mr Fraser that the payments are made in instalments—typically over several years—as job and capital expenditure targets are met. Scottish Enterprise is responsible for monitoring all the grant payments, and it requires companies to submit formal applications for payment of the instalments, which usually include a formal certification of the claim by an independent accountant.

When the grant has been paid, Scottish Enterprise monitors the project for a fixed period that is set out in the grant agreement and requires the company to submit formal monitoring reports to ensure that all the conditions have been met. In all circumstances, the payments are monitored regularly. On occasions when, for example, companies have grant paid to them and then decide to scale down their operation, we reclaim grant from them by virtue of the monitoring processes that we undertake.

I assure Mr Fraser and the Parliament that the administration of grant payments through the regional selective assistance system is taken very seriously. We will continue to monitor the issues in relation to Amazon and all other recipients of regional selective assistance.

Ken Macintosh (Eastwood) (Lab): Given what we now know about Amazon's affairs, does the cabinet secretary regret not imposing stricter conditions, such as insisting on transparency in the company's tax affairs, on trade union recognition, on decent minimum standards of employment and on the living wage being paid as a minimum to all employees?

John Swinney: I am actually sympathetic to Mr Macintosh's view that employers have to act in a responsible fashion by remunerating their staff properly and committing to long-term investment and long-term continuity for staff.

I have no real strategic disagreement with Mr Macintosh on the question, but without the benefit of legal advice—and, of course, I can never disclose its presence—I doubt that I would have legal authority to apply all the factors that Mr Macintosh has asked me to apply to Amazon. I am not trying to be difficult about it; I am just acknowledging that there are certain limitations on the powers of the Parliament. I would rather be able to give Mr Macintosh a much more encouraging answer about the long-term commitments that we can require of companies, but I have to operate within a legal framework that is set out for me under the Scotland Act 1998.

Manufacturing (Employment and Output)

8. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government what steps it is taking to boost manufacturing employment and output. (S4O-01563)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Working together with industry, the Scottish Government provides integrated support for the manufacturing sector in Scotland via Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, Scottish Development International, the Scottish Further and Higher Education Funding Council, local development organisations, and relevant trade bodies.

Specific support includes the work of the Scottish manufacturing advisory service, which has now assisted more than 3,000 individual companies, by completing nearly 2,000 manufacturing reviews that have contributed around £92 million extra value added to assisted companies.

Kenneth Gibson: The cabinet secretary will be aware that, in the decade to 2007, Scotland lost a third of its manufacturing sector in Ayrshire and half of its manufacturing employment, and saw a corresponding decline in output. That was before the recession hit. Manufacturing remains a key component of the Scottish economy, so how are our universities and colleges addressing key skills shortages in our manufacturing sector to ensure that it flourishes during the decades to come?

John Swinney: I believe that we are making good progress in the area. I acknowledge the significance of Mr Gibson's point because our universities and colleges are integral to addressing those key skills shortages. For example, the

Government has worked with the GlaxoSmithKline plant in Irvine, which is adjacent to Mr Gibson's constituency, along with the University of Strathclyde, Scottish Enterprise and North Ayrshire Council, to create focused support to assist in the recruitment of skilled personnel for that manufacturing facility.

At a more general level in Scotland, the number of students who are studying engineering and technology in higher education institutions has risen by 18 per cent since 2007-08, which is a welcome indication of the strengthening of the skill base that will support Scotland's manufacturing sector.

The Presiding Officer (Tricia Marwick): Before we move on to question 9, let me say that I need questions and answers to be succinct if we are to make progress through the list of questions.

Public Health Levy

9. Alex Johnstone (North East Scotland) (Con): To ask the Scottish Government, in light of the reported 1.3 per cent fall in sales in October 2012, whether it will reconsider the so-called public health levy. (S4O-01564)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): I say briefly, in response to your positive requirement, Presiding Officer, that the Government does not intend to reconsider the public health supplement.

Alex Johnstone: Members have become used to hearing the Government making all sorts of claims about how it would spend more money if it had the power to do so. We also hear that it would cut every tax. Will the Government please explain how it will match today's performance of the United Kingdom Government in reducing the burden on the growing sectors of our retail economy?

John Swinney: The Scottish Government is a responsible Government that balances its budget every year and does not make the unaffordable spending commitments that we hear all the time from the Conservatives over there. I say that before I have even got on to the Labour side of the chamber, into the bargain. I will take no lessons from Mr Johnstone about the importance of effective fiscal management.

On Mr Johnstone's point about business taxation, both before and after the Chancellor of the Exchequer's autumn statement, the Scottish Government offers the most comprehensive system of business rates relief of any part of the United Kingdom for the bit of business taxation that we control. That was true before the autumn statement and it remains the case.

The Presiding Officer: Question 10, in the name of Bob Doris, has not been lodged, and the member has provided an explanation.

“Spends & Trends UKCS 2012-2016”

11. Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government what its response is to the Scottish Enterprise report, “Spends & Trends UKCS 2012-2016”. (S4O-01566)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): Scottish Enterprise’s report “Spends & Trends UKCS 2012-2016” is a further and welcome confirmation of the vast potential of Scotland’s oil and gas sector, for now and the future. With more than half the value of the North Sea’s oil and gas reserves yet to be extracted—up to 24 billion recoverable barrels with a potential wholesale value of £1.5 trillion—Scotland’s oil and gas sector will remain an enormous economic resource for decades to come.

Gordon MacDonald: The report highlights an expected capital investment of £44 billion and identifies 86 new United Kingdom continental-shelf fields where work is under way or could begin before 2016. Given the level of capital investment by companies that operate in the North Sea, does the cabinet secretary agree that the sector will remain an enormous economic resource for Scotland for decades to come?

John Swinney: I agree with that point and I recognise the significant and intense level of economic activity that is going on in the oil and gas sector around north-east Scotland. The levels of investment and commitment are substantial, and the Government is working collaboratively with the sector. Mr Ewing was in Aberdeen this week for a series of further discussions with oil and gas companies. We look forward to continuing that work to ensure that the industry feels well supported by the Scottish Government in realising its economic potential.

Energy Academy

12. Richard Baker (North East Scotland) (Lab): To ask the Scottish Government when the energy academy will begin its work. (S4O-01567)

The Minister for Energy, Enterprise and Tourism (Fergus Ewing): Work has already begun on the Scottish energy skills academy initiative. My officials are consulting industry, skills providers and relevant public bodies to discuss the proposal and its alignment with national frameworks.

Richard Baker: That is good news, and the initiative is welcome, but the number of institutions that will be involved in delivering the academy is

still unclear. Which institutions will be involved in the academy’s work? Does the minister agree that, as the energy capital of Scotland and Europe, Aberdeen—which he visited recently—should be the academy’s centre and should provide the base for its leadership?

Fergus Ewing: The Scottish energy skills academy will be developed as a Scotland-wide academy. I am pleased to say that we are making great progress. Just this week, I had useful meetings with senior representatives from the University of Aberdeen, the Robert Gordon University, Aberdeen College and Banff and Buchan College, all of which already do excellent work. We want such work to be enhanced and increased.

It is correct that we will see much of the energy academy’s oil and gas focus being centred in Aberdeen when that initiative is announced. However, it is important that we get the initiative right, rather than rush to launch it. That is important because we need to align the activities and efforts of academe with those of industry and the Government. That is what we want and what I believe the oil and gas industry wants, and that is what we intend to deliver in due course.

City of Edinburgh Council (Budgetary Impact of Public-private Partnerships/Private Finance Initiative)

13. Colin Keir (Edinburgh Western) (SNP): To ask the Scottish Government when it last met the City of Edinburgh Council to discuss the impact of PPP/PFI on its budget. (S4O-01568)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The impact of PPP/PFI on the City of Edinburgh Council’s budget is a matter for that local authority.

Colin Keir: Does the cabinet secretary have an idea of the total cost of the City of Edinburgh Council’s repayments for PPP/PFI schools in Edinburgh in the past financial year? What impact are such contracts having on the council’s ability to finance front-line council services?

John Swinney: I do not have a figure for the past financial year but, from 2013 onwards, the contracted unitary charge payments are estimated to be £1.047 billion. That relates to the PPP 1 project, which is due to end in 2033-34, and the PPP 2 project, which is due to end in 2038-39.

Such sums are clearly significant and must be considered in the prudential framework for finance in the City of Edinburgh Council. As Mr Keir knows, I have introduced for the first time a framework in which any revenue-financed commitments must be set. The Government is working within that framework.

Paisley (Economic Development)

14. Neil Bibby (West Scotland) (Lab): To ask the Scottish Government how much it plans to spend on economic development in Paisley. (S4O-01569)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The Scottish Government is committed to increasing sustainable economic growth across all parts of Scotland, including Paisley. We are maximising our capital spending to support infrastructure investment and jobs throughout Scotland. That is undertaken through the work of Scottish Enterprise, as part of the Government's economic strategy.

Since 2011, through regional selective assistance, Scottish Enterprise has supported nine Renfrewshire companies with offers totalling £4.4 million, thereby creating and safeguarding 359 jobs.

Neil Bibby: It is clear that there is a link between economic development in an area and the funding that local councils receive. Renfrewshire Council is investing what it can in the local economy. That is, regrettably, not being matched by the Scottish Government.

The Presiding Officer: Can we just have a question, Mr Bibby?

Neil Bibby: Renfrewshire Council is the only mainland council in Scotland to have been on the funding grant floor for the past three years. Will the cabinet secretary come to Paisley to meet me and the council leader, Mark Macmillan, to discuss Paisley's social and economic needs, and a fair deal for Renfrewshire?

John Swinney: I have met Councillor Macmillan on two occasions already to discuss the financial situation in Renfrewshire Council. If Mr Bibby wants to have a meeting about that, I would be only too happy to extend to him the courtesy of having a meeting. I have explained to Councillor Macmillan that the funding settlement that applies to Renfrewshire is a product of the local government distribution formula that has been agreed by the Convention of Scottish Local Authorities, and that it is a matter for COSLA to determine whether it wishes to reconsider the distribution formula that it agreed with the Government at the time of the spending review. I do not sense much of an appetite in COSLA to do that, because for every person who would make the point that Mr Bibby has made to Parliament today, there would no doubt be a range of his colleagues who would come here to say that the resources cannot be taken from them. As I set out in the local government funding settlement statement last week, local government has been in a better financial position in the spending review

settlement since 2007-08, compared with the overall budget of the Scottish Government.

Rural Areas (Employment)

15. Claudia Beamish (South Scotland) (Lab): To ask the Scottish Government what support it is giving to the development of employment across all ages in rural areas. (S4O-01570)

The Cabinet Secretary for Finance, Employment and Sustainable Growth (John Swinney): The Scottish Government seeks to raise employment for people of all ages in all parts of Scotland. Support for new and existing businesses is a key element of that.

Last year, we supplemented that approach by creating a forum specifically to help rural areas to overcome some of their distinctive challenges around helping people into work. On 5 November this year, my colleagues Angela Constance and Richard Lochhead were pleased to take part in a rural and employment skills summit that was held in Oban. I am hopeful that the actions from that event will make a real and lasting difference to rural Scotland.

Claudia Beamish: As the cabinet secretary knows, age is one of the nine protected characteristics in the Equality Act 2010. Can he say what assessment the Scottish Government has made with regard to the development of support for rural employment specifically related to age? For instance, what resources have been committed to the development of apprenticeship schemes and transferable skills for training older people in their communities?

John Swinney: The Government is taking action to ensure that there is local access to skills development in all parts of the country. We make every effort to overcome the obstacles that rurality can create for people. That involves, for example, the approaches that are taken to distance learning, and the ways in which it can be used in rural locations. It also involves ensuring that there is a credible and accessible range of support mechanisms in all parts of the country. That is reflected in the availability of support through particular mechanisms in the enterprise agencies and through the work that is done in partnership with chambers of commerce.

The Government is also determined to ensure that we maximise access to online skills and resources. I appreciate that, in some parts of rural Scotland, broadband access can be an issue, but we try to maximise access to those resources in every part of the country.

The Presiding Officer: I do not have time for another question. I apologise to Patricia Ferguson.

Policing

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-05087, in the name of Lewis Macdonald, on policing in Scotland.

14:40

Lewis Macdonald (North East Scotland) (Lab): When the Police and Fire Reform (Scotland) Bill went through the Parliament earlier this year, Labour and other parties raised a series of concerns about the legislation itself and about the ways in which the creation of a single Scottish police force would be implemented. Above all, although supporting both the principle of the bill and the bill itself, we raised serious concerns that many hundreds of loyal and hardworking members of police staff would lose their jobs in order to balance the books and that, as a result, many hundreds of police officers would be taken off the front line to backfill civilian jobs in the new service.

The Government amendment today highlights an increase of 65 police staff jobs across Scotland over the last quarter compared with the previous quarter. I fear that police staff will simply despair at such a superficial defence from a Government that fails to acknowledge a net loss of more than 900 civilian staff jobs over the past two years.

Mr MacAskill laughs as if his defence is a significant one. More than 900 jobs have been lost over the past two years; there is a prediction by the Association of Chief Police Officers in Scotland that a further 3,000 jobs will be at risk over the next three years; and Mr MacAskill comes to the chamber and asks members to regard an increase in one quarter of 1 per cent of the workforce as a significant difference from the pattern that he has set.

We return to the central issue of staff jobs but in a context that I suspect few would have anticipated when the Police and Fire Reform (Scotland) Act 2012 was passed. The most immediate issue that is confronting police staff is not what cuts will be made but who will make those decisions in the first place. When the chairman of the Scottish Police Authority and the chief constable of the police service of Scotland gave evidence to the Justice Committee last week, their failure to agree on who was responsible for what was there for all to see. The First Minister described that last week as “creative tension”. However, from the point of view of those whose jobs are most at risk, it was a lot more serious than that. These were more than differences of personal or professional opinion; they were also differences of legal opinion so important that both Vic Emery and Stephen House resorted to taking

external advice at public expense on the proper interpretation of the new force’s founding statute. That quite remarkable situation deserves to be brought to the attention of the whole Parliament. After all, it was Parliament that passed the act, including exceptional provision that the Parliament should keep the new arrangements under review and provide regular reports. What the act means, what was intended by it and how it should be interpreted are matters that concern us all.

The 2012 act establishes a single police force by amalgamating eight existing police forces and two existing national bodies. However, that amalgamation creates not one new national body, but two—a new police service and a new Police Authority board. The issue is which of those bodies should be responsible for what.

The 2012 act provides that the forensic service should be delivered by the authority in order to keep a sterile corridor between police officers and forensic evidence. As Stephen House told the Justice Committee last week, as chief constable he has also conceded control to the authority over a number of important areas, most notably information and communication technology. He is not so willing to give up day-to-day control of police staff or of police finance—for good reason. Direction and control of police staff are the responsibility of the chief constable. They have to be, if he is to take operational responsibility for policing in Scotland. That is clear in the act, in the responses of ministers and in the Government’s amendment today.

However, the chairman of the board, Vic Emery, has formed a different opinion on the basis of the legal advice that he received. He told the Justice Committee last week:

“The police staff will always be employed by the SPA, but before they become police staff, they are staff. When they get allocated to the police service of Scotland, they become police staff; and when that happens, they come under the direction and control of the chief constable.”

Stephen House gave the Justice Committee his own interpretation, again based on the legal advice that he received:

“In effect, the board loans the police staff to the chief constable on a day-to-day basis”.—[*Official Report, Justice Committee, 27 November 2012; c 2127-8.*]

Then they come under his direction and control.

Those statements require clarification—that is where the Government has a responsibility to clearly express its own view. The statement

“before they become police staff, they are staff”

is a proposition that does not appear to be supported by the 2012 act.

People who are currently police staff with existing forces are about to become police staff of

the single national force. It must surely be a matter of concern that the authority that is to employ them appears to believe that there is a point in that process at which they are not police staff at all. Equally, the idea that staff are on loan to the police service does not seem to provide a secure basis for the conduct of their day-to-day duties, as staff who are on loan between organisations on a day-to-day basis could presumably be there today and gone tomorrow.

The Justice Committee invited Mr Emery and Mr House to share their conflicting legal opinions, and both have done so. The committee has not yet seen fit to publish those opinions. I hope that it will revisit that decision in the interests of transparency, but it is clear that that is a matter for it to decide.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): This is not breaking news, but the committee has agreed that those opinions would be treated as private. There is a letter to that effect to Vic Emery and the chief constable on our website. I think that there was a misunderstanding at the time, disappointing though that is. We thought that we would be given them to publish, but we have accepted that there was a misunderstanding. We are not happy about that, but we have agreed together as a committee to go forward and keep the matter private.

Lewis Macdonald: I understand that, and it is clear that the committee is free to determine what to do with that information on the basis of the advice that it has received. However, we have on the record the views that have been offered on behalf of the Scottish Government by the head of police and fire reform, Christie Smith, to both the Scottish Police Authority and the police service of Scotland. They are available on the Justice Committee's pages on the Parliament's website and at the back of the chamber. His letter takes issue with Mr Emery's central proposition that the authority rather than the chief constable is responsible for the administration of the police service. It refers to section 17(2)(b) of the Police and Fire Reform (Scotland) Act 2012, which, it says, provides that

"the administration of the Police Service is a responsibility of the Chief Constable".

The letter describes the question of who does what as "a business decision" to be agreed between the authority and the chief constable, and says that it is

"not a question that is constrained by the Act."

If the Scottish Police Authority now accepts that view and seeks to make an agreement on that basis with the chief constable, it is clear that progress can be made. However, if it does not, or if agreement cannot be reached on the

management and control of staffing and resources, the police service itself will suffer.

Mr Smith's letter is equally clear that the chief constable is not constrained in what he can ask civilian staff as opposed to police officers to do. That was a possible unintended consequence of the 2012 act, which caused the chief constable concern. According to Mr Smith, the Government's view is that

"There is nothing in the Act to prevent police staff, acting in support of policing functions, from operating autonomously or taking decisions in the course of their employment."

Again, it is important that that is made clear to the police, the authority and the staff themselves.

We are holding this debate in order to give the cabinet secretary an opportunity to put on the record his own view on those matters; to endorse—as I expect and hope that he will—the responses of his senior official to the various legal opinions that have been offered on the interpretation of the 2012 act; and to tell us whether the differences of opinion have now been resolved or continue to be debated and disputed within the service or the authority. If they are not yet resolved, he should tell us what he will do about that.

This is not an abstract debate about legal definitions, and it is not simply about the wisdom or otherwise of senior public servants seeking separate legal opinions on the interpretation of a brand new act of Parliament; it is about the security and certainty of employment of nearly 7,000 police staff. The civilians who work for the police already face enough uncertainties, with the very real prospect of many job losses over the next three years. We are calling for ministers to address those public servants' concerns and to give them some confidence that the budget cuts that the police service faces will not simply be delivered at their expense. We want to see no more backfilling of staff jobs by police officers, whether in custody suites or call-and-command centres, or in administrative duties in police stations. We want to see no contracting out of jobs that are currently undertaken by civilian staff to G4S or anyone else.

Most immediately, staff need to see an end to the jousting for control between the Police Authority and the police service and a recognition by the authority's board that it is there to maintain the service, keep the policing of Scotland under review and hold the chief constable to account, not to run the police service at its own hand. We need to hear from the cabinet secretary today that the disputes have been resolved, or that they will be resolved before Christmas, so that all concerned can get on with the core policing task of making Scotland and its communities safe.

I move,

That the Parliament notes the view of the Scottish Government that “the Chief Constable has direction and control of the Police Service of Scotland and is responsible for its day to day administration”; regrets the First Minister’s description of the dispute between the Chief Constable and the Chair of the Scottish Police Authority over responsibility for the delivery of policing in Scotland as “creative tension”; calls on the Scottish Government to establish a clear deadline for the resolution of this dispute, and further calls on the Scottish Government to guarantee that there will be no back-filling of staff posts by police officers or contracting out of staff posts to the private sector to meet the budget cuts planned over the next three years.

The Presiding Officer: I call Kenny MacAskill to speak to and move amendment S4M-05087.1. Mr MacAskill, you have seven minutes.

14:49

The Cabinet Secretary for Justice (Kenny MacAskill): Thank you, Presiding Officer. I welcome the opportunity to respond to the Labour Party motion and Lewis Macdonald’s opening speech. This debate comes just a day after we announced record police numbers. There are now 17,454 officers working in our communities, an increase of 1,220 on the 2007 figure. They are supported by 6,955 police staff—an increase of 65 over the last quarter.

Jenny Marra (North East Scotland) (Lab): Does the cabinet secretary accept that police staff numbers have fallen by more than 900 since March 2010 and that the increase of 65 is only over the past few months?

Kenny MacAskill: I get asked such questions regularly by Labour Party members—sometimes by Ms Marra and sometimes by others. I have given a snapshot that shows that at the present time we have more police officers than ever before. It also shows that, despite the predictions of doom and gloom by Ms Marra, the numbers of police staff have increased, not decreased.

Lewis Macdonald: The cabinet secretary talks of predictions, so will he now give us a prediction and say whether he anticipates that trend of increasing staff numbers to continue?

Kenny MacAskill: What we have said—

The Presiding Officer: Cabinet secretary, I remind you that you have seven minutes and no longer.

Kenny MacAskill: I will move on then, Presiding Officer.

We have made our position clear that officers and staff are performing excellently together. Crime is at a 37-year low, clear-up rates are at a 30-year high and public confidence is high. Indeed, figures published yesterday show an overall halving in the number of firearms offences

since 2006-07. That is testament to the hard work and dedication of every single person working in policing in Scotland, day in, day out.

As we all know, public finances are under greater pressure than ever before as a result of Westminster budget cuts. The vital front-line policing that we all depend on is under threat, but this Government will not let it be threatened. That is why, after extensive debate and consultation, we embarked on the most radical reform of policing in decades. Reform is the only way to safeguard our hard-won gains against Westminster cuts, and it presents a unique opportunity to do more, allowing us to make a virtue out of a necessity.

Moving from 10 police organisations to one means that the service will be more efficient, eventually delivering £106 million of savings every year. We will no longer need support functions duplicated many times over, or the duplicated roles of chief constables and deputy chief constables. As duplication across the police service of Scotland is reduced, there will be fewer police support staff roles. We do not underestimate that challenge, but the Armageddon scenario set out by Labour is just not happening—indeed, staff numbers are up. I recognise and value the role of police staff, which will continue in the new single service. I have therefore made my position clear that there should be no compulsory redundancies for police support staff.

Margo MacDonald (Lothian) (Ind): I thank the cabinet secretary for giving way, given the shortness of time for his speech. Before he moves on to talk about staffing, I want to ask him about policy making. I have in front of me the strategy and supporting operational guidance for policing prostitution and sexual exploitation that was agreed in September last year. It recommends that there should be a devolved or localised way of managing the issue. Will that continue under the single police force?

Kenny MacAskill: Those will be operational matters on which Ms MacDonald will no doubt engage with Mr House or one of his deputies. I have no doubt that they will be happy to engage on that and discuss it with her.

In Steve House and Vic Emery, we have excellent leaders. Steve brings strong leadership, unrivalled experience and a reputation for successful delivery; and Vic brings extensive expertise from business and wider public sector governance. They are now supported by a strong board and four excellent deputy chief constables, with assistant chief constables expected to be appointed before Christmas.

On governance, the 2012 act is clear: the chief constable has direction and control of the police

service, and the SPA is responsible for holding him or her to account for the delivery of policing. The SPA and the chief constable are moving towards agreement—indeed, they are meeting again as we speak. In a letter to me yesterday, which I have lodged in the Scottish Parliament information centre—reference 54549—the chair confirmed that discussions have been “fruitful and progressive”.

It is for the SPA and the chief constable to determine how best to fulfil their responsibilities, and it would be inappropriate for the Parliament or the Government to tell them how to do that. There is no simple formula that determines who should do what, but it has never been the case that the chief constable wanted to control everything or that the SPA wanted to control police functions. The dialogue is about how the SPA can fulfil its responsibility to hold the service to account effectively, while giving the chief constable a coherent and effective set of responsibilities to deliver policing.

There is no remaining contention about what the legislation says about the respective roles. The chief constable and the SPA have reached agreement on the responsibility for all functions apart from human resources and finance, and they have agreed that the chief constable will be responsible for HR and finance delivery, so we are 95 per cent of the way there. The remaining point of discussion is on the reporting lines for the head of HR and finance. That will be the focus of today’s meeting.

I and my officials have been taking a close interest in the issue, as members would expect. We have been involved in a number of informal discussions that involved the chief constable and the chair. I repeat that it is for the chief constable and the chair to determine how best to fulfil their responsibilities.

At the Justice Committee, Her Majesty’s inspector of constabulary for Scotland, Andrew Laing, said:

“what we are going through at the moment is healthy and necessary.”

He went on to say:

“we are getting closer to a well-balanced system”.—
[*Official Report, Justice Committee, 27 November 2012; c 2112-3.*]

I reject the Labour Party motion. Our amendment celebrates the success of policing in Scotland. I urge Mr Macdonald to have more faith in two men of outstanding calibre, who have been appointed, correctly, to positions that I think that they will cherish and in which they will deliver.

I move amendment S4M-05087.2, to leave out from “the view” to end and insert:

“that the Chief Constable has direction and control of the Police Service of Scotland and is responsible for its day to day administration; welcomes the Scottish Government’s commitment to providing 1,000 extra police officers in Scotland’s communities, with a total of 17,454 officers on 30 September 2012, an increase of 1,220 on the 2007 figure; welcomes the contribution provided by 6,955 police staff, an increase of 65 over the last quarter; notes that crime is at a 37-year low and public confidence is high; notes that the overall number of firearms offences in Scotland has more than halved since 2006-07, with a decrease of 21% in the number of firearms offences recorded between 2010-11 and 2011-12, and recognises that this is testament to the hard work of police officers and staff working in policing in Scotland.”

14:56

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): I welcome the opportunity to speak about policing in Scotland and I commend the Scottish Labour Party for using its debating time to focus on this important issue. The debate comes less than four months before the establishment of a single police force, and the fact that fundamental governance issues remain is clearly a cause for concern.

It is worth noting that the Scottish Police Authority is meeting today to discuss governance arrangements and proposed structures and staffing numbers across the service. Given the live date of 1 April 2013, time is tight and it will be a challenge to ensure that the necessary structures are set up before then.

Just last week, as we heard, the Justice Committee was told that the chief constable, Stephen House, and the chair of the Scottish Police Authority, Vic Emery, disagreed over their relationship with important backroom personnel. I do not share the First Minister’s view that that amounts only to “creative tension”. Governance might not set the pulse racing, but it is an important topic.

The chief constable believes that it is “essential” that he has day-to-day control over certain backroom functions if he is to have the

“direction and control of the Police Service”

that the Police and Fire Reform (Scotland) Act 2012 confers on him. However, he told the committee that he had received legal advice that the 2012 act does not allow the SPA to delegate to him control over support staff. What the First Minister describes as “creative tension”, the man who will run Scotland’s police force thinks is

“a gobsmacking major problem with the legislation.”—
[*Official Report, Justice Committee, 27 November 2012; c 2119.*]

Where the balance of power lies is important, not because the current postholders are incapable of working together but because we do not know who will be in post in future and what decisions

they will have to make. The Scottish Government must do all that it can do to ensure that the dispute is resolved as quickly as possible. More important, it must reflect on the fact that its legislation has fallen short.

Disagreement remains over who will have control over finance and HR. It is significant that those are the two departments that will be most involved in staffing decisions. Let us be frank: a single police force will inevitably lead to job losses.

Kenny MacAskill: Does the member accept that it has been made quite clear that the issue is not who controls, because it has been accepted that the line of accountability is to the chief constable? Does he accept that the point in dispute is reporting lines, not control?

John Lamont: The cabinet secretary has perhaps articulated more clearly than was expected the difficulties that will arise when the job cuts come. We should be under no illusions: there will be significant job cuts when the single police force comes into operation. The lines of control, which are undoubtedly confused, will generate tensions.

Eight separate back-office departments will be merged into one. That is how savings will be made and how we will create a more efficient police force—I do not dispute that. It is right that that will be done gradually and that voluntary redundancies will be the starting point. However, the tensions and concerns will create problems for the future.

Jenny Marra: Does the member agree that the points of contention on HR and finance that the cabinet secretary outlined today are the same points of contention that the Justice Committee heard about two weeks ago? It does not seem that a lot of progress has been made since then.

John Lamont: I entirely agree with what the member says.

There are two points that will not make things easy for the single police force. First, we still do not have a full business case that outlines what savings will be made. During the passage of the bill, the Scottish Government repeatedly said the single force would save £130 million a year and £1.7 billion over 15 years, but those figures were based on an outline business case that was produced in the summer of 2011 and they were never intended to inform the debate on whether the single force would produce the savings. A full business case should have been published before the bill was passed, but instead it has been left to the Police Authority to determine.

Secondly, Scotland's police forces have a combined outstanding debt of £104 million, which will transfer to the new service in April, meaning that on day 1 the single service will already owe

£104 million. It has been suggested that as many as 3,000 civilian posts will be lost in order to balance the police budget. It is right that that is a decision for the single force but, as it represents nearly 50 per cent of the current total, I question whether it is a sustainable prospect.

I disagree with the point in Lewis Macdonald's motion on the use of the private sector for civilian posts. I am not opposed in principle to the police service using the private sector in certain circumstances. If the private sector can deliver the same services in a cost-effective manner, we should surely welcome that.

I move amendment S4M-05087.1, to leave out from "or" to end and insert:

"and ensure transparency and openness in the financial decision-making process and that such decisions must include the flexibility to establish local solutions for local issues."

15:01

Sandra White (Glasgow Kelvin) (SNP): I, too, welcome today's debate on policing in Scotland. As the cabinet secretary has pointed out in both his speech and the Government's amendment, it comes at a time when the number of police officers in Scotland has reached a record high and crime is at a record low. The general public welcomes that record, and am surprised that the Labour Party has not recognised it. It is important to acknowledge those achievements, and I hope that all parties will balance their views with recognition of the achievements that have been made.

It is equally important to take a moment to recognise the hard work and dedication of all those who are involved in Scotland's police force and to thank them for the work that they do in keeping our communities safe.

That said, we cannot rest on those achievements alone. The Police and Fire Reform (Scotland) Bill was passed with the support of the Labour Party. Although the Conservatives abstained and the Liberals opposed the bill, we were able to respond to the challenges that face the police service at a time—it must be mentioned—of unprecedented cuts to Scotland's block grant, which we must acknowledge come directly from Westminster.

As I said, the Labour Party supported the bill. In its manifesto, it stated that it would, if elected,

"increase administrative efficiencies and free up resources for the frontline"

by legislating

"to deliver a single police force for Scotland".

I welcome that. One of the principal aims of the single police force is to avoid duplication, allowing the police service to protect front-line staff and front-line policing.

I note Lewis Macdonald's contribution to today's debate, and to an extent I agree with some of his comments. It is important that there is a clear agreement between the chief constable and the chair of the Scottish Police Authority. As a member of the Justice Committee, I had the opportunity, as did others, to listen to evidence from the chief constable and the chair of the authority. They said that most areas of the new police structure had been agreed upon and that agreement will be reached in any other areas that require it.

Lewis Macdonald: I acknowledge that many areas appear to have been resolved, but will Sandra White confirm that she said in committee that she did not accept the argument that there was no dispute and that there was a dispute that had to be resolved?

Sandra White: The issue might be the language that has been used by some, such as "dispute". We needed clarification, but I believe that the cabinet secretary has clarified that the chief constable and the chair have agreed and it will not be long before we have a full agreement on the matter. I believe that, if we think back, there has been a pragmatic approach to the establishment of a single police force, as we would expect.

I have no doubt that both the chief constable and the chair of the SPA have the best interests of the police force in their minds and that they will work to achieve what is best for it. All of us in the Parliament should support them in doing that at this time.

When the 2012 act was passed, members of other parties raised the issue of political interference in the police force and wanted assurances that that would not happen. I agreed with that 100 per cent, and I still agree with it fully. That is one reason why I am a little confused by Lewis Macdonald's motion, which clearly calls for a significant degree of political interference in the police force—something that he did not want when the act was passed. It would be confusing—or perhaps a little disappointing—if Mr Macdonald's motion sought to make political capital out of a situation that we all want to see resolved.

It is worth noting the chief constable's view on backfilling. He stated:

"there is no plan or strategy for reform that I am in charge of that is predicated on backfilling."—[*Official Report, Justice Committee, 23 October 2012; c 1851.*]

I welcome the chief constable's assurances that backfilling will not happen on his watch. I also

welcome the fact that both the chair of the Police Authority board and the chief constable have stated that they are focused on delivering the best police force possible for the people of Scotland. We should support them in that aim.

15:06

Graeme Pearson (South Scotland) (Lab): The cabinet secretary will remember that I first went to see him in December last year; John Finnie invited me to do so and Christine Grahame encouraged me. I wanted to speak to him about two pressing issues. The first was the governance arrangements for the SPS and an absolute need for clarity on operational independence. The second was the absence of democratic oversight on the part of the Parliament at a key time of police reform.

This morning, the Association of Scottish Police Superintendents contacted me to reinforce its concern about operational independence. The incoming chief constable is already on record on that matter and there is a difference of view with his chair. Her Majesty's inspector of constabulary has also commented.

In July 2012, the police reform team prepared a blueprint, agreed with civil servants, that showed the directors of finance and HR alongside the heads of public information and corporate services, reporting via the chief constable to the board. They were all answerable to the chief constable.

In the absence of any statement from the cabinet secretary, it soon became evident that the incoming chair of the SPA had different views. At his first appearance before the Justice Committee on 23 October, Mr Emery was less than candid about his approach to questions of governance and structure, yet days later at his induction meeting for the SPA on 29 October he was able to say:

"We have a very wide ranging set of responsibilities in the running of policing ... I am a businessman and I see policing through that lens ... I equate the Chief Constable to a Chief Operations Officer ... The vision does not have a final form. It is the SPA that will develop that clarity".

As a result of various approaches from ASPSP, which included support from the Scottish Police Federation, and approaches from across the police service, I lodged a motion on 5 November entitled "Concerns about Threat to Operational Independence of Single Police Force". Questions asked of both the cabinet secretary and the First Minister produced a lack of clarity on future operational independence.

Much has been made of a creative friction, almost in a light-hearted way, but policing provides the bedrock upon which many communities build.

Arrangements for the tone, direction and—yes—vision for policing have an impact on that bedrock.

Margo MacDonald: Can Graeme Pearson tell me what the clear notion in the legislation is on who fires and who hires? We have had mad and bad in that position before.

Graeme Pearson: Margo MacDonald makes a good point, which I will come to at the end of my speech.

On 27 November, the Justice Committee brought back the chief constable and the SPA chair, along with HMICS, to resolve possible conflicts. The way forward was further confused at that meeting. The chief constable said that if the debate about primacy and operational independence continues for

“a lot longer, it might start to become negative”.

He added later:

“I believe that it is essential that I have day-to-day control of the HR and finance functions”.—[*Official Report, Justice Committee, 27 November 2012; c 2111, 2126.*]

That day, we learned far more about what was happening from the words that were not uttered than from the few that were. Reporting lines to the authority should be through the chief constable.

The questions for the cabinet secretary are whether he agrees with Christie Smith’s letter, whether he equates the chief constable with an operational manager and whether the convener or the chief constable is responsible for policing.

15:10

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I will deal briefly with three issues: first, the job losses or backfilling; secondly, the relationship between Emery and House—they could be a good double act in time; and, thirdly, parliamentary scrutiny.

On backfilling, Chief Constable Smith said:

“I do not think that anyone in the service or from any of the staff associations or professional bodies would advocate backfilling.”

Chief Constable House said:

“there is no plan or strategy for reform that I am in charge of that is predicated on backfilling.”—[*Official Report, Justice Committee, 23 October 2012; c 1832, 1851.*]

In relation to non-operational matters, the cabinet secretary has given an undertaking to Unison that there will be no compulsory redundancies.

Jenny Marra: Will the member give way?

Christine Grahame: I am sorry, but I do not have time. This is a short debate.

The fact is that the single police force in Scotland is envied in England and Wales—members should listen to Radio 4 occasionally. Instead of cuts to the front line, we are cutting our cloth by removing duplication of chiefs, not Indians, if you will forgive my metaphor. Indeed, Labour has stated that it would have made cuts of 12 per cent in England and Wales. As for the Tory-Liberal coalition, there is the possibility of 16,000 police in England and Wales losing their jobs. I invite members to compare that with a 7.5 per cent increase in the police in Scotland.

I turn to the so-called jostling between the SPA chief and the chief constable. I am confident that the issue will be resolved. Indeed, they indicated to the committee that, by 5 December—I think that that is today, but I am not sure—resolution should be well on its way, and we hope to have that meeting of minds. Perhaps it has done them no harm to spend so much time together. The committee was told:

“We are also focused on working together; in fact, we spend a lot of time together and between October and Christmas we will have achieved the appointment of all the deputy and assistant chief constables and have agreed a voluntary redundancy scheme.”—[*Official Report, Justice Committee, 27 November 2012; c 2109.*]

Two very powerful men have got to know each other and I am sure that their relationship will work in time. It has a lot to do with personalities. I am not going to the wedding, but it might get close.

As back benchers who were concerned about the SPA and the single police force, Alison McInnes, Graeme Pearson and I put to the Parliamentary Bureau and then the Presiding Officer the idea of a cross-party scrutiny panel comprising back benchers from all parties—without a built-in Government majority—and chaired by the convener of the Justice Committee in an independent capacity to look at the arrangements for the implementation and management of the police service of Scotland; the relationships and structures in place to deliver the responsibilities and functions attached to the SPA, the chief constable and the justice directorate; and the operation of arrangements for policing in Scotland. It is quite a detailed plan. The panel would have quarterly meetings and would report on its considerations. Other parliamentary committees would be involved, such as the Local Government and Regeneration Committee and the Finance Committee, and the members of the panel would be there in a representative capacity.

I compare what is happening here to what is happening in England, where there was an election for police and crime commissioners with a 15 per cent turnout at a cost of £75 million. They are going in completely the wrong direction. In Scotland, by having a single police force and

introducing parliamentary scrutiny we are cutting our cloth, not cutting the service.

15:14

Alison McInnes (North East Scotland) (LD): I thank the Labour Party for bringing the debate to the Parliament this afternoon. The police reforms are at a crucial stage and it is right that we seek to clarify a few basic issues—minor details such as who is in charge of what.

The whole chamber knows that the Liberal Democrats opposed the creation of a single force. Indeed, there has been some “creative tension” between the Government and ourselves. However, now that we are past the point of no return we want to do what we can to ensure that the new police service functions smoothly.

The new force begins operation in four months and, before it does, there is much that needs to happen. First, clearly, we must ensure that there is clarity about exactly what the Scottish Police Authority and the police service of Scotland are responsible for. Things have not got off to a good start in that respect. As a member of the Justice Committee, I witnessed first-hand the evidence of Vic Emery, the chair of the SPA, and Chief Constable House. They were at loggerheads with each other last week. It was one of the more open and frank evidence sessions and it provided an insight into the difficulties that are being faced in establishing the SPA and the police service of Scotland as working entities. It also highlighted the different interpretations of how the relationship between the two should work. Early days are meant for discussion, but it seems that the rushed legislation has left some rather large kinks to be ironed out.

As others have mentioned, the Government was good enough to share the detail of its position on a number of key areas of dispute, which was welcome. The Liberal Democrats largely agree with its interpretation of the act, particularly where it places responsibility for the day-to-day running of the new service. However, I hope that the confusion may serve as a warning for the Government to take a little more time over future legislation.

At this point, it is vital that a resolution is reached. In opposition to the single force we often focused on the danger of political interference but, given the circumstances, it is right that the Government does what it can to help facilitate a resolution to the confusion that its new law has caused. If the best way forward is for the Government to set a deadline and make its position clear then, in this instance, that is important.

I find it interesting that, although the Government looks to keep the disagreement between the SPA and SPS chiefs at arm's length, it is only too happy to wade chest deep into other matters—matters such as prescribing how the new chief constable will spend his budget.

I welcome the fact that there are more police officers in Scotland than ever before, but I cannot agree that an arbitrary number of officers determined by the Scottish National Party's manifesto team is some holy grail of policing in Scotland. A fundamental tenet of the operational independence of the police is the ability of the chief constable to decide for himself or herself how the resources are best deployed to create a balanced workforce. Having a thousand extra police officers benefits no one unless they are free to get on with the role that they have been trained to do.

The number of civilian staff has fallen dramatically in recent years. It is not for me—or any of us in the chamber—to quantify precisely how many civilian staff our police need to employ, but the fact is that we have already lost more than 900 police staff in the past two years and we know that the brunt of the next round of cuts in the new service will disproportionately fall on those staff. Kenny MacAskill's praise for their contribution will ring hollow; the many hundreds of police staff whose jobs are at risk will not find any comfort in the Government's smugly-worded amendment.

If the Scottish Government is serious—as it should be—about refraining from political interference with the police and ensuring that operational independence is protected, then it should show that. It should ensure that the SPA and the police service of Scotland have clarity about the intent and extent of the reform act and then it should leave them to go on with the job and allow them to shape a modern police service that maximises the value of both staff and officers and removes the artificial distinctions that the SNP has nurtured.

15:18

Colin Keir (Edinburgh Western) (SNP): I have read the Labour Party motion and I have just a hint of a feeling that it is a wee bit premature.

I asked the new chief constable and the chair of the SPA at the Justice Committee:

“How far have you got with resolving the two areas that are still under debate and, indeed, when can we expect a resolution in that respect?”

Vic Emery replied:

“We have said publicly that all of the structures will be in place before the end of the year.”—[*Official Report, Justice Committee, 27 November; c 2109.*]

The new chief constable agreed with that assessment.

I firmly believe that we should wait for and allow the discussions to continue to the timescale provided by Mr House and Mr Emery. After all—as has been pointed out—their actions will show how effectively the two have developed their working relationship, if nothing else. Given how determined the two appear to be to resolve any problems, it is not necessary for the Scottish Government to step in.

As far as the First Minister's use of the term "creative tension" is concerned, that is just a storm in a teacup caused by the slightly mischievous Opposition in this chamber.

The future of policing is positive, despite the cuts handed down from Westminster that were pointed out by the Cabinet Secretary for Justice. We have a new chief constable who has believed in the creation of a single police force since before the Scottish Government introduced the legislation. Going by his evidence to the Justice Committee, he is holding strongly to that view and is determined to make it work.

The new single police force will inherit record numbers of police officers, the lowest level of recorded crime in 37 years, the highest level of clear-ups for 30 years and rates of violent crime that are at a 30-year low. It has been proven that Scotland's communities are safer with this SNP Government and I fully expect a drive from the new chief constable to maintain the quality of service being provided under the present management regimes.

In my Edinburgh Western constituency, there is proof that communities are getting safer. For the year ending in September alone, there has been a 16 per cent reduction in crime rates in the council wards in my constituency. Of course, that adds to the longer-term success that I mentioned a few moments ago.

Having spoken to senior police officers in the area, I know that all are positive about the upcoming changes and I believe that the flexibility of the less prescriptive approach, with local authorities, police and communities engaging with each other in identifying local priorities, has been a success. Indeed, that has certainly been the case in my constituency. Moreover, the consultation on the community policing plans is on-going. In fact, at a meeting this evening at the Drumbrae hub, council officials, the public and the police will discuss the future.

Obviously, changes are not easy in any large organisation. However, considering the savings that have had to be made, I am heartened by Chief Constable House's evidence to the Justice Committee with regard to backroom staff and the

backfilling of posts. Other members have already mentioned that issue.

It is difficult not to compare what is happening in Scotland to what is happening south of the border. The coalition at Westminster has quite clearly lost the faith of the police service and I suspect that at some point the Prime Minister will have to order a review of that Government's policing policies. If he does not, it is fair to say that there might be an almighty crash in the system.

A prime example of how the coalition has misread public feeling can be found, as Christine Grahame pointed out, in the recent police commissioners elections in England and Wales. Commissioners' salaries ranging from £65,000 to £100,000—

John Lamont: Will the member give way?

Colin Keir: I am at the end of my speech—

The Deputy Presiding Officer: The member is in his final 15 seconds.

Colin Keir: The fact that the elections cost £75 million is nothing short of a scandal and represents a waste of money.

Jenny Marra: Will the member give way?

The Deputy Presiding Officer: The member is closing.

Colin Keir: I, for one, will keep supporting the Scottish model of policing.

15:22

Mary Fee (West Scotland) (Lab): I am glad of this chance to debate policing in Scotland and to raise critical issues and concerns that we have about the new single police force. Given that I did not have the opportunity to speak in any of the stages of the Police and Fire Reform (Scotland) Bill, I am also glad to be able to air my concerns this afternoon, particularly in light of recent stories about who will have overall control of the single force.

The ASPS is right to call for an "outbreak of common sense" to clarify who will have control of the key functions of the force, the establishment of which is only months away, and the Scottish Government must set out a clear deadline for resolving this dispute instead of saying that it will be

"ironed out ... in good time",—[*Official Report*, 29 November 2012; c 14126.]

as the First Minister said last week.

Kenny MacAskill: Does the member not accept Vic Emery's position that the only substantive points of dispute between himself and the chief constable are the lines of responsibility with regard

to HR and finance? Although he accepts that those are matters for the chief, he has pointed out that the issue is accountability to him. Does the member not accept that that is all that remains outstanding?

Mary Fee: I do not dispute what the cabinet secretary says, but the fact is that throughout this process we have raised a number of concerns and have received certain assurances. We need clarity about what will happen in taking forward this police force, not more confusion and uncertainty.

We are talking about the future of policing in Scotland and ensuring that we have the best service that meets the local needs of the people in all our communities should be a priority for the First Minister and his Cabinet. Again on the subject of unhelpful language, I point out that using the term “creative tension” to describe the reasonable points that the chair of the Scottish Police Authority and the chief constable have made is inappropriate for such a serious matter and undermines the issue at hand.

Looking back at the Unison Scotland briefing for the stage 3 debate on the Police and Fire Reform (Scotland) Bill, I note that it raised issues about MSPs voting on a bill without seeing a final business plan—which is, indeed, what we did.

Although I support the principle of a single police force, the lack of detail in the bill is a problem for the cabinet secretary and his party and—

Margo MacDonald: Will the member give way?

Mary Fee: No, I am sorry—I have already given way and I do not have any time.

The problem must be resolved immediately, and not

“ironed out ... in good time”.—[*Official Report*, 29 November 2012; c 14126.]

The new chief constable of Scotland’s national police force is being held almost in a political straitjacket by the SNP Government’s promise on police officers. Since 2010, almost 1,000 police civilian staff have been cut and, according to Unison, 53 per cent of those posts are being covered in part or in full by police officers. With a budget shortfall of £70 million for the single police force, the new chief constable, Audit Scotland and Unison all agree that up to 3,000 police civilian staff could be cut from the new national service.

The front line of the police force does not extend merely to police officers and their deployment on the streets, but includes essential services such as information technology, human resources and finance. It betrays a lack of understanding of the nature of policing to describe those elements as support staff. Those people are highly trained

individuals who are vital to police officers carrying out their duties in the community. It will affect the service and logistics of the new national police force if those positions are filled by backroom bobbies.

I agree with Audit Scotland, which in its recent report stated:

“at a time of continued financial pressures there is a risk that”

backfilling

“is not an efficient and sustainable use of resources if adopted longer term.”

The Deputy Presiding Officer: The member should be drawing to a close.

Mary Fee: We need a balanced workforce in which the skills of police civilian staff enable police officers to do what the public wants them to do, where it wants them to do it.

15:26

Chic Brodie (South Scotland) (SNP): Given the amount of time that I have, I propose not to accept any interventions.

I do not wish to be churlish, but I am a bit disappointed that the chamber is being somewhat diminished by a very early Opposition motion on this matter, which resorts to discussing operational issues instead of discussing—as we should be doing—policy, strategy and our vision.

Jenny Marra: Will the member take an intervention?

Chic Brodie: No, I said that I was not taking any. Time is limited.

The Labour Party has people of the calibre of Mr Macdonald and Mr Pearson, and it should let them join us in the big debates rather than have them scrambling about in a cursory discourse on operational matters that is best left to those who are responsible for the operation.

Graeme Pearson: Will the member give way?

Chic Brodie: I said that I was not taking any interventions.

It is an operation that is set to carry out our strategy, policy and targets.

On the issue of executive responsibilities in the new police service, the 2012 act outlined the roles and responsibilities for the authority and its chief constable. However, it is not unusual—certainly in my experience—that, in the creation of any new organisation, particularly one as important as the police, the details of how the operation will work and how responsibilities between the executive function and the authority body are to be delineated and pursued need to be addressed. I

believe that that will be done appropriately over a required—but probably minimal—period of time.

We cannot have the Opposition on the one hand calling for the service to be freed from ministerial control, while on the other hand seeking the Government's involvement by pressing for a deadline on operational issues. Resolution is best left to those who are involved, because that in itself will embed the roles, processes, outcomes and responsibilities to which the participants are and will be party, not least in the manning of the service.

Our job in the Parliament is to set policy, outcomes and a direction for the service, and to secure those by review. It is not to micromanage the operation, but to set policies for keeping our streets and communities safe. That is the policy and strategy that created a single police force, and drove the need to put an additional 1,000 police officers on the street, which has resulted in a crime rate that is at its lowest level for 37 years. I note that the clear-up rate is at its highest for 30 years, offensive weapons handling is down and violent crime is at a 30-year low.

The Labour motion

"calls on the Scottish Government to guarantee that there will be no back-filling of staff posts by police officers".

That indicates the Labour Party's lack of clarity on, and inability to distinguish between, the operation and the policies that are set for the service. Why would we set a policy on front-line policing to achieve what has already been achieved and then set about jeopardising it? Why would we want to divorce outcomes from a policy that has manifestly made our streets and communities safer?

As Christine Grahame mentioned, the new chief constable has made it clear that

"there is no plan or strategy for reform that I am in charge of that is predicated on backfilling."—[*Official Report, Justice Committee, 23 October 2012; c 1851.*]

Scottish policing policy is in good hands. Of course, there will be changes and efficiencies, but there is no reason to believe that the safety of our communities will be compromised. That is why we should leave operational matters to those who know better and who can manage them better than we can.

15:30

Margaret Mitchell (Central Scotland) (Con):

The debate has demonstrated the level of concern that exists about issues surrounding next year's implementation of the single police force.

The legislation establishing the single police force does not contain the clarity that it should, which is perhaps unsurprising given that the

Scottish Government used its majority in both the committee and the Parliament to steam-roller the bill through. In doing so, the Government ignored the vast majority of Opposition amendments that would have resulted in a better act. The failure to listen and the adoption of a totally intransigent position means that the act is all the worse.

The disagreement between Chief Constable Stephen House and the chair of the Scottish Police Authority, Vic Emery, over their respective responsibilities for backroom personnel is evidence of that. It is to be hoped that the disagreement is not indicative of further problems that might emerge. Certainly, the chief constable and the chair of the Police Authority are sensibly working together in negotiations to resolve the matter, but it is deeply worrying that such a major problem with the legislation has emerged at this late date. I say to Christine Grahame and Colin Keir that the governance arrangements could continue to be a significant problem if future appointees do not gel or if the chair of the Police Authority and the chief constable decide to take different stances on support staff.

As others have said, the First Minister cannot dismiss the issue as merely "creative tension", nor is the Scottish Government's response, which, in a paper published today, is to the effect that there is no problem, any more acceptable. There is a problem, and the chief constable agrees. Clearly, who has ultimate control over the heads of backroom departments is an important question, which requires a definitive answer.

Another concern is that, with the establishment of a single police force, local accountability may be neither maintained nor, where this would be possible, enhanced. During the passage of the bill, Scottish Conservative amendments sought to address that problem by increasing local authority representation on the Police Authority board and by seeking to clarify what happens when there is disagreement between local commanders and local authorities over policing plans. Those amendments were rejected by the Scottish Government, with the result that the single police force act gives great emphasis to a single set of national structures and solutions.

Happily, despite the Scottish Government's steer, the chief constable understands the importance of local policing and has announced that the assistant chief constable will be based outside the central belt and that 14 divisions will be set up across Scotland with a chief superintendent running each division. That divisional approach is welcome, but it is significant that the structure has been devised not as a result of the provisions of the act but because of a proactive decision by the chief constable.

In conclusion, less than four months from the single force becoming a reality, there remains disagreement over who in practice will control HR and finance, the legislation does not adequately protect local accountability and local doubts remain about the savings that the Scottish Government claims will be made. All of that means that, as Graeme Pearson confirmed, it is essential and entirely appropriate for the Parliament closely to monitor the implementation of the single police force, bearing in mind that important financial decisions must be taken in a transparent and open way and that one size does not fit all. The single police force must be sufficiently flexible to establish local solutions for local issues.

I congratulate Labour on securing this debate.

15:34

Kenny MacAskill: I note those mutual congratulations between Labour and the Tories, who continue their better together campaign. Tragically for them, the crime statistics here in Scotland keep getting better.

Let me deal with the matter that we are debating. Is there an issue between the chief constable and the chair of the Scottish Police Authority? Yes. Does it relate to operational independence? Absolutely not. That point is not and has never been in dispute. That control rests with the chief constable, and the chair of the authority accepts that.

As was pointed out at the Justice Committee, the position remains that the two are 95 per cent of the way towards agreement. I wish that they were 100 per cent of the way, but they are meeting as we debate and I hope and expect that matters will be resolved.

Graeme Pearson: Will the cabinet secretary be good enough to acknowledge that the pressure from the Justice Committee in examining the matters might have encouraged those two people to deal with some of their differences?

Kenny MacAskill: I have no doubt that that is a factor. I have welcomed the Justice Committee's involvement. I have had regular meetings with the ASPS and the Scottish Police Federation. Equally, I meet with those two gentlemen regularly.

That takes me back to my next question. What is the point of the remaining discussion? It is about the reporting lines for the heads of HR and finance. It is not about operational independence or control, and it is not about Mr Emery seeking to be in charge of HR or finance; it is simply about the reporting lines.

We are not dealing with two people who are naive or who do not have great credibility. Mr House is an experienced officer who has been an

outstanding chief constable of Strathclyde Police and who was shortlisted for the post of Metropolitan Police commissioner. He is one of our finest police officers. Vic Emery is a significant businessman who has contributed greatly in business and who continues to contribute in public life in Scotland. The two worked together on the Scottish Police Services Authority. They know and respect each other and they are working together to resolve matters.

Lewis Macdonald: The cabinet secretary has not yet referred to the letter from Mr Smith to Mr Emery and Mr House, which is now on the public record and which attempts to resolve some of the differences in interpretation of the act that had been offered by their legal advisers. Do Mr Emery and Mr House accept in full the views that were put forward on the cabinet secretary's behalf by Mr Smith, or do they continue to dispute any aspects of that advice?

Kenny MacAskill: Throughout the debate, points have been made about the necessity for operational independence. We have had a debate on the structures for policing, during which Alison McInnes and others said how important it is that there is no ministerial interference in policing. However, no sooner have we got the bill through than Mr Macdonald and others seem to insist on me and the Government interfering.

We have to allow these two men of outstanding calibre to narrow the very small issue that now remains. They are meeting as we speak and I hope that matters will be resolved. Mr Macdonald might care to look at the letter to me from Mr Emery that is now lodged in SPICe. I believe that the matter will be resolved. Work is on-going.

That takes me to my second point, which relates to the position of the police service in Scotland. If we listened to Labour, we would believe that nothing is happening in the authority or the police service of Scotland other than the current issues between Mr House and Mr Emery. However, in fact, work is on-going. Four outstanding deputy chief constables have been appointed and recruitment of assistant chief constables is on-going. Whatever Margaret Mitchell suggests, the chief constable is doing good work to ensure that we get the right pyramid structure in Scotland.

Policing in Scotland is delivering. Labour seems to dispute the number of police officers in Scotland, and that is its right and entitlement. After all, as Christine Grahame, Colin Keir and others pointed out, south of the border, in the region of 16,000 police officers are to be lost. The Labour Party south of the border believes that that number is scandalous—it thinks that only 10,000 officers should be lost. We know that Labour is wedded to the Barnett formula, so I presume that Labour in Scotland would wish us to lose 1,000

officers. The Scottish Government will not countenance that.

Facts are chieftains that winna ding. Labour members keep coming to the chamber and talking down the Scottish police service. Sadly for them, the statistics keep showing how outstanding the police service in Scotland is and how it is getting better. We have a record number of police officers. Notwithstanding Ms Marra's dearest wish, there has even been an increase in the number of police back-office staff in the past quarter—how disappointed she must be. Recorded crime is at a 37-year low, and violent crime is at a 30-year low. Firearms offences have halved in number since we have come into office. The Scottish police service keeps delivering and the Government will keep investing in that police service.

Claudia Beamish (South Scotland) (Lab): Will the cabinet secretary give way?

Kenny MacAskill: I am in my final minute.

The statistics might not suit Labour's desire to create press stories, but the press stories are out there and they are based on clear facts and evidence. A record number of police officers are delivering a safer, better Scotland, and the faith and belief of the people of Scotland have never been greater, notwithstanding some Opposition spokespeople.

15:40

Jenny Marra (North East Scotland) (Lab): The fact that the SNP's back benchers are much keener to address the botched police commissioner elections in England—an issue over which the Scottish Parliament has no jurisdiction—tells the whole story. The SNP does not want to address the difficult problems that our motion has raised.

With just under four months to go until the start of the new police service, today's debate has highlighted some critical questions about the Government's handling of the transition to Scotland's single police force. We hoped that we would never have to seek the guarantees that our motion seeks today, especially at such a late stage in the process.

We are looking for clarification about the two most important roles in the new police service—who has responsibility over what?—and for guarantees that local officers will remain on our streets.

Kenny MacAskill: The only outstanding matter is the line of accountable responsibility that the SPA chair is seeking. Does the member not accept that? What other aspect is she suggesting is still in dispute?

Jenny Marra: From the two speeches that I have heard from the cabinet secretary today, it seems that the HR and finance issues are the same ones that were under dispute when we took evidence from the chief constable and the chair last Tuesday morning. I hope that the committee's deliberations and this afternoon's debate will help their discussions to reach a conclusion on the issues of contention that still exist today.

In his opening remarks, the cabinet secretary spoke of record numbers of police officers on Scotland's streets. However, as my Labour colleagues have pointed out, the reality of what is happening in police forces across Scotland is far removed from what he would have us believe. Scottish Labour has been warning the Government for months that its drive towards efficiency savings has created a culture of backroom bobbies. Backroom staff jobs have been shed and are being done by police officers who should be on our streets.

Kenny MacAskill: Where?

Jenny Marra: The cabinet secretary is looking surprised and asking me where this is happening. We have been telling him for months that it is happening in police stations and control rooms in Tayside and up and down the country.

Kenny MacAskill: Does the member dispute the fact that HMICS has investigated the allegations of backfilling and found that the only instances of backfilling are in a limited number of situations in which pregnant police officers and male and female officers who have been injured cannot be put on front-line duties? Apart from that, HMICS is not aware of any instances of backfilling.

Jenny Marra: According to Unison, this is going on in 53 per cent of the posts that have gone. It is going on with custody officers in the cabinet secretary's constituency and in control rooms in Tayside. I suggest that he go out to police stations across the country and ask people on the ground whether it is happening. Audit Scotland has just confirmed to us that it is.

As far back as May this year, I highlighted to the cabinet secretary evidence from Unison that 900 police staff jobs had been lost and were now being done by police officers. In his response, he sought to deny the problem and then told me that it was an operational matter. When I raised the same issue at First Minister's questions in October, the First Minister dismissed the claim as "utter nonsense", despite the fact that my evidence came from a leaked document prepared for his justice department by Kevin Smith, the head of the police reform sub-group. That evidence makes clear the new single service's intention to cut police staff jobs in favour of officers doing administrative tasks themselves.

As I said, just last week, Audit Scotland published a report that said that each force has cut an average of 12 per cent of civilian posts to balance its budget. The report also says that

“at a time of continued financial pressures there is a risk that this”

backfilling

“is not an efficient and sustainable use of resources if adopted longer term.”

We agree with Audit Scotland’s report, which confirms what we have articulated and heard for months. The lack of honesty from the SNP about its guarantee to put extra police officers on our streets is concerning and unsustainable and it must stop. The SNP’s fig-leaf figure of 65 more backroom staff does little to mask the 907 jobs that have been lost since March 2010 and the further 3,000 that Stephen House predicted will be lost in the future.

Kenny MacAskill: Ms Marra was a member of the Justice Committee when Chief Constable House made it clear to that committee that he had no intention of backfilling and that it would meet no purpose. Is she suggesting that he is a liar?

Jenny Marra: The cabinet secretary needs to look at the evidence for himself. I suggest that he goes out to his constituency, speaks to custody officers and trade unions and reads Audit Scotland’s report. He might then get an accurate reflection of what is going on in the police force in this country.

Hard-working police staff should not have their fate hidden in leaked documents from reform sub-groups or in Audit Scotland reports, only to have it denied by the First Minister and the cabinet secretary. That is why Scottish Labour has asked for a clear guarantee from the Government today that it will reverse its intention to backfill police staff jobs. We are disappointed that the cabinet secretary has chosen to ignore that in his amendment.

The need for clarity is why we brought the debate to Parliament. Nowhere is clarity more necessary than in the single police force’s leadership. From day 1, the public must have confidence that those who are in charge have an irreproachable mandate yet, as Lewis Macdonald said, we have reached the astonishing point at which our chief constable and the SPA’s chair are already seeking separate legal advice on their job descriptions.

We are all for “creative tension” between colleagues, which can help to establish better relationships and define responsibilities. However, it strikes me that, when that gets to the stage at which people feel that they must seek legal advice on their job descriptions, there might be a problem

with the employer. I say to the cabinet secretary that we do not seek political interference, but the Government must act on behalf of Parliament, which agreed the important Police and Fire Reform (Scotland) Act 2012, by exercising ministerial accountability, not ministerial control.

The whole Parliament knows that my colleague Graeme Pearson has pushed for improved scrutiny of the single police service since the Police and Fire Reform (Scotland) Bill was introduced. He argued passionately for better scrutiny by Parliament of the chair and the chief constable and for a specialist commission that would deal swiftly with issues such as the one that has arisen. We are glad that a slightly watered-down version of his proposal has received cross-party support and we hope that it will be advanced as quickly as possible. Until that happens, it is the Government’s responsibility to facilitate a resolution to the conflict as quickly and efficiently as possible.

Health Service

The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-05088, in the name of Jackie Baillie, on Scotland's health service.

15:49

Jackie Baillie (Dumbarton) (Lab): I welcome the opportunity to debate Scotland's health service. We are all—rightly—proud of the national health service and we are all grateful to the dedicated staff who work in it to make our experience of the NHS the best it can possibly be. However, let us be clear: they do not want just our thanks; they want and need our support and, above all, they want us to be honest about what is going on in hospitals and health centres across the country.

We in this chamber trade figures about staffing numbers and budgets. I know that there are 2,500 fewer nurses in the NHS, which has brought the nursing workforce to a level that is lower than it was when the Scottish National Party took power. I also know that the health budget has declined by £189 million in real terms and that the cost pressures on health boards are enormous. A cursory glance at any set of health board papers will tell anyone the truth of that. However, the SNP simply denies the truth. The level of complacency that it has displayed—and that its amendment shows that it continues to display—is frankly breathtaking. However, it will not be able to deny the reality as health service workers themselves report how they struggle to cope with increasing demands and even less resource.

Audit Scotland has put the NHS on an amber warning. Nine health boards had underlying deficits, and three health boards had to borrow money to break even. Health budgets have decreased in real terms from 2009-10 and are set to continue decreasing over the next three years. Savings have been deemed to be at significant risk of not being delivered, and there is a £1 billion backlog of repairs, more than half of which has a direct impact on patient care.

The SNP's amendment might as well have come from a parallel universe. Is it really questioning what the Auditor General had to say? It was a damning report card by anybody's definition, but what we got from the SNP at the time was a blizzard of statistics and assertion from the cabinet secretary about how everything is wonderful.

I have to say that I feel a degree of sympathy for Alex Neil. Most of the mess is not of his making. He has inherited this situation from the former Cabinet Secretary for Health, Wellbeing and Cities

Strategy, Nicola Sturgeon, and he has been left holding her poisoned chalice.

Let us consider some of the challenges that Alex Neil has inherited, starting with waiting times. Others will talk more about NHS Lothian, but what is now becoming clear is that the manipulation of waiting time figures was going on well beyond NHS Lothian. It was going on in NHS Tayside and NHS Grampian, and allegations have been made about none other than NHS Greater Glasgow and Clyde.

Labour members said months ago that the practice was widespread. We even gave examples, but the former cabinet secretary was in denial and said that it was just a local problem. I even recall Mark McDonald—who is in the chamber—and Joe FitzPatrick accusing me of innuendo and of casting aspersions about NHS Tayside. That would, of course, be the same NHS Tayside that last week suspended two members of staff due to suspected manipulation of waiting times. I look forward to receiving Mark McDonald's apology, but I will not hold my breath.

In NHS Grampian, patients get a letter saying that they should call to set up an appointment, but there are time restrictions on when they can call and the line is constantly engaged. Also in NHS Grampian, a pensioner who was approaching the 12-week time limit was offered, at short notice, treatment in Glasgow or Tayside, when there was no space available at either of those two locations. His wife kept on the case and, when she threatened publicity, she got a cancellation the next day. She tells me that she reported this matter to the former cabinet secretary's constituency office and to her civil servants, but that she was, essentially, ignored. Did the former cabinet secretary know that the problem was widespread? Did she know about that experience in NHS Grampian? The real scandal will be if she knew and simply did nothing.

When we last debated waiting lists, we pointed out the warning signs to the then cabinet secretary. Social unavailability underwent a dramatic and unexplained rise from 4,967 in 2008 to 20,662 in June 2011, which is a fivefold increase in a few years, as people had their waiting time suspended so that the figures would look good. That was the SNP's hidden waiting list.

In 2010, Audit Scotland produced a report that highlighted concerns about how waiting times were recorded. It said:

"The report also finds that the NHS is not accurately recording all relevant information on patient waits which makes it difficult to demonstrate that it is managing all patients correctly in line with the new guidance."

The Government's Information Services Division says:

“several health boards have been warned about the high levels of social unavailability”.

What did the cabinet secretary do to address those concerns? Did she even monitor what was going on? Did anything change as the result of Audit Scotland’s report in 2010 and its clear warning? I suspect not, which is why we are in the mess that we are in today.

Let us not forget that behind each and every one of those statistics of a waiting time breached is a patient—a patient with a need for treatment who might be suffering unnecessarily as health boards fiddle their figures to satisfy the SNP.

Waiting time targets are challenging—there is no doubt about that—but they are not delivered by creating a culture of fear and intimidation so that staff are forced into the position of hiding the truth. In one of the largest health boards in the country, staff are off work as long-term sick as a result of stress because of what they have been asked to do to manipulate waiting times.

A woman in my own constituency with suspected breast cancer was told that she would not be seen until the new year, breaching the waiting time target, because clinics were being cancelled for the whole of the holiday period. What happens when those targets on waiting times are missed? As we understand the system, the breach needs to be reported to the Scottish Government, but is there any monitoring of what then happens to patients who have breached the target? Are they left to languish, waiting for treatment, as the attention turns to those who are not yet in breach?

I will explain that point to the cabinet secretary. In Forth Valley, a patient waited 337 days over the 62-day target to be treated for upper gastrointestinal cancer. The overall wait was therefore more than a year. In Grampian, a patient with colorectal cancer waited 133 days over the 62-day target. In Lothian, a patient has been waiting for lung cancer treatment for 67 days over and above the 62-day target. It just seems that those who have breached the target are not treated quite so urgently. I hope that the cabinet secretary can reassure me that that is not the case and that he will investigate and monitor the situation.

Reports in *The Herald* identify hundreds of Scottish patients who wait too long for cancer treatment, with more than 1,000 breaches in the past two and a half years. To be clear, that was due to a shortage of staff and equipment, not because of the complexity of the cancer or the need for more diagnostic tests. The Government response is that that number of breaches is within the 5 per cent tolerance level. Can we really tolerate delays to cancer treatment of such

extraordinary length when we know that early diagnosis and early treatment can save lives?

Only yesterday, damning evidence was given at the Health and Sport Committee by Scotland’s leading cancer specialists, who described the lack of access to up-to-date cancer treatment and training and the current difficulty in recruiting to specialist cancer centres. That is because Scotland’s NHS is now looked on as being “quite inferior”. The specialists’ frustration is over their inability to prescribe courses of treatment that they know will prolong life and that are routinely available in England. Their clear view that the individual patient treatment request is inadequate and simply leads to a postcode lottery must be acted on. I welcome the review that the cabinet secretary has announced, but we must ensure that any replacement system is fair and not dependent on where someone lives.

Members may also recall similar comments that one of our leading cardiologists made recently in respect of cardiac treatment about Scotland falling behind in the use of new technology and innovative treatments such as transcatheter aortic valve implantation.

I confess that I find the SNP amendment a little embarrassing. We only need to look at NHS Lothian to know that financial targets are indeed at risk. The most recent set of NHS Lothian board papers report a projected deficit of £12 million. Of course, the SNP amendment removes the line in our motion that calls on the Scottish Government

“to provide guarantees that waiting times manipulation has not spread beyond NHS Lothian”.

Now we know the truth—that manipulation has indeed been wider than NHS Lothian.

The NHS in Scotland is in danger of becoming second rate on the SNP’s watch. I implore it, genuinely, to stop and listen, to set aside the spin, and to pay heed to the chorus of voices, not from within this chamber but from health professionals and patients who are telling it that all is not well with our NHS. The more the SNP hides the truth, the more it buries its head in the sand, and the more it comes up with delusional amendments, then the more people will decide that they cannot trust the SNP with the NHS.

I move,

That the Parliament recognises that the NHS has been put on an amber warning by the Auditor General and calls on the Scottish Government to urgently act on the concerns raised; believes that reductions in staffing levels as well as financial pressures are having a negative impact on patient care and that further inaction is not an option; is concerned at reports that raise further questions about the integrity of waiting times data, and calls on the Scottish Government to provide guarantees that waiting times manipulation has not spread beyond NHS Lothian.

The Deputy Presiding Officer: I call Alex Neil, who has seven minutes.

15:59

The Cabinet Secretary for Health and Wellbeing (Alex Neil): I welcome the opportunity yet again to put on record my gratitude for the dedication and commitment of NHS staff throughout Scotland and, indeed, my gratitude to the many people who work in general practitioner and dental surgeries and in many other parts of primary care who are not direct employees of the national health service.

In the three months or so that I have been the Cabinet Secretary for Health and Wellbeing, I have undertaken a series of visits, which have included three unannounced visits to front-line services so far. The dedication and professionalism of the people whom I have met is second to none.

The national health service in Scotland directly employs more than 150,000 people. It has a total budget of nearly £11.5 billion every year, and around 6.3 million consultations with hospital doctors take place every year in it. It is therefore inevitable that things will go wrong from time to time. However, let me make it absolutely clear, as I have done in the past, that if things go wrong we should find out about them and be told about them, and I will make it my job, with Michael Matheson, to sort them.

Neil Findlay (Lothian) (Lab): Will the minister take an intervention?

Alex Neil: I do not have much time, so I do not have time for interruptions, unfortunately.

Let me make it absolutely clear that individual cases that need to be investigated will be investigated and that solutions or apologies, if they are appropriate, will be delivered. If there are systemic problems, we should tackle them. There has been a systemic problem with waiting lists in Lothian, which we are tackling. If there is a problem in any other board—there appears to be one in Tayside—we will deal with that, as well.

I want to deal with particular issues that Jackie Baillie's motion raises.

First, on finances, it should be made absolutely clear that we have kept to our manifesto commitment to pass on the Barnett consequential to the health budget in Scotland. That ensures that more than £1.1 billion of additional money will be invested over the United Kingdom comprehensive spending review period 2011-12 to 2014-15 to protect front-line services. If Labour had won the election, that figure would not have been £1.1 billion; it would have been zero, because, as Iain Gray made clear on 8 September 2010, Labour

would not have ring fenced the health service budget.

The uplift for 2012-13 to the territorial boards, which provide the front-line services, was 2.9 per cent, which is above the rate of inflation of 2.7 per cent. Next year, we will provide an increase to the territorial boards of 13.3 per cent, which is above the rate of inflation of 2.5 per cent.

Jackie Baillie: Will the minister take an intervention?

Alex Neil: I do not have time, unfortunately.

I say to Jackie Baillie and other Labour members that, if we did not have to pay out £184 million for private finance initiative charges year on year, much of that money would be available for reinvestment in the national health service.

Neil Findlay: On a point of order, Presiding Officer. I wonder whether you can help. The minister says that he does not have time to take an intervention. He has seven minutes, which is more than any back bencher has in any debate, and back benchers are expected to take interventions.

The Deputy Presiding Officer: Thank you, but that is not a point of order. It is for members to decide whether to take interventions.

Alex Neil: I have so many errors to correct and so much to say that the truth is that seven minutes is not nearly enough time.

Let us deal with Audit Scotland. In the Auditor General's report, she says:

"For the fourth year running, all NHS boards met the two financial targets of breaking even against their revenue and capital budgets at the end of the financial year ... The relatively small surpluses achieved by boards at the year end highlights the careful management of the financial position".

Let us therefore get things in context: the reality is that, according to the Auditor General, financial management in the health boards has been sound.

Let me deal with waiting lists: 90.8 per cent of patients were seen and treated within 18 weeks from the initial referral during September 2012—the period of the latest statistics—against a target of 90 per cent. The target was therefore exceeded. We have 14 audits taking place in relation to the issue of the alleged fiddling of the figures. I made it clear yesterday in the chamber that every one of those reports will be published by the end of the financial year, and where there is fiddling we will deal with it by taking appropriate action. Where the Auditor General recommends any action in her report, we will act on that as well.

Jackie Baillie: Will the cabinet secretary take an intervention?

Alex Neil: I have only just over a minute left.

Unlike Labour, we do not have hidden waiting lists. We will not hide behind anyone. If there are problems to be solved, we will tackle them and solve them. The most recent statistics show that 97.1 per cent of patients waited less than the 12-week standard for a first out-patient consultation, which compares with waits of six months in March 2007. The statistics also show that 97.1 per cent of patients waited less than 12 weeks for in-patient and day-care treatment, which compares with the waits of eight months that we inherited five years ago.

On cancer drugs, I have initiated a review that is being undertaken by Professor Rutledge. I emphasised to him in a meeting this morning that I want him to look at the cancer drugs issue. When he reports early in 2013, I will take on board his observations and recommendations on that issue. Any issue like that will be dealt with.

Presiding Officer, my time is up, and I have so much more to say. However, no doubt I will get a second chance when I wind up for the Government in an hour's time.

I move amendment S4M-05088.1, to leave out from "that the NHS" to end and insert:

"the remarkable work of NHS Scotland staff in caring for the nation; welcomes the recognition from Audit Scotland that the NHS's finances have been carefully managed and that, for the fourth year running, all NHS boards have met their financial targets on revenue and capital; further welcomes that the Scottish Government has instructed the most comprehensive audit ever to be conducted into waiting times to ensure openness and transparency, and commends the decision of the Scottish Government to provide above real-terms resource funding to the territorial NHS boards to protect frontline services."

The Deputy Presiding Officer: I now call on Jackson Carlaw—five minutes, please.

16:07

Jackson Carlaw (West Scotland) (Con): Well, ever was it thus. This is depressingly like a debate that I am sure we had within the recent memory of us all. The Labour Party throws everything at the SNP and the SNP throws everything back at Labour—but, were they in reverse positions, they would do exactly the same. I know with every fibre of my being that, if I were sitting where Mr Neil is, both Labour and the SNP would do the same to me. That is because this is a perennial debate about the future of the NHS.

I support Jackie Baillie's motion, which refers to "financial pressures". That is not an accusation that the Government is cutting front-line health spending; it is an accusation that the choices that it is making are putting pressures on the NHS. Similarly, I have a certain sympathy with the

cabinet secretary. In the previous parliamentary session, the Scottish Conservatives routinely supported the Administration in its decisions, and the way in which it progressed issues, on healthcare. However, we identified concerns that we thought were chickens that would come home to roost—and I believe they now have.

We believed that the preventative agenda was being undermined by the dissolution of the health visiting service and that financial pressures would be added to not by the principle of free prescriptions but by the progression of that policy at the moment when financial pressures were at their height.

In addition, we have pointed out that there is an ageing population crisis that has huge implications for the health service. Collectively, as a Parliament, we need to face up to and address that crisis, because it can only make the situation even more acute in every year that follows. It is no longer a problem for the next generation to deal with; it is a problem the initial stages of which are lapping at the shores of Scotland's health service today.

It is therefore not a criticism of the NHS or the people within it to ask questions of the way in which the service is conducted today. Nicola Sturgeon and the Government were let down by NHS Lothian in the way that the figures were manipulated. However, the questions that Parliament asked at that point were on what assurances we had that that practice was not going on anywhere else and on what investigations were being undertaken in that regard.

I am not here to apologise for Jackie Baillie—she and I have had, well, almost fisticuffs on occasion—but here is what Joe FitzPatrick and the chairman of NHS Tayside had to say when she raised the issue of manipulation of waiting times in Tayside. The chairman said that he had written to Ms Baillie to insist that the health board's waiting list data are accurate. Dundee City West MSP Joe FitzPatrick demanded an apology from Ms Baillie and claimed that she had "besmirched" the reputation of staff. He said:

"This is yet another blunder from Ms Baillie, who jumped to the wrong conclusions, hasn't apologised and continues to leave her comments online."

An apology is due, not from Ms Baillie but to Ms Baillie for the way in which her concerns were simply and easily dismissed.

The health secretary is not in office to get standing ovations from all concerned, as his predecessor sometimes seemed to enjoy. The health secretary is there to support the NHS and to hold the people who run it to account and ensure that they do their job on behalf of the

people of Scotland. If we are to avoid a full-blown crisis, we must accept that there are huge pressures, from the ageing population, the incidence of norovirus that is overwhelming hospital wards, the reduction in the number of nurses, and the consequences of delayed discharge from wards. There is also the issue of the integrity of public confidence in waiting times.

The previous health secretary's visits to hospitals became famous for the accompanying smell of fresh paint. Alex Neil is a practical man. He has talked about whistleblowing and he has introduced a hotline. He has talked about access to new medicines. He is visiting wards without management being present and listening to what people have to say. This is a moment when practical measures are required from him to address the issues that Scotland's health service faces.

I will be interested to hear what emerges in the debate, and when I wind up I will say whether the amber warning that Audit Scotland placed in front of Scotland's NHS is a warning that the Government recognises, acknowledges and is prepared to do something more practical to address than just blast it with rhetoric.

The Deputy Presiding Officer (Elaine Smith): We move to the open debate, with speeches of four minutes. Time is tight this afternoon.

16:12

Aileen McLeod (South Scotland) (SNP): I offer my sincere thanks to all the NHS staff who were responsible for delivering what the NHS's chief executive described in his recently published annual report as NHS Scotland's "best ever performance" in key areas last year. The chief executive noted that waiting times are at their lowest ever level, patient care is safer, levels of premature mortality have reduced, and patients continue to rate the care that our NHS staff provide very positively.

We are not resting on our laurels but, despite what Labour would have us believe, the NHS delivery of patient care in Scotland is overwhelmingly a good-news story. The progress that the SNP Government has made since 2007 has been striking on all the key measures. Waiting times have been reduced through the delivery of the 18-week referral-to-treatment waiting time target. There are more qualified nurses and midwives than when the SNP came into office, and Scotland has more qualified nurses and midwives per 1,000 people than is the case anywhere else in these islands.

The Government has protected the front-line NHS budget, which will continue to rise in real terms despite the substantial cuts to the Scottish

budget that have been imposed from Westminster, and it has realised more than £1 billion of efficiency savings between 2008-09 and 2011-12 to be reinvested to boost front-line care for patients.

The SNP Government has made a commitment to no compulsory redundancies in the Scottish NHS—there is no such commitment in England—while taking action to ensure that our hospitals and communities have the right number and mix of available nursing staff.

Despite the challenges that our NHS faces, that is a good record, which testifies to the Government's commitment to ensure that our public has access to the best possible universal health service, which is free at the point of need. NHS staff have worked tirelessly to deliver those important outcomes.

The protection of Scotland's national health service and its staff against the unprecedented cuts in public spending that the United Kingdom coalition Government has imposed is a central element of the social contract that the Government has made with the people of Scotland. It is worth stressing that only the SNP was prepared to commit to protecting NHS funding ahead of the most recent election. In government, the SNP has honoured that commitment, and the Auditor General for Scotland has been able to conclude that the overall financial performance of the NHS remains strong.

My concern is not about the commitment of NHS staff to delivering the best possible care for our citizens or about the Government's commitment to protecting NHS funding. My concern is about the policies on the NHS that other parties in the chamber are advocating—and nowhere more so than in the case of universal benefits.

We on the SNP benches are committed to keeping prescriptions free and maintaining free eye tests. Both are central aspects of the care that we offer the citizens of Scotland, and both contribute to the social justice that lies at the core of our approach to government. More important, both promote the long-term health and welfare of our citizens and, in so doing, they reduce the future costs to our health service. That is what Campbell Christie asked us to do and that is what we are doing.

The Deputy Presiding Officer: You have one minute left.

Aileen McLeod: It has become clear in recent weeks that the SNP Government stands alone in giving those undertakings. We know that no area of universal entitlement to public health provision is safe from Labour's cuts commission, and we

know that Labour's view is common to the Tories and the Liberals.

I conclude with a quote from a paper published yesterday by the Jimmy Reid Foundation, which was written by a team that includes two internationally respected experts in public policy, Professor Mike Danson and Paul Spicker. In the paper, the authors state that those who argue against universalism—one has to count the Scottish Labour Party among their number—are guilty of a serious lack of analysis of the consequences of their policies. On the system that is being championed by Labour and others, they conclude:

“A divisive, economically inefficient system which increases inequality, reduces the quality of social services, stigmatises and damages the wellbeing of the poor but benefits large corporations is being advocated without any coherent evidence-based case being made.”

The Deputy Presiding Officer: You must conclude.

Aileen McLeod: In conclusion, I support the amendment in Alex Neil's name.

16:16

Sarah Boyack (Lothian) (Lab): In the first eight years of this Parliament, Labour allocated huge increases to health, which enabled the system to recover from the previous round of Tory cuts and improved the patient experience, the quality and range of services and, crucially, the terms and conditions of NHS staff. Alex Neil has a cheek to criticise Labour, given that his predecessor refused to accept NHS Lothian's plea for Edinburgh's new sick kids hospital to be built through conventional spending. It will be years late and it will be funded under the non-profit-distributing model.

Last month, the cabinet secretary criticised NHS Lothian as being in the second division and Audit Scotland revealed that our NHS is on an amber warning. Today, the SNP's amendment deletes that warning from the Labour motion. In fact, it deletes the problems that Jackie Baillie has correctly identified. The SNP cannot Tipp-Ex out those problems. Our challenge is to air them in the chamber and come up with solutions. Staff reductions have put massive pressure on the remaining staff and undermined the quality of care that patients receive. The fact that interns are now being used to supplement hard-pressed nurses is simply not acceptable.

The waiting times problem in Lothian has blown open the reality in our NHS today. The systematic fiddling of the figures that we have discussed before, the subversion of patients' rights and the fact that the waiting lists were a complete fiction

still need to be addressed. How on earth can the SNP Government assert that

“all NHS boards have met their financial targets on revenue and capital”?

What does that mean? It is completely fictitious. In NHS Lothian alone, the estimate earlier this year was that it would cost about £20 million just to address the backlog and deal with the hundreds of people who had not had their waiting times honoured. Last week, the board papers stated that the estimate of the amount needed is now more than £26 million. Those figures demonstrate that the capacity to meet the Government's targets on waiting times is simply not there. To use the cabinet secretary's phrase, there is a systemic problem.

I would be interested to hear the cabinet secretary's comments about the level at which the NHS runs bed capacity in the light of this week's report from the Dr Foster unit at Imperial College. It is stark:

“When bed occupancy tips the 85% mark the system goes into overdrive - and things start to give. For patients that means quality of care may suffer.”

How does that equate to what is happening in our hospitals in Scotland? It feels very much like what is happening in Lothian, where the problems have piled up one after another. Only last month, the board was forced to reopen the Royal Victoria hospital, which was mothballed earlier this year, to create the extra capacity to get us all through the winter. There simply are not the resources available to get older people out of our hospitals and into care that is appropriate for them when they need it. That is a current problem in the NHS.

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

Sarah Boyack: The problem is not just bed capacity, but insufficient staff in key clinical areas. I could have spent my four minutes just reading out recent press headlines.

The symbolism in this chamber of the First Minister being dragged into the issue of the children's ward at St John's shows the mess that the SNP has created. The SNP's promises on the NHS cannot be trusted. The previous health secretary, Nicola Sturgeon, was fully aware of the problems and it is Alex Neil's job to sort them out. We are all waiting.

16:20

Mark McDonald (North East Scotland) (SNP): We talk a lot about choices during debates in this chamber. Recently, we have heard talk from Labour members—indeed, from the Labour leader—about the need to make tough choices, but when push comes to shove, all too often the

Labour Party is found wanting. Labour members come to this chamber and criticise the choices that the Government makes, but they never offer any alternative choices that we could make instead. They never tell us how they would redirect funding to areas in the health service, or where funding would come from to pay for their priorities.

Sarah Boyack: Will the member take an intervention on that point?

Mark McDonald: I will happily hear Sarah Boyack's point in the winding-up speeches—I have only four minutes.

We need to know exactly what the Labour Party's priorities are. I believe that generally there is a consensus about the approach to funding front-line health services through the targeting of the increases to the territorial health boards.

Jackie Baillie: Will the member take an intervention on that point?

Mark McDonald: I ask Ms Baillie to leave it to the winding-up speeches; as I said, I have only four minutes.

Jackie Baillie: We need an apology from you.

The Deputy Presiding Officer: Order.

Mark McDonald: We need to hear the Labour Party's priorities. The Government has set out its priorities as part of the budget process, and if the Labour Party disagrees with them, it is perfectly able to suggest alternatives. However, we never hear alternatives—all we hear are complaints.

The issue of universality, as raised by my colleague Aileen McLeod, is important, whether it is in relation to free prescriptions, free dental checks or free eye checks. Indeed, Optometry Scotland recently produced a briefing on free eye checks. I was glad to be invited to a dinner to discuss that matter further; Jackie Baillie and Duncan McNeil also attended. Optometry Scotland spoke about the savings that accrue as a result of free eye checks. It spoke about £60 million of direct savings and £440 million of indirect savings from free eye checks. Those universal services—perhaps they were what Jackson Carlaw alluded to when he spoke about

“chickens that would come home to roost”

are extremely important and a key part of the preventative spend agenda.—[Interruption.]

The Deputy Presiding Officer: Order.

Mark McDonald: The Government is making efforts to more closely link health and social care. I welcome that because it will be of great benefit, particularly as we try to shift to healthcare and social care models in which people will be treated more in their own homes, rather than being admitted to hospital.

The one thing that gives me a little bit of concern, which I hope to discuss further with the cabinet secretary, is Aberdeen City Council's recent move to make its social care department an arm's-length trading company. NHS Grampian is concerned that that may create some difficulties regarding the health and social care agenda. I will happily speak to the cabinet secretary about that.

Finally, I will focus on NHS dentistry. When this Government came to power, thousands of people in Grampian were on waiting lists for NHS dentistry. Now, as noted in a parliamentary answer or perhaps in a letter to one of my colleagues, the Minister for Public Health has made it clear that by March 2013 virtually nobody will be on a waiting list in the NHS Grampian area. That is a strong testimony to this Government's efforts to invest in NHS dentistry and dental clinics.

Did we hear anything from the Labour Party to welcome that? We heard not a peep. As we know, the Labour Party is only happy when it is unhappy.

The Deputy Presiding Officer: Before I call Stuart McMillan, I ask for order in the chamber. I can hear conversations better than I can hear members.

16:24

Stuart McMillan (West Scotland) (SNP): We are fortunate to have a body such as the NHS. Every one of us in the chamber will have called on the NHS at some point and we know that without it Scotland would be a lot poorer. No matter how many times we thank NHS staff for their first-class work it will never be enough, but it is important that we thank them and remind them how important they are to Scottish society.

The debate so far has been typical—Jackson Carlaw's earlier comments were quite apt. I agree that the NHS is not perfect. In fact—dare I say it—no organisation in the world is perfect, whether it is a public or private organisation. Improvements and efficiencies can always be made and support can always be improved. However, what we have heard today sounds like more of the scaremongering that has been going on for some time. Nobody should be complacent, because the NHS as a body can always be improved on, but to downplay its best-ever performance is beyond belief and is to talk down the management and staff of the NHS.

Jackie Baillie knows full well that I am prepared to campaign for services and to challenge NHS management proposals and decisions. In fact, in 2007 we were on the same side regarding maternity services. I am, therefore, disappointed that when credit is due—and in this instance it is due—she cannot give that credit but focuses

merely on talking down what is clearly a positive story overall.

Jackie Baillie: Will the member give way?

Stuart McMillan: I am sorry, but I have got only four minutes. It was the Labour Party's choice to have a debate in which members would get only four minutes.

With waiting times at their lowest-ever levels, care safer than it has ever been, premature mortality being further reduced and patients continuing to rate their care very positively, I wonder what it will take for the Labour Party to welcome good news. More than 90 per cent of patients were seen and treated within 18 weeks of their initial GP referral. The Patient Rights (Scotland) Act 2011 came into force in September this year, with the introduction of the treatment time guarantee, and I am confident that the NHS will continue to work hard to improve its deliverability even further to make the maximum waiting time 12 weeks from diagnosis to treatment.

A further example of what I consider a success story is the number of alcohol brief interventions delivered. In 2008-09, there were 30,310 such interventions and the number has increased steadily to a high of 97,830 in 2011-12. With alcohol misuse and its effects on individuals and wider society being debated regularly both inside and outside the chamber, that increase is proof of the determination of the Government and the NHS to work hard to help those affected. Alcohol misuse affects all levels of society, and I am sure that, across the chamber, we can all welcome the efforts that the NHS has made to help people to get their lives back.

I said earlier that improvements could be made, and the Audit Scotland report—which has been touched on and which the motion mentions—highlights a few issues. Even though the NHS in Scotland has had its best-ever performance, there can be no complacency. Knowing the cabinet secretary as we do, however, we can rest assured that there will be none. The cabinet secretary will continue the hard work and focus of his predecessor.

I am conscious of the time, Presiding Officer. I will support the amendment in the name of the cabinet secretary because I know that the NHS in Scotland is safe in the hands of the SNP Government.

16:28

Duncan McNeil (Greenock and Inverclyde) (Lab): It is our national health service—it does not belong to any political party—and that is what the debate, although limited in time, is about.

We recognise that, as the cabinet secretary stated, the NHS budget has been protected and health is certainly better off than some of the other portfolios, which have suffered greater cuts. However, as Jackson Carlaw pointed out, that is not the point. Significantly, the budget is not keeping pace with the increasing cost of health service inflation, which, as everyone knows, is a serious problem. It is difficult to keep pace because of the increased demand for staffing resulting in increased staffing costs and—as has been highlighted over the past few days—an increase in prescription costs. Those are all demands on our health service.

We are also well aware of the projected 67 per cent increase in the population with a disability over the next 20 years, of the fact that the number of over-85-year-olds will double over the same period and of the estimated 40 per cent increase in heart disease, stroke and dementia by 2025. It is in that context—not the context of one year to another, or of one Government to another—that we must ensure that our health service sustains and maintains its reputational value to us all.

Warning signs abound. There is a £1 billion maintenance backlog. I concede that perhaps half of that is more serious, but even half of that figure is an indication that we are unable, at this time, to maintain the fabric of hospital buildings.

There is an amber warning from Audit Scotland about financial planning. Boards are selling off the family silver to get from one year to another. We understand what will happen if that is allowed to continue. The Argyll and Clyde NHS Board is no longer here because it tried to sell off land to survive and pay its bills, which, of course, got larger and larger. Audit Scotland also points out the significant high risk relating to the efficiencies that need to be made in our health service. The risk of health boards not meeting the efficiency savings is another warning sign.

To return to Jackson Carlaw's point, the warning signs have been well recognised and they are accepted across the board. They must be addressed. There are concerns that were not addressed as they should have been during the period of the previous cabinet secretary. We have not heeded Campbell Christie's warning to radically change the health service strategy to one of prevention. We have not made a fast enough change in pace to integrate health and social care. We still do not have a clear understanding of how the budgets work between local government and the health boards, or of what they do and what they are expected to do. There are big gaps.

Plaudits are given to the health service staff—we have done that in all our speeches—but they are used as a shield so that no criticism can be made. Let us listen to them. The Royal College of

Nursing said quite clearly that there is a difference between protecting the budget and protecting the quality of services; the British Medical Association says that we cannot go on as we are; the Scottish Council for Voluntary Organisations says that we cannot continue in the same way; Unison says that salami slicing of the budget cannot go on for ever; and RCN-BMA says that the lack of joined-up thinking in the workplace is not acceptable. Take those messages away today; listen and act, and save our national health service.

16:32

Richard Lyle (Central Scotland) (SNP): First, I refer members to my register of interests—I receive a small pension from the NHS.

I have previously stated that, prior to joining the Parliament, I worked part time for two years as a driver for the out-of-hours doctor service. I undertook five shifts each month and worked overtime, when required. During that time I saw with my own eyes the excellent NHS that Scotland has and the outstanding work that is done by all its staff. That is why I do not take kindly to the political football that the Labour Party has rolled out yet again.

To Jackson Carlaw, I say déjà vu; we last debated patient care on 19 September.

If Labour truly cared for the NHS, it would have used all its allocated time this afternoon to debate the issue, and not just fitted it in along with a debate on the police. It is Labour's time in the chamber to allocate; it decides what it wants to discuss.

Jackie Baillie: Will the member take an intervention?

Richard Lyle: No; I have only four minutes.

I agree with the Cabinet Secretary for Health and Wellbeing: the debate should have had more time allocated to it.

The NHS should remain a universal health service that is free at the point of need and true to its founding principles. It should remain a publicly funded and delivered service. We should continue to protect front-line services and ensure that NHS staff have stability and security in their employment. Only by bringing powers home to Scotland can we protect our NHS from Westminster cuts and build a better nation.

Contrary to Labour's suggestion, staffing levels are higher than they were prior to the Scottish National Party taking office. She constantly wheels it out—*[Interruption.]* I apologise, Presiding Officer. I was talking about Jackie Baillie. Members of the Tory party kept saying "he" when they were talking

about the First Minister last week, but I apologise to Jackie Baillie.

The Labour Party knows that there have been dramatic changes in nursing practices over the past 10 years. One fundamental change, for example, has been care in the community. Social work and NHS staff now visit clients in their own homes—and not for the 15 minutes that Jackie Baillie has suggested. Labour needs to substantiate that assertion because, by continually repeating it, it is giving the impression that that is common practice. That only undermines the hard work and dedication of care workers in Scotland. *[Interruption.]* Labour members do not like it when they get told the truth. Although it received fewer responses from Scottish providers than from other parts of the UK, the United Kingdom Homecare Association found in a survey that 58 per cent of visits in Scotland lasted for more than half an hour. *[Interruption.]*

The Deputy Presiding Officer: Order, please.

Richard Lyle: This Government has defended the NHS in Scotland against cuts that have been implemented by the Tory and Liberal Government and which were caused by the Labour Party. *[Interruption.]*

The Deputy Presiding Officer: Mr Smith!

Richard Lyle: I remember the letter that was left by the Labour minister, saying that there was no money left.

As I have said, the Labour Party needs to stop using our health service as a political football and to stop talking it down. It is time to talk it up and appreciate our staff. We have a health service to be proud of—and we should admit that. The previous health secretary should be complimented on how she looked after the NHS in her term, and I am sure that the new cabinet secretary will also look after the Scottish health service. I support the Government in what it is doing to safeguard our NHS.

I am lucky—I visit my doctor only once every 10 years and when I do he says, "Who are ye?" Other countries charge for a visit to the doctor—we do not. *[Interruption.]*

The Deputy Presiding Officer: Order.

Richard Lyle: The Scottish NHS deserves our thanks, not a continual kicking.

The Deputy Presiding Officer: We turn to the winding-up speeches. I call Jackson Carlaw. Mr Carlaw, you have four minutes.

16:36

Jackson Carlaw: Honestly, I just want to stand here and scream. Had I still been in business and

been present at a management meeting that had received the level of contribution and response to an emerging crisis that we have heard this afternoon, I am afraid that the management team would have had to go and be replaced.

Let me start, then, by saying that I welcome all the good things that are happening in the NHS. It is wonderful news. I will pat any SNP minister on the back if they are responsible. It is wonderful what is happening in dentistry and great that there is a focus on alcohol, but none of that is a substitute for a responsible and reasonable debate on the emerging difficulties in the NHS. The repeated refrain from SNP members this afternoon was, "I've only got four minutes." Frankly, anything they said could have usefully been said in two and we might then have had room for an examination of the questions that they refused to answer.

As I said earlier to Alex Neil, his predecessor's style was to be the spider at the centre of the web, weaving, carefully controlling the figures, crisis managing—and maybe stinging with venom anyone who said anything negative about the conduct of the health service. A smell of fresh paint accompanied her on every hospital visit, and there was a sense that it was all as much about projecting the Deputy First Minister as an entity as it was about addressing the health service and its problems.

However, that is not Mr Neil's style. He is the bull in the china shop—which is perhaps what the health service needs. I actually think that in the cabinet secretary we have a man who can make the most of the opportunities that are presented, which is why I welcome some of the initiatives that have been taken. Those practical steps are directly contradictory to his predecessor's positions, on which she insisted vehemently until the day she demitted office.

I would therefore like the cabinet secretary to go back and look again at health visiting. In its very well-balanced and sensible proposal on the proposed children and young people bill, the RCN makes clear its belief that health visiting is central to the preventative agenda that in turn will help to reduce many of the obstacles to providing an effective health service in the future.

I would also like the cabinet secretary to dust down the report on Stracathro hospital that his predecessor consigned to the bin and which showed that the independent sector, acting exclusively for the NHS, produced a service that significantly reduced NHS waiting times at a saving of £2 million. That £2 million would, if it was extrapolated and used anywhere else, alleviate the financial pressures that the cabinet secretary is facing. I ask him to consider the prospect of walk-in centres that might relieve the pressure on GPs.

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

Jackson Carlaw: Was it four minutes or three?

The Deputy Presiding Officer: Four minutes.

Jackson Carlaw: Right—sorry.

I ask the cabinet secretary to look at the responsibility agenda that we have talked about, and the need to get the public to recognise that, if we are to have a future health service that is free at the point of delivery when it is most needed, they must use the NHS responsibly.

Above all, I welcome what the cabinet secretary said about access to new medicines. However, 21,000 people have benefited from the cancer drugs fund in England, while 2,100 Scots have not. It is too little, too late to stand and preach and pray. We need practical actions from a practical man to address the problems that the health service faces today. We must, as members in the chamber, together accept that, while there is a football that will be kicked, there is an emerging problem facing Scotland's health service that will be properly addressed only if it is addressed—beyond this debate and all the rhetoric—together.

16:41

Alex Neil: First, I say to Jackson Carlaw that I am happy to look at the issues around health visiting and initiatives such as the family nurse partnerships. The relationship between such a service and the health visitor service is very important.

I also say to Jackson Carlaw that, inspired by a point that he made in the previous debate, I paid a back-to-the-floor visit to the Victoria hospital the other night and spoke to staff, none of whom—which was a deliberate choice on my part—was of a higher grade than staff nurse. I spoke to auxiliaries from the accident and emergency department, and to people from the medical and surgery departments. In all the visits that I have made, there is one thing on which I am clear; we must empower the people on the front line much more to take key decisions, because that is one of the ways in which we can improve the quality of the health service.

My other two visits were to the accident and emergency units at Edinburgh royal infirmary and Glasgow royal infirmary. I recommend that members make such visits, because I learned more by spending one and a half hours talking to front-line staff than six months of reading written briefings or Jackie Baillie's speeches could ever tell me.

Duncan McNeil is right: there are three big challenges facing the national health service in the

future. The first is our ageing population, which has an associated challenge in the form of multiple morbidities for older people. Secondly, there are two financial challenges: the cuts that have emanated, particularly in the capital budget, and the fact that inflation in the health service is twice the level of inflation generally. The third big challenge—which is by no means the least—relates to the inequalities in healthcare, and the consequences of inequality and poverty generally and their impacts and demands on the NHS.

I say to Jackson Carlaw in particular that the impact of the benefits reforms that are being implemented from London will, unfortunately, add to the pressure that arises from increased poverty and deprivation. I hope that he will think again about some of the proposals.

I will address some points that were raised in the debate. Sarah Boyack made a fair point about the 85 per cent occupancy rate, but the report by the Dr Foster unit to which she referred dealt with the health service in England. Just for the record, I tell members that the bed occupancy rate for Scotland in 2006-07 was 82.3 per cent, which is well below the 85 per cent trigger point. In 2011-12, the latest year for which figures are available, the bed occupancy rate was 82.2 per cent, which is very similar and within the safety level of the 85 per cent rate that the report recommended. I accept the 85 per cent figure as an indication of the right level of utilisation of bed capacity to maintain patient safety and I repeat—for the record—that we are well within that.

Sarah Boyack: Like Alex Neil, I made a visit to an accident and emergency department this year, but mine was as a result of an accident rather than an official visit. A key point that was made to me was that there is a major problem with access to beds for people who come in through accident and emergency, which I think is at the root of the Royal Victoria issue. It would be good if the cabinet secretary could keep his eye on that, because the lack of alternative places to which people can go is partly what is creating major pressures on the Edinburgh royal infirmary.

Alex Neil: The real root of the problem in the Edinburgh royal infirmary is that the plans for the hospital grossly underestimated by 20 per cent the number of beds that would be required. I am not making a party-political point, but this Administration was not responsible for that. The reason why we have to use the Royal Victoria in Edinburgh is because the Edinburgh royal infirmary should have been bigger by at least 20 per cent.

On the financial reports from the health boards, I can advise Sarah Boyack that NHS Lothian has confirmed that it forecasts that it will break even this year. Indeed, all boards are indicating that

they are on track to deliver their financial targets in 2012-13.

For the record, I can also confirm that the increase to the territorial boards will be 2.9 per cent, 3.3 per cent and 3.1 per cent respectively for the three financial years from 2012 to 2015.

The Deputy Presiding Officer: You are in your last minute.

Alex Neil: We need to get the context of the debate correct. The vast bulk of things that are happening in the national health service, such as the patient safety programme, the quality programme and the family nurse partnership programme—to pick just three examples—are internationally leading edge and are recognised as such. Indeed, a recent international survey of patient safety by America's Commonwealth Fund showed that 3 per cent of patients in Scotland felt unsafe in hospital, compared to 9 per cent in the rest of the UK. By any comparison, there is a great deal going right in our national health service.

As Jackson Carlaw and others have said, of course we must recognise that, in such a big organisation, there are things that we will have got wrong. Where we have got it wrong, we will sort it. Where there are individual cases, such as those to which Jackie Baillie referred in her speech, if members write to me about them, I will investigate them and come back with answers.

The Deputy Presiding Officer: Cabinet secretary, you must conclude.

Alex Neil: Basically, the national health service is something that we should be proud of. That is not about complacency but about ensuring that we do not throw the baby out with the bathwater.

16:47

Dr Richard Simpson (Mid Scotland and Fife) (Lab): The debate has taken a different tone in the last 10 minutes. The cabinet secretary has dealt with the debate in a much more measured tone than his stereotypical back benchers, who simply came out, parrot fashion, with a series of statements, half of which were actually rubbish.

One thing that all speakers in the debate agree on is that we continue to owe a huge debt of gratitude to the staff of the NHS. As Christmas is approaching—unless the Government breaks its habit and finally schedules a parliamentary debate on health—this will be the last debate on health this year, so it is worth saying that we owe the NHS's staff a huge debt. Without their efforts, we would be in even more trouble.

"The NHS is continuing to perform well but there are treacherous waters ahead. There are huge risks, particularly in ensuring that quality of care does not suffer with the further financial squeeze."

Those are not my words, but the words of Anna Dixon from the King's Fund. The NHS is on "an amber warning". Those are not my words, but the words of the Auditor General for Scotland, who reported that nine boards have an underlying deficit and that there is a £1 billion backlog in repairs.

The previous cabinet secretary—despite Jackson Carlaw's caricature of her—did some things right, but she also chose repeatedly to ignore the warnings that we gave her. She dismissed them, as did one SNP member today, as "scaremongering". That is what we are always accused of. She continued to deliver Scotland's patient safety programme, which is a world-leading programme that was started by Labour and has been continued by the SNP. The programme has delivered significant reductions in adverse effects and, as the current cabinet secretary has just said, a feeling of patient safety that is greater than in most health services.

However, the previous cabinet secretary failed to change the culture of blaming and bullying, as is shown by the NHS National Services Scotland reports, which suggest that 60 per cent of staff have been bullied. She failed to introduce the whistleblower's line that I campaigned for for almost two years. I compliment the current cabinet secretary for finally introducing that. It is very welcome.

In 2001 there were 3,000 delayed discharges, so we started a programme that aimed to reach zero by 2008, which was achieved. That was brilliant; the health service under SNP and Labour achieved the target. However, the SNP Government then promised that it would keep the figure at zero but, in 14 of the 17 quarters since then, the promise has been broken and the number has been higher than that. The most recent survey found 91 patients whose discharge has been delayed for more than six weeks and almost 1,000 beds still occupied by patients who had been deemed fit for discharge. There are 600 delayed discharges and 283 people with complex needs, so more than 800 beds are occupied by people who, medically, do not need to be there.

I have been attacked repeatedly on the issue of beds. However, it is a fact that the SNP promised in its 2007 manifesto not to reduce the number of beds, but the number was then reduced by 1,800. I have said that that is not necessarily a bad thing if we have good redesign, but the SNP made false promises on that.

No one has mentioned dementia, on which we face a huge challenge. The previous cabinet secretary—under pressure—finally introduced Healthcare Improvement Scotland inspections. Finally, after months of my asking, I am glad that, under the current cabinet secretary, HIS has

produced a thematic report on the inspections. Again, I commend the cabinet secretary for that. However, the thematic report says that cognitive assessments are patchy and there are concerns about nutrition.

Boarding out, which the previous cabinet secretary introduced and which was also welcome, was never followed up on because we do not get reports on what happens. However, after a freedom of information request, we have found that some patients are moved up to 18 times. The royal colleges have reported that there are currently 1,600 patients whom they regard as being likely to be receiving sub-optimal care—not medical treatment—because of the pressures that the system is under.

The previous cabinet secretary left behind a slow erosion of care, an increasing level of frustration and growing anger that is getting greater by the day. Certainly, my postbag is full of those issues.

Despite the absolutely ridiculous debate about the workforce in 2007 and who had more and who had less, it is a fact that 2,300 nursing posts have been got rid of. Is anyone really saying that that can be done without putting pressure on those who remain? We have vacancies for doctors in Lanarkshire. In July, the cabinet secretary said that the issues with paediatric services in Lothian are nothing to do with money and resources—another denial—yet within the last two weeks we have learned that they are in crisis.

There has been an 8 per cent cut in the intake of Scottish medical students, but an increase in English students. Three midwifery schools were closed peremptorily by the previous cabinet secretary, with no discussion—oh, no—with the schools or with the UK, where there is an overall shortage of midwives. There has been a 20 per cent cut in the nursing student intake. No risk assessment has been carried out on the effect on the university departments involved.

In the previous session of Parliament, we raised the issue of access to medicines, and the previous cabinet secretary responded. Great. Welcome. Commendable. A new system of individual patient treatment requests was introduced. However, within months, we realised that the system was not working. Doctors told us repeatedly that it was not even worth applying, because it just does not work. This week, oncologists complained bitterly that oncology in Scotland is a second-rate service and cannot attract staff. I commend the cabinet secretary for setting up the Routledge-Scott review, which is excellent and a good response.

Several members have mentioned waiting times. When I raised the issue of waiting times in NHS Lothian, I did not know that an internal NHS

Lothian report had already been produced, after a request by Naomi Hamilton. That report, which was produced well before I raised the issue, had never seen the light of day. Has the Lothian issue been put to bed? I could offer many case studies, but I will use just one.

A patient, who at the time was the sole carer for her 92-year-old mother who has a complex care package and who needs someone with her all the time, asked at her first out-patient appointment for her procedure to be delayed until mid-December, after which her brother was to return from France to help with their mother's care. What happened? She got two phone calls from a private hospital in Glasgow offering her two appointments for 8 am, when she could not possibly attend and which totally contravened her stated wishes at her first appointment. Then she was told, "Sorry—you've had your two appointments, so you're off the list. Go back to your GP to be referred again." Her GP is livid, and she has cited to me four other cases in Lothian NHS in which the same thing has occurred.

There are waiting time problems in Grampian, and Glasgow has problems with blankets. I have an email in front of me telling me that patients are being advised to take their blankets with them to their scans and X-rays because otherwise they might not be there when they get back.

We are not saying that the health service is bad and that the cabinet secretary is not doing his best. We are saying that, unless we all face up to the fact that we face an implosion in the health service within the next two years, we will not get through the current austerity. It is time for the cabinet secretary, as the new man, to adopt reality.

Scotland Act 1998 (Modification of Schedule 5) Order 2013 [Draft]

The Presiding Officer (Tricia Marwick): The next item of business is a debate on the Referendum (Scotland) Bill Committee's first report in 2012 on the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [draft]. Members who wish to take part in the debate should press their request to speak buttons now. Bruce Crawford will open the debate on behalf of the Referendum (Scotland) Bill Committee.

16:56

Bruce Crawford (Stirling) (SNP): I begin my contribution to this short but important debate by stating that all the committee's members recognise the importance of the role that Parliament has asked us to undertake. During the coming months, we will have the privilege of scrutinising the legislation that the Scottish Government will submit to the committee and which will—I feel the weight of history bearing down on me—enable the people of Scotland to make their most important decision in more than 300 years.

In autumn 2014, the people of Scotland will make their choice, and members of the committee are seized with an understanding of the importance of the role that we have been asked to discharge. Indeed, it is safe to say that the committee members feel honoured to have been asked to serve the people of Scotland in this way. I also know that we will all want to play a full part in ensuring that the legislation that is laid before Parliament is fit for purpose and that it commands not only the confidence of Parliament, and of both Governments but—most important—the confidence of the people of Scotland. It is therefore vital that the bills be subjected to the most detailed and comprehensive scrutiny. I know that the committee's members are looking forward to undertaking those responsibilities.

We are already considering whether we should appoint an adviser to help us with our work, and next week we will begin the task of considering the evidence and information sessions that we will have to have in the new year to help us to get to grips with the potential complexities of the legislation. However, all that is for the future.

The committee's first task was to consider the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [draft], also known as the draft section 30 order, which provides the legal framework for the referendum bill and for the paving bill on aspects of voter registration. The draft order was, of course, announced as part of the historic Edinburgh agreement, which was signed on 15

October 2012, and the order was laid before the United Kingdom and Scottish Parliaments on 22 October.

The Edinburgh agreement commits the Scottish and Westminster Governments

“to work together to ensure that a referendum on Scottish independence can take place”

and that the referendum will

“have a clear legal base

be legislated for by the Scottish Parliament

be conducted so as to command the confidence of parliaments, governments and people”,

and

“deliver a fair test and a decisive expression of the views of people in Scotland and a result that everyone will respect”.

The committee took oral evidence from a number of witnesses, in particular from the Deputy First Minister, Nicola Sturgeon MSP, and from the Secretary of State for Scotland, Michael Moore MP. On behalf of the committee, I thank them both for the open and straightforward way in which they dealt with the questions that members put to them. I will come back to talk about the oral evidence sessions later.

The committee also received written evidence from nine organisations or individuals. At this stage, I extend my sincere thanks to all who provided us with evidence to help us in our deliberations. I also thank the clerking team, the parliamentary legal advisers and the Scottish Parliament information centre, all of whom helped to support the committee in its work and its coming to its conclusions.

The committee was established on 23 October and our call for evidence was published on 26 October. Oral evidence was taken at meetings on 8 and 15 November. That culminated in the committee’s report, which was published on 23 November.

The timescale that was set for undertaking our initial task looks pretty efficient to me. Much of that is down to the clerks, whom I thank on the committee’s behalf for diligently going about their tasks with short notice to get the show up and running. I think Tavish Scott was the first committee member to thank the clerks for the production of a well-constructed draft report. That certainly helped all members to sign up unanimously not only to the draft order but to the committee’s report.

I thank my colleagues on the committee for the constructive way in which they went about their business. That made my job as a first-time convener of a parliamentary committee all the easier. I thank the committee for that and for gently reminding me that I am no longer a minister

and that I now have a different *modus operandi*. I will try hard to remind myself of that as we scrutinise legislation that the Scottish Government introduces.

I return to the evidence that the committee took. As well as taking oral evidence from the Deputy First Minister and the Secretary of State for Scotland, we heard from academics: Professor Aileen McHarg, Alan Trench, Dr Nicola McEwen and Navraj Singh Ghaleigh. I will touch generally on the evidence.

On the significance and effectiveness of the section 30 order, witnesses agreed that the order’s purpose was to ensure that Parliament has the legislative competence to pass a referendum bill. The Deputy First Minister summed up the order’s importance by saying that it puts the referendum’s legality beyond effective legal challenge by using

“a perfectly legitimate, tried and tested, robust process.”—*[Official Report, Referendum (Scotland) Bill Committee, 15 November 2012; c 86.]*

On the conditions that the order imposes, witnesses agreed that it would require a binary choice and that a third or middle option, such as enhanced devolution, would be excluded. The Deputy First Minister told the committee that she regrets that there will be no option of a second question, but was prepared to make that concession as part of negotiating a wider package.

Witnesses placed great emphasis on the importance of the Electoral Commission’s role in ensuring the fairness of the referendum process. Witnesses accepted that the commission is an advisory body rather than a decision maker, but its expertise means that its views should always be carefully considered. The secretary of state said:

“The commission has great moral authority and established credibility. For that reason, I think that it would be extraordinary if serious recommendations made by the commission were disregarded.”—*[Official Report, Referendum (Scotland) Bill Committee, 8 November 2012; c 44.]*

The written evidence from individuals also flagged up wider issues that will need to be considered during scrutiny of the referendum bill.

Scrutiny of the draft order has provided clarity about the referendum’s legality. The committee unanimously welcomed and agreed the draft order and—if I have got this right—the wider Edinburgh agreement. I thank all the committee members for the constructive approach that they have taken so far and I sincerely hope that that will continue as the committee moves in the new year into its main task, which is scrutiny of the two Government bills that will set out the detail of how the referendum is to be conducted.

In terms of the evidence, the committee was particularly keen on the last sentence of the Edinburgh agreement, which says:

“The two governments are committed to continue to work together constructively in the light of the outcome, whatever it is, in the best interests of the people of Scotland and of the rest of the United Kingdom.”

That sets well the tone for the committee in the future.

It is appropriate that I recommend, on the committee's behalf, that when we reach decision time, we unanimously approve the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [draft].

17:04

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): I thank Bruce Crawford and the rest of the Referendum (Scotland) Bill Committee for proposing the debate. I welcome the committee's report on the draft section 30 order and its unanimous cross-party agreement to recommend to the Parliament that the draft order be approved. I also thank the Presiding Officer for extending the time that was allocated to the debate, to allow members to discuss and explore more fully the issues that the committee's report raised.

As we set out in our consultation paper in January, it is the Scottish Government's intention to have a referendum on independence in autumn 2014. We believe that it should be for the Scottish Parliament to make the final decision on how that referendum will be run and to ensure that it meets the highest international standards. I am delighted that, in signing the Edinburgh agreement with the UK Government, we have succeeded in agreeing a clear process to achieve that, subject to the approval of the members here today and the Westminster Parliament, in due course. The section 30 order will enable the Scottish Parliament to pass legislation for a referendum that is very definitely made in Scotland and will be beyond effective legal challenge. I note that the committee's report records that all witnesses agreed that the order that is before us is fit for purpose in that respect.

The agreement leaves it open for the Scottish Parliament to decide on the overwhelming majority of the referendum details. As Bruce Crawford suggested, we would have much preferred the Scottish Parliament to decide on whether there should be one question or two on the ballot paper, but that was the UK Government's red line in the negotiations. Overall, though, I believe that the package that is encapsulated in the section 30

order and in the agreement ensures the primacy of this Parliament in legislating for a referendum.

The Scottish Government will set out detailed proposals for how we think that the referendum should be run in two bills that will be introduced to Parliament in early 2013. The substantive, main bill will be the referendum (Scotland) bill and, as members will be aware, we will also introduce a paving bill, which I am pleased to say will enable all 16 and 17-year-olds to participate by voting in the referendum—a proposal that I hope will meet with the approval of the Parliament.

Taken together, the proposals will cover the date of the referendum, the franchise for the referendum, the question to be asked, the referendum rules and campaign spending limits. Of course, all that will be informed by our consultation and by expert advice.

The analysis of the 26,000 responses to our consultation showed broad support for our initial proposals on these issues. The responses will inform the development of our more detailed proposals. In addition, my officials are in regular discussion with electoral professionals and experts, including the Electoral Commission, to ensure that the legislation will provide for a referendum that is run to the highest standards of transparency, fairness and propriety.

The role of the Electoral Commission in testing the question and overseeing the referendum more generally has been discussed at length in the committee's evidence-taking sessions and elsewhere. Let me be clear about the Electoral Commission. The role that we envisage for the commission is exactly the same role that it would have if the referendum were being governed by the UK Parliament. As with all referendums that are held under UK legislation, the role of Government is to propose, the role of the Electoral Commission is to advise, and the role of Parliament is to decide. The commission shares that view.

Members will know that I have written to the Electoral Commission to ask it to begin testing the intelligibility of the proposed referendum question. The commission will publish its report in due course. The Government will consider it and Parliament will have an opportunity to make a final assessment of the question, as well as all the other proposals on the running of the referendum, when the referendum bill is introduced.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Is the cabinet secretary as surprised as I am that there is nobody on the Labour or Conservative front benches in this debate?

Nicola Sturgeon: Yes, I am.

Margo MacDonald (Lothian) (Ind): On a point of order, Presiding Officer. Would it be possible for us to talk among ourselves for two or three minutes while someone fetches some people to sit on the front benches of the two Opposition parties?

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): On a point of order, Presiding Officer. I politely point out to my colleagues that I am the spokesperson for Labour on this issue. I happen not to be sitting in the front row because I was in this seat for the two previous debates and did not think it polite to remove those who were sitting in the front row earlier than was necessary. I will be speaking for Labour from where I am sitting.

Annabel Goldie (West Scotland) (Con): On a point of order, Presiding Officer. If I may clarify, I am here as my party's representative on the Referendum (Scotland) Bill Committee, an undertaking that, I think, everyone in the chamber recognises to be significant and important. I thought it appropriate, in that role, that I should sit where I am sitting.

The Presiding Officer: There is no need for me to respond to the points of order as we have had a fair airing of them. We should now get back to the debate, because time is extremely tight.

Nicola Sturgeon: It is not for me to comment on decisions that have been taken by the Opposition parties except to say that I think that Margo MacDonald and Christine Grahame raise legitimate points. Anybody looking into the chamber would probably wonder why the front benches of the main Opposition parties are empty.

To move back to more important matters, I will conclude my point about the Electoral Commission. We will take the views of the Electoral Commission seriously and I hope that members will be assured that, ultimately, it will be for members of this Parliament to make the final decisions on the legislation that will be put forward.

To conclude, because I know that time is tight, I am pleased that, in passing the section 30 order—if it is indeed passed by this Parliament and by the UK Parliament—we will move from process on to the substantive debate about why Scotland should be an independent country.

Earlier this week, I set out the Scottish Government's vision for Scotland as an independent country. We know why we want to bring powers home to Scotland. We want our country to have a sustainable economy that works for the many, not for the few; we want our country to prioritise the wellbeing of its citizens over spending on weapons of mass destruction; and we want Scotland to be a country with enterprise and

social justice as its hallmarks. We believe passionately that having the powers of independence is essential to achieving that vision of Scotland that we on this side of the chamber share. We look forward to making our arguments and I encourage those who argue for business as usual to do likewise. Then we will have a rigorous debate and the people of Scotland will take the decision.

I urge all members to vote in support of the order so that we can move forward with this extremely important debate in our country's history.

17:12

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): On behalf of Scottish Labour, I sincerely thank the convener of the Referendum (Scotland) Bill Committee for—not once, but twice—giving the full title of the section 30 order. As a result, I feel that I have no obligation to do so and will therefore refer to it simply as it is known by us all, as the section 30 order. I thank Mr Crawford for that. I also add my thanks to the committee's excellent clerking team, who have served the committee well and kept us on track with a time-critical process. I look forward to working with them and with colleagues over the coming months, when I suspect that the challenges may be even greater. I also register my thanks to the witnesses from whom we heard, some of whom made the effort to assist the committee at very short notice indeed.

As we know, the committee's first task was to scrutinise the section 30 order agreed by the UK and Scottish Governments, which provides the legal framework for the referendum bill and for the paving bill concerning voter registration, both of which the committee expects to receive early in 2013.

In the Edinburgh agreement, the two Governments agree

“to work together to ensure that a referendum on Scottish independence can take place.”

They agree that the referendum should

“have a clear legal base; be legislated for by the Scottish Parliament; be conducted so as to command the confidence of parliaments, governments and people; and deliver ... a result that everyone will respect”.

That is to be welcomed and clearly lays out how both Governments expect the process to be taken forward.

The main purpose of the draft order is to extend this Parliament's legislative competence to enable it to pass the legislation that is needed to enable a referendum to be held. The order attaches three conditions: first, that the referendum cannot be

held on the same day as any other referendum that is legislated for by the Scottish Parliament; secondly, that it must be held

“no later than 31st December 2014”;

and thirdly, that it must involve a single ballot paper that offers

“the voter a choice between only two responses”.

The committee listened carefully and with great interest to the views of witnesses as to the legal standing of what has come to be known as the Edinburgh agreement. Although there are important points of law surrounding the issue, it is perhaps the evidence of the Deputy First Minister and the secretary of state, who both indicated that the two Governments were committed to the argument—sorry, committed to the agreement—that is the most important point. Perhaps they were committed to argument on another day, but on this occasion they were committed to agreement, which is to be welcomed.

As the committee’s report makes clear, witnesses emphasised the importance of the role that the Electoral Commission will play in ensuring the fairness of the process and in considering the question. Alan Trench stated:

“If we got to the point where Parliament did not follow the advice, that would raise serious problems for the referendum’s conduct and for respect for the outcome.”—
[*Official Report, Referendum (Scotland) Bill Committee*, 8 November 2012; c 30.]

The committee also noted that article 4 of the order replicates a power to allow campaign broadcasts by designated campaign organisations in respect of the referendum. That was considered an important provision. I very much agree with that.

It is perhaps worth noting for future discussion that the Scottish Council of Jewish Communities pointed out in written evidence that holding the referendum on a Saturday would disadvantage Jewish voters and people of other faiths for whom Saturday is the day of rest. I hope that, when we consider the date on which the referendum will be held, we will take those views very seriously. Similarly, the Scottish Council on Deafness reminded Parliament that the needs of deaf and hard-of-hearing voters will have to be considered when material and literature are being produced. I am sure that there will be other matters that we will wish to consider at the time.

On behalf of Scottish Labour, I welcome the order as an important mechanism to provide a clear legal route for the referendum that is to come.

17:16

Annabel Goldie (West Scotland) (Con): As the Conservative member of the Referendum (Scotland) Bill Committee, I say that it is a pleasure for me to take part in the debate, as it was a pleasure, with colleagues on the committee, under Bruce Crawford’s capable convenership, to tackle the first part of our work, which was scrutiny of the draft Scotland Act 1998 (Modification of Schedule 5) Order 2013. Not for the first time, a title that looks slightly dry in the abstract turned out in practice to be extremely interesting.

The role of the Scottish Parliament committee, as its convener said, is important because, although the order is a United Kingdom statutory instrument, it can proceed to law only if it is approved by resolution of both houses of the UK Parliament and the Scottish Parliament. Therefore, there is already enough material to provide a paradise for constitutional lawyers and other gurus and aficionados of parliamentary process. I share the convener’s admiration and appreciation of the experts in those fields, who provided useful evidence to the committee. In their absence, we would have been like shepherds without a star, to use a seasonal metaphor, although I sometimes felt that I was looking at a number of stars and was slightly dazzled by them all. However, that evidence was extremely helpful and provided useful pointers to the committee not only for the essentially very technical process of scrutinising the draft order but in giving a backdrop to the broader process of the bill and the paving legislation for the proposed extension of the franchise, both of which are to follow.

Let me deal with the simple technical issue of the draft order. Procedurally, of course, it can only be approved or rejected, so a relatively straightforward choice lay before the committee. Given the prelude of the Edinburgh agreement between the UK and Scottish Governments, approval by the committee was, arguably, predictable. The only factor that might have precluded such an outcome would have been explicit evidence that the order was incompetent or materially flawed as drafted. No such evidence was provided, and the committee unanimously approved the order. Members are invited to do the same this evening.

I would like to cover the broader issues that the scrutiny process flagged up, the first of which is the status of the Edinburgh agreement. Paragraph 22 of the committee’s report notes:

“There was broad consensus among oral witnesses about the significance of the agreement—which the Secretary of State described as ‘historic’. For the Deputy First Minister it was ‘a watershed moment in Scotland’s home-rule journey.’”

Whatever the different political destinations that the two Governments desire, it is clear to me that both have confidence in and respect for the agreement, and that they both wish the ensuing process to be conducted in the spirit of the agreement. That is vital to ensure public confidence in the whole process. Indeed, as paragraph 23 of the report makes clear, that was underpinned by the secretary of state and the Deputy First Minister. I welcome Nicola Sturgeon's clarity in saying that the Scottish Government is

"honour-bound politically and morally by the Edinburgh agreement, which makes it clear that, where appropriate, the rules and certainly the spirit of PPERA will govern the referendum."—[*Official Report, Referendum (Scotland) Bill Committee*, 15 November 2012; c 85-6.]

It is important that the spirit of the agreement and what it sets out to do are mirrored by the subsequent actions of politicians. It is therefore worth repeating the criteria set down by the agreement for the referendum, which were that it should have

"a clear legal base; be legislated for by the Scottish Parliament; be conducted so as to command the confidence of parliaments, governments and people; and deliver a fair test and a decisive expression of the views of the people in Scotland and a result that everyone will respect."

I welcome the convener's observations in relation to the Electoral Commission. The politics and debate around the referendum will be furious and passionate. In deference to the people of Scotland, let us ensure that the process is pure and above reproach.

The Presiding Officer: We now move to open debate. I point out that speeches must be a maximum of four minutes. Could members please keep their speeches tight, as I am trying to give everybody who wishes to speak in the debate some time to do so?

17:20

Linda Fabiani (East Kilbride) (SNP): It is an honour for someone who believes in independence for her country to speak in this debate, which I believe is a step on the way to independence, as was serving on the committee, which was also a huge honour. The first task—I am with Patricia Ferguson on this—is to say that we all understand the order as a draft section 30 order.

The order is a result of the Edinburgh agreement, which was agreed on 15 October 2012. The agreement committed the two Governments to

"work together to ensure that a referendum on Scottish independence can take place".

As part of that, a memorandum committed the two Governments to

"continue to work together constructively in the light of the outcome of the referendum"—

whatever it is—

"in the best interests of the people of Scotland and the rest of the United Kingdom."

For me, that was a major shift, given all the nonsense that was spouted not that long ago when we announced that we wished to have a referendum. The sense of mutual respect that came from the agreement was so worth while. It was apparent when our Deputy First Minister and Westminster's Secretary of State for Scotland came to the committee that they had mutual respect for each other and intend to go forward in that way.

Rob Gibson (Caithness, Sutherland and Ross) (SNP): I wonder what Linda Fabiani might say about the discordant note from the House of Lords report that states that the UK Parliament

"is to be invited to approve the draft section 30 Order with few guarantees that the PPERA scheme governing the fairness of referendum campaigns will be made to apply in Scotland."

Linda Fabiani: I remember Rob Gibson raising that issue at committee and Stewart Maxwell following up on it. My view on that is clear: how the referendum is run should be decided by a democratically elected Parliament and it has got nothing to do with a bunch of unelected lords and ladies.

Our referendum will be made in Scotland and it will be for this Parliament, in the words of the Deputy First Minister,

"to make the final decision on how the referendum will be run and to ensure that it meets the highest international standards."

The Deputy First Minister was clear in her evidence to the committee about the respect that will be given to the Electoral Commission and the respect that the Scottish Government gives to this Parliament and to all the different players in the process. She also said:

"Any Government anywhere in the UK would not depart from Electoral Commission advice unless there was a very strong reason for doing so, and any Government that did so would have to justify itself before the Parliament."—[*Official Report, Referendum (Scotland) Bill Committee*, 15 November 2012; c 77, 78.]

There are proper roles for Government and Parliament in the process, and we have to respect the process.

I think that that is the way in which we can move forward, if everyone decides to carry on along the road of respect. There are those who have tried to suggest over the piece that the Scottish

Government is cavalier in its attitude to such things. However, the issue is far too important for anyone who believes in independence.

The Presiding Officer: The member needs to bring her remarks to a close.

Linda Fabiani: I look forward to addressing the other elements of the committee's interest: votes for 16 and 17-year-olds, and the referendum bill itself. I believe that we are on a journey to independence, with all the potential that that brings. I commend the order as a step on the way.

17:24

Richard Baker (North East Scotland) (Lab): This has rightly been described as an important moment in the debate on Scotland's constitutional future. Agreeing to the motion will enable the Parliament to determine the legislative process for the referendum. We have long made the case that that is the right way to proceed.

In the time before the referendum I suspect that there will be few moments of consensus. However, it is right today to congratulate all parties, who have worked to ensure that we can all agree to the motion at decision time. We are better together, after all.

Both Parliaments and both Governments have done the right thing in ensuring that the referendum bill on which the Parliament will vote will follow a legal process and have the right legal authority. I congratulate UK and Scottish Government ministers, not least Mr Crawford, on achieving the agreement. To have proceeded without the legal authority to do so would have jeopardised the whole process and potentially created a chaotic situation on an issue that is of the utmost importance. The consensus to allow the Parliament to proceed in the way that is envisaged is welcome.

All parties must have confidence that the referendum process is being conducted fairly and properly. Of course there will not be agreement on every point; to get to this stage there has had to be give and take on both sides. We agreed that a single question should be put, which was a matter of huge debate—although apparently we all supported having a single question—and we agreed a timescale, although we thought that the referendum could have been held far sooner. We await the exact date and look forward to ministers confirming it in the Parliament soon, although we suspect that it has already been announced in *The Sun on Sunday*. We shall see.

The terms of the section 30 order have been agreed, but other important issues were raised in evidence to the Referendum (Scotland) Bill Committee. I highlight the importance of the

Electoral Commission's status in providing oversight of the referendum, which members mentioned. It strikes me that the Electoral Commission's role is even more important in the unprecedented situation of there being a majority Government in Scotland.

Crucial issues remain to be resolved, including the spending limits for the campaign, which must be reasonable enough to allow proper engagement with the electorate in a short campaign for a vote in which turnout is likely to be much higher than it is in normal elections.

The final wording of the question remains to be decided. That is a matter for debate, because there is no consensus on the current wording. It is crucial that the Scottish Government not only seeks but abides by advice from the Electoral Commission on the issue. In his evidence to the committee, Alan Trench was right to say that giving the commission a more limited role than is envisaged in the agreement would carry significant "legal and constitutional risks".

I hope that ministers will reflect carefully on those issues in the time ahead. I hope that the debate can begin to move beyond process and on to the substantial issues in the run-up to a crucial referendum, the result of which I am hopeful and confident will be not the break-up of the United Kingdom but a confident Scotland deciding to retain its membership of a strong and successful partnership of nations.

17:28

Willie Rennie (Mid Scotland and Fife) (LD): First, I put on record my appreciation for the work of John Park. I think that this is the last time that I will speak in the chamber before he departs on Friday. He has been an excellent member of the Scottish Parliament for Mid Scotland and Fife and I will be sad to see him go. He is a great loss to the Parliament. [*Applause.*]

I am here as Tavish Scott's substitute, because he is not well. I was once a substitute when I was a boy playing football at school, but I was never a great success at that, so members should not get their hopes up.

We should all be proud of the section 30 order, because it delivers a mature approach to providing for a referendum in which the people and not the courts will decide on Scotland's constitutional future. Our party supports votes for 16 and 17-year-olds. We were sceptical about the proposed mechanism in that regard, but we support the policy and are pleased that it is moving forward.

The order also delivers a referendum that will be overseen by the Electoral Commission. I hope and am sure that the Scottish Government will give the

commission the respect that it is due. I hope that the Government will also recognise that in the referendum there must be losers' consent. We all need to buy into the process and accept the result. Treating the Electoral Commission with respect in that regard is especially important.

Fundamentally, as my colleague Michael Moore said, this is about delivering a legal, fair and decisive referendum, and I believe that the section 30 order does that. We were also pleased that the UK Government was able to help the SNP to deliver its manifesto promise, because otherwise it would have been difficult for it to do so. That promise was to deliver a single-question referendum. We in the Liberal Democrats were pleased to be able to help our colleagues in the Scottish Parliament to deliver a manifesto promise.

We also commend Bruce Crawford for the work that he did in the early stages as a Government minister and in the latter stages as a member of the committee. There were extreme voices on either side of the debate: people such as Michael Forsyth in the House of Lords, who believed that it should all be done in London and that nobody in Scotland or in the SNP should be trusted to do any of it, and others who said that London should have nothing to do with it, that it should all be done here and that nobody else should have a say. Bruce Crawford and latterly Nicola Sturgeon, but also my colleague Michael Moore managed to calmly but determinedly see their way through the myriad difficulties in achieving this. They achieved it, and I am pleased that they have done so.

However, there is one thing that I want to address. I think that we are slightly exaggerating the significance of paragraph 30. Of course the Government of the remainder of the United Kingdom and the Scottish Government would work constructively. We would expect neighbours to work constructively, and that would be the case. However, it does not necessarily mean that a foreign Government—that of the remainder of the United Kingdom—would accede or agree to every single demand of the foreign Scottish Government. We need to get this in context. Of course there will be respect, and both Governments will respect the outcome. I am sure that they will do that, because they will want to have a long-standing relationship.

The Presiding Officer: The member needs to bring his remarks to a close.

Willie Rennie: That is important, but please, let us put the matter in context. Of course they will agree, but let us not exaggerate the significance.

I commend the committee and the clerks for the work that they have done. It has been an excellent

process and I hope that it can lead to a referendum debate that we can all be proud of.

17:32

Annabelle Ewing (Mid Scotland and Fife) (SNP): I say at the outset what a great privilege it is for me to be a member of the Scottish Parliament's Referendum (Scotland) Bill Committee. I add, although it will probably not come as a surprise, that that view is shared by my mother, Winnie Ewing, who is also very proud that I am sitting on the committee. It is a great pleasure, as the newest member with a full seat on the committee, to find myself surrounded by experienced colleagues from all sides of the political divide. I am pleased to report that our meetings thus far have been characterised by cogent debate and, at the same time, good humour, all facilitated by the excellent clerks at our disposal and, as other members have said, the legal adviser and SPICe. I sincerely hope that, as we move towards more contentious matters, the committee will continue to operate in such a constructive and positive manner.

The context of the setting up of the committee must be borne in mind, and that is the mandate that the SNP Government obtained to hold a referendum on the independence of our country further to its landslide in the Scottish parliamentary elections last year. Surely all democrats must accept that the Scottish Parliament in its current composition represents the vote of the people of Scotland in a democratic election—and yes, I say to Richard Baker that that is indeed a majority SNP Government. Surely all democrats must also accept that it is therefore the Scottish Parliament that must legislate on the referendum to ensure that it is indeed a referendum made in Scotland.

Stuart McMillan (West Scotland) (SNP): Does Annabelle Ewing agree that the section 30 order and the historic Edinburgh agreement allow for 16 and 17-year-olds to vote for the first time and that it is incumbent on us all, on both sides of the debate, to encourage 16 and 17-year-olds to vote and have their voice heard when it comes to the referendum?

Annabelle Ewing: I thank my fellow committee member Stuart McMillan for his intervention. He is correct that this is also a historic moment for Scotland because we will see 16 and 17-year-olds, rightly, take their part in the democratic process with the right to vote on the future of their country.

The committee has produced an excellent report on the draft section 30 order. As we have heard, the draft order resulted from the historic Edinburgh agreement and it will put it beyond any doubt—beyond any effective legal challenge, as the

Deputy First Minister said—that this Parliament can indeed legislate for the independence referendum. The committee took written and oral evidence in its scrutiny of the draft section 30 order and thereafter agreed unanimously to the report and the recommendation that the draft section 30 order be approved. I sincerely believe that that will be seen as a historic moment in Scotland's journey.

Contained in the report are perhaps portents of debates to come on the technical detail of the paving bill and the referendum bill itself. I look forward to those debates as a lifelong supporter of the independence of my country and as a democrat to my very fingertips. It will then be for the people of Scotland to decide their own future. What an attractive prospect that is.

17:35

Patrick Harvie (Glasgow) (Green): I thank my fellow committee members, the clerks, other support staff and our witnesses. I also thank you, Presiding Officer, and the Parliamentary Bureau, for ensuring that the committee was broad enough and that enough time was allocated to this debate for a wide range of voices to be heard in both parts of the process.

At a time when agreement did not seem to be around the corner, when the UK Government and the Scottish Government were slightly more at loggerheads earlier in the process, it was clear that both sides needed to give some ground. I am glad that the Scottish Government compromised on the role of the Electoral Commission and that the UK Government did not dig its heels in on the issue of votes at 16. It was necessary for both Governments to give some ground if agreement was to be reached.

I am glad that agreement was reached in the end, but I want to reflect on one issue: the issue on which the UK Government did decide, as Nicola Sturgeon said, to lay down a red line—the issue of a single question. I am no great fan of a devo max, indy light, devo in-betweeny option. I would not have campaigned for that had it been on the ballot paper. However, the UK Government's decision to rule out allowing this Parliament to make that decision or offer that option in effect closed down the possibility of further devolution—potentially for a generation or more.

In this context, if there is a no vote in 2014, UK politicians, the UK electorate and much of the UK media will turn around and say, with a single voice: "Enough with Scotland already. You've had your Parliament. You've had your devolution. You've had your Scotland bill. You've had your referendum." We will have passed up the only, once-in-a-lifetime opportunity. I can live with the

UK Government's decision to close down this referendum into a single question, but they are the ones who should be worrying about it. They are the ones who have turned this debate into a once-in-a-lifetime opportunity for Scotland to set itself on a new path.

I look forward to the debate and I look forward to working with my fellow committee members to scrutinise the legislation on votes at 16 and on the referendum. More to the point, I look forward to getting into the campaign.

17:38

Margo MacDonald (Lothian) (Ind): I will pick up where my colleague Patrick Harvie left off. When speaking to people who say that they are not sure about which way they will vote, I say, "Think what you will feel like on the day after the referendum if you vote no." That usually makes them think and focuses their minds.

What Patrick Harvie says is absolutely true. From the point of view of people on the other side of the border, we will have created all this fuss, then, after getting the chance, bottled it. We will be disparaged and despised in some quarters and we will turn in on ourselves.

However, one or two things have occurred to me as I have been listening to the debate—and I thank all the folk who have brought it to this stage. I wonder whether members have considered whether the bill could be challenged under European law. Everyone said that it could not be challenged, but we might find that there are wrinkles in EU law, so I would like to know whether we are looking at that.

I also want to know what the relationship between the bill and the constitution will be. As I recall, the SNP had a party policy for a written constitution. Various things have been promised by way of policy from the party in government—for example, that the monarchy would remain—so who knows whether the constitution would have to be determined after independence had been established?

Could another option—devo max, perhaps—be introduced through an amendment? I am not at all sure. Others have said that it could not be, but I cannot see why it should not be.

I am a bit concerned about campaign spending. Richard Baker talked about keeping an even field, but we cannot keep an even field in campaign spending for something like this. Everybody pitches in, as we saw the American Government was willing to do.

Richard Baker: I was talking simply about a short campaign. A long campaign is another issue, but in a short campaign that can be determined.

Margo MacDonald: I have to inform the member that, in this case, size does not matter. [Laughter.] Will all campaign teams have access to television, regardless of their size? There might be only one in my campaign team—that is why I am asking.

What happens if opinions change and we bottle it? How will we face up to the second-rate place that we will have become? Although we are not at that stage with the bill, everyone should remember that the purpose of the bill is to make every Scot feel better about himself or herself in Scotland.

17:41

Annabel Goldie: Although short, the debate has been positive and constructive. I will pick up where I left off on the question of process. I was reassured by many of the speeches and give praise where praise is due. Willie Rennie was right to say that the atmosphere had become quite febrile, and it is appropriate to pay tribute to Michael Moore, my colleague David Mundell, Bruce Crawford and Nicola Sturgeon for the roles that they played in gathering the evidence and constructing the basis of the edifice of the process, which is the Edinburgh agreement.

It is interesting that, in the course of the debate, a number of members have recognised that the integrity of the process is vital. One part of the operation is the passion and the politics that will be the hallmark of the campaign and the debate, which I am sure will be engaged in with fervour, enthusiasm and energy on all sides, regardless of which view we support. I am encouraged to see, however, a recognition that it is important that the other part of the operation is ensuring that the process remains unimpeachable. Without that, there will not be the necessary degree of confidence among the public.

A number of members commented on the role of the Electoral Commission, and I thought that the report was very helpful in that respect. Many witnesses in the committee laid great emphasis on the importance of the role of the Electoral Commission in ensuring that there is the necessary fairness to reassure the public that no one set of politicians is trying to hijack the process for a particular end. The Electoral Commission will, of course, also have an important task in assessing the intelligibility of the question.

I was struck by what one of the witnesses, Alan Trench, pointed out. I quote paragraph 34 of the committee's report, in which we are told that he said that,

"since the Electoral Commission was not mentioned in the section 30 Order itself, it would in principle be possible for the Parliament to pass a Bill that gave the Commission a more limited role than that envisaged in the agreement."

However he warned that

"such an approach would ... carry significant legal and constitutional risks, and also political risks, as it would jeopardise the perception of fairness that was so important to securing respect"

for the process. That view was pretty well agreed by Professor McHarg.

It has been helpful to hear, in the course of the debate, acknowledgement by the Deputy First Minister, Linda Fabiani, Richard Baker and Willie Rennie that we have a task before us in ensuring that we attain the highest standards of fairness and transparency that everybody—regardless of what side of the argument they are on—wishes to see. That is vital to the integrity of the process.

We understand that passions will run high and that politics will play a momentous role in the debate, but I hope that it will be possible to conduct the debate with a degree of mutual respect and courtesy. The people of Scotland deserve that, and we de-serve them if we do not acknowledge that obligation that is on us all.

17:45

Patricia Ferguson: I thank Willie Rennie for his kind remarks about our colleague and friend, John Park, who will be leaving Parliament. Willie Rennie is absolutely right to say that he will be a loss to the Parliament; he will certainly be a loss to the Labour group but fortunately not to the wider Labour movement. We wish him well.

This has been an interesting, if brief, debate, as was the committee's consideration of the section 30 order. However, it has allowed a proper discussion of section 30 order issues and, of course, the related memorandum of understanding between the UK and Scottish Governments.

The section 30 order is the first step in the parliamentary scrutiny of the process that will lead to a referendum being held in less than two years from now. Although there has been much discussion at large about what a separate Scotland may look like, there has not been an opportunity for Parliament and the people to consider the ideas that the Scottish Government has. I genuinely look forward to the Referendum (Scotland) Bill Committee having the opportunity to consider, scrutinise and report to Parliament on the process. I hope that Parliament will give full consideration to the white paper and the draft legislation that is to follow the section 30 order.

We know that there are strong opinions for and against independence—we have witnessed those many times in the chamber. The phase of the discussion that we now begin is different. Both sides of the argument must realise that the decision that the people are being asked to make

is of the utmost importance. Whatever the result, it is clear that this is the most important decision that any of us—or Scotland—will be asked to make in more than 300 years.

We owe it to the people of Scotland to make the case passionately but in a sensible and reasonable fashion. We must be clear and honest about our intentions and our views. We must engage in a debate about our ideas on the economy, society and culture in its broadest sense. Our debates here and elsewhere should respect the contrary point of view because the people of Scotland need to hear the arguments and must not have them drowned out by the most strident voice.

As colleagues have said, the constructive work by the UK and Scottish Governments on the section 30 order is laudable; it shows what can be achieved. I want to add my thanks to all the ministers here and in Westminster for working together constructively to get us to where we are today.

On Monday, Nicola Sturgeon invited the parties of this Parliament that do not agree with the policy of independence to join with the SNP after a yes vote to work with it to shape the new Scotland. From the Labour benches I say that we would, of course, work with the SNP in the best interests of the Scottish people if that were to be the result but, as I do not believe that the campaign for independence will succeed, I say to Nicola Sturgeon that we hope that she will work with us to craft the new Scotland that we want to emerge when Scotland rejects independence.

Over the next two years we will have disagreements and arguments about the kind of Scotland that we want to see. That is absolutely right, but the people of Scotland are relying on all of us to provide them with a clear and coherent choice to allow them to make an informed decision when they go to vote in 2014.

17:49

Nicola Sturgeon: I say to Patricia Ferguson that I believe in building a new Scotland, but the new powers of independence are needed to bring that about.

I add my voice to those who have wished John Park well. In my experience, he is someone who is always courteous, thoughtful and perhaps more inclined to build consensus than many are. He will be missed in this chamber. I am sure that every member wishes him well, as I do.

I also thank all members who have contributed to this short but worthwhile debate. Also in the vein of thanking people, I thank Bruce Crawford for his contribution not just to the committee but,

as a minister, to the process itself. It is no exaggeration to say that the agreement that I was able to conclude would not have been possible without Mr Crawford's enormous contribution, and I thank him warmly for it.

I also pay tribute to Michael Moore. I believe that the positive, constructive and respectful spirit in which the agreement was negotiated and concluded points the way towards how our two Governments will continue to work together as friends and partners should Scotland become an independent country. It is worth saying that it is in the vested interests of those who oppose independence to say that everything would be too difficult. However, the reality post the referendum will be very different, because many of the things that are in Scotland's interest will also be in the interests of the rest of the UK and we will all work together to ensure that we serve the interests of the people we represent.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): In the light of that need for co-operation, is the cabinet secretary aware of section 2 of the Ireland Act 1949? It states:

"notwithstanding that the Republic of Ireland is not part of His Majesty's dominions, the Republic of Ireland is not a foreign country".

Would the cabinet secretary wish such a continuing relationship between Scotland and the rest of the UK after independence?

Nicola Sturgeon: Indeed. If and when Scotland becomes independent, I will not regard people in England as foreigners, and I do not believe that they will regard us as foreigners either. We will be two independent, equal nations working together in the best interests of both. I think that that is a good relationship to aspire to.

We now have in place a clear process leading to a referendum in the autumn of 2014 that this Parliament will legislate for and which will allow people in Scotland to make their democratic decision. Of course, the next stage is for Parliament to scrutinise the primary legislation. A number of issues will arise in that respect, including the franchise, the question, the referendum's rules and the spending limits. The Government will formulate its proposals with care, and I expect the closest scrutiny from the committee and Parliament as a whole. Linda Fabiani is absolutely right to suggest that it is not in the interests of anyone who believes in independence or who has campaigned long and hard for the referendum to do anything other than meet the highest standards of propriety and command the confidence of all sides. I believe and am determined that this referendum will do that.

I look forward to the substantive debate and to persuading people in Scotland that, as Margo

MacDonald rightly said, they really do not want to wake up on the day after the referendum realising that they have opted for business as usual and passed up that once-in-a-generation chance to win the independence that will allow us to build the country that we want to be. That is the chance that we have in 2014, and I look forward to persuading the people in Scotland to seize it with both hands.

The Presiding Officer: I call James Kelly to wind up for the committee. Mr Kelly, I would be obliged if you would continue until 5.59 pm.

17:53

James Kelly (Rutherglen) (Lab): I welcome the opportunity to conclude this debate on behalf of the Referendum (Scotland) Bill Committee. First of all, I thank the committee convener, Bruce Crawford, my fellow committee members, the clerks and all the witnesses who gave evidence in this short but important process.

On behalf of the committee, I also pay tribute to the ministers of both Governments for being able to reach an agreement that laid the basis for the process that we have moved forward on. As Patrick Harvie pointed out, it was clear that both Governments were at loggerheads earlier in the summer. The process is very important for the people of Scotland—Bruce Crawford has already highlighted the significance of the order before the Parliament tonight—and we needed some clarity about it.

One of the key issues was whether the Scottish Parliament would have the legal competence to run a referendum without the order. Although there are different views on that, there is agreement across the chamber that, as Willie Rennie said, we do not want a situation in which the courts would overrule the people. We want to be able to reach the decision in 2014 and be clear about the result. The section 30 order that we will, I hope, pass in a few minutes lays the basis for a clear legal framework.

Margo MacDonald: Did the committee consider whether the section 30 order was compliant with European law?

James Kelly: I have looked closely at the order and the consequential amendment to the Scotland Act 1998. My view and that of other members of the committee is that a successful challenge under European law would not succeed, so I hope that Margo MacDonald is reassured by that.

Christine Grahame: Ah, an unsuccessful successful European challenge.

The Presiding Officer: Not from a sedentary position, please.

James Kelly: It is important that we have confidence in the process and that members have signed up to the section 30 order unanimously. It will set the platform for the referendum and, by amending the Scotland Act 1988, give the Scottish Parliament the legislative competence to hold the referendum prior to the end of 2014.

A number of speakers in the debate and witnesses at the committee referred to the importance of the Electoral Commission. Annabel Goldie was correct to pinpoint Alan Trench's evidence that, although the Electoral Commission is not referred to in the order, it is referred to in the agreement.

As Nicola Sturgeon said, any Government that went against the advice of the Electoral Commission would need to have a really good reason for doing so. The Deputy First Minister said that she did not expect to go against its advice.

Michael Moore also spoke about the commission's independence and credibility. It is important that we have the confidence of that.

Gil Paterson (Clydebank and Milngavie) (SNP): Is that the same Electoral Commission that the unionist parties ignored seven times, or is it a different one?

James Kelly: I point out to Mr Paterson that I am summing up on behalf of the committee, all of whose members want there to be confidence in the Electoral Commission and respect for its role.

Hanzala Malik (Glasgow) (Lab): Will James Kelly give way?

James Kelly: I am sorry, but I will not take an intervention because I am drawing to a close.

The order is very important. It sets us up for the process going forward. It is clear that this will be a historic time in Scottish politics. The debate is very important, and there is an onus on all parties on all sides of the debate to produce a debate of great quality. More people will vote in the referendum than have taken part in elections in Scotland for decades, so let us hope that we get a clear, constructive debate that will inspire the people and give us a clear choice when the outcome is decided.

The Presiding Officer: Thank you, Mr Kelly. Your timing was perfect. Let us see whether I can do as well as Bruce Crawford: that concludes the debate on the Referendum (Scotland) Bill Committee's report on the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [draft].

Business Motion

17:59

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-05092, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Tuesday 11 December 2012

2.00 pm Time for Reflection

followed by Member's Oath/Affirmation – Jayne Baxter

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Debate: Commonwealth Games 2014

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 12 December 2012

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions
Justice and the Law Officers;
Rural Affairs and the Environment

followed by Scottish Government Debate: Role of Scientific Evidence and Advice in Public Policy

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 13 December 2012

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

1.45 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Debate: United Nations Climate Change Negotiations

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 18 December 2012

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Topical Questions (if selected)

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Wednesday 19 December 2012

2.00 pm Time for Reflection

followed by Parliamentary Bureau Motions

followed by Portfolio Questions
Health and Wellbeing

followed by Scottish Government Business

followed by Business Motions

followed by Parliamentary Bureau Motions

5.00 pm Decision Time

followed by Members' Business

Thursday 20 December 2012

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

12.30 pm Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

followed by Parliamentary Bureau Motions

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

Motion agreed to.

Parliamentary Bureau Motions

18:00

The Presiding Officer (Tricia Marwick): The next item of business is consideration of four Parliamentary Bureau motions. I ask Joe FitzPatrick to move motion S4M-05094, on approval of a Scottish statutory instrument on local government elections, motion S4M-05098, on the approval of an SSI on the Budget (Scotland) Act 2012, motion S4M-05099, on the approval of a United Kingdom statutory instrument, and motion S4M-05100, on the designation of a lead committee.

Motions moved,

That the Parliament agrees that the Scottish Local Government Elections Amendment (No.2) Order 2012 [draft] be approved.

That the Parliament agrees that the Budget (Scotland) Act 2012 Amendment Order 2012 [draft] be approved.

That the Parliament agrees that the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [draft] be approved.

That the Parliament agrees that the Finance Committee be designated as the lead committee in consideration of the Land and Buildings Transaction Tax (Scotland) Bill at stage 1.—[*Joe FitzPatrick.*]

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

Decision Time

18:00

The Presiding Officer (Tricia Marwick): There are nine questions to be put as a result of today's business. I remind members that, in relation to the debate on policing in Scotland, if the amendment in the name of Kenny MacAskill is agreed to, the amendment in the name of John Lamont falls.

The first question is, that amendment S4M-05087.2, in the name of Kenny MacAskill, which seeks to amend motion S4M-05087, in the name of Lewis Macdonald, on policing in Scotland, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Walker, Bill (Dunfermline) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)

Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Abstentions

MacDonald, Margo (Lothian) (Ind)

The Presiding Officer: The result of the division is: For 63, Against 54, Abstentions 1.

Amendment agreed to.

The Presiding Officer: That means that the amendment in the name of John Lamont falls.

The next question is, that motion S4M-05087, in the name of Lewis Macdonald, on policing in Scotland, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)

McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Walker, Bill (Dunfermline) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Abstentions

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)

MacDonald, Margo (Lothian) (Ind)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 63, Against 41, Abstentions 14.

Motion, as amended, agreed to,

That the Parliament notes that the Chief Constable has direction and control of the Police Service of Scotland and is responsible for its day to day administration; welcomes the Scottish Government's commitment to providing 1,000 extra police officers in Scotland's communities, with a total of 17,454 officers on 30 September 2012, an increase of 1,220 on the 2007 figure; welcomes the contribution provided by 6,955 police staff, an increase of 65 over the last quarter; notes that crime is at a 37-year low and public confidence is high; notes that the overall number of firearms offences in Scotland has more than halved since 2006-07, with a decrease of 21% in the number of firearms offences recorded between 2010-11 and 2011-12, and recognises that this is testament to the hard work of police officers and staff working in policing in Scotland.

The Presiding Officer: The next question is, that amendment S4M-05088.1, in the name of Alex Neil, which seeks to amend motion S4M-05088, in the name of Jackie Baillie, on Scotland's health service, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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

Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacDonald, Margo (Lothian) (Ind)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Walker, Bill (Dunfermline) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)

Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)
 Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Abstentions

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Johnstone, Alex (North East Scotland) (Con)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

The Presiding Officer: The result of the division is: For 64, Against 41, Abstentions 13.

Amendment agreed to.

The Presiding Officer: The next question is, that motion S4M-05088, in the name of Jackie Baillie, on Scotland's health service, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 Doris, Bob (Glasgow) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Eadie, Jim (Edinburgh Southern) (SNP)
 Ewing, Annabelle (Mid Scotland and Fife) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacDonald, Margo (Lothian) (Ind)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (North East Scotland) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Walker, Bill (Dunfermline) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Eadie, Helen (Cowdenbeath) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hume, Jim (South Scotland) (LD)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahan, Michael (Uddingston and Bellshill) (Lab)
 McMahan, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Pentland, John (Motherwell and Wishaw) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Smith, Drew (Glasgow) (Lab)

Smith, Elaine (Coatbridge and Chryston) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Abstentions

Brown, Gavin (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Goldie, Annabel (West Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 McGrigor, Jamie (Highlands and Islands) (Con)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)

Tricia Marwick: The result of the division is: For 64, Against 39, Abstentions 15.

Motion, as amended, agreed to,

That the Parliament recognises the remarkable work of NHS Scotland staff in caring for the nation; welcomes the recognition from Audit Scotland that the NHS's finances have been carefully managed and that, for the fourth year running, all NHS boards have met their financial targets on revenue and capital; further welcomes that the Scottish Government has instructed the most comprehensive audit ever to be conducted into waiting times to ensure openness and transparency, and commends the decision of the Scottish Government to provide above real-terms resource funding to the territorial NHS boards to protect frontline services.

The Presiding Officer: The next question is, that motion S4M-05094, in the name of Joe FitzPatrick, on approval of a Scottish statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scottish Local Government Elections Amendment (No.2) Order 2012 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-05098, in the name of Joe FitzPatrick, on approval of an SSI, be agreed to.

Motion agreed to,

That the Parliament agrees that the Budget (Scotland) Act 2012 Amendment Order 2012 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-05099, in the name of Joe FitzPatrick, on approval of a United Kingdom statutory instrument, be agreed to.

Motion agreed to,

That the Parliament agrees that the Scotland Act 1998 (Modification of Schedule 5) Order 2013 [draft] be approved.

The Presiding Officer: The next question is, that motion S4M-05100, in the name of Joe FitzPatrick, on designation of a lead committee, be agreed to.

Motion agreed to,

That the Parliament agrees that the Finance Committee be designated as the lead committee in consideration of the Land and Buildings Transaction Tax (Scotland) Bill at stage 1.

The Presiding Officer: That concludes decision time, so we will move on to members' business. Members who are leaving the chamber—to watch a football game or for any other reason—should do so quietly.

Lanarkshire Samaritans**The Deputy Presiding Officer (John Scott):**

The final item of business is a members' business debate on motion S4M-04676, in the name of Margaret Mitchell, on the 40th anniversary of Lanarkshire Samaritans in Hamilton. The debate will be concluded without any question being put.

Motion debated,

That the Parliament congratulates Lanarkshire Samaritans of Hamilton on its 40th anniversary; notes that, on 3 November 2012, the Samaritans held a special birthday party at which members of the public were able to gain an insight into the work of the Samaritans and could meet volunteers past and present; acknowledges that the Hamilton branch first opened in 1972 at Selkirk Place in Hamilton but soon relocated to new premises in order to better serve disabled callers and volunteers; considers that the Samaritans provides a free, confidential service for people to discuss their problems and that help is available by email and text as well as through telephone and drop-in services; recognises what it considers the hard work and tireless efforts of all those Samaritans volunteers who have worked in Hamilton over the last 40 years, and commends the efforts of the 20 Samaritans branches supported by over 1,000 volunteers throughout Scotland.

18:07

Margaret Mitchell (Central Scotland) (Con):

The Samaritans opened their first Scottish branch in Edinburgh some 53 years ago in 1959. Today, there are more than 20 branches across Scotland supported by over 1,000 volunteers, who take in excess of a staggering 2,500 calls each week. The Hamilton branch of the Samaritans first opened its doors in 1972 in Selkirk Place when, as I understand it, the Di Mambro family sold the premises to the Samaritans for the princely sum of just one penny. Last month, the Hamilton Samaritans held a special 40th birthday party to celebrate their ruby anniversary. I am delighted to welcome to the public gallery the Hamilton volunteers Nancy and Christine.

The birthday celebration offered the opportunity to members of the public, local politicians and families and friends of volunteers to learn more about the work of the Samaritans. In essence, the Samaritans are there to support anyone who is feeling down, depressed or isolated or who is struggling to cope. Contact can be made not only over the phone, but by post, text, or email or at the branch. People who contact the Samaritans are often at their wits' end or at a crisis point at which problems appear insurmountable. The Samaritans are there to ensure that no one has to suffer alone. A caller can call once, twice or however many times they need, and the conversation ends when the caller is ready. Crucially, the service is confidential and people can speak freely about any problem that is troubling them, big or small, without being judged.

Samaritans volunteers come from all walks of life and are of all ages. A selection process is undergone and they are trained to the highest standard in a six-week training programme. Thereafter, they undergo a six-month probationary period with a mentor. Hamilton has 77 volunteers running its entire service, and no full-time employees. The Hamilton office does not operate 24 hours a day, but the national Samaritans service never sleeps. It provides support 24 hours a day, 365 days a year, which would not be possible without the dedication of its volunteers.

In 2010, it was estimated that volunteers contributed approximately 300,000 hours of their time. If the same service had been provided by paid staff, it would have cost £3 million. The stark truth is that, in human terms, the volunteers' contribution is immeasurable.

When the Samaritans are mentioned, the first thing with which they are usually associated is a listening service, but the volunteers also provide valuable services to their local communities. For example, the Samaritans' local community outreach teams provide emotional support through their stands at festivals and other events, and they work to support young people in local schools. Samaritans also work in prisons by operating a listener scheme in which they train prisoners to become listeners, who then provide a confidential listening service to other inmates.

In addition, the Samaritans have links with a number of organisations that work with farmers, including Farm Crisis Network and the Royal Scottish Agricultural Benevolent Institution. As a result of poor weather in rural locations and harvest commitments, all of which can leave people isolated, farmers have been identified as a particularly at-risk group, so as well as working with partners, the Samaritans travel to rural shows that farmers attend to take part in exhibitions. Furthermore, increases in feed prices and low milk prices have added to the financial pressures that are being felt by the farming community. Significantly, the number of calls to the Samaritans helpline about financial worries has doubled since the financial crisis and the onset of the recession.

Nationally, the Samaritans campaign on a number of issues, particularly suicide. Around 800 suicides are committed each year in Scotland, and the Samaritans play a key role in the delivery of choose life, which is Scotland's national strategy for the prevention of suicide. They also provide guidelines for the media on the reporting and portrayal of suicide, and work closely with Google and Facebook to maintain an online presence. In addition, they have been working in partnership with Network Rail to reduce the number of suicides on railways by 20 per cent during the next five years.

What does the future hold for the Samaritans in Hamilton and throughout Scotland? The next challenge for the Hamilton branch is the aim to move from Selkirk Place to new premises that will accommodate callers and volunteers who have disabilities. The present premises were built in 1874 and extended in 1990 to accommodate a training room. However, given the substantial amount of maintenance and overheads necessary for the building, and following consultation with the volunteers, the decision has been made to sell. To achieve that objective, a major fundraising effort will be required.

More generally, the most immediate challenge for all Samaritans comes during the festive season. This can be a very difficult time for many people. Consequently, the Samaritans estimate that, across the United Kingdom and Ireland, 193,000 people will contact them this Christmas.

Samaritans are a special group of people who selflessly give their time to provide a life-saving service. Unlike other emergency service workers, they are not highly visible. Despite that, the service that they provide is no less vital. In effect, the Samaritans are the fourth emergency service.

I am therefore very pleased and consider it to be entirely fitting that today, in the Scottish Parliament, we recognise and pay tribute to that extraordinary group of people who are the volunteers of a very special service. I congratulate Hamilton Samaritans on their 40th anniversary and wish all Samaritans well during the forthcoming festive period when they will be very busy for different reasons than the rest of us. This self-funding charity is truly understated and it deserves our thanks and support for the work that it does now and will continue to do in the future.

18:15

Margaret McCulloch (Central Scotland)
(Lab): I thank Margaret Mitchell for bringing the debate to the chamber. The vision and the purpose behind the Samaritans are enduring. They aim to ensure that, with some listening and empathy, fewer people in society will choose to take their own life.

As Margaret Mitchell said, the Samaritans are largely a voluntary organisation in Lanarkshire, where the service is provided by more than 70 volunteers and where there are no full-time staff. That is remarkable given the nature of the service that is provided and the training that the organisation puts its volunteers through.

Being able to listen to what someone who is in distress is saying—and not saying—is an invaluable skill in any walk of life. It takes particular mental strength and courage to empathise with people who are going through an

experience that many of us could barely begin to imagine and to do so in a fair-minded and non-judgmental way. We should certainly mark and celebrate today the fact that people in our community are willing to give up their time for others and face such demands.

Figures show that the suicide rate has reduced slightly since 2000, but there were still 772 suicides last year, when the rate for men was three times that for women. Ten years after the launch of the choose life initiative, suicide is still most common among young to middle-aged men. In my experience, I can think of three awful, heartbreaking cases of suicide. Each case involved a young man whose best years were still ahead of him. Each of those young men had much to live for, even if they could not see it.

The Government's thinking and the thinking of the Samaritans and other voluntary organisations are still aligned in accepting that such deaths can be prevented, if only people realise that they are not alone. We must encourage people to talk about their thoughts and feelings more often and not just when they reach the stage of contemplating suicide.

That is a challenge. In one sense, that is a cultural change for us. We are a warm and welcoming nation, but we are not necessarily in the habit of talking about ourselves, our vulnerabilities and our health. That is why impartial services that can listen and advise—not just the Samaritans, but other services such as Breathing Space and a range of advocacy, advice and support groups—are vital.

I note from the motion that the Lanarkshire branch assists people through email and SMS text messaging, as well as through more traditional forms of communication. That suggests that the service is adaptable and open to change, although the core principles and the central mission behind the Samaritans have always remained consistent.

When the choose life programme was launched, the Scottish Executive embraced new thinking and decided that a suicide prevention strategy should not work in isolation but be based on promoting public health and mental wellbeing, with the active involvement of key partners. We as a society still face a challenge in reducing the suicide rate, but I maintain that the decision to approach the issue as a public health matter was right. However, we could look again at how funding is distributed to voluntary sector partners and, if we are to support fully the crucial life-saving work of organisations such as the Samaritans, we could do more to improve engagement between the statutory sector and the voluntary sector.

I hope that, in 40 years, we as a society have developed a better understanding of suicide

prevention that makes us more open and can inform public policy. Throughout that period, there has always been a place for the Samaritans and their vital work. I am happy to join other members in congratulating them on their service to people in Lanarkshire and across Scotland.

18:19

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): I commend my colleague Margaret Mitchell for bringing this debate to the chamber. As she said, it is a timely debate. I, too, welcome Nancy and Christine to the gallery. They gave us a warm welcome in their place, and we hope that they have had a warm welcome here today.

A 40th birthday is a significant stage in a person's life. They say life begins at 40—I am still waiting for 40, so I am not sure about that—but, for some people, getting to 40, or just living life, is a daily struggle. It is that struggle that the Samaritans help people with.

Like Margaret Mitchell and a number of other colleagues, I was delighted to be able to celebrate the 40th anniversary of the Samaritans of Hamilton on 3 November. There was an open day to raise awareness of the services that are provided and the work that is done by the volunteers, and we got some lovely cake.

At the party, which was attended by members of the public, politicians and partner organisations, we were able to gain an insight into the work of the Samaritans. We met volunteers, past and present, and it was interesting to hear their stories of how they got involved. We tend to forget that these are people who are giving up their own time, and are putting all their heart into the work. We were treated to a guided tour of the building, which some of us know quite well now, and saw the services that are delivered. It was interesting to see the different stations from which the various services are delivered, which enables the different aspects to be separated out.

Like others, I was particularly struck by the Shotts prison service. In addition to groups of volunteers visiting Shotts, selected prisoners are trained as listeners in an effort to meet the emotional needs of fellow prisoners and so reduce tension and the suicide rate. I believe that there is also a process whereby prisoners who are released are given a contact to help them cope with the challenges of getting out of prison and settling back into life outside.

I was informed of a service for people leaving hospital. They can sign up for a call-back service to ensure that they are coping with discharge and that they have the services they need to cope with being outside the protective hospital environment.

That is a particularly helpful service for people who have mental health issues or who have attempted suicide.

As we have heard, the Samaritans work in secondary schools throughout North and South Lanarkshire as part of the choose life project, and give talks on self-harming and emotional health. That is a new service that is being developed every day. I think that some young people are involved in the project in order to ensure that the message is absolutely right. That message is relevant today, as we can see from the ChildLine report "Saying the Unsayable", which says that the number of children getting in touch because they may be suicidal has risen by almost 40 per cent. That is a huge number.

Elaine Chalmers, the head of ChildLine in Scotland, said today:

"The pressures facing children and young people, particularly girls, are increasing at such a rate some see these drastic measures as the only answer. Boys are suffering but they are less likely to seek help and we urge them to do so. No matter how bad things seem, it can help to talk to someone."

Margaret McCulloch talked about boys committing suicide. The numbers in Lanarkshire are pretty high, but the work that is being done by the Samaritans is helping to bring them down. Young men do not talk to people the way that girls do and, hopefully, having an anonymous person to speak to on the phone or to send a text message to is enough to help them when they are struggling.

To young people who are struggling, I say, "Please just pick up a phone and call Samaritans or ChildLine." A report by the Samaritans, called "Taking the lead to reduce suicide", works alongside the ChildLine report to consider how people get to the stage in their life where they are completely at the end of their tether, and gives them ideas about how to move on.

The Samaritans volunteers provide a free, safe and confidential service for people to discuss their problems by phone, text or email. They reach out and work with schools, colleges and universities, workplaces, health and welfare services, homeless shelters, prisons and other charities. As we have heard, it could not be easier to contact the Samaritans.

Over the past 40 years, as we have heard, Selkirk Place has been an excellent home for numerous volunteers who have ensured that the people of Lanarkshire have received a service to be proud of. However, there is now a need to move to a new home, which I hope will continue to be in Hamilton.

I wish Hamilton Samaritans well in the hunt for a new home and offer my support to the volunteers

in all the work that they do. More important, I want to thank all the people who have made and continue to make this service the vital service that it is today.

18:25

Elaine Smith (Coatbridge and Chryston)

(Lab): I will start, like others, by congratulating Margaret Mitchell on securing this important debate. I apologise that I was unable to make the Samaritans party but, when I knew that the debate was taking place, I contacted a friend who is a Samaritan volunteer to talk about some of the general issues.

For obvious reasons, Samaritans volunteers do not speak specifically about the work that they do, so they tend to be unsung heroes. It is consequently easy to forget the vital part that they play in society. Their work can quite often mean the difference—literally—between life and death. Therefore, the chance to commend the work of the Samaritans in Lanarkshire and right across Scotland is extremely welcome.

The Samaritans were started in 1953 by Chad Varah, who was a young vicar in London. Throughout his time in different parishes, Chad witnessed the struggles that people experienced. He made particular reference to one example of a parishioner who took her own life—this particularly struck me. The parishioner was a young girl of 14 years of age and she had started her menstrual period. She did not know what was happening to her—she had no one to speak to—and she feared that she had a disease. Chad felt that that tragic loss of a young life could have been prevented if only she had had someone to talk to.

Chad Varah was later inspired to set up a phone line and a face-to-face service and, over time, he was amazed by the number of people who wanted to speak with strangers about their problems. Although Chad was a vicar, I emphasise that the Samaritans are not religiously affiliated. Although volunteers can listen, they cannot advise and therefore it is imperative that there are services in place to back up the work of the Samaritans. It is therefore concerning that, in this time of austerity, some of those services are under threat.

Many of those who contact the Samaritans suffer from emotional distress and mental ill health. I am told that addicts, including drug, alcohol and gambling addicts, make up a large percentage of those who contact the charity.

As Margaret Mitchell mentioned, the current economic downturn is no doubt having a detrimental impact on mental health and wellbeing and we know that high unemployment rates have a bearing on suicide rates. That is the kind of pressure that can drive people to consider suicide.

In addition to that, I want to mention companies such as Wonga and QuickQuid, because such companies are taking advantage of people's vulnerabilities. They are charging up to 4,000 per cent interest rates per year on payday loans. Other companies are offering access to online bingo services, which is becoming a huge problem in society—people are developing gambling addictions easily because of it.

Unfortunately, such issues drive people into such debt that suicide may seem to be the only way out. Those are some of the people who need the care, support and listening ear that the Samaritans give them. As Margaret Mitchell said, the Samaritans' work can only increase at the moment because of the austerity and the economic situation that we are in.

Of course, the Samaritans are not the only charity to carry out such work. Christina McKelvie mentioned that ChildLine released figures today that demonstrate a rise in 13 to 16-year-olds contacting ChildLine about self-harm. Websites that glorify self-harm were thought to be part of the reason for that rise. I think that similar trends will also be seen by the Samaritans.

In Lanarkshire, we have the only health board area in which suicide rates have consistently risen while rates in all other health board areas have come down. That is a worrying exception to the national trend. Although those who are considering suicide are not the only callers to the Samaritans—such calls make up about 20 per cent of the total calls—it is nonetheless essential that we have services such as the Samaritans in areas such as Lanarkshire to help people who are feeling suicidal and point them in the direction of professional help and services.

Over the past 40 years, since the Samaritans opened in Lanarkshire, thousands upon thousands of people in my constituency will have benefited from the service, which is literally lifesaving. I wish the Lanarkshire Samaritans a happy 40th anniversary and once again commend my colleague Margaret Mitchell on securing the debate.

18:29

Mary Scanlon (Highlands and Islands) (Con):

I, too, thank my colleague Margaret Mitchell for giving us the opportunity to put on record the excellent work that is being carried out by volunteers at the Samaritans in Hamilton, which is replicated throughout Scotland. It is also worth mentioning the choose life strategy, which the previous Liberal-Labour Scottish Executive set up. Although there is still more work to do, we cannot have a debate on the topic without considering the public money and commitment that have been

provided both previously and under the current Scottish Government.

My perception of the Samaritans service was that it was uniquely for people who are at risk of taking their own life, although I know from a friend who is a volunteer that conversations cover a much wider spectrum, from debt, sexuality, bullying and family issues to addictions, as Elaine Smith mentioned.

I particularly commend the Samaritans website. In particular, I found a page with the heading "Worried about someone?" There are times when we know that someone may need support, but opening a conversation is difficult. It is also difficult to understand when someone may be struggling to cope. The list of signs of when someone may need support is helpful, as is the advice on the website on "How to start a difficult conversation". Possibly all of us could benefit from that. I know that many parents, families and friends would welcome advice on how to engage in conversations without being seen to be putting pressure on people. There are many lessons to be learned from what the Samaritans do. In my minimal research for the debate, I learned that the Samaritans are not only for people who are at risk of suicide but give wonderful advice that could be beneficial to a wide range of people, including people who are at risk of taking their life and people who are potentially at risk of doing so.

As Margaret Mitchell said, the work in partnership with Network Rail is tremendous. That can be seen from the "Men and suicide: Why it's a social issue" publication. As Margaret McCulloch said, male suicide rates remain three times higher than female rates. I tended to think that the male suicide rate was highest among 15 to 24-year-olds, but the rate for 35 to 44-year-olds is twice as high. I was surprised by that. The publication that I mentioned says that there is a growing risk to men in middle age as opposed to younger men.

I also understood that the Samaritans service was only or mainly a telephone helpline. I hope that members will forgive me for having looked up Samaritans services in the Highlands. I noted that the Western Isles Samaritans are open to receive callers at the door for face-to-face meetings on two days every week. I did not realise that that happened.

I welcome the new home for the Western Isles branch. There are new, purpose-built premises in Stornoway, thanks to the generous support of the local community, NHS Western Isles, the choose life initiative, the council, Gannochy Trust, the Russell Trust, PF Charitable Trust and Garfield Weston Foundation, as well as donations from local councillors and fundraising by staff at the *Stornoway Gazette*, who fully supported the campaign. The Western Isles branch is the

smallest in the UK, and it now owns its own property after 18 years in rented premises. I welcome its on-going commitment to suicide survivors with monthly support group meetings. Therefore, there are not only phone calls to the Samaritans; there is longer-term support and the opportunity to share concerns with others who understand.

I understand that Oban has been identified by the Samaritans as a place in which their support is needed, given its remote rural location, isolation and current lack of access to services. There is no physical branch of the Samaritans within 90 miles of the Argyll area. I hope that the pilot work that is being done by the Samaritans in Oban and the surrounding area will result in a Samaritans service being set up to offer the confidential and non-judgmental support that is available elsewhere in Scotland. I will certainly do all that I can to support the setting up of that service.

18:34

The Minister for Public Health (Michael Matheson): As other members have done, I congratulate Margaret Mitchell on securing the debate, which has been helpful in highlighting the excellent work that the Samaritans have undertaken nationally in Scotland since the 1950s and the celebrations of 40 years of the Samaritans' activity in the Lanarkshire area.

As all members in the chamber do, I recognise the importance of the work that the Samaritans undertake locally in Lanarkshire and nationally across the country to help people who may be going through difficult times. I know that the public, too, sees the Samaritans as a highly valuable service. To a large extent, the Samaritans has a fairly unique position in society in that it is an organisation that has a lot of public trust because of the role that it fulfils.

In Lanarkshire, the Samaritans have 80 trained volunteers who answer some 18,000 calls for help each year. The volunteers offer support to individuals who are feeling low or are struggling. As others have done, I offer my warm welcome to the volunteers, Nancy and Christine, in the gallery. The Lanarkshire branch also works closely with our choose life team. That close partnership working has been successful in raising local awareness of a range of programmes around suicide prevention.

The Government has provided core grant funding to the Samaritans at national level for some years. In addition, we have provided one-off grant funding to it over the past couple of years to support some early work on developing a new telephony system, which will—when completed—ensure that people who call the Samaritans can

speak to someone, even at busy times, through the system redirecting them to a free call in another establishment.

The funding has also provided support for work with Citizens Advice Scotland on suicide risk awareness, which is designed to help bureau staff to identify and support clients who may be at risk of suicide and to help bureau managers to support their advisers in handling such distressing contacts. That work with Citizens Advice Scotland and the work that the Samaritans does in the prisons and elsewhere shows the variety of work that the organisation undertakes over and above the call service that it provides.

I want to look more widely at some of the suicide prevention work that has been taking place in Scotland, and to which several members have referred. In recent years, there has been an overall downward trend in suicide rates—a decrease of just under 17 per cent. That reflects the fact that we have largely met the planned reduction that was set out in the choose life strategy.

However, as Elaine Smith and others have highlighted, there is much more that we need to do to reduce the number of suicides in Scotland. We know that periods of economic difficulty cause difficulties in that regard. There is also emerging evidence that highlights that some of the factors that may contribute to a person's being vulnerable to committing suicide are closely associated with factors that contribute to health inequalities in Scotland, which means that we must take a much more holistic approach to how we deal with such issues.

Alongside the choose life programme, NHS Health Scotland has recently launched a new campaign called reading between the lines. Its purpose is to help people to know what they should do for someone they know who is exhibiting risk signs of committing suicide, and to help them to feel confident about assisting those who are at risk.

Another key part of the choose life strategy was to improve training in the national health service, so that our front-line staff would be more aware of suicide risk and more able to assess patients effectively. The data from 2010 show that at least 50 per cent of front-line NHS staff have been educated and trained in the use of suicide assessment tools and in suicide prevention. NHS boards continue to provide such training.

In August this year, I published the Scottish Government's "Mental Health Strategy for Scotland: 2012-2015", which sets out a programme for the next three to five years on how we intend to improve mental health and wellbeing and mental health services. There are several

elements of the strategy that are relevant to reduction of suicide, such as effective work with families and carers and increased support for self-management and self-help approaches.

We will undertake a consultation early in the new year on how we can take forward our new suicide and self-harm prevention strategy. The consultation will involve a public engagement programme. We intend to publish the strategy next summer and the working group that has been established to take forward the work includes a representative from the Samaritans. I have no doubt that we can make much progress. We need to ensure that all services are working in a co-ordinated fashion to achieve that.

Prevention of suicide remains a significant challenge, but the progress that we have made in recent years gives me great encouragement. We have achieved a considerable amount, but there is certainly more that we can do, and that is the intention behind the new strategy.

I have no doubt that the Samaritans will continue to play a valuable role in Scottish society, by helping to support people who experience distress. I congratulate Lanarkshire Samaritans again on reaching its 40th anniversary and I wish the organisation the very best for the coming 40 years.

Meeting closed at 18:42.

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