



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

MEETING OF THE PARLIAMENT

Tuesday 3 March 2015

Session 4

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Scottish Parliament

Tuesday 3 March 2015

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

Time for Reflection

The Presiding Officer (Tricia Marwick): Good afternoon. Our first item of business this afternoon is time for reflection. Our time for reflection leader today is the Rev James Boag, the minister of Broom parish Church of Scotland, Newton Mearns.

The Rev James Boag (Broom Parish Church of Scotland, Newton Mearns): Presiding Officer and members of the Scottish Parliament, thank you for this opportunity to address you this afternoon.

It is quite common nowadays when driving into a town to notice that it has been twinned with another town or city in another country. I have often wondered how that has come about. What do the towns have in common? Are they similar in size, population or whatever?

In the church, some of our congregations are twinned with others overseas. It is not that the congregations are necessarily similar in any way, but they are perhaps twinned more by way of sharing experiences or assistance—it may be financial, material or in personnel. It is a two-way exchange, as each can share what the other has.

My own congregation has recently become involved not in twinning with another town or congregation but in twinning toilets. When it was suggested that we might consider that, it was done so rather hesitantly. We wondered how it would be viewed. Would it be taken seriously, or was it a ridiculous idea? It has been and it is not and I am very pleased to say that the idea has been embraced and supported heartily by our congregation and indeed others. It is very humbling to be made aware of the dreadful insanitary conditions that some people have to use—or, more accurately, have to endure.

Each week we are asked to “spend a penny”—in other words, to drop our small change into a modified toilet bowl. Every £60 or £240 raised will provide one single toilet unit or a complete toilet block for a school or community, maybe in Chad, India, Pakistan or Uganda. We are all aware that poor sanitation leads to disease and death so, in this toilet twinning project, we are helping, with our small change, vulnerable people at the most basic level.

I can still remember very well indeed the outside toilet that we shared with the entire close where I lived as a boy in Port Glasgow, and that was over 50 years ago. What we had then was far, far better than some people have today.

In the cut and thrust of politics, industry and commerce, it is easy to forget or perhaps overlook the most basic of human needs. May I humbly suggest that the next time you notice a town twinned with another, you pause and think of something much more basic and note that even our small change can make a big change.

Business Motion

14:03

The Presiding Officer (Tricia Marwick): The next item of business is consideration of business motion S4M-12487, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a timetable for the stage 3 consideration of the Welfare Funds (Scotland) Bill. Any member who wishes to speak against the motion should press their request-to-speak button now.

Motion moved,

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

Groups 1 to 3: 40 minutes.

Groups 4 to 6: 1 hour 5 minutes.—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:04

Transvaginal Mesh Implants

1. Jenny Marra (North East Scotland) (Lab): To ask the Scottish Government what action it has taken to suspend the use of transvaginal mesh implants since the Cabinet Secretary for Health and Wellbeing called for this on 17 June 2014. (S4T-00954)

The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison): I recently met women who have experienced complications and I have asked that the acting chief medical officer writes again to health boards this week requesting that they consider suspending these procedures until the independent review has reported. The chief medical officer originally wrote to health boards in June 2014 to request that following the former Cabinet Secretary for Health and Wellbeing's decision regarding the procedures.

In requesting that, I recognise that a small number of women, having discussed options with their clinician, will still want to proceed, which may be because they have experienced extremely difficult symptoms. In those instances, the women concerned must fully consent, must be completely aware of the risks, and must have considered alternatives.

I have also requested that health boards follow a protocol to provide assurance that the process is being followed in every case, and I will work with women concerned to develop an outline protocol.

Jenny Marra: It is fair to say that there is extreme confusion about what the Scottish Government's position is, because women left Parliament last June understanding that the then health secretary found the operations to be completely unacceptable and that no more would happen. We have found that 166 operations have taken place since then. At the weekend, Shona Robison seems to have guaranteed Scottish women that the operations will not now take place. Can she tell members whether any more mesh operations will take place in Scotland and whether her guarantee is any firmer than the one that was given last June by her predecessor?

Shona Robison: There is no confusion, other than perhaps in the mind of Jenny Marra. Let me explain why that is.

From 17 June until the end of September last year, health boards carried out 76 mesh implant procedures for stress urinary incontinence. The number of procedures for pelvic organ prolapse is too small to report, due to the risk of disclosure.

Prior to the request to suspend procedures, health boards carried out around 1,500 mesh implant procedures annually for stress urinary incontinence and 350 procedures for prolapse. Therefore, there have been dramatic reductions in the numbers of those procedures.

As I explained in my first answer, when women ask for the procedure to be carried out in consultation with their clinician—when they are aware of all the risks, have had it explained to them what the alternatives are and have decided in that full knowledge that they want to proceed—there is nothing that we can do to stop that. It is very important that the women whom I met understood that fully. In fact, that is why they took part in drafting the patient information leaflet. They did that so that the women concerned would have the full information to be able to make an informed decision. The women whom I met fully understood that.

That is why we will ensure that the protocol is followed. I want to ensure that there is informed consent in every case. The women whom I met also wanted to ensure that there is a protocol and they wanted to be involved in its development.

Finally, the regulation of medical devices, including implants, is reserved to the Medicines and Healthcare Products Regulatory Agency, which is responsible for regulating all medical devices in the United Kingdom. It has not banned mesh implants; in fact, it has said that there is no evidence that they are unsafe. Therefore, they are not banned products. Because of that, although we can ask health boards to suspend procedures—that would be my preference—where a woman explicitly asks for the procedure in consultation with her clinician in full awareness of all the risks and with informed consent, that is what should happen. The women whom I met fully understood that.

John Scott (Ayr) (Con): Given the growing number of compensation claims in America, does the cabinet secretary share my concerns about potential compensation claims in Scotland, especially in the light of several health boards having ignored the advice of the former health secretary, Alex Neil, to stop such operations? Some 166 operations have taken place since that advice was given.

Shona Robison: It would not be appropriate for me to pass judgment on compensation claims. Obviously, that is a legal matter.

John Scott will be aware that the independent review is looking at all the evidence, including the work that the European Union has carried out, and that it will report in May. Our suggestion to boards is that procedures should be suspended until that report comes out in May.

However, as I explained in my answer to Jenny Marra, when a woman wants to go ahead with that procedure—which is not banned, as the MHRA, which is the regulatory body, has said that, in its view, there is no evidence that the implants are unsafe—and gives her explicit informed consent, being aware of all the risks, a clinician cannot say no to that woman as long as she is absolutely clear. The protocol that we are developing at the moment is to ensure that that conversation is absolutely clear about the alternatives and the risks and that there is fully informed consent. In May, when we get the report of the independent review, I will be happy to come back to Parliament and inform members of what the review says and the action that we will then take.

Neil Findlay (Lothian) (Lab): Last week, the Public Petitions Committee heard that several multimillion-pound pay-outs have been made in the United States while mesh is still being used. What assessment has the Scottish Government made of the risk to national health service finances of similar action being taken here? How many cases have been lodged in the courts? Will she publish, through the Scottish Parliament information centre, the Scottish Government's risk assessments of both the procedure and the financial implications for the Scottish health service? If everyone understood the policy in June, why is she reannouncing the same policy in March?

Shona Robison: As I said to John Scott, I am not going to comment on compensation claims—that is a matter for those outwith the chamber. As I have said to Jenny Marra and John Scott, the MHRA, which regulates medical devices, has not banned the products, so they are available. I have explained in quite a lot of detail today, in terms of clinical judgment, the circumstances under which—

Neil Findlay: What was the risk assessment?

Shona Robison: If the member would allow me to finish, that would be helpful.

There are very clear procedures for establishing informed consent to the procedure. Neil Findlay should also be aware that women have been writing to us to say that they have benefited from the procedure. However, we have asked for the suspension of the use of the products because, in the light of the independent review, we believe that we need to look at all the evidence and come to some conclusions, and that will happen in May.

The reason why the chief medical officer wrote again to boards was to remind them of our position that it would be better for boards to suspend such procedures. Nevertheless, we recognise that individual women will have the right to ask for the procedure to take place. As long as there is

informed consent and the women know all the risks, in accordance with the protocol that I have described, that is how we will proceed.

Jackson Carlaw (West Scotland) (Con): Is the cabinet secretary aware that Dr McGuire of the MHRA, who gave evidence to Parliament last week, expressly declined to support or call for a moratorium? In support of his position, he cited a report from October 2012 that turned out to be a short review that had been conducted by three people and led by a librarian in 2012, two years before the petition was lodged. Does she agree that she has the unequivocal support of all of us in the chamber in taking the precautionary line of calling for a moratorium on the operations, which is based on the evidence of the many women in Scotland who have experienced dreadful difficulties and injuries as a result of them? Does she also agree that the MHRA's reliance on a two-year-old study that was nothing more than a literature review is, frankly, disgraceful?

Shona Robison: I am aware of the evidence that the MHRA gave to the committee. We are not in control of the MHRA—it reports to the UK Government and is responsible for the regulation of medical devices—and we do not have direct powers to remove mesh products from use in NHS Scotland. The MHRA has made clear its position on the matter which, at the moment, is that there is no evidence that the implants are unsafe. However, as Jackson Carlaw will be aware, there is a lot of other research going on. The EU is looking at the matter in detail and the independent review that we have commissioned, which will report in May, will look at all the evidence and will guide where we go from there. As I have said to other members, I am more than happy to return to the chamber, in whatever format would be most appropriate, to discuss the matter further at that time.

I put on record my thanks to the women involved, who have done a tremendous amount of work on the patient information leaflet. They are working with us on the new helpline that NHS 24 will provide and on the protocol. I record my sincere thanks to them for their efforts in the very difficult circumstances that they find themselves in.

Pegida Scotland Anti-Muslim Demonstration

2. Patrick Harvie (Glasgow) (Green): To ask the Scottish Government what concerns it has regarding reports that an anti-Muslim demonstration is to be called by the organisation, Pegida Scotland. (S4T-00957)

The Cabinet Secretary for Justice (Michael Matheson): Police Scotland's monitoring of social media has revealed that Pegida intends to hold a static demonstration in Edinburgh on the evening of Saturday 21 March. Police Scotland is taking

the event very seriously and closely monitoring developments. Public safety is paramount and those who seek to demonstrate must behave lawfully or face prosecution.

I spoke earlier today to Chief Superintendent Mark Williams, police commander for Edinburgh. He has provided assurances that all steps are being taken to ensure that no issues arise out of Pegida's proposed demonstration. Police Scotland has, under the Public Order Act 1986, powers available to it to ensure that public safety is protected and order is maintained. Those who seek to incite violence will be dealt with firmly and reported to the Crown Office and Procurator Fiscal Service. The Scottish Government fully supports Police Scotland in taking all appropriate and proportionate action required.

I speak for all my colleagues in the Scottish Government and, I am sure, all members of this Parliament, when I say that we do not tolerate Islamophobia or any other form of hatred or hate crime. We will not tolerate extremists who peddle hatred under the guise of protecting society.

Patrick Harvie: I am grateful to the cabinet secretary for his answer, particularly the last part of it, which properly addresses the threat that such organisations pose across Europe. We have seen some Governments in Europe make the mistake of aping or giving ground to the hard right and racist xenophobic movements. That strategy is doomed to fail. Others have given clear leadership and said that such movements are not welcome in their countries. I hope that the Scottish Government will continue to do that, too.

Given that part of the organisation's express aim is to rid these islands of Islam, is it not clear that the movement poses explicit threat to Muslim citizens in this country? Any such organisation clearly raises public safety concerns that must be addressed and taken seriously.

Michael Matheson: The member raises an important point. The Muslim faith is an integral and important part of Scottish society; it is part of the rich, multi and interfaith relationships that we have in Scotland. Any organisation that seeks to unpick or exploit that should not be tolerated in any shape or fashion. The Scottish Government will certainly not tolerate that.

Pegida and the message of hatred that it seeks to peddle should not be tolerated in any shape or fashion. I give the member and the chamber an assurance that Police Scotland will deal with the issue robustly and proportionately; so, too, will the Government. We are a Government that believes in a tolerant society and that the Islamic faith has an important part to play in Scottish society.

Alongside the important work that Police Scotland will take forward in dealing with the issue

is the offer of reassurance to those members of the Muslim faith in Scotland, especially those in Edinburgh, prior to and after this particular demonstration. I also give the member and the chamber an assurance that Police Scotland and the Government will provide the local community, the local Muslim community and the Muslim community in Scotland with all the reassurance that they require.

Patrick Harvie: Does the cabinet secretary agree that many Muslims in this country, and in many other European countries, feel under threat and marginalised not only by these aggressive and hostile movements against them but by the expectation that it is for them to apologise continually for acts of extremism that they have never sought to condone or support? Does he agree that the Scottish Government must work across departments, including the education department, to ensure that all young people growing up in Scotland are given a sense of an inclusive Scotland in which the values of tolerance and respect are important? It is not just about responding to the movement of hatred, but about building an inclusive sense of the kind of Scotland that we want to build in the future.

Michael Matheson: Patrick Harvie is right: as well as being robust in how we tackle hatred within our society, we should promote community cohesion and partnership. That is an important element of the work that the Scottish Government does in the justice directorate and with the help of my colleague Alex Neil to support members of our faith groups in Scotland.

Some of the meetings that I have had with individuals in the Muslim community have been about providing reassurance that it is not a question of Muslims having to apologise for the appalling behaviour and acts of barbarity by certain individuals and organisations that conduct their operations under the guise of Islam, and that Muslims in this country are seen as valued members of our society. They should in no way feel that they have to apologise for the appalling acts of other people in other parts of the world or—should this ever happen—on our own shores. Alex Neil and I will continue to offer that reassurance.

I add that I think that our media have an important part to play in getting the message across that we do not expect Muslims in Scotland to apologise for the barbaric actions of those in other parts of the world. That is the message that I have taken out to the Muslim community, and it is the message that this Government will continue to take out to the Muslim community.

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): Does the cabinet secretary think that it would be entirely appropriate for the City of

Edinburgh Council to use whatever powers it has to prevent the demonstration from taking place, given that the whole purpose of the demonstration is to foster Islamophobia and to stir up hatred against the thousands of Muslims who live in Scotland and who contribute so much to Scottish life?

Michael Matheson: We have already been in contact with the City of Edinburgh Council on the matter and it has had no contact from Pegida. The reason for that is that it would appear that Pegida is not intending to have a march, for which it would require permission from the council.

I assure the member that Police Scotland, the City of Edinburgh Council and the Scottish Government will take the measures that we consider to be appropriate. We are still at an early stage in terms of having the full details of what is to happen, but from the discussion that I had with the chief superintendent today, Malcolm Chisholm can be assured that Police Scotland and the council are taking the matter very seriously, and that they will take measures that they consider to be appropriate when they get further information on the nature and the potential scale of the demonstration.

Jamie McGrigor (Highlands and Islands) (Con): Does the cabinet secretary agree that, in the light of recent incidents of anti-Semitism and Islamophobia, it is essential that we safeguard freedom of speech? Will he join me in commending the United Kingdom Government's work to ensure that all of us, regardless of our religious or racial background, feel safe and respected in our country?

Michael Matheson: I recognise that freedom of speech is a fundamental human right, which we all have a duty to protect, respect and uphold, but it is not an absolute right and it must not be exercised in such a way that it has an impact on the rights of others. That is why there is a clear difference between gatherings for legitimate public protest and gatherings the intention of which is to stoke up racial hatred and to cause fear and alarm in our communities, and that difference should be recognised appropriately.

John Mason (Glasgow Shettleston) (SNP): I associate myself with all that the cabinet secretary has said. How do we get the right balance between allowing freedom of speech and preventing hate speech by groups such as Pegida?

Michael Matheson: There is no straightforward way in which to do that, as the member will properly recognise. The human right of freedom of speech and expression is not an absolute right. It is possible for someone to fail to have regard to the offence and injury that they might cause to

another. That is particularly true of those whom I have mentioned who might wish to incite racial hatred and racial violence, and to create fear and alarm in our communities.

We must ensure that we are alive to such issues and that we respond to them at the appropriate time. The member and the chamber can be assured that, as a Government, when we believe that action is taken that is about promoting racism and causing fear and alarm in our communities, appropriate measures will be taken by our law enforcement agencies and by other partners who work to promote cohesion within our communities to ensure that neither communities nor individuals feel alienated as a result of such events.

Welfare Reform

3. Clare Adamson (Central Scotland) (SNP):

To ask the Scottish Government what its response is to the findings of the research commissioned by the Welfare Reform Committee, which suggests that parents and disabled people are being hit hardest by the United Kingdom Government's welfare reforms. (S4T-00959)

The Minister for Housing and Welfare (Margaret Burgess): That report highlights the scale of the damage inflicted by the UK Government's cuts and changes, and it adds to the growing evidence base on the negative impacts of welfare reform on Scottish households. The changes that are being introduced are placing parents and disabled people under intolerable strain as they struggle to cope with them.

The Scottish Government is doing all that it can to help those affected, and we will have invested around £296 million from 2013-14 to 2015-16 to limit the damage of the reforms. Within the powers and resources that we have, we cannot fully mitigate all the effects of welfare changes, but we will continue to make the argument for a fairer welfare system.

Clare Adamson: The report gives further evidence that some of the most vulnerable members of our society are losing out—and that is before we include the impact of the harsher sanctions regime, which we already know is increasing the impact on the incomes of lone parents and disabled people.

Does the minister agree that, given the scale of the income lost through benefit cuts, the UK Government must urgently investigate claims of Department for Work and Pensions-imposed pressure on staff to apply benefit sanctions, which are clearly impacting on the incomes of the most vulnerable in Scotland?

Margaret Burgess: I certainly do agree with the member. We are in a situation in which we have a Government in the UK that is so far removed from

the reality of what is going on in communities throughout the country that it will not accept the evidence that has been put in front of it regarding sanctions and food banks. Organisation after organisation is lining up to produce evidence for the UK Government, but it absolutely refuses to accept it.

We have even seen the churches intervening to say that the sanctions regime in particular and the targets set for it are inhumane, but the UK Government ploughs on. The Scottish Government is totally opposed to that, and we accept that austerity does not reduce inequality.

Clare Adamson: The minister might be aware of the recent article in *The Scotsman* entitled "Poverty is a child protection issue", by Harry Stevenson, president of Social Work Scotland, in which he posed the questions:

"Can you imagine the despair of parents who are fully aware of being unable to meet the basic needs of their children? Can you imagine the impact of the indignity of living in long-term poverty? And most importantly, can you imagine the impact on children's confidence and self-worth?"

Given those comments and the growing evidence about welfare reform policies, what message would the minister send to the UK parties that voted for continued austerity in the UK budget?

Margaret Burgess: I would say clearly to them to think again. However, this situation is why the First Minister argued last month that we need to bring an end to the austerity agenda of the Tories and Labour and increase public investment by £180 billion instead of implementing the Tory plans for the UK over the next four years.

It is only by ending austerity that we will be able to bring an end to the need for food banks and an end to people suffering because of benefit sanctions. The Scottish Government wants to see the economy grow and to reduce inequalities. To do that, we must end austerity.

Alex Johnstone (North East Scotland) (Con): Does the minister not agree that, although we all understand that welfare reform is a long and hard road, it is a necessary one that we must tread? Further, with regard to the minister's comments on the use of sanctions, is it not appropriate to acknowledge that in the previous cycle sanctions peaked in 2007 under a Labour Government and that, although that peak was exceeded in 2013 and early 2014, that now represents a peak and the use of sanctions has fallen off largely because of the willingness of those who claim benefits to abide by the rules and carry out the necessary requirements to seek work as part of the process?

Margaret Burgess: I do not believe that punishing people on benefits gets the results that we are looking for. We want to encourage people

to take up work and comply if they are able to do so. [*Interruption.*] The member is shouting, “It’s working” across the chamber, but the evidence that we are getting from those on the front line and the stories that we are hearing and seeing in our constituency offices day and daily tells me clearly that it is not working.

We do not force people to do something, which is what the UK Government is trying to do. We have churches saying, “This is not right” and standing up for people because they see that the system is not working. It is punitive, it is unfair and it is impacting on children—as Clare Adamson said in her question—and the most vulnerable, so I do not agree with the member.

Welfare Funds (Scotland) Bill: Stage 3

14:30

The Deputy Presiding Officer (John Scott):

The next item of business is stage 3 of the Welfare Funds (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list of amendments, and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes before the first division of the afternoon. The period of voting for the first division will be 30 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak buttons as soon as possible after I call the group. Members should now refer to the marshalled list.

Section 2—Use of welfare funds: assistance for short term need and community care

The Deputy Presiding Officer: We start with group 1, naturally. Amendment 2, in the name of Ken Macintosh, is grouped with amendments 3 and 5.

Ken Macintosh (Eastwood) (Lab): Under the bill, when an individual who is in crisis applies to the Scottish welfare fund because they have run out of money, local authorities are not restricted in any way in how they decide to support the applicant; they can do so through an award of goods, vouchers or whatever type of in-kind payment they choose, rather than in cash. The effect of the three amendments in the group would not be to change or restrict that range of options, but would simply be to give ministers the authority to produce regulations about the circumstances in which councils can make non-cash awards. I would hope to see that power being used to ensure that local authorities treat all applicants with dignity and respect by taking their circumstances, their preferences and their views into account in deciding on the nature of awards.

I have no doubt that in many circumstances—for example, when someone applies for a community care grant or is looking to move into a new flat—an individual may welcome a moving-in pack with all the plates, cutlery, bedding, furniture and everything else to make a home habitable, but they should have some say in that. When it comes to crisis grants as opposed to community care grants, there is strong evidence that applicants would fare much better if they were given money, rather than cards or vouchers.

One of the strongest themes that emerged from the witnesses who gave evidence to the Welfare Reform Committee was that turning to the state for support in times of difficulty made them feel judged and stigmatised. We heard direct evidence that the experience of using vouchers or tokens in local shops could be embarrassing, and it can make people feel small and undermine their sense of dignity. Is that really what we are trying to achieve? Are we trying to make people feel worse, or to give them a hand up in their time of need?

If anyone in the chamber received their salary in furniture or tokens, in all probability they would feel offended or patronised, so why should we be surprised if applicants for welfare feel similarly? Surely our intention through our approach to welfare in the bill is to build up resilience by, at the very least, putting as much choice as possible in the hands of the recipient.

Two years ago, a back-bench Conservative tried to introduce a bill in the House of Commons that would have seen all benefit recipients being paid using a card system through which the purchase of goods such as alcohol, cigarettes or Sky television would be prohibited. He justified that approach by talking about the “idleness of the shirkers”. I suspect that most liberal-minded members here would be horrified by such a judgmental approach, but how far away is that proposal from what happens day to day in Scotland? How easy would it be for some future Administration to head in that direction?

The anti-poverty organisations are clear that in-kind awards from the interim welfare fund have already become the default position. Only half of all crisis grants and less than 20 per cent of community grant awards are made by way of cash, cheque or direct bank transfer. In committee, some Scottish National Party members tried to defend that practice by suggesting that it is more cost effective. However, we heard evidence that such awards often do not produce best value for the recipient; indeed, they reduce independence and have proved to be problematic and difficult. We heard, for example, that issuing vouchers instead of cash undermines a family's ability to get the best deals or the cheapest bargains by budgeting, spreading payments or shopping around for goods.

We also heard that items that are currently awarded do not always meet the identified needs of the applicant and their household; in fact, disabled applicants and other people who have very specific needs suggested that they are far better placed than the local authority to identify and purchase items that meet their needs.

In rural areas, the process is not only stigmatising, but families are likely to be limited in their ability to find a shop that takes vouchers.

In health and social care, we are moving to self-directed support specifically because we recognise that the personalisation agenda is very good for people's health and wellbeing. We have recognised that it is good for people's health to have more control over the carers that they employ; why cannot we apply exactly the same principle to welfare? A briefing from the Scottish Council for Voluntary Organisations put it well:

“For many, having cash to buy what they need is by far the best option—not least because it gives people some semblance of control and dignity at a time when they cannot control the factors which have led them into hardship.”

To my mind, whatever our fine words about the principles of respect and dignity that we wish to underpin our approach to welfare in Scotland, the real test comes in the practice. I was reminded at the weekend of the motto of the poverty truth commission:

“Nothing about us, without us, is for us.”

The commission knows that poverty will never be truly addressed until those who experience it first hand are at the heart of the process. The SNP's approach to the subject can at best be described as paternalistic. This is the first in a number of new powers over welfare. Let us get the foundations right from the start.

I move amendment 2.

Alex Johnstone (North East Scotland) (Con):

I enjoyed hearing Ken Macintosh speak in support of his proposals because much of his argument was exactly the same as arguments that Conservatives are currently using for universal credit. We say, for example, that housing benefit should be paid directly to tenants rather than to their landlords in order to allow them to make choices about their priorities and what they do with their money. However, I observe that inconsistency without influence on the broader argument.

Ken Macintosh: What choice do recipients of housing benefit have when all of it has to go on rent?

Alex Johnstone: Let us carry on that argument at another time. I would be delighted to do so.

Let us talk about the arguments for cash versus kind. During the course of evidence taking, at a time when I was a member of the committee, it was obvious that Ken Macintosh has an agenda. I understand that agenda. Ken Macintosh is keen to ensure that, wherever possible, cash rather than kind is the means by which support is given to individuals who apply to local authorities for it.

I take the view that, in certain circumstances, giving benefits or support in kind is quite often the correct approach. If someone requires a washing

machine or a fridge, and one can be delivered to them at short notice, that approach is entirely desirable.

Similarly, if—as Ken Macintosh suggested as an example—someone lives in a rural community, they may well be unable to source the relevant product or device locally. If they live in an island community, it is doubly difficult. It is therefore essential that local authorities be left with discretion about how they provide support. No two local authorities are the same and no two circumstances are the same. As a consequence, many people may prefer to be supported in kind, while others may prefer to be supported in cash. However, the decision about what can best be delivered locally is best left to local authorities. For that reason, it is essential that we do not constrain local authorities in their decision-making process and that we ensure that the best decisions are made locally, for local people, based on local circumstances.

I therefore oppose the amendments in group 1.

Kevin Stewart (Aberdeen Central) (SNP): We must remember that we are discussing today a £38 million fund that is having to mitigate £6 billion of benefit cuts. I believe that we should treat everybody with dignity and respect; I lodged an amendment in that vein at stage 2, and it was agreed to.

However, we must be realistic in considering how far £38 million of funding can actually go, and how many people out there require help because of the £6 billion of benefit cuts. I for one want that £38 million to be stretched as far as possible so that we can help as many as possible of the people who are facing the cuts.

I believe that we should not constrain councils, and I hope that common sense and compassion would apply with regard to payment of money or giving of goods to help individuals and families. In my experience, when folks on the front line are administering the welfare fund, common sense and compassion do come into play.

During evidence, the Welfare Reform Committee heard from many folks about how happy they had been to receive goods rather than cash; we heard from folks who had left care and had received furniture packages from the local authority in the area where they lived, and they were quite happy with that situation. Again, I think that common sense should apply.

There are good aspects of payment being made in kind. In its briefing, the Convention of Scottish Local Authorities notes that there are, in providing goods, benefits that extend beyond the individuals and families concerned. Again, provision of goods has probably enabled us to do more within the constraints of the £38 million fund.

COSLA also highlights the creation of more than 140 full-time jobs that are a direct result of the Scotland Excel framework, and the fact that more than 8,420 hours of work experience has been afforded to individuals throughout Scotland. COSLA mentions donations of furniture and flooring that have come in free of charge along with free person hours to allow installers and carpet fitters to help charitable organisations in assisting vulnerable young adults to set up home. It also mentions the opening of satellite stores in order to service councils, which has provided substantial efficiency benefits through enabling deliveries from local premises. That has led to significant reductions in carbon footprints, and has resulted in savings of approximately 170 tonnes of CO₂ emissions. COSLA also mentions recycling and reductions in landfill.

Those are particularly good things. The picture that Mr Macintosh painted suggests that nobody wants goods, but that is not what has come out in evidence. The key, quite simply, is the fact that we have a duty to help as many folk as we can within the constraints of that £38 million fund's having, as I said, to mitigate £6 billion of benefit cuts.

If Mr Macintosh was truly serious about resolving some of those problems, his Labour colleagues would not have walked through the lobby at Westminster with the Tories the other week to vote for £30 billion more of austerity cuts.

The Minister for Housing and Welfare (Margaret Burgess): I make it clear at the start that the guidance on the Scottish welfare fund states that local authorities must ensure that items awarded meet applicants' needs. For example, if people need specific items because of a medical condition or their family make-up, that is a question not of choice but of need. I wish that we did not need a welfare fund and that applicants did not need the support that they do. However, the Scottish welfare fund is the safety net for people in need, and in most cases it is their last resort.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The minister will be aware that, according to the quarterly report to 30 September, £1 million was provided to applicants for food. That is a disgrace in our society. Is there not a degree of urgency about feeding the weans and feeding families who are hungry through the welfare fund, and is it not the case that we should do nothing to make the process any lengthier, because urgent action is needed in those circumstances?

Margaret Burgess: I absolutely agree with Stewart Stevenson. The fund deals with people in emergency and crisis situations.

The welfare fund is a budget-limited fund that is operating in a time of increasing need, so it has to

help as many people as it can in the most efficient way possible. Local authorities have found, particularly with community care grants, that that means awarding goods rather than cash grants. COSLA estimates that local authorities save about 20 per cent by using bulk buy versus cash payments.

That is not to say that there is no choice. Local authorities provide choice where they can. In the majority of local authority areas, applicants have choices about a range of goods. They also have a choice of fabrics and colour for curtains and towels.

Examples of where customers with specific needs have received different items to ensure that what is awarded meets their needs include a family with three children being offered a 10kg washing machine as opposed to a standard 5kg washing machine. Large families can choose bunk beds instead of single divans to allow more floor space for children to play in. Disabled customers who request hard flooring to allow ease of use for wheelchairs receive laminate flooring, not carpets, which could be unsuitable.

As Kevin Stewart said, many applicants appreciate the service provided by local authorities. The delivery and installation of goods can relieve a lot of stress and anxiety that come with people having to arrange that for themselves, particularly at times of vulnerability. Many simply cannot access shops to choose goods.

To sum up, I would rather that local authorities were able to provide community care grants to 1,200 households by providing goods.

Stewart Stevenson: I am grateful to the minister for allowing me to make a technical intervention. I note that the bill introduces the affirmative procedure for new secondary legislation. Given that that implies a 40-day delay before legislation can become effective, should the Delegated Powers and Law Reform Committee have had the opportunity to consider what form of secondary legislation should apply?

Margaret Burgess: I do not know how helpful Mr Stevenson's technical intervention was, but we certainly took on every recommendation that the Delegated Powers and Law Reform Committee made about regulations and the affirmative procedure and we introduced changes accordingly at stage 2.

As I was saying, I would rather help 1,200 households by providing goods than have 1,000 choosing how they are helped while 200 people are left with no help at all. We are talking about helping as many people as we can from the funds available.

However, in respect of crisis grants, I consider cash or cash equivalent to be the most appropriate method of payment, and I have committed to ensuring in regulations that cash is the default position for crisis grant payments, unless it suits the applicant to have an award fulfilled in another manner. I therefore ask Ken Macintosh not to press amendment 2.

Ken Macintosh: A number of comments have been made. Alex Johnstone suggested that I have an agenda; I do have an agenda, but it is nothing to do with cash payments versus payments in kind. It is simply to empower individuals to make the most of their own abilities, and to move away from a welfare system and a welfare reform programme that are punitive and undermine people's sense of their own self-worth.

Alex Johnstone suggested that he is more concerned about local authorities being constrained than about helping individuals. Bizarrely, Kevin Stewart agreed that he does not want to constrain local authorities. The issue is not about local authorities.

Kevin Stewart: The member fails to miss the point. The folks on the front line have a real recognition of the difficulties that people are going through; I said that we should not constrain them and that common sense should apply.

One of the key questions that Mr Macintosh must answer is why he pontificates here about the issue when his colleagues in Westminster go through the lobbies with the Tories to vote for more benefit cuts and more austerity in this country. That does not match up.

Ken Macintosh: I am not sure, from what Mr Stewart said, whether he thinks that I failed or did not fail to miss the point in his opening remarks. I clarify that Mr Stewart suggested that he was concerned about the constraint that the amendments would place on local authorities—not on individuals. He said that we have to be realistic and stretch the money as far as possible. There is no evidence—I say this to the minister as well—to suggest that my proposal would be less cost effective or more expensive or that it would draw more on public resources than the current system.

Alex Johnstone: As we heard in evidence, if I give someone the money to buy a washing machine, they can buy a washing machine. If I am a local authority and VAT registered, I can give someone a washing machine and claim the 20 per cent VAT back. How is that not more efficient?

Ken Macintosh: I do not know whether Mr Johnstone bought his own washing machine or does his own shopping, but what if I were to suggest to him that he was to leave his spending decisions on washing machines—or on any other purchase that he wants to make—to his local

authority? Does he believe that the local authority is better placed than he is to make purchases on his behalf?

I do not believe that there is one person in the chamber who would trust a council or any other body, no matter how much they might admire it, to purchase goods on their behalf, so why do we apply that double standard to local authorities and benefit recipients? There is no logic behind it and it is not cost effective. The amendments would not draw extra from the public purse and there is no evidence whatsoever for the idea that somehow, by refusing the amendments, we would help 1,000 people rather than 200. That is a paternalistic, producer-led mentality.

Margaret Burgess: Will the member take an intervention?

Ken Macintosh: Can I take an intervention, Presiding Officer?

The Deputy Presiding Officer: Yes, but briefly, please, because we need to make progress.

Margaret Burgess: I did not say that we would help 1,000 people rather than 200; I said that we could help 200 more people through councils buying goods in bulk. If we did not buy goods in bulk, we could help only 1,000 people instead of 1,200; 200 more people could be helped, which is important. The fund has to stretch as much as possible.

The Deputy Presiding Officer: Mr Macintosh, can you please come to a conclusion?

Ken Macintosh: I suggest that the minister has presented no evidence to back up her statement. I refer to the evidence that I gave in committee just a few weeks ago about a local authority no longer using the Instant Neighbour organisation in Aberdeen, which is in Kevin Stewart's neighbourhood. Bulk purchasing of cheap, shoddily produced goods is not necessarily the sustainable solution that people wish for.

Kevin Stewart: Will the member take an intervention?

Ken Macintosh: I think that we have heard quite enough from Mr Stewart on this point—

The Deputy Presiding Officer: Please wind up now, Mr Macintosh.

Ken Macintosh: The Presiding Officer seems to agree with me. If Mr Stewart wants to side with the Tories yet again—as the SNP so often does to get amendments through or to defeat amendments—that is his choice.

To strike a slightly different note to conclude, I have no doubt that the minister wishes to do her best by welfare recipients. I have no doubt about her intentions. However, if we do not allow

ourselves to put the individual—the benefit claimant—at the heart of our thinking, we are doomed to repeat the mistakes of the current welfare system. I take encouragement from her last remark that she will try to encourage local authorities to deliver cash, not in-kind, payments. However, I urge members to put that in legislation.

The Deputy Presiding Officer: The question is, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As this is the first division, I will suspend the meeting for five minutes.

14:54

Meeting suspended.

14:59

On resuming—

The Deputy Presiding Officer: We now proceed with the division on amendment 2.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 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)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McInnes, Alison (North East Scotland) (LD)
 McMahon, Michael (Uddingston and Bellshill) (Lab)
 McMahon, Siobhan (Central Scotland) (Lab)
 McNeil, Duncan (Greenock and Inverclyde) (Lab)
 McTaggart, Anne (Glasgow) (Lab)
 Murray, Elaine (Dumfriesshire) (Lab)
 Pearson, Graeme (South Scotland) (Lab)
 Rennie, Willie (Mid Scotland and Fife) (LD)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

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

Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 MacKenzie, Mike (Highlands and Islands) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McGrigor, Jamie (Highlands and Islands) (Con)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 Milne, Nanette (North East Scotland) (Con)
 Mitchell, Margaret (Central Scotland) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robertson, Dennis (Aberdeenshire West) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Salmond, Alex (Aberdeenshire East) (SNP)
 Scanlon, Mary (Highlands and Islands) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)

Stewart, Kevin (Aberdeen Central) (SNP)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 37, Against 80, Abstentions 0.

Amendment 2 disagreed to.

Amendment 3 moved—[Ken Macintosh].

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)

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

Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 38, Against 80, Abstentions 0.

Amendment 3 disagreed to.

The Deputy Presiding Officer: Before we move to group 2, I am minded to accept a motion without notice under rule 9.8.5A of standing orders, to propose that the time limit for debate be extended by 10 minutes.

Motion moved,

That, under Rule 9.8.5A, the time limit for debate on amendments be extended by 10 minutes.—[Joe FitzPatrick.]

Motion agreed to.

The Deputy Presiding Officer: We move to group 2. Amendment 4, in the name of Ken Macintosh, is the only amendment in the group.

Ken Macintosh: The effect of accepting amendment 4 would be to add families facing exceptional pressure to the legislative list of those who qualify for a community care grant.

To clarify what that means, the Child Poverty Action Group suggests that families in the kind of situations that we are talking about include lone parents with young children who need household items

“following the violent breakdown of a relationship”

or, in another example, families in which

“the sudden deterioration in the condition of a disabled child justifies an award for a washing-machine”.

For members who did not follow our discussion of the matter at stage 2, I point out that the interim Scottish welfare fund lists five qualifying criteria. Four of those categories are explicitly described in the bill and the only group that is omitted—the only group that is not mentioned at all in the bill—is families facing exceptional pressure. In other words, under the bill, someone who faces the possibility of prison would qualify for support but someone who is looking after their disabled husband or child would not. Someone who is at risk of becoming homeless would qualify but someone who is fleeing domestic violence would not.

At stage 2, the minister presented two arguments. She seemed to suggest that, as an alternative to accepting our amendment, she could include families facing exceptional pressure in guidance but not in the bill. I ask her what authority she draws on to be able to name that group in regulations but not in statute. If she

believes that the section 30 order that was passed two years ago does not give her the power to name families facing exceptional pressure as a qualifying category in the bill, she has no authority to direct or guide local authorities through regulations. Conversely, if she believes that she can use guidance to help that group of people, she should do so clearly in legislation and give families equal status and equal priority with other vulnerable groups.

The minister presented a second argument at stage 2. She suggested that what data there was indicated that the interim scheme was currently successful in targeting families that face exceptional pressure. The trouble with that argument is that the interim scheme specifically includes that category on an equal footing with the other four categories of people who qualify for assistance.

We do not have an issue with the interim scheme. It is only the bill before us today that demotes vulnerable families and clearly indicates to those who will have to interpret the law that they are not on a par with others who need assistance. In fact, we are in a bizarre situation in which the needs of vulnerable families were recognised under the old Department for Work and Pensions social fund system and continue to be recognised under the interim system but are omitted in the new legislation that is before us today.

Whatever the minister's intentions, as the Scottish Council for Voluntary Organisations has clearly stated:

"Such a situation would give rise to a risk that local authorities—or future governments—might deprioritise applications from such families in order to protect their budgets or increase the share of community care grants that are applicable to other categories of applicants".

I would like the minister to clarify one other point in her reply. At committee, she highlighted her concerns about the competence of the amendment. One of the committee members then suggested that the whole bill could fall if we were to indicate our support for the amendment. Could the minister clarify that that is not the case and that it does not do our discussion any favours to hyperbolise the potential impact of one disputed section?

The Poverty Alliance has highlighted that the minimum cost of raising a child rose by 4 per cent in 2013, while the minimum wage rose by less than 2 per cent and, for those needing support, benefits were capped at 1 per cent. Quite simply, families are under ever-increasing pressure. They have little or nothing in the way of savings to call on and they are relying on us. They need to know that they can turn to the Scottish welfare fund for support in a crisis or an emergency.

This amendment has the support of the SCVO, the Poverty Alliance, Inclusion Scotland, CPAG, One Parent Families Scotland and Carers Scotland. I urge the chamber to support it.

I move amendment 4.

The Deputy Presiding Officer: Given the constraints on time, I am afraid that I am going to have to limit speakers to one minute in this debate.

Kevin Stewart: Something that really frustrates me is when this Parliament is not given the competence to do something. Obviously, I think that the Parliament should have competence over everything that affects the people of Scotland. However, what we have clearly been told is that this amendment would take section 2 beyond the legislative competence of Parliament and could put the bill at risk of not receiving royal assent.

I want there to be protection for families who are facing exceptional pressure, and I hope to hear from the minister how we will be able to do that. However, what I do not want to do is to risk this bill not becoming law.

Mr Macintosh mentions things such as the minimum wage, which we do not control. He also mentioned the benefit cap that affects families, so it is rather strange that his party voted for that benefit cap in Westminster. What we are hearing today from the Labour benches is hypocrisy, hypocrisy, hypocrisy.

Tavish Scott (Shetland Islands) (LD): I want to put two questions to the minister in line with Ken Macintosh's remarks. The first concerns the legal question of placing something in guidance versus placing it in statute. There seems to be a fundamental point there about the consistency of the bill, and I am sure that the minister will want to clarify for Parliament the approach that she wants to take on all of the issues that the Parliament is debating this afternoon.

Secondly, as Ken Macintosh also mentioned, CPAG and other groups have sought clarity on the Government's position that the amendment could be considered by some lawyers to be outwith the powers of the Parliament. If that is the case, is this not a case in which the sensible and constructive arrangements that are being put in place under the Smith agreement to ensure that Governments can resolve these kinds of issues should be brought to bear?

Alex Johnstone (North East Scotland) (Con): We talk a lot about welfare issues in this Parliament but today, in talking about the Welfare Funds (Scotland) Bill, we are talking about the safety net that lies below the safety net. It is the last line of defence and, therefore, it is essential that no one should be allowed to fall through it.

Ken Macintosh has identified a group of people who he believes were covered by previous provisions and the interim Scottish welfare fund but are not covered by the proposals in the bill.

Kevin Stewart is concerned that the Queen might somehow be offended by the amendment and not grant royal assent. By stage 3 we should have had more clarity from the Scottish Government about exactly what it means, and not more dithering about whether or not the amendment is competent. Therefore, unless the minister can come up with a very good answer, it would be sensible for this Parliament to proceed by supporting the amendment.

Margaret Burgess: The intention behind the amendment has been the subject of much discussion throughout the passage of the bill, and I know that many stakeholders and MSPs would like to add explicitly to the bill families under exceptional pressure. Although I might have liked to have been able to include in the bill a specific reference to families under exceptional pressure, as with many decisions about welfare, it is not within the gift of the Scottish Parliament to legislate without having regard to the limits on its competence, as Kevin Stewart alluded to.

The qualifying groups in the bill mirror what is in the section 30 order, and we must stay within that to keep the competence of the bill. To accept the amendment would take the bill outwith the competence of the Scottish Parliament. The risk of the bill not gaining royal assent—which is not about the Queen—is just too great. It would result in the funds having no statutory basis and applicants having no right to an independent review by the ombudsman.

That is not to say that we will not try to amend the terms of the bill in future. The Smith commission agreed that this Parliament should have new powers to make discretionary payments in any area of welfare, and clause 18 of the draft clauses published by the United Kingdom Government goes some way towards delivering that. However, we do not think that it goes far enough and I have asked my officials to start discussions with the Scotland Office about widening its scope appropriately, so that this Parliament can revisit the terms of the act that this bill will become, in light of the required widened competence.

In the meantime, my officials are already working with CPAG to ensure that families under exceptional pressure get due regard in the welfare funds guidance. As I said at stage 2, I intend to make an explicit reference to families under pressure, as a subsection of the wider group covered in the bill, in the regulations that will follow the bill.

Having said all that, I take the opportunity to put beyond doubt the capacity of welfare funds to support low-income families who face exceptional pressures. As I said at stage 2:

“there is no barrier now, nor under the permanent arrangements by virtue of the bill’s wording, to prevent families under exceptional pressure from accessing welfare funds. Regulations and guidance will ensure that applications from that group continue to be given priority.”—[*Official Report, Welfare Reform Committee, 27 January 2015; c 19.*]

That means that families under exceptional pressure will continue to be able to access welfare funds in the same way as they do now.

Indeed, Scottish welfare fund statistics show that under the interim scheme 38 per cent of households receiving community care grants contain children, in comparison with 32 per cent of households under the social fund, and 30 per cent of households receiving crisis grants contain children, compared with 16 per cent of households that received social fund crisis loans.

For the reasons that I have outlined, I ask Ken Macintosh not to press his amendment.

Patrick Harvie (Glasgow) (Green): On a point of order, Presiding Officer. Given the questions about competence, it would be helpful to members who have not been part of the committee’s scrutiny of the bill if you could indicate whether the amendment’s presence on the marshalled list indicates that the Presiding Officer has ruled that it is competent.

The Deputy Presiding Officer: As members will be aware, whether or not the subject matter of an amendment is within the legislative competence of the Parliament is not one of the criteria that determine an amendment’s admissibility. I hope that that is helpful.

I call Ken Macintosh to wind up and press or withdraw his amendment, as briefly as possible.

Ken Macintosh: Thank you, Presiding Officer. Those comments were slightly helpful. Perhaps it would be more helpful for Patrick Harvie to know that the amendment was drawn up by the Parliament’s own lawyers, so its competence is in no doubt.

I do not know whether Mr Harvie has ever served on what used to be known as the Subordinate Legislation Committee, but every single week a number of instruments that go through this Parliament are challenged by the Scottish Parliament’s lawyers as incompetent and ultra vires, and the Government blithely ignores those ultra vires claims and says that they will not be challenged. It presents that particular argument: it says that they will not be challenged. I say to the minister, who will challenge this?

15:15

Bruce Crawford (Stirling) (SNP): On a point of order, Presiding Officer. Can you please confirm to me that we are dealing with two completely different matters here? There is an absolute difference between something that is competently put down in an amendment and something that is competent under the Scotland Act. Will you confirm that those two things are completely different and that Ken Macintosh is talking a lot of nonsense?

The Deputy Presiding Officer: As you will be aware, the competence in this set of circumstances is a matter of debate and the Presiding Officer has made her ruling on it.

Mr Macintosh, please resume.

Ken Macintosh: Thank you, Presiding Officer. I ask the minister yet again, who exactly is going to challenge the competence or otherwise of this particular measure? We are trying to include families under exceptional pressure on the face of the bill. Does the minister believe that families will challenge this? Does the minister believe that benefit claimants will challenge this?

Sandra White (Glasgow Kelvin) (SNP): Will the member take an intervention? *[Interruption.]*

The Deputy Presiding Officer: Can we have order, please, to allow Mr Macintosh to make his points?

Ken Macintosh: Does the minister believe Mr Stewart's far-fetched claim that the Queen will challenge this?

Margaret Burgess: Mr Macintosh is asking whether families are going to challenge this. Of course I do not think that, but what we are saying is that the amendment is outwith the competence of what we are able to do just now. I do not want to put the bill under threat because of that. Families under exceptional pressure are not excluded from help through the permanent welfare fund bill that we are putting through today.

The Deputy Presiding Officer: Mr Macintosh, you must come to your conclusion very quickly now please.

Bruce Crawford: On a point of order, Presiding Officer. Will the Presiding Officer please confirm that it is actually the Advocate General who would decide upon whether a matter contravenes the Scotland Act or not; that the power and responsibility lie in that office; and that it is highly likely that if a body of legislation that was passed here did not meet his particular rules, he would rule against that act?

The Deputy Presiding Officer: Once a bill has been passed, there are various processes in place, as set out in the Scotland Act 1998, that

may be initiated if someone views a bill or any of its provisions as being outwith the Parliament's legislative competence.

Mr Macintosh, please wind up now.

Ken Macintosh: Somebody who might use the bill might offer a challenge. Well, I put it to Mr Crawford, exactly who? Perhaps Mr Crawford will get on his feet again and tell me who is going to challenge the competence. Mr Crawford seems to suggest that his Government's own Advocate General is going to challenge the competence of a measure passed by this Parliament to help families under exceptional pressure. *[Interruption.]* I will take an intervention from Mr Salmond, if that is all right.

Alex Salmond (Aberdeenshire East) (SNP): I would have thought that a parliamentarian of Ken Macintosh's long experience would know that the Advocate General is a post of the Westminster Government.

The Deputy Presiding Officer: That is not a point of order, but thank you.

Mr Macintosh, you must close within the next 20 seconds.

Ken Macintosh: Thank you, Presiding Officer. I was quite pleased to hear Mr Salmond making a contribution to the debate, given that he supports the welfare cap that Mr Stewart talked about just a few minutes earlier. I was delighted to see him come into the debate. *[Interruption.]*

The Deputy Presiding Officer: Order! Are you pressing or withdrawing your amendment, Mr Macintosh?

Ken Macintosh: I see that the back benches seem very comfortable to sit on for Mr Salmond when he is challenged.

I suggest to the minister that she did not answer any of my questions.

The Deputy Presiding Officer: Press or withdraw your amendment, Mr Macintosh.

Ken Macintosh: Very well, Presiding Officer. I will press the amendment.

The Deputy Presiding Officer: Thank you.

The question is, that amendment 4 be agreed to. Are we agreed?

Members: No.

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

For

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

Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Ind)
 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)
 Hilton, Cara (Dunfermline) (Lab)
 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)
 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)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Wilson, John (Central Scotland) (Ind)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 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)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 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)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 54, Against 62, Abstentions 0.

Amendment 4 disagreed to.

Amendment 5 moved—[Ken Macintosh].

The Deputy Presiding Officer: The question is, that amendment 5 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (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)
 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)
 Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 37, Against 80, Abstentions 0.

Amendment 5 disagreed to.

Section 5—Further provision

The Deputy Presiding Officer: As we have passed the agreed time limit under rule 9.8.4A(a), I consider it necessary to allow the debate on group 3 to continue beyond the limit in order to allow those with a right to speak on the amendment in the group to do so. In this case, that will be only the minister and Mr Macintosh.

We now move to group 3. Amendment 6 is the only amendment in the group.

Ken Macintosh: I hope that amendment 6 is slightly less contentious or that it will provoke slightly less reaction than the other two amendments seem to have. I say to Mr Johnstone that I may be being too optimistic.

The effect of amendment 6 would be to ensure that decisions on applications for crisis grants should be made immediately when possible and, if

not immediately, by the end of the next working day in any event.

As some members will know from evidence to the Welfare Reform Committee, under the interim Scottish welfare fund local authorities have 48 hours in which to process a claim. However, under the previous DWP scheme, the deadline was 24 hours.

The issue first came to light when figures were presented to the committee that revealed that the interim fund was not meeting applicants' needs as timeously as the previous scheme. For example, the figures for the old DWP crisis loan system show that payments were made in two days in 98.5 per cent of cases. That compares with a figure of just 94 per cent for the Scottish welfare fund.

The point was picked up by a number of voluntary and anti-poverty organisations. For example, Quarriers highlighted its concern that, if a 48-hour deadline is to be applied,

"an application that is made on a Friday or a Thursday ... may not be processed until late on Monday."—[*Official Report, Welfare Reform Committee, 7 October 2014; c 4.*]

That would be after the weekend.

The strongest evidence probably came from the Child Poverty Action Group, which said:

"In the experience of our advisors, applications for crisis loans made over the phone were processed very quickly by the DWP. Delay was sometimes caused by difficulties getting through on the phone in the first place but, once connected, the process was generally very quick. Decisions were often made at the end of the initial phone call, with the claimant given an office from which an award could be collected on the same day. This also happens with some (though not all) SWF crisis grant applications."

CPAG concluded:

"there is no implicit reason that processing times should be longer in relation to crisis grants"—

that is, under the new system—

"than they were for crisis loans. We are also concerned that the reference to a 48 hour time limit once all relevant information is received may lead some decision makers to request evidence when it is not needed."

In other words, although this is clearly not the minister's intention, the 48-hour backstop will become a target that will inadvertently have the effect of slowing down the process rather than speeding it up.

In her remarks to the Welfare Reform Committee, the minister suggested that she was going to consult actively on the area and that she intended to think carefully about the issue before including it in regulations. Has the minister had time to think about the matter further? Can she share any of those thoughts with members? If not, I urge members to support my amendment 6,

which would replace the current 48-hour backstop with the original 24-hour timescale.

I move amendment 6.

Margaret Burgess: We have made it clear, from the start of the interim fund, that the speed of processing is key because of the risk of harm to applicants. The guidance on the interim fund requires local authorities to process crisis grants as soon as possible, and it requires that urgent applications for living expenses be prioritised. The maximum processing time of two working days is to make it clear that long processing times are not acceptable—it is in no way a target or a waiting time.

Under the interim fund, 64 per cent of crisis grants are processed on the same working day and a further 24 per cent are processed the next day. Only yesterday, I visited a Scottish welfare fund team and spoke to the staff, who demonstrated their dedication and commitment in aiming to process all the crisis grant applications within a day, especially on Fridays, so that applicants are not left in crisis for extended periods.

As Ken Macintosh said, I indicated at stage 2 that I would consult on putting a 24-hour processing time for crisis grants in regulations. I have considered the matter further and have looked at the amendment again. The amendment supports the approach that we have taken in our current guidance, and it also fits with the performances of local authorities in processing crisis grants. Given the level of support for the amendment among stakeholders and across the chamber, I am happy to accept the amendment.

Ken Macintosh: Thank you very much, minister—it turns out that I was not too optimistic.

Amendment 6 agreed to.

Section 5A—Respect for, and dignity of, applicants for assistance

The Deputy Presiding Officer: We move to group 4. Amendment 7, in the name of Margaret McDougall, is the only amendment in the group.

Margaret McDougall (West Scotland) (Lab): Amendment 7 seeks to amend the provision inserted by Kevin Stewart's amendment that was passed at stage 2 on respect for, and the dignity of, applicants for assistance. It adds that the particular needs and choices of applicants are to be considered by the local authority.

The amendment ensures that local authorities can make awards in cash rather than in kind, so that recipients can have some responsibility over choice and control in their lives. At stage 2, it was argued that introducing choice would put pressure on local authority budgets, but I argue that treating

people with dignity and respect is about allowing them to exercise their right of choice. The amendment ensures that a payment can be made either in kind or in money. There is no reason why a crisis grant would cost the local authority any more if the award was in money rather than in kind, so the policy would be cost neutral.

The amendment is supported by the Poverty Alliance, which has stated:

“The refusal to trust applicants with monetary grants increases stigma and can make the applicant feel like they are receiving hand-outs rather than accessing legitimate support from the state social security system. We believe it is important that all decisions are made around what is best for the individual and the applicant’s voice should be heard throughout the decision making process.”

In evidence, the Welfare Reform Committee heard of many incidents in which lack of choice resulted in increased stigma for the individual living in poverty. SCVO argued that the argument against choice focused primarily on administrative convenience. The bill will be the benchmark for any future benefits legislation in the Scottish Parliament, so it should be an exemplar for welfare legislation in Scotland. As such, it needs to show that the needs and choice of the individual are at the centre of the legislation. Being allowed choice and how people are supported must drive the fund and the supporting legislation.

I hope that the Scottish Government sees fit to support the amendment at stage 3, to remove the stigma and to support the applicants’ right to choice. I would argue that cost is not an issue, as this amendment to include choice is cost neutral.

I move amendment 7.

Alex Johnstone: I seek clarification on the amendment. If the purpose is merely to ensure that flexibility exists in the system, I can understand why we would want to pursue that. However, is it the intention of the amendment to bring in a guaranteed right of an applicant to have payment in cash from a local authority if they make that choice, or am I misreading it?

15:30

Ken Macintosh: I echo the point that this is about getting the principles behind the bill right. This is the first of a series of bills implementing a new welfare system in Scotland, so it is important that we get the principles right.

The minister accepted a stage 2 amendment on dignity and respect, which was lodged by Kevin Stewart. However, she left out the needs and the choices of the individual, yet that is very much in keeping with Scottish Government policy.

The Social Care (Self-directed Support) (Scotland) Act 2013 talks about individuals being

able to “make an informed choice”. The Public Bodies (Joint Working) (Scotland) Act 2014, through integration principles, encourages integrated health and social care services to take account

“of the particular needs ... and circumstances”

of individuals. The NHS quality strategy mentions “improved patient choice”. What is wrong with having the word “choice” as a principle in the bill?

Margaret Burgess: It has always been a priority that welfare funds should be delivered in such a way that preserves the dignity of welfare fund users. That is why I was happy to accept the stage 2 amendment lodged by Kevin Stewart at the Welfare Reform Committee. That amendment accorded with my view that, regardless of the funds available, welfare services should be delivered with respect and dignity. That is now clearly established in the bill.

The issues that are relevant to the amendment have been covered in the debate on the group 1 amendments that were lodged by Ken Macintosh. As I said then, it is simply not the case that allowing increased choice for applicants would not lead to increased costs for local authorities.

Local authorities would have higher administrative costs if they had to discuss choices with applicants and had to deal with queries and people changing their minds. Even getting out the cash in some instances—I am talking here about community care grants—at the levels required would result in additional administrative charges.

The Scottish welfare fund is a budget-limited fund operating in a time of increasing need. It needs to help as many people in the most efficient way possible. As I have said, local authorities have found that—this applies to community care grants in particular—they can help more people by awarding goods rather than cash grants. I have also made it clear that, when it comes to crisis grants, we will introduce in regulation that the default position should be cash.

COSLA estimates that local authorities broadly save 20 per cent by using bulk buy versus cash payments. We cannot discount that. Furthermore, that cannot be done unless local authorities can guarantee certain volumes. It was also clear that local authorities should be providing specific items when they are required. That is in the current guidance, and it will also be included in the statutory guidance that we will issue under the bill.

I do not want to go over all the ground again—

The Deputy Presiding Officer: Indeed, I would be happy if you would come to a close.

Margaret Burgess: I am happy to restate that we will look again at the guidance for the

permanent arrangements to see whether we can do more to ensure that, when applicants have a genuine need for a particular product, there is a clear understanding about what should happen.

I was happy to support Kevin Stewart's stage 2 amendment. It captured the essence of what stakeholders have been calling for without bringing additional pressure to bear on local authority budgets. Amendment 7 does not achieve that aim, so I urge Margaret McDougall to withdraw it.

The Deputy Presiding Officer: I ask Margaret McDougall to wind up and indicate whether she wants to press or withdraw her amendment.

Margaret McDougall: In answer to Alex Johnstone's question, the gist of which was whether a local authority must provide a monetary crisis loan if that is what an individual chooses, I point out that the amendment allows for choice to best suit the needs of the individual in discussion with the local authority. There will be circumstances when the individual's choice will be overruled by the local authority—for example, if that individual has a history of losing their purse, which is often why a crisis loan is given, or they have a health issue—but the choice would at least be discussed.

There has been wide support for amendment 7 from the third sector. As I said, there is no reason why a crisis grant would cost the local authority any more as a result of the award being made in monetary terms rather than in kind. The proposal would be cost neutral, so there would be no additional cost to the local authority.

The Deputy Presiding Officer: I am afraid that I must rush you.

Margaret McDougall: I heard nothing in the minister's arguments that makes me want to reconsider, so I press amendment 7.

The Deputy Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

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

Hilton, Cara (Dunfermline) (Lab)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Gavin (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Buchanan, Cameron (Lothian) (Con)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Carlaw, Jackson (West Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Glasgow) (Con)
 Dey, Graeme (Angus South) (SNP)
 Don, Nigel (Angus North and Mearns) (SNP)
 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)
 Fergusson, Alex (Galloway and West Dumfries) (Con)
 Finnie, John (Highlands and Islands) (Ind)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
 Goldie, Annabel (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alex (North East Scotland) (Con)
 Johnstone, Alison (Lothian) (Green)
 Keir, Colin (Edinburgh Western) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Central Scotland) (SNP)
 MacAskill, Kenny (Edinburgh Eastern) (SNP)

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

The Deputy Presiding Officer: The result of the division is: For 37, Against 79, Abstentions 0.

Amendment 7 disagreed to.

Before section 6F

The Deputy Presiding Officer: We move to group 5. Amendment 8, in the name of Margaret McDougall, is the only amendment in the group.

I call Margaret McDougall to speak to and move amendment 8. As we are now extraordinarily tight for time, I ask you to be brief, please.

Margaret McDougall: Amendment 8 relates to annual reporting. It would require the Scottish Government to prepare an initial report, giving information about the delivery of the welfare funds, that would be laid before Parliament on or before 30 June 2016. Subsequent reports would be laid before Parliament on or before the same date every year.

The initial report should include information on the amount that was paid out of the welfare funds; the number of applications that were received for assistance in pursuance of section 2; and the number of applications that resulted in financial assistance being provided, the number that resulted in assistance in kind being provided and the number that were rejected. That information is

the bare minimum that the report should include. The Scottish Government could include additional information if it considered that appropriate.

Given that the bill will be the first real piece of welfare legislation that the Scottish Parliament has created, it is correct that we set procedures for proper review. Parliament should be able to scrutinise how the welfare funds are performing and their effectiveness, and annual reporting would allow that to happen.

Amendment 8 is in line with the principles of the Scottish Parliament, as it promotes openness and transparency. It is a matter of good practice to ensure that the statistics in question are kept on record and reported to the Parliament annually.

Such an amendment has been called for by the SCVO, which stated:

“Given the critical nature of the Fund and the concerns outlined above, both Government and parliamentary review is vital. We support proposed amendments for review submitted by Scottish Labour. At the very least, we seek a strong assurance from Ministers that the Fund will be comprehensively reviewed and can be scrutinised by the Parliament under the provisions of the Welfare Reform (Further Provision) (Scotland Act) 2012.”

The amendment was voted down at stage 2, but I hope that the Scottish Government will reconsider its position, especially given its recent announcements on the reporting of national health service statistics.

I move amendment 8.

Alex Johnstone: The information that amendment 8 requests be provided is information that should be easily available to the Government and which it is not onerous to record. The publication deadline and timetable that are set out would give the Government plenty of time to achieve what is sought. The provision of the information in question would foster and underpin discussion and policy development on the scheme by the Government and other parties, so it would be valuable if it were published annually as set out in amendment 8.

The Deputy Presiding Officer: Tavish Scott— as briefly as possible, please.

Tavish Scott: I support Margaret McDougall's amendment 8 for two reasons. First, the Smith agreement will create more opportunity in this area for new developments that the Scottish Parliament will wish to take forward, so it will be in the Government's interests to introduce a new form of transparency to its policy making and, indeed, to parliamentary scrutiny of that. Secondly, if we do not do what amendment 8 proposes, Audit Scotland will recommend it in three years' time and we will end up having to do it.

The Deputy Presiding Officer: Ken Macintosh, briefly.

Ken Macintosh: We are putting in place a new system for welfare, and I believe that we should have the information to be able to scrutinise and hold the system to account; the Parliament in particular should have a formal role to play in that. I remind the minister that, despite the heated exchanges so far, there is generally broad agreement about the bill but there are concerns about, for example, the underspend of resources in certain areas, gatekeeping by some local authorities and whether information about protected characteristics has been gathered. I urge the minister to accept the idea of a process of review and to give Parliament a role in that. I support amendment 8.

Margaret Burgess: I said at stage 2 that I agreed with the views in the Welfare Reform Committee's stage 1 report, which said that on-going monitoring was preferable to a review clause. My view on the issue remains the same. Our statistical monitoring framework already captures the information that amendment 8 suggests we lay in a report before the Scottish Parliament. The statistical monitoring that we publish on a quarterly basis will provide an excellent mechanism for highlighting any issues that arise in the operation of the Scottish welfare funds, including those that Ken Macintosh outlined.

Many of the Welfare Reform Committee's discussions since the welfare funds were launched have come directly from analysis of the statistical reports. Alongside the case observation work that we have been doing with COSLA, the statistical publications have allowed local authorities and the Scottish Government to respond to issues as they arise.

At stage 2, I also highlighted the role of the Scottish Public Services Ombudsman and the independent reviews of disputed local authority decisions that he will undertake. Those independent reviews will provide a mechanism for scrutiny of the operation of individual local authorities and any patterns in complaints and reviews that indicate unintended consequences of regulations and guidance.

I fully expect that the workings of the permanent arrangements will be subject to on-going parliamentary scrutiny through the committee process and future consideration of Scottish Government budgets. It would be very surprising if the permanent arrangements were not to be subject to scrutiny as the Scottish Parliament considers Scottish Government plans for implementing the new welfare-related powers that will flow from the Smith commission process.

I believe that sufficient mechanisms exist through the Parliament, Scottish Government statistical publications and the input that we all have from the third sector in Scotland to mean that an on-going requirement to lay an annual review before Parliament would not add significantly to the knowledge that we have on how welfare funds are operating; in fact, such a requirement could even divert scarce resources from the established continuous improvement that is taking place. On that basis, I ask Margaret McDougall to withdraw amendment 8.

The Deputy Presiding Officer: I am afraid that I must ask Margaret McDougall just to press or withdraw amendment 8.

Margaret McDougall: Oh. May I just thank Alex Johnstone and Tavish Scott for their support? I had hoped that the minister would support having a specific report, given the importance of the welfare funds and the bill. I press amendment 8.

The Deputy Presiding Officer: The question is, that amendment 8 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Baker, Claire (Mid Scotland and Fife) (Lab)
 Baker, Richard (North East Scotland) (Lab)
 Baxter, Jayne (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Gavin (Lothian) (Con)
 Buchanan, Cameron (Lothian) (Con)
 Carlaw, Jackson (West Scotland) (Con)
 Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
 Davidson, Ruth (Glasgow) (Con)
 Dugdale, Kezia (Lothian) (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)
 Henry, Hugh (Renfrewshire South) (Lab)
 Hilton, Cara (Dunfermline) (Lab)
 Johnstone, Alex (North East Scotland) (Con)
 Kelly, James (Rutherglen) (Lab)
 Lamont, Johann (Glasgow Pollok) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Macintosh, Ken (Eastwood) (Lab)
 Malik, Hanzala (Glasgow) (Lab)
 Martin, Paul (Glasgow Provan) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McCulloch, Margaret (Central Scotland) (Lab)
 McDougall, Margaret (West Scotland) (Lab)
 McGrigor, Jamie (Highlands and Islands) (Con)
 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)

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)
 Rowley, Alex (Cowdenbeath) (Lab)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)
 Smith, Drew (Glasgow) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Central Scotland) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Allard, Christian (North East Scotland) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Biagi, Marco (Edinburgh Central) (SNP)
 Brodie, Chic (South Scotland) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burgess, Margaret (Cunninghame South) (SNP)
 Campbell, Roderick (North East Fife) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 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)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
 Johnstone, Alison (Lothian) (Green)
 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)
 Maxwell, Stewart (West Scotland) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McLeod, Aileen (South Scotland) (SNP)
 McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
 McMillan, Stuart (West Scotland) (SNP)
 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)
 Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Urquhart, Jean (Highlands and Islands) (Ind)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wilson, John (Central Scotland) (Ind)
 Yousaf, Humza (Glasgow) (SNP)

The Deputy Presiding Officer: The result of the division is: For 50, Against 66, Abstentions 0.

Amendment 8 disagreed to.

Section 6G—Consequential modifications

15:45

The Deputy Presiding Officer: We move to group 6. Amendment 1, in the name of the minister, is the only amendment in the group.

Margaret Burgess: Amendment 1 is a technical amendment that removes a provision that related to a section of the bill that was proposed as a stage 2 amendment. The amendment in question was withdrawn, so there is no requirement for the provision in proposed new section 19(2C)(d) of the Scottish Public Services Ombudsman Act 2002, which the amendment removes.

I move amendment 1.

Ken Macintosh: We support the amendment. The minister recognised the disproportionate nature of the powers to be granted to the ombudsman, and amendment 1 arose as a consequence. I welcome it on behalf of the Labour Party.

The Deputy Presiding Officer: Minister, do you wish to wind up?

Margaret Burgess: No.

Amendment 1 agreed to.

The Deputy Presiding Officer: That ends consideration of amendments.

Welfare Funds (Scotland) Bill

The Deputy Presiding Officer: The next item of business is a debate on motion S4M-12485, in the name of Margaret Burgess, on the Welfare Funds (Scotland) Bill.

15:45

The Minister for Housing and Welfare (Margaret Burgess): I am delighted to open the stage 3 debate on the Welfare Funds (Scotland) Bill. I again thank Michael McMahon and the past and present members of the Welfare Reform Committee for their scrutiny of the bill and of the interim arrangements that are in place.

The bill is important in a number of ways. It is the first substantive welfare bill to come before the Scottish Parliament and it will provide a permanent and reliable safety net for people on low incomes. The bill sets out the high-level framework for welfare funds and lays down some important boundaries within which they will operate. For example, it expressly rules out the use of welfare funds to provide loans to applicants, and it requires local authorities to ensure that welfare fund customers are treated with respect and that their dignity is preserved. That is an important marker for how this Government wants to take forward the new welfare-related powers that are coming to the Parliament.

The detail of how welfare funds will operate, which we intend will be similar to the existing interim Scottish welfare fund, will be set out in regulations and guidance that we will consult on in the summer. By introducing the bill, we have demonstrated a long-term commitment to the Scottish welfare fund and allowed the option of independent review of cases by the Scottish Public Services Ombudsman. The funding for the welfare funds can also be ring fenced, if required.

That approach is in direct contrast to the position in England, where no equivalent systematic local welfare scheme is in operation. I am proud to be part of a Government that is taking a distinctive approach to protecting vulnerable people in Scotland.

At stage 1, the Welfare Reform Committee took evidence from a wide range of organisations and individuals. It is a testament to the successful partnership approach that we have adopted with the Convention of Scottish Local Authorities—and to the hard work that local authorities have put in to develop the service over its short life—that the majority of the evidence that the committee heard at stage 1 was positive.

I also record my thanks to all those who work in the Scottish welfare fund teams across the

country. I have visited a number of them and have seen how hard working they are, and how committed they are to the service that they are providing to their local communities.

There have been some amendments to the bill. The largest number of amendments at stage 2 were planned in advance due to the timing of our discussions with the Scottish Public Services Ombudsman. They related to the detail of the ombudsman's role in undertaking independent reviews of local authority decisions on welfare fund applications. The independent second-tier review function is key to getting the right decisions for individual applicants and holding local authorities to account. It will provide a national overview of how the fund is working, and the feedback will give policy makers an insight into the decisions that are being made and how they relate to the policy intent.

Another key amendment to the bill was the removal of section 3, which related to outsourcing. It was originally included in order to allow local authorities to contract with external parties to provide services on local authorities' behalf in the future. Many of our stakeholders were clear in their view that private sector companies should not be allowed to administer welfare funds. I had never envisaged that it would be private sector companies that would do that. However, as it was not possible to specify in the bill that private sector firms could not bid for those contracts, the bill was amended to remove that section.

We also took on board the views of the Delegated Powers and Law Reform Committee by establishing in the bill a right of review of a decision by a local authority. We acknowledged that, as the bulk of the detail of how welfare funds will operate will be set out in regulations and guidance, regulations under the bill should be subject to affirmative procedure.

I return to the issue of families under exceptional pressure. There have, of course, been discussions about other amendments that were proposed. We debated that earlier. I know that many stakeholders and MSPs wanted families under exceptional pressure to be added to the bill as an explicit group. The competence issue surrounding amendments relating to families under exceptional pressure has been well rehearsed and I do not want to go over it again. However, I want to restate that families under exceptional pressure will continue to be able to access welfare funds in the same way as they do now.

Michael McMahon (Uddingston and Bellshill) (Lab): I thank the minister for trying to clarify the situation but, in doing so, she is making the situation more bizarre. If it is the case that families under exceptional pressure can currently access

the Scottish welfare fund, if an amendment had created a difficulty for the passage of the bill, all that would have happened is that the welfare fund would have continued to operate as it does, and families under exceptional pressure would have continued to access that fund. Why, then, was the minister so resistant to including families under exceptional pressure in the bill?

Margaret Burgess: There are several issues here. The Scottish Parliament has always introduced competent legislation and we want to, and will, continue to do that. That is important for the Scottish Parliament.

The interim arrangements that we have now with COSLA operate on a discretionary basis. We have no arrangement that that would continue further. We are aware that some councils are coming out of COSLA. We want to ensure that we get the situation on a statutory footing: that is important. It is also important that we get the legal right of review into the process, which is what we are currently doing with the SPSO. That does not exist under the interim scheme.

It is important that we get the legislation right and make clear at the outset that families under exceptional pressure are not excluded from accessing permanent arrangements. We have been clear on that from the start. We are in discussion with third sector groups on that and they understand the issue involved. Their concern is that we should ensure that families under exceptional pressure are not excluded from accessing funds. All the information that we have is that they are not currently excluded and will not be excluded from the statutory fund.

On families under exceptional pressure, the statistics show that 38 per cent of households that receive community care grants contain children, compared to 32 per cent under the social fund. The figure for crisis grants is 30 per cent compared to 16 per cent under the social fund.

Another area that has been the subject of much debate is the provision of goods versus grants for community care grants, and how that links to choice for individuals. First, I repeat that the guidance on the Scottish welfare fund states that local authorities must ensure that the item awarded meets the need of the applicant. For example, where people need adapted or specialist items because of a medical condition or their family make-up, that item should be provided. It is not a question of choice—it is a need, and that need should be met.

However, the Scottish welfare fund is a budget-limited fund operating in a time of increasing need. For that reason, it needs to be able to help as many people as it can in the most efficient way possible. Local authorities have found that that

means awarding goods rather than cash grants, particularly in the case of community care grants. I do not accept that providing choice would not lead to additional costs. Local authorities have given us information on that, and have stated that there would be higher administrative costs for them.

I reiterate that we will look at making cash or cash-equivalent payments the default position for crisis grants to meet immediate needs in the short term.

Many applicants tell us how much they appreciate the service that local authorities provide. Delivery and installation of the goods relieves a lot of stress, and that can often be arranged prior to people moving in to a house.

Margaret McDougall (West Scotland) (Lab): East Dunbartonshire Council said in evidence that it received £43,970 in administration costs, while the total cost of running the Scottish welfare fund in the area last year was £224,232. The funding gap had to be met by the local authority. There is a real issue with funding the welfare fund's administration, which puts pressure on local authorities to ensure that they are looking for the cheapest but not always the best-value option.

The Deputy Presiding Officer: Minister, you are completely out of time now, and I ask you to come to a close.

Margaret Burgess: Margaret McDougall has answered my point. The amendments that she and Ken Macintosh have lodged would have put even more pressure on local authorities—as the authorities told us in evidence. Local authorities are trying to help as many people as they can in their area in the most cost-efficient way possible. In administering community care grants, that is very often done by providing goods and not cash. I would prefer that local authorities be able to help as many people as possible.

The Deputy Presiding Officer: I urge you to close, please.

Margaret Burgess: Have I to wind up, Presiding Officer?

The Deputy Presiding Officer: Yes.

Margaret Burgess: Okay.

Delivery of the current scheme is generally viewed in a positive fashion. Most people have told us and the committee that local authorities are the right people to deliver the fund, and they have welcomed the independent review function. The approach to the bill has, on the whole, been very consensual, and I look forward to working with members of all parties in the chamber to ensure that the regulations and guidance under the bill help to deliver the best possible outcomes for welfare fund customers.

I move,

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

The Deputy Presiding Officer: I call Michael McMahon. You have up to seven minutes, but less would be more as we are very tight for time today.

15:57

Michael McMahon (Uddingston and Bellshill) (Lab): On behalf of the Scottish Labour Party, I very much welcome what I am sure will be the passage into law this afternoon of the Welfare Funds (Scotland) Bill.

I thank the clerks to the Welfare Reform Committee, who have helped to get the bill to this point so efficiently. I am also grateful to the witnesses who informed deliberations on the bill as it progressed through Parliament.

Having heard all the evidence, I am in no doubt that placing the interim Scottish welfare fund on a statutory basis is the right thing to do. Parliament has heard the message that the interim fund has benefited many vulnerable people throughout Scotland. The fund has had its problems and is by no means perfect, but as the minister said, it has evidently been a comparative success.

I will focus first on the positives. Local authorities told us that creating a statutory duty will enhance the ability to retain staff members who bring expertise and knowledge to practical implementation of the fund. Strange as it may seem, what is no longer in the bill is also a positive outcome—the bill no longer allows for outsourcing. However, the potential benefits that can be derived from joint working between local authorities, such as economies of scale, increased purchasing power, sharing best practice and increasing consistency, will remain in place, and that can only be welcome.

Another constructive aspect of the bill concerns placing the review of decisions with the SPSO and having that organisation take on a new role as the second-tier review body. Views on that were split between local authorities, which thought that it would be more consistent with the principle of local self-governance for secondary reviews to remain in local authority control, and the third sector, which believes that use of the SPSO will make appeals independent, consistent and impartial. The Scottish Labour Party agrees with the third sector in that respect, and our agreement with the third sector does not end there.

However, that brings us to where our disappointments with the bill persist. It is completely beyond my comprehension why the Government has remained so resistant to the principle of dignity being enshrined in the bill.

Although the bill sets out the circumstances in which a local authority can provide assistance, the failure of the Scottish Government to agree to an amendment that would have seen the needs of families facing extreme financial pressure added to those circumstances is a bitter disappointment. The bill clearly addresses needs that are the result of sudden crisis, but many families have needs that are on-going parts of their everyday lives.

The Department for Work and Pensions social fund had a category for such families under exceptional pressure, and although I acknowledge the Government's assurances that it wants the fund to support that group of people, its absence from the bill means that it is now a commitment that comes without a guarantee. That is why Labour agrees with the third sector and that is why, as I have argued, the Scottish Government should have enshrined in law that all those who are in legitimate need of the fund are able to access it as of right. If the Scottish Government is able to put that in guidance, surely it is not outwith the ambit of the bill. If it is in the guidance, it could be in the bill itself. We now have the ridiculous situation in which a piece of legislation is going to be passed without that principle in the bill, but the powers are going to come to us through the Smith agreement and we may have to come back and amend the act to put in place exactly what is happening under guidance in the bill. What a ridiculous situation has been created this afternoon.

Mark McDonald (Aberdeen Donside) (SNP): Surely Michael McMahon must accept that if, at the moment, we do not have the competence, it would be wrong, lest it risk the legislation, to put that in the bill, on the basis that in a few years, as a result of transfer of powers under the Smith agreement, we will have that competence. The point at which powers are available to this Parliament is the right time to re-examine things, rather than to do it pre-emptively when we do not have the powers.

Michael McMahon: No matter how many times Mark McDonald and his colleagues try to argue that case, it will not make any more sense to say that a bill would be jeopardised by including something that it will already do through guidance and which we will have the power to do at some point in the near future. If that is the case, why will not the Scottish Government do what it boasts of doing at any other time and stand up to the deadly Westminster Government and implement something that will benefit the people of Scotland? That argument is not acceptable. He can make it as many times as he likes, but it will not stand any serious scrutiny.

Quite frankly, to say that a provision can be in guidance but not in the law itself because of the

Westminster wording of the section 30 order is a total cop-out.

Compelling arguments have also been made that it is better for an applicant to receive an award in the form of cash than to receive vouchers or goods.

Kevin Stewart (Aberdeen Central) (SNP): Will Michael McMahon give way?

Michael McMahon: I need to make some progress.

The provision of goods allows councils to ascertain whether an award is being used as intended—and local businesses can benefit from organised procurement and distribution—but that ignores the fact that choice is essential in order to maintain dignity and self-determination and to reduce stigma for applicants. Treating applicants with respect despite their circumstances is vital, so providing options and meeting individual needs should be central to the process.

Given the increasing impact of welfare reforms, many of which are still to be seen, there is genuine concern about the growing level of demand on the fund, and worry has also been expressed about the variation in spend across Scotland. That is why the work of monitoring unmet need, understanding why it may have arisen, and watching out for potential shortfalls in administrative funding—which local authorities have already been supplementing—surely merits support for annual reviews taking place in order to ensure that the wider outcomes that the bill is trying to achieve are not jeopardised. However, for reasons best known to itself, the Scottish Government has yet again turned a deaf ear to that request.

Another positive thing came late this afternoon, however—the reduction in processing time for applications. Local authorities would have had 48 hours in which to process a crisis grant, while for the previous DWP fund the deadline was 24 hours. I welcome the minister's decision to listen to the people who have said that, when the key word is "crisis", it is essential that that part of the safety net that is provided to vulnerable people should not be extended beyond a whole day.

As I said at the beginning, Scottish Labour very much welcomes the creation of the Scottish welfare fund, but we agree with the poverty and disability organisations that believe that the principles of dignity and choice for applicants should have been enshrined in the bill. It is a good bill, but it could have been so much better.

16:05

Alex Johnstone (North East Scotland) (Con): This has been an interesting and almost unique

process, in that the somewhat surprise devolution of an area of welfare expenditure required the Scottish Government to bring together an interim Scottish welfare fund and put it in place a year before the legislation to formalise it was produced. As a consequence, we have taken the suck-it-and-see approach. We have seen what has been done well and where there have been problems and we have made changes in the legislation in some cases, when it has made good sense to do so.

At the end of the day, not many people opposed the move away from loans to grants, such as community care grants and crisis grants. One local authority argued that it might be appropriate to continue with loans; perhaps we can do something else with loans in the future, but it is right that this scheme should concentrate on grants. I see no problem with that approach.

The key issue that came to the fore even during the interim scheme was the need to incorporate a proper appeals procedure in the scheme. With the bill passing its final stage in Parliament, we can formally put that procedure in place.

Key elements that were discussed during consideration of the bill in committee included the 24-hour versus the 48-hour timescale. I am glad that we seem to have come to a conclusion on that and that the minister has put our minds at rest.

One person—a scheme user—who gave evidence to the committee thought that their application had been completed in the initial phone call yet believed that they were left to wait for 48 hours until news of their successful application was passed back to them. If that happened, that was unacceptable. I hope that it did not happen and that it was merely an impression that was created in error. We have had a clear indication from the minister that that is not the intent, so such cases should not—and hopefully will not—happen.

We have seen from the interim scheme that local authorities are very good at doing this kind of thing. There has been a mix of success rates, and we were in a dangerous situation for a while, when we thought that the interim scheme would be underspent because it took so long for people to understand what was available and for systems to be put in place to pass out that money.

The Scottish Government added money during the year, which resulted in more money being available. However, at the end of the process, we had a scheme that had largely run to budget, supplied support for those who needed it and given us examples of good practice in many local authorities across Scotland. I hope that the scheme is a successful model that we can perhaps adopt for the delivery of other support mechanisms that are yet to be devolved to us.

One area that I am disappointed about is the outcome of the discussion on outsourcing. I perfectly understand that most people in the Parliament—perhaps not including me—object to the private sector's involvement in the provision of public service. However, such provision could give us the opportunity to include skills and knowledge that are held in the third sector and to use them in the delivery of the scheme. I hope that we have not lost that opportunity completely by virtue of the fact that some have an aversion to private sector involvement.

We discussed at length today the fact that the Government has chosen to go down the road of the affirmative procedure for changes in the legislation once it is brought in. I will go off at a tangent here and say something quite clear—

The Presiding Officer (Tricia Marwick): Not too much, because you have 30 seconds left.

Alex Johnstone: I believe that the negative procedure is underrated and underused. In the bill's case, the negative procedure would have allowed change to happen more quickly if the need for change was identified.

In the long term, we should be concerned about the very high administration costs of the scheme. In the grand order of things, the scheme is relatively small, and too much of the money will be spent on administration. We have to drive down administration costs in the future, when we will have more responsibilities.

We will support the bill.

The Presiding Officer: We move to the open debate. I remind members that speeches should be of up to four minutes. We have no time in hand.

16:10

Kevin Stewart (Aberdeen Central) (SNP): Between April 2013, when the interim fund was established, and June 2014, 100,000 households were helped by the Scottish welfare fund. On the bill that is before us, Councillor Norman MacDonald of Comhairle nan Eilean Siar told the Welfare Reform Committee:

“legislation will give certainty not just to local authorities but to the clients about what is in place.”

Dave Berry of Dundee City Council said:

“The proposed legislation would give local authorities assurance. In fact, they will now have a duty that must be done. That can only be good for the continuing development of the Scottish welfare fund.”—[*Official Report, Welfare Reform Committee*, 30 September 2014; c 18.]

It is absolutely right that we lay out the legislative framework and put the interim scheme in statute.

I am a little disappointed that we are constrained by the powers that we have. We have debated that today. One thing is for sure: I want to make certain that the bill receives royal assent so that the duty is there and local authorities must do all that they can to help those who are in greatest need.

As I mentioned earlier, we have a fund of £38 million to mitigate the effect of £6 billion-worth of welfare cuts. Although good work is being done across the country, it has to be said that the onslaught of austerity and welfare cuts that we are facing is incredible. Families across the country are suffering because of the Westminster Government's policies.

On some aspects of welfare reform, some Tory ministers have expressed their ire. Today's *Guardian* reports that Nick Boles, a Conservative minister, has described sanctions as “inhuman”. It is hardly a system that has dignity and respect at its heart. I am pleased that the Scottish Government was willing to accept the amendment that I lodged at stage 2 to ensure that all welfare fund applicants are treated with respect and that their dignity is preserved. I wish that the Westminster Government would take lessons on that.

The interim scheme did not provide some things that we wanted, including an appeals system. I am glad that the issue of an appeals system has been resolved in the bill.

The Presiding Officer: You need to start winding up.

Kevin Stewart: I am also pleased that we chose not to go down the road of loans, which would have been detrimental to those who are in greatest need.

A fund of £38 million to mitigate the effect of £6 billion of cuts is not all that is required, but it is all that we can do at present. In terms of the future powers of the Parliament—

The Presiding Officer: I am sorry, but I need to move on. Malcolm Chisholm is next.

16:14

Malcolm Chisholm (Edinburgh Northern and Leith) (Lab): I welcome the fact that the Department for Work and Pensions transferred funds for community care grants and crisis loans to the Scottish Government in 2013; that the interim scheme that was set up then is to be set in statute; and that there has been progress between the interim scheme and the bill that is before us. In particular, I welcome the fact that we are to have second-tier reviews through the Scottish Public Services Ombudsman, which will give the public more confidence in the appeals process, although

we have to advertise all the time people's right to appeal.

I welcome some of the changes that have taken place during deliberations on the bill—most notably the dropping of section 3, which would have involved outsourcing to the private sector. I was also perhaps a little surprised but certainly pleased that the Government accepted the 24-hour time limit on decision making that Ken Macintosh proposed today.

However, we have gone backwards from the interim scheme in one regard at least—that of families experiencing exceptional pressure, on which we had the most contentious debates today. Ken Macintosh gave graphic examples of such families, such as lone parents facing pressure through a relationship break-up or people fleeing domestic violence. I have still not heard from the minister—perhaps we will hear it in her closing speech—how it can be outwith her powers to put something in primary legislation but not outwith them to put the same words in secondary legislation. I have never heard that in all my many years in Parliament.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will Malcolm Chisholm give way?

Malcolm Chisholm: I am sure that Stewart Stevenson will enlighten me.

Stewart Stevenson: The issue is not vires but who is a gatekeeper. There are no gatekeepers for secondary legislation except the courts, but gatekeepers exist for primary legislation and they block it. That is why it matters.

Malcolm Chisholm: That is an interesting point, but I still find it strange. As Stewart Stevenson likes this kind of thing, it would be interesting if he could find me a precedent for it happening in the years of the Parliament or even before. I have no doubt that he will do that for his homework and tell me tomorrow.

This is the beginning of welfare devolution. I would like there to be quite a bit more, and we will certainly get more from the Smith proposals. It is therefore important that we have clear principles in the bill that will be at the centre of the devolved aspects of the welfare state. That is why the amendments about taking into account needs and choices were important.

Those amendments related to the issue of cash versus vouchers. Inclusion Scotland made an interesting comment when it said:

“the use of vouchers may impact on the dignity and respect of applicants”.

It is striking that we had strong evidence from Inclusion Scotland, the Child Poverty Action Group and others whom the Government might normally

heed more. That is an important point, and I was disappointed that all the amendments that Labour proposed on the issue were defeated.

That also applied to our proposal for annual reporting. We have to keep a close watch on how the bill works. The Child Poverty Action Group referred to continuing problems of gate keeping and poor data collection. Another point that has not been mentioned, and which struck me as surprising when I realised it, is that the fund was underspent last year.

We have to keep a careful watch on the fund. The Finance Committee, on which I sit, considered the administrative cost and welcomed the benchmarking exercise that COSLA was doing on that. Perhaps the minister could update us on it in her closing speech.

The Presiding Officer: You need to draw your remarks to a close.

Malcolm Chisholm: I am just coming to a conclusion. I have 20 seconds.

The Finance Committee also asked how the Government arrived at the figure of 2,000 second-tier reviews when there have been only 144 this year.

We have to monitor the bill closely, even if there is to be no annual review.

16:18

Joan McAlpine (South Scotland) (SNP): I welcome the chance to contribute to the stage 3 debate on the Welfare Funds (Scotland) Bill. As members are aware, I am a relatively new member of the Welfare Reform Committee. When I was appointed to it, I met the clerks, who told me that, unlike some other committees of the Parliament, it is a consensual committee. They were not wrong.

The committee's consensual nature is due in no small part to the issues that it deals with, and the Scottish welfare fund is a good example. People who access the fund are desperate and their individual circumstances must be acknowledged and respected, not politicised. That is not to say that members do not have their disagreements—as we have had today—but, in general, it is fair to say that we are broadly aligned in opposing Tory welfare reforms and taking action to mitigate their effect in Scotland.

Members around the chamber have all dealt with cases that highlight the terrible consequences of United Kingdom Government welfare reform for some of our most vulnerable citizens. As has been mentioned, the Scottish welfare fund has already helped 100,000 households, and it is right that we put it on a statutory basis to ensure that that vital

help continues. It is, of course, not right that so many of our citizens need that help in the first place.

Themes that have arisen in the committee as the bill has progressed are concepts of dignity, choice and respect. I was pleased that the minister lodged amendments at stage 2 to remove the ability to outsource the scheme, so there is no risk that private companies will be left in charge—not that that was ever likely to happen under this Scottish Government, but safeguards are nevertheless welcome.

Those themes were also raised in relation to the ability of local authorities to give support in kind, rather than cash, as has been discussed today. I sympathise with Ken Macintosh's intentions in amendments 2, 3 and 5 but, as Kevin Stewart and the minister pointed out, most of the in-kind grants are to help people who are leaving institutional care, and choice is available.

Another point that has been made is that we have a £38 million fund to deal with benefit cuts of £6 billion, and we simply have to ensure that as many people as possible are helped by that fund.

The £100 million that the Scottish Government is providing in 2015-16 is a drop in the ocean. There will be huge pressures on the fund and we must acknowledge the opportunities that COSLA outlined in its briefing for bulk-buying goods. I do not believe that the bill is the correct place to address those issues.

I have sympathy for amendment 7, which Margaret McDougall lodged. It would have required consideration of applicants' particular needs and choices. However, we must be careful when working in the context of extreme budgetary pressures not to increase the administrative burden on local authorities.

It is important to remember that the people who will access the fund can be facing absolute destitution. The pot that we have to help them is limited and, if we do not use it cost effectively, other people who are facing that absolute destitution will be deprived of help.

At stage 2, my colleague Kevin Stewart lodged an amendment to require local authorities to take reasonable steps to ensure that all welfare fund applicants are treated with respect and have their dignity preserved. That goes a long way towards addressing Margaret McDougall's concerns.

I hope that members across the chamber will be able to support the bill, albeit with a heavy heart. As other members have outlined, and as I have said before, in such a wealthy society as ours, we should not have to pass such legislation.

16:22

Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP): When welfare reform at United Kingdom level seems to be incoherent and downright scary for most if not all vulnerable people, it is welcome that the Scottish Government and the Welfare Reform Committee have taken time to consult and be guided by the many excellent third sector organisations across this land that understand and support the victims—I do not use the word “victims” lightly—of welfare reform, which seems to be more about reform and less about the actual welfare of our citizens.

The amended bill that is before us today proposes placing a duty on local authorities to deliver the fund, in line with regulations and guidance that may be issued by Scottish ministers. As we know, local authorities have been delivering the fund on an interim basis. The fund is intended to provide a safety net for vulnerable people in an emergency when there is an immediate threat to health and safety, through the provision of crisis grants.

I thank the Child Poverty Action Group for the advice and information that it has provided to us during the scrutiny of the bill. It said:

“The development of the Welfare Funds bill, with additional Scottish Government investment in a national Scottish welfare funds scheme following the abolition of DWP crisis loans and community care grants has provided a level of support to households in Scotland now sadly lacking in many other parts of the UK.

Currently, the fund provides a vital means of support for vulnerable, low income households who are in or at risk of crisis, facing exceptional pressures or whose ability to live independently is threatened. It plays an important preventative role, providing a safety net to reduce pressure on costly public services such as residential care, homelessness services and the NHS.”

The fund will also enable people to live independently or to continue to live independently, preventing the need for institutional care, through the provision of community care grants.

When I was a training officer in social work services, I delivered a course called “Promoting Independence”. It was about not Scotland's constitutional future but the value that is placed on personal independence for people with additional support needs and disabilities. I therefore draw the minister's attention to the concerns that were raised by the many organisations that gave evidence on the bill. I know that she will be well aware of them, but I want to reinforce the need for clear and unambiguous guidance on the needs of people who fall into the category of families under pressure. I know that the minister holds dear the fundamentals of proper wraparound care for families, and I welcome her reassurances on that particular matter.

In her briefing to us, which as usual was excellent and forthright, Lynn Williams, on behalf of the Scottish Council for Voluntary Organisations, said:

“We must not underestimate the importance of this legislation. The Fund is small but its reach is significant. It is the final safety net for people in need. Scotland can take its first steps in creating a more compassionate social security system with a fair, inclusive and empowering safety net established as a result of this Bill, or we can continue to stigmatise those in poverty. As parliamentarians, we ask you to take the lead in this journey and support amendments to this important piece of legislation.”

I say to colleagues and the minister that we have been set a high standard indeed, but it is one that all parties in this Parliament can live up to. If we do not, we have superb advocates in the likes of Lynn Williams, CPAG, Inclusion Scotland and many others to remind us why a welfare state should be just that: a place of safety for our people in need. I commend the bill and the work of all those who have been involved in bringing it to this stage today.

16:25

Tavish Scott (Shetland Islands) (LD): I strongly support the Welfare Funds (Scotland) Bill, which will put in statute measures that have been of an interim nature, and I recognise the minister’s role in introducing it to Parliament.

The parliamentary committee has done important work in scrutinising the bill and listening carefully to those who have been directly affected by so much of welfare reform, which is without doubt painful and extremely difficult for many people. I recognise the submissions that have been made in advance of the stage 3 proceedings and I reflect, as might one or two members who have been involved in the Smith commission but are not here today, that some of the most compelling evidence given in recognition of the changes that Scotland can and should be able to introduce in the future are in the area of the safety net that we provide for those of our citizens who are less fortunate than others. There is no question but that there will be further progress in this broad area of policy and I hope that the Devolution (Further Powers) Committee, under Bruce Crawford’s careful chairmanship, can reach a sensible cross-party accommodation of what is certainly a difficult policy issue. In my view, there is no doubt that that progress will be made.

I also recognise the point, which Malcolm Chisholm first made, about the review mechanism that the Government is introducing through the bill, in the shape of the Scottish Public Services Ombudsman. That body, with which many of us interact on behalf of our constituents daily, does not have a completely blemish-free record. Every

person who does not make their complaint stick is less than enamoured with the SPSO, but nevertheless I welcome the Government’s intent to introduce the appeal mechanism and ensure that there is a second-tier reviewer. I am not sure that that welcome will be universally shared by those who make the initial decision, but that is the nature of the game.

In that context, I recognise that local authority officers make difficult decisions in many existing areas of devolved policy, whether on housing allocations or other issues that directly affect people’s lives. The bill has added another tier of responsibility to those officers and with the Smith agreement and what will happen thereafter, more will be added to that workload. We need to recognise that in how we support local government.

I have two points on the amendments that were carefully considered by the Parliament, although whether they were “carefully considered” is a moot point given that the time for back benchers—never mind the ministers—was so limited. We could reflect many times on whether we have ever got that right in the 16 years that we have been in this place.

My first point concerns the debate on goods versus cash and how Government should frame the issue for local authorities to make the decision. The state should not assume that it knows best on these occasions, but when I listened to that debate it seemed that a very top-down approach was being taken. Surely we should do this from the bottom up. That was reflected in some of the submissions that we all read prior to this debate.

My second point is on the annual report, which the minister does not agree with. I understand that; I was a minister too, and I always had civil servants telling me that we could not do something. This is a really good point about parliamentary scrutiny when we introduce something new, to find a different way to do things. We are introducing something new here, and I think that Parliament should adapt and change over time, not just do things the way that we have always done them. Our committee structure is not perfect, but I am absolutely sure that Audit Scotland will pore over all this and we should be ahead of the game, rather than wait for it to happen afterwards.

16:29

Sandra White (Glasgow Kelvin) (SNP): I thank the Welfare Reform Committee, of which I am not a member, and the minister for the work that they have done on the Scottish welfare fund. We welcome the £38 million and I know that the

Scottish Government will use it in the best interests of the Scottish people.

However, we need to highlight the fact that 85 per cent of welfare powers are still in the control of Westminster. I know that Michael McMahon, who has just walked behind me, agreed with the third sector in his contribution. I say to other parties in the chamber that it was a pity that they did not support the 65 voluntary organisations, including the SCVO, Children 1st, Engender, Barnardo's and the Poverty Alliance, which called for the devolution of welfare powers. As other members said, we are looking at £6 billion of cuts to welfare. Yes, £38 million is something, but what a missed opportunity to be able to say to our people that in a rich country such as Scotland they do not have to scabble about looking for extra money when they are in dire straits.

Let us look at the benefits that are still reserved: universal credit, employment support, income support, housing benefit, child tax credit, jobseekers allowance, state pension, pension credit, incapacity benefit, child benefit, in-work credit, and maternity and paternity pay—all reserved to Westminster. We had the opportunity to make sure that they were brought to the Scottish Parliament.

However, as I said, I congratulate everyone on the Welfare Reform Committee on the work that they have done. We have the £38 million at the moment and we will use it in the best interests of the Scottish people.

I want to touch on a couple of issues, which I think Tavish Scott also mentioned. I tried to intervene—twice, I think—on Mr Macintosh, but I was not successful, so I will pick up the points just now. Ken Macintosh and, I think, Margaret McDougall, asked whether the fund would be operated through grants or cash. Their colleague Michael McMahon answered their question, because he said that local authorities could work together and purchase using economies of scale. I have seen examples of that in my constituency, as I am sure that others have. People get the goods almost straight away. It creates employment and recycles. People can go and pick up the goods that they desperately need and give over the grant that the local authority gives them.

Ken Macintosh (Eastwood) (Lab): Will the member take an intervention?

Sandra White: I am sorry, but I do not have much time. I would have liked to take an intervention. Ken Macintosh's colleague answered the question; it is about economies of scale and local authorities working together.

The other issue was competency. I tried to intervene during that discussion. Most people here know that I have been trying to push forward a bill

on responsible parking. I have been told on many occasions by the clerks in this Parliament and the legal team in this Parliament that even if the bill went through the Parliament it could still be deemed not competent and someone could still challenge it in court. We have to remember that. It is not stopping me obviously—I am still pushing the bill forward—but it has made it more and more difficult for me to get what I think should be welcome legislation through the Parliament. Those are the constraints that I, and others, have been put under by the advice that we have had from the Parliament that the bill could go through but still be deemed not competent and challenged. I remind members that it does not just happen with the Labour amendment or this bill—it has happened previously.

16:33

Margaret McDougall (West Scotland) (Lab): I am the newest member of the Welfare Reform Committee and it has been a very interesting time for me to join the committee as the bill has made its passage through the Parliament.

This is a significant piece of welfare legislation and it is crucial that we get it right to protect vulnerable people. Therefore, I am disappointed that the Scottish Government decided not to support the Labour amendments today, because they promoted choice, openness and transparency and provided support to families under exceptional pressure.

The argument that my amendment on choice would put additional pressure on local authority budgets is frankly nothing more than a smokescreen. The amendment is effectively cost neutral and would allow a local authority to pay either in cash or in kind based on what the claimant would prefer and what would best suit the needs of that individual, after discussion with the local authority. It goes hand in hand with Kevin Stewart's amendment that was accepted at stage 2, as choice is crucial to dignity and respect. My amendment was supported by the Poverty Alliance, which argued that the refusal to trust applicants with monetary grants increases stigma and can make an individual at a very low point in their life feel that they are receiving handouts rather than accessing legitimate support from the state social security system. It was also supported by the SCVO, which stated that the fund should be driven forward by choice and should set a benchmark for any future legislation.

Today, the Scottish Government had a choice, and it chose to ignore the calls of Scottish Labour, the Poverty Alliance and the SCVO.

It is also worrying that the Government has voted to block openness and transparency by

refusing to support annual reporting. The Lib Dem member, Tavish Scott, made a good point. The legislation is new, and we should be looking at new ways in which to review and scrutinise it. In my view, we should do that with an annual report. The amendment was supported by the SCVO, which has called on the Scottish Government to ensure that the fund will be comprehensively reviewed and scrutinised by the Parliament, as set out under the provisions of the Welfare Reform (Further Provision) (Scotland) Act 2012.

I understand that that information will be collected and collated elsewhere, but I asked that the Scottish Government bring it in a specific annual report to Parliament to be reviewed and scrutinised. That would have given the Scottish Parliament a formal role to play in the process. We have already heard, for example, that there was a huge underspend last year. It is crucial that we set a clear benchmark for future legislation in the field. The bill was the opportunity to do that, given that the system is new and untested and that the bill is one of our first pieces of welfare legislation. I find it unbelievable that, even though that was proposed in the Welfare Reform Act 2012, it has been blocked today.

To conclude, I am disappointed that the Scottish Government decided to vote against Scottish Labour's amendments, except for Ken Macintosh's amendment on processing time, and all the amendments that were widely supported by the third sector. The Government has voted against the principles of choice, openness, transparency and supporting families that are under exceptional pressure. The bill was one to set the future standard of welfare legislation in Scotland. We have witnessed that the Scottish Government's rhetoric does not match reality.

16:37

Mark McDonald (Aberdeen Donside) (SNP): There we have in a nutshell the problem with the Scottish Labour Party. It assumes that, because we did not agree with its amendment to put something on the face of the bill, ergo we must be opposed to supporting families. That is the kind of Punch-and-Judy, black-and-white approach to welfare issues that does the Labour Party no credit whatsoever.

I have no hesitation in supporting the bill, although, as Joan McAlpine quite rightly pointed out, it is not something that we should feel the need to introduce in a wealthy society. Nonetheless, that need exists because, as has been pointed out, around £6 billion of welfare cuts will affect the most vulnerable people in our society. The bill as it stands allows for a £38 million fund, because that is the limit that we can extend to with the powers and resources that

we have. However, we are installing a safety net below a safety net. The welfare system, as administered at the UK level, should be the safety net that catches people, but we are seeing a system at Westminster that is widening the holes of that safety net. That will mean that more people will fall through it, so we have to install our own safety net below that. Although it is a small safety net in comparison with the cuts that are affecting people, it is required and it will deliver real, tangible impacts on some of the most vulnerable individuals in our society.

I want to focus the majority of my remarks on the argument in the debate today over the Labour Party's amendment that could have seen the bill potentially not being awarded royal assent.

First, there is a difference between legislation and guidance. Guidance to legislation does not require royal assent. That is why the matter can be put into guidance. Secondly, Michael McMahon argued that what we ought to have done today is to pass the amendment and then have a fight with the Westminster Government over it. He said that the Scottish Government should just fight with the UK Government, because apparently what we are all about is just fighting with the UK Government.

Michael McMahon: Will Mr McDonald give way?

Mark McDonald: I will give him the opportunity to clarify the remark that he made, but I am sure that the *Official Report* will show it accurately.

Michael McMahon: I have no intention of clarifying the remark because I never made that remark. Will the member accept that it is not the Parliament's authorities that said that the amendment could not be passed? That was only the minister's advice. No one else has said that we would have the difficulty that he is trying to get the Parliament to accept.

Mark McDonald: The member will note that the clear advice that came back was that the issue is around not admissibility but competence. There is a very big difference between those two things. At the end of the day, the matter is in the gift of the Advocate General rather than in the gift of the Parliament's lawyers.

The second element of the argument appears to be that powers will come to the Parliament eventually as part of the Smith commission process, so let us act before the powers are transferred. That is exactly the issue that has led to our not being able to agree to the amendment, and it is a risky strategy. It is a risky strategy because the risk is carried not by the Scottish Government but by those vulnerable individuals who would find themselves unable to access the fund were the legislative competence to be challenged. That is why the amendment could not

be agreed to, and I would have hoped that the Labour Party would at least have been able to understand that.

16:41

Annabel Goldie (West Scotland) (Con): The debate has been genuinely interesting. There have been moments of exchange and passion, and it represents the conclusion of an important and interesting process for a number of reasons.

The bill's scrutiny, which was embarked on by the Welfare Reform Committee, followed the operation of an interim scheme that was the implement of devolution of the social fund. That background is important for both local authorities and the Scottish Government, as it informed them about what works and what does not work. That practical information has informed both the bill and the scrutiny process, and I hope that this legislative process will provide a template for how the Parliament approaches the new and important welfare powers that are being delivered on the back of the Smith agreement.

The bill does something else, too. It rightly recognises the relevance and the importance of using local authorities, with their geographical spread, for the delivery of a key welfare provision. It also recognises that the local authorities have gleaned experience and have built up expertise that forms a solid base for the current system and holds out well for the future. I foresee further opportunities for local authorities when the new powers are introduced.

It is clear that the bill, with the amendments that were passed today, provides a vital local link to people in sudden and perhaps unpredicted need, with the swift provision of help to meet that need. There is also a welcome recognition of the importance of conferring on local authorities flexibility in how to meet that need. We are all agreed that, when extreme difficulty is encountered, help should be at hand that is quick and appropriate. I think that the bill achieves that objective.

However, I was less than impressed by the Scottish Government's opposition to Mr Macintosh's amendment 4, which would have enabled qualifying individuals to include those who are part of a family facing exceptional pressure. Mr Macintosh argued his point well and identified a need to clarify the definition of qualifying individuals. The Scottish Government said that the amendment would place the bill beyond the scope of the section 30 order and that the whole bill would then become ultra vires. That may be an opinion, but the minister failed to clarify what legal advice had been sought, from whom and what it said. During the passage of the bill, she also failed

to clarify whether she had consulted the UK Government on its attitude to such a provision. In short, the Scottish Government's response was unsatisfactory and unconvincing.

Interestingly, section 2(1) as unamended—this may offer unexpected succour to Ken Macintosh and the minister—seems to refer to “individuals”, so presumably a family, which comprises individuals, could all present themselves, as individuals, and be addressed under the section. How the clarifying amendment creates an ultra vires status is bizarre.

It is equally important to understand that when people find themselves in such distressing situations they might find it difficult to think clearly or to describe what their circumstances are, so providing for a local authority review of decisions and a referral to the Scottish Public Services Ombudsman are important safeguards. They also provide reassurance to the claimant. That is an important aspect of the legislation.

If claimants are entitled to reassurance—and they are—this Parliament and the taxpayer are entitled to be reassured that the system is working effectively and transparently. My party supported Margaret McDougall's amendment 8 to provide for reports to be laid before the Parliament by the Scottish Government. That seemed to be an entirely reasonable requirement.

The Presiding Officer: I am sorry, but you need to finish.

Annabel Goldie: In short, the Scottish Government's response explains why all the information is there, but the question remaining is why not put that into a report?

This is a good bill. It is important; it is welcome. It will make a difference and my party supports it.

16:46

Ken Macintosh (Eastwood) (Lab): We will shortly vote on the Welfare Funds (Scotland) Bill. I hope and expect the chamber to be unanimous in its support for the measure.

I thank all those whose speeches have brought us to this stage, the minister and her team, Welfare Reform Committee members and the third sector and anti-poverty organisations that offered their expertise. In particular, I want to thank, as Christina McKelvie did, Lynn Williams from SCVO, as well as Hanna McCulloch from CPAG, for their support, advice and forbearance. Perhaps most important of all, I thank the many individuals with direct experience of welfare who shared their personal life stories and their insights on being on the receiving end of the Scottish welfare fund.

This is not a particularly earth-shattering piece of legislation; nonetheless, it is an important one. I do not want to shatter Mark McDonald's belief that it was somehow all invented by SNP ministers, but it was the Conservatives and the Liberals who decided to devolve the former DWP-administered social fund to local authorities in England and to pass on to us the power to decide how to provide the support in Scotland.

Ministers have, for the most part, done the right thing. They have topped up the fund and made the welcome change of moving from a system of loans to one of grants. There have also been a number of practical reforms, such as replacing the DWP administration with the service provided by our local authorities and establishing an independent appeals mechanism. It is fair to say that the appointment of the Scottish Public Services Ombudsman to conduct the task was not greeted with unanimous approval, as Michael McMahon said, but there is some optimism that it will prove effective.

I thank the minister for responding to at least some of the stronger concerns raised about the bill. The Scottish Government's original proposal to allow the administration of community care grants and crisis payments to be outsourced or privatised struck most observers as particularly ill-founded. I thank the minister for recognising the danger inherent in such an approach and the unacceptability of profiting from social misfortune even if, much to our amusement, her SNP colleagues on the committee seemed more dogmatically and unquestionably loyal to the Government's original will than to the evidence before them.

There was not a huge amount of movement from the minister at stage 2, but I thank her for at least acknowledging some of the arguments and, for example, tempering the powers of the ombudsman to pursue claimants. I also add my thanks to her for accepting my amendment 6 on moving to a 24-hour deadline.

However, I also want to express my disappointment—my misgivings, perhaps—over our approach to the legislation. This is one of the first bills to lay the foundations of welfare in Scotland. We are about to get many more such welfare powers and Malcolm Chisholm talked about the significance of devolving more welfare powers to Scotland. Yes, there has been a nod in the right direction, but it is critical that we get the principles right from the start. I am not convinced that we have, even though the words “dignity” and “respect” are in the bill.

When it came to what that means in practice—when it came to offering welfare claimants some sort of say, choice or control over their own treatment, the minister balked at the prospect.

Several members spoke about that, including Michael McMahon, Sandra White and Joan McAlpine; there was also a very interesting speech from Annabel Goldie. I will not rehearse the whole argument, but it demonstrates the two sides to this Administration.

I have no doubt that the minister wants to talk the language of progressivism, and I have no doubt that she and many of her party colleagues see themselves broadly as social democrats, but I worry that many of the actions of this Government are conservative with a small “c”. SNP ministers often seem more concerned about not rocking the boat—not upsetting people—than they are about making the radical change that is needed with the powers that they already have at their disposal. The minister and colleagues such as Kevin Stewart never seem happier than when they are turning an issue on which we can make a practical difference into a constitutional impasse featuring—by and large—the big bad bogeyman, Westminster.

In this case, my fear is that, by replicating the old social fund, we are doomed to replicate some of the faults of the current welfare system. We know that that system and, to a greater extent, the welfare reforms that were introduced by the Tories are overly judgmental. Inadvertently or otherwise, the current system can demean rather than empower, and I am not convinced that we have done enough to put the needs of individuals at the heart of our thinking.

I recognise that these are difficult decisions at a difficult time. When our welfare system is under attack, as it is from the current Conservative Government, in some ways our first duty is just to hold on—to defend what we have got and to stop the vulnerable being further undermined and subjected to political interference. However, by not fully grasping the importance of the principles that are at stake, by not adopting a more rights-based approach and by not looking at the fact that, whatever the original intent of welfare to tackle the big evils of want, squalor and poverty, in some ways it has become a sop to the fact that we now live almost permanently with long-term mass unemployment, we are almost accepting our willingness to live permanently with poverty in our midst. I do not believe that we are prepared to do that or that that is the point of welfare. It should be there to help people to get back on their feet. It should be there as a support. It should not be judgmental, nor should it stigmatise, yet I think that we are in danger of doing exactly that.

The bill is just the first of several new measures. I hope that the Scottish Government will reconsider its approach as we develop welfare powers in Scotland, and that we will all think again about what we are trying to achieve in the long

term. We need to think about how we treat the vulnerable in our society, what status we give them and how we can best help them. On that note, I believe that we should support the bill, because of the benefit that it will bring to the people of Scotland.

16:52

Margaret Burgess: I am grateful to members for their contributions to this afternoon's debate. I have been encouraged that, across the Parliament, there has been recognition of the benefits of the statutory Scottish welfare funds. There have been disagreements about some of the detail of what should be in the bill and what might be more appropriate to include in regulations, but the support across the chamber for the principles of the bill is strong.

The bill is also supported by the third sector, organisations from which have worked with us to develop the bill. They will continue to work with us as we produce the regulations and the guidance.

I want to address a couple of the comments that have been made. I do not want to rehash the argument on families who are under exceptional pressure, but I want to make it absolutely clear that those families will be able to access the statutory Scottish welfare funds. That is critical. They can access those funds at the moment, and they will be able to access them in the future.

It has been argued that we should have just gone for it and taken the risk on the amendment regardless of whether the bill would have been competent. Part of me wanted to just say, "Aye, let's go for it—let's take them on," but the issue that we are talking about is far too serious. We are talking about vulnerable people. If we do not get royal assent for the bill, we will not have statutory Scottish welfare funds. We will not have the 24-hour processing time that we have today agreed is the best way forward—that will be part of the statutory funds. I am not willing to take the risk that we might not be able to do any of the things that we want to do.

We want to help vulnerable people. I have given a commitment that families who are under exceptional pressure will not be excluded from the statutory welfare funds.

Michael McMahon: If legislation is required to allow the Scottish welfare fund to operate, how has it managed to operate for the past two years? Putting the fund on a statutory basis will provide some protections, but it will not change the rules or the criteria for applications, which have operated for two years.

Margaret Burgess: No. At the moment, we have an interim fund that is discretionary; it is not statutory.

The criteria for the Scottish welfare fund are laid out according to what is in the section 30 order, which is why the bill has followed the section 30 order that gives the Scottish Parliament powers over aspects of welfare. I would like the Scottish Parliament to have all powers over welfare; if we did, we would not be in the position that we are in today. However, I have not only given a commitment that we will put the powers in regulation and guidance; I have also given a commitment that, when we get the powers recommended by the Smith commission, we will look at widening the scope of what is in the legislation to remove any vestige of doubt about whether we are caring for families under exceptional pressure.

I do not appreciate the message that Labour members are putting out today that in some way the Scottish Government does not care about families under exceptional pressure. This Government has made sure that the current fund has looked after people in exceptional circumstances and that the statutory fund will. *[Interruption.]*

The Presiding Officer: Members must stop shouting.

Margaret Burgess: On the point that Margaret McDougall made earlier about choice, I outlined clearly in the stage 3 debate some of the choices that exist for people when they apply for a community care grant. Margaret McDougall did not seem to distinguish between a community care grant and a crisis grant.

I have been very clear that, as we move forward with regulation, cash should be the default method for crisis grants, which might be cash neutral for local authorities. However, local authorities have told us very clearly and demonstrated to us just how much more they can get out of the welfare fund and how many more people they can assist by providing goods instead of cash for community care grants when we are talking about large sums of money.

The evidence that we have from the people who have benefited from the Scottish welfare fund is that they very much appreciate that service because it means that they can choose what furniture they want, for example, and decide on the date that it should be delivered—that is currently happening.

Margaret McDougall: Does the minister agree that local authorities are underfunded to administer the welfare fund?

Margaret Burgess: Margaret McDougall seems to be talking in circles: one minute she is asking us to take away the right of local authorities to be able to fund goods even though they are telling us that her proposal would cost too much, and then she says that local authorities are underfunded. I do not agree with her.

We provide £5 million for local authorities to administer the Scottish welfare fund. For me, it is very important when we have a limited budget that it is helping those it should help: vulnerable people in Scotland. We believe that they should be treated with dignity and respect at all times, which is why I was very willing to accept Kevin Stewart's amendment to that effect at stage 2; and third sector organisations have been telling us that they are pleased that we have taken that forward. I would want to ensure that that is understood by Margaret McDougall, because I am not sure that she did understand it.

As we move on, where there are things that could improve in terms of how the fund operates, we need to work with local authorities—

The Presiding Officer: One moment, minister. Can members who are coming into the chamber please do so quietly? It is disrespectful to the minister, who has taken part in the whole debate and been here throughout, that members are just walking in and not listening to her.

Margaret Burgess: We need to work with local authorities to ensure that the people who need help are able to get it when they need it, and we are doing that through a structured programme of improvement work.

The Welfare Reform Committee made a number of recommendations in its stage 1 report that touched on the more operational aspects of the interim scheme. It is right that, among other things, the committee highlighted the length of application forms, processing times—which we have dealt with today—and local authority variation. We are continuing to work with local authorities to get all that right and to have the scheme implemented consistently across the country.

In case I run out of time, I will touch on the issues that members raised around an annual report and transparency. Members said that we are not being transparent about the scheme, but it is one of the most transparent schemes that we have ever had. Every quarter, 84 pages of information are provided publicly and they are scrutinised by members, third sector organisations and the Welfare Reform Committee. I think that that is the right way to work, because we can see at an early stage whether a pattern is developing on something that could be improved or changed, and deal with it at that stage.

I, for one, appreciate the kind of scrutiny that we are getting from the third sector and the Welfare Reform Committee, which is a continuous process. I do not see how putting all that together in a report once a year will make any difference. We should be acting when we know that a problem is happening, and we can do that on a quarterly basis instead of once a year, as has been proposed. There is no lack of transparency in the scheme. It is transparent and we will ensure that it remains so.

We are also working—

The Presiding Officer: You need to end, minister.

Margaret Burgess: Sorry—I did not realise the time. I will wind up.

The bill is a vital piece of legislation. It provides assistance to the most vulnerable people in Scotland and it highlights the stark contrast between how the UK Government has responded to the abolition of the social fund and the nationwide scheme that we are introducing here in Scotland. I hope that all members will get behind us to ensure that we get the scheme absolutely right for those who need it most.

Decision Time

17:00

The Presiding Officer (Tricia Marwick): There is only one question to be put as a result of today's business.

The question is, that motion S4M-12485, in the name of Margaret Burgess, on the Welfare Funds (Scotland) Bill, be agreed to.

Motion agreed to,

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

[Applause.]

Mary Slessor and International Women's Day 2015

The Deputy Presiding Officer (John Scott):

The final item of business today is a members' business debate on motion S4M-12191, in the name of Jenny Marra, on celebrating Mary Slessor on international women's day. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the centenary of the death of Mary Slessor, the missionary who left the slums of Dundee at the age of 28 and went on to save hundreds of lives and promote women's rights in Calabar in Nigeria; commends the Mary Slessor Foundation's work with a number of people, companies and organisations throughout Dundee and beyond to organise a series of events throughout the centenary year; welcomes the launch of these events with the unveiling of a commemorative standing stone and plaque in front of Dundee's Steeple Church; recognises Mary Slessor's importance as a historical figure as a Scot, a woman and the first female magistrate in the British Empire, and considers that her accomplishments should especially be highlighted on International Women's Day 2015 to celebrate her work in helping create a future for women that is bright, equal, safe and rewarding.

17:02

Jenny Marra (North East Scotland) (Lab): I thank all the members who are here this evening to take part in this debate as we approach the important annual milestone of international women's day.

Life in Dundee in the mid-1800s might be difficult for us to visualise now. There was a lot of slum housing, poverty pay, short life expectancy, chronic sanitation provision and, for thousands of people, a hard working life in the jute mills, which were unsafe, noisy and extremely unhealthy. It was into that world that Mary Slessor was born in 1848. It was her strength of character, shaped by her environment and her city of Dundee, that spurred her on to inspire not only the people of our city, but others across the world.

As a youngster, Mary dedicated herself to her church—the Church of Scotland—and to her education, spending every moment expanding her knowledge and reading the writings of Thomas Carlyle, John Milton and David Livingstone. Those thinkers inspired her to her core, despite her difficult surroundings and her father's alcoholism, and in 1876 at the age of 28 she set sail from Southampton to arrive eventually in the very different world of Calabar in Nigeria.

Life in Calabar proved to be gruelling, exhausting and at times heartbreaking for Mary as she set out on her work to teach, to help the families around her and to worship. Mary adopted orphan children in Nigeria and worked hard to act

both as a missionary and as a mother, despite battling ill health and malaria numerous times. During her time in Nigeria, Mary Slessor not only saved hundreds of lives of men, women and children, but offered a brand of assertiveness that was a less-than-orthodox style of missionary work.

From the beginning, because of the cultural differences that existed between Mary and the people she was living among, it was clear that her work would be a challenge, but her integrity, respect and determination in learning the language and customs of the local people allowed her to overcome some of those issues and, in many ways, to become the people's representative.

That was an unconventional route for a missionary to take, but learning the languages of the people and how to live with them led Mary Slessor to provide the valuable role of interpreter between the Calabar chiefs and British officials in the region. It is that strong engagement with culture that was one Mary's latest strengths and the key characteristic that we should celebrate today.

It is worth noting the work that Mary Slessor did with twins; she was a pioneer in that area. It was believed at the time in Calabar in Nigeria that twins were the work of the devil and that one of them should die. It was Mary's fortitude in fighting against that that allowed many babies and children to survive.

The purpose of international women's day is to look beyond ourselves and address the inequality that affects us globally. I hope that we can breed a better understanding between ourselves and try harder to bring together other cultures of the world to fight inequality and find a progressive and respectful way. That is a progression of which I think Mary Slessor would have been proud.

Mary's impact is still felt and celebrated throughout Nigeria. Her unwavering belief in God's will, her bravery and her determination meant that she was greatly respected by the local people among whom she lived. The devastation that swept through them on news of her death is a testament to that. Mary's legacy is marked this year as we reach the centenary of that passing. In large part, that legacy can be seen in the work of the Mary Slessor Foundation in Nigeria, which includes work in agriculture, health clinics and skills centres. The foundation retains strong links with the city of Dundee.

A number of excellent centenary celebrations are taking place throughout Dundee, starting with the unveiling of a bronze plaque at the city churches—one of which, aptly, is St Mary's kirk—in the centre of our city. In April, the dedication for the plaque will be given by the Moderator of the

General Assembly of the Church of Scotland after attending a service at the Steeple in Dundee.

It is greatly encouraging that the children of our city are involved in Mary Slessor's commemoration. There are the invitation letter photography competition and short story competition for young Dundonians, and lectures by Ruth Kirkpatrick, Doug Binnie—who joins us in the public gallery—Billy Kay and Dr Sarah Worden. An exhibition, a number of plays and concerts and a dedication from the Sheila Tennant awards to Mary illustrate just some of the inspiration that Mary Slessor has brought to her home city.

I pay tribute this evening to the people on the committee in Dundee who have done so much in the past two or three years to plan the centenary celebrations of Mary Slessor's death and to mark her contribution to the city and the world. I am honoured tonight to speak to the motion in my name—I acknowledge Dave Thompson's amendment—to mark international women's day 2015 and to celebrate the life of the courageous and inspirational Mary Slessor.

17:09

Anne McTaggart (Glasgow) (Lab): I thank Jenny Marra for bringing the motion to Parliament and for acknowledging the achievements of Mary Slessor—a woman from Dundee who devoted her life to the promotion of women's rights in Nigeria. Her accomplishments, along with the accomplishments of many other women, truly deserve to be celebrated every day and not just today. However, it is essential that they be highlighted on international women's day. The theme for this year's international women's day is "Make it happen", and Mary Slessor is the true embodiment of that phrase.

However, I also want to highlight the accomplishments of another Mary who was also an extraordinary woman: Mary Barbour. For those of you who do not know, Mary Barbour was a Glaswegian woman who was known for her political activism throughout the early 20th century. Although she was from an average working-class background, the work that she accomplished throughout her life was anything but ordinary. Having had first-hand experience of the poverty and oppression that was rampant throughout Glasgow, Mary Barbour was considered a working-class hero throughout Glasgow.

She was born in 1875 in Kilbarchan, and later moved to Elderslie in 1896. She married an engineer and they settled in the Govan area of Glasgow, where she raised her two sons. She joined the first Scottish co-operative guild, Kinning Park Co-operative Women's Guild, which offered

an outlet for women, including Mary, to discuss important and relevant political issues. It was also a route through which women were taught and encouraged to enter the male-dominated sphere of politics.

In 1915, in response to a rent increase in overcrowded tenement blocks, there was an outpouring of opposition, mainly from women, in protest against the new policies. The women who took to the Glasgow shipyards wielding pots and pans—as is sometimes still done today in honour of Mary—were often referred to as Mrs Barbour's army.

Mary organised and spoke at rallies, which culminated in November 1915 with the passing of the Increase of Rent and Mortgage Interest (War Restrictions) Act 1915, which changed the housing system not just in Glasgow but throughout the rest of the country. It also brought Mary Barbour to the forefront of political activism.

Mary made a name for herself once again when she became the first woman councillor for the city of Glasgow in 1920, standing against two male candidates. Her commitment to helping women and children was especially evident from the policies that she fought for throughout her tenure as a city councillor and later as the first woman baillie.

She pushed for a wide range of policies, from free school milk to pensions for mothers, which benefited the working class. We too should "Make it happen", just as Mary Barber did nearly a century ago, and indeed as Mary Slessor did, by celebrating the many accomplishments of those women in order to encourage the young women of today to become active in fields across the spectrum.

17:13

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I thank Jenny Marra for securing this important debate on the life of an amazing Christian woman. I highlighted Mary Slessor's Christianity in my amendment, which I thank Jenny Marra for acknowledging.

Mary Slessor was a hard-working mill girl from Dundee who, as Jenny Marra said, became a Christian missionary in Calabar in Nigeria. She is an inspiration. Calabar was an area where no European had set foot before and, despite several bouts of illness and constant danger, Mary lived with the tribes and learned their language and traditions. She adopted many Nigerian children, and in particular twins who had been left to die. She was an astonishing woman, and it is only right that on international women's day in 2015 we celebrate her contribution to the world.

Mary was renowned for being an industrious woman who grew up in an environment of slum housing, poor pay and short life expectancy. She started her working life early, while she was still at school, in the toil of the jute mills, which were unsafe, noisy and unhealthy. By the age of 14 she was working 10 hours a day as a skilled weaver. She was one of seven children who were born to a loving mother but a cruel father, Robert Slessor, who regularly assaulted his wife after heavy drinking sessions. Mary's mother, despite her hard life, remained a strictly pious woman. She encouraged young Mary to attend church, and Mary became a fully committed Christian.

As Mary's enthusiasm continued to grow, the whole family listened with interest to the progress of the Christian missionaries abroad. It soon became Mary's dream—some might say her calling—to become one of them. She immersed herself in the Bible and thrust herself into learning all that she could. She was particularly spurred on by the efforts of fellow Christian David Livingstone. She taught Bible class in the Queen Street mission, conducted prayer meetings and helped the poorest and most underprivileged children. She attended Wishart Memorial church in the Cowgate, which sat above a pub and earned the local nickname "Heaven and Hell".

Mary dedicated herself to Jesus and to her education, spending every moment expanding her knowledge, and of course she prayed for guidance, which came. When David Livingstone died in 1874, published beside his obituary was a piece of his writing that seemed to address Mary alone. It read:

"I direct you to Africa ... to carry out the work that I have begun ... I leave it to you".

It was the calling that Mary had been waiting for. Despite the dangers, she applied to the foreign missionary board of the Scottish United Presbyterian Church. Her application was accepted, for service at the Hope Waddell mission in Calabar. So it was that, on 5 August 1876, at the age of 28 and dressed in sober attire—every inch a Victorian lady missionary—she set sail from Southampton on the SS Ethiopia, destination Africa.

During her time in Nigeria, Mary saved hundreds of lives, as has been said. She stopped sacrifices and severe punishments. She stopped the murder of twins and the outbreak of tribal war. Her unwavering belief in God, her bravery and her determination meant that she was greatly respected among the tribes.

Mary died in 1915, aged 67, with great mourning among those to whom she had dedicated her whole life. Since her death, she has become a worldwide inspiration for Christians and women

alike, and it is great that her life will be celebrated in Dundee and elsewhere this year. However, we must not forget that she was first and foremost a follower of Jesus Christ.

17:17

Patricia Ferguson (Glasgow Maryhill and Springburn) (Lab): I thank my colleague Jenny Marra for securing this debate to recognise the significant achievements of Mary Slessor. Colleagues have spoken about Mary's life and about the important work that she did as a missionary in Nigeria. Like her hero David Livingstone, Mary had to work hard from a very early age. As we have heard, she began work at the age of 11 and often worked 12-hour days in Baxter's jute mill. Her home life was also challenging because of her father's alcoholism, and Mary found solace and direction in her religion.

As we know, Mary Slessor's faith took her to Nigeria and led her to pursue the life of a missionary. However, her way of going about her work was somewhat different from that of her contemporaries. She chose to live outside the missionary compound and to dress and eat like the people she served, and she refused for many years to filter her water, as local people had no means to do so. Over the years, her forthright manner, courage and determination won her many friends among the Nigerian people. As we have heard, she challenged the long-held practice of killing twin babies and adopted several local orphan children whom she raised as her own.

Mary Slessor was perhaps as remarkable a character as David Livingstone, whom she revered but, unlike Livingstone, she has been somewhat overlooked in her homeland. She was the first woman to appear on a Scottish banknote and she is the subject of two memorials in Aberdeen, but it took the efforts of the Mary Slessor Foundation, in this, her centenary year, to ensure that a monument to her memory was erected in Dundee, in addition to the range of celebratory events. I add my congratulations to the organising committee on the work that it has done.

In a previous debate about another significant Scottish woman whom we have heard about this evening—Mary Barbour—I lamented the lack of significant formal recognition of the achievement of women in Scotland. Across Scotland, only 20 statues depict individual women, and half of those were erected in the past 50 years. Although there is little research about the number of statues that are dedicated to men compared with women, it is clear that men are disproportionately recognised. For instance, there are 12 statues in George Square in Glasgow and only one is of a woman—and that is of Queen Victoria.

In 2010, the Parliament's committee rooms were named for notable Scots. We have a female First Minister, a gender-balanced Cabinet and a significant number of women members, but only one of the six committee rooms is named for a woman—Mary Fairfax Somerville. It should be said that she is another woman whose contribution—in her case, to science, in an age when any education was considered dangerous to a woman's health—is deserving of such an honour, but why stop there? Could the larger garden meeting rooms and the meeting rooms in Queensberry house be named for important Scottish women? After all, room TG.20/21 in the Parliament is adjacent to the wall on which the excellent sculpture "Travelling the Distance" by Shauna McMullan—which celebrates Scottish women—is located. Why not have a Mary Slessor room and a Mary Barbour room?

In the Mary Barbour debate, I read out a quotation that suggested that women such as Mary Slessor and Mary Barbour

"open a door to the world for all our daughters".

This Parliament, which has championed equality, could push that door open a little further if we had the political will. I think that we do, which is why I have written today to the Presiding Officer to make a formal suggestion about room names. I hope that we can all agree on and act on that idea.

I am sure that the continuation of international development work would please Mary Slessor more than any monument that we could ever dream up. However, we need to make sure, as a Parliament, that the impact of women such as Mary Slessor is not forgotten and is formally recognised.

17:22

Murdo Fraser (Mid Scotland and Fife) (Con): I congratulate Jenny Marra on securing the debate and on helping us to mark the memory of Mary Slessor, another important figure from Scottish history. I understand that the Parliament has a family connection to Mary Slessor: Deputy Presiding Officer John Scott is Mary Slessor's cousin, twice removed—or so he told me before the debate—so we have a closer connection than we might think.

When people talk about Scotland's contribution to the world, it is often measured by our great inventions and the technological feats achieved by our engineers and scientists. However, it is equally important to remember our impressive humanitarian record. Mary Slessor, Elsie Inglis and many others served as torch bearers for women's rights in Scotland and across the world. It is particularly pertinent to remember those achievements on international women's day.

The Scotland of today is very different from the world that Mary Slessor inherited in the 19th century. Born in Dundee during a time when women were denied the vote and other basic rights, she did the unthinkable and journeyed into the unknown with nothing more than her Christian faith and an unbending desire to help her fellow man and woman.

I agree with Dave Thompson that we should never underestimate the impact of Mary Slessor's Christian belief—it was that which drove her, and inspired her, to remarkable feats. As a result, more than a century later, Mary Slessor continues to inspire and her foundation continues to help people in the developing world live longer and happier lives. In the century since her death, women in Scotland have earned the vote, can stand for Parliament and have the freedom to enter any career that they wish, with the knowledge that equal pay is enshrined in law.

Although the speed of progress in Scotland has been fast, evolution in other parts of the world has been slow and it is there that we must make more progress. Three weeks ago, along with other members, I was in Saudi Arabia, and it was quite shocking to see how women in that country are treated—quite literally—as second-class citizens. They are unable to drive cars and they are unable to go out in public unless they are covered head to foot. They have only recently become able to work outside the home.

The situation is equally bad in many other countries. For all of Mary Slessor's achievements in Nigeria, she would no doubt be disappointed at the subsequent rate of progress, for women there are still subordinate to men. Female rates of education lag well behind those for their male counterparts. Last April, the world was shocked by the kidnapping of 200 schoolgirls. So long as girls are scared to go to school and parents are too frightened to send them, Nigeria will never reach its true potential. There is an old Indian proverb that says, "If you educate a woman, you educate the whole family." That is why it is so important that female education is placed on an equal footing with that for males in Nigeria and across Africa.

As Jenny Marra and others have reminded us, one of Mary Slessor's crowning achievements was to stop twins being sacrificed due to ancient rituals. If Mary Slessor was with us today, I am sure that she would be a vocal opponent of another cruel practice: female genital mutilation, which we have discussed many times in the Parliament. Nigeria has the highest number of cases of FGM anywhere in the world. Education of the general public at all levels, with an emphasis on the dangers and undesirability of FGM, will be paramount in reducing it.

In politics, with the exception of the current finance minister, women are still very much underrepresented in Nigerian public life. Ensuring that women can access the policy-making process and provide inspirational leadership will be crucial in forwarding women's rights not just in Nigeria but across the African continent.

International women's day should be celebrated by everyone. Anyone with a sister, a wife or a daughter wants them to have equal rights and opportunities. Although there is still a long road to travel in Scotland, Mary would be immensely proud of what women can achieve and have achieved in this country. In debating the life of Mary Slessor, we can point to a long history of humanitarian achievement, but we still have a role to play in providing leadership for human rights movements across the globe.

17:26

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I thank Jenny Marra for giving us the opportunity to celebrate the life of one of Scotland's best-known and most important daughters and, more generally, international women's day.

Not many Victorian lassies who were born in Aberdeenshire and brought up in the slums of Aberdeen and Dundee earned a state funeral at the other end of their lives, ended up a member of the Order of St John or were a magistrate, which was pretty much exceptional in Victorian times. As we have heard, the Clydesdale Bank put her on one of its banknotes. Of course, I have a special interest because her alcoholic father came from Buchan in my constituency. We will all claim our little connections, because there is nothing so nice as the reflected glory of a true hero.

In 2007, Maureen Watt held an event in the Parliament to celebrate the life of Mary Slessor, and many members signed a motion about that at the time. It is good to come back to the issue on the anniversary of her death. Her life was not easy. It is clear that, when her father died in September 1870 at 6 Eliza Street in Dundee, she was not living in the most prosperous of circumstances, as that was not a part of Dundee where the rich lived. Four years later, when David Livingstone died, she was then only 25 years old. Her life was set by her experience of deprivation, her Christian faith and the inspiration that came from David Livingstone.

The Mary Slessor Foundation, which today supports her memory, has been responsible for many things. For example, money has been raised for the foundation by a play about her life, "Mother of All the Peoples", which has been performed all over Scotland. I hope that it continues to inform

people across Scotland about the inspiration that comes from Mary Slessor's life.

I am pleased to hear that a commemorative standing stone and plaque now stand in front of Dundee's Steeple church. There were previous plans to have a memorial in Dundee, although I am not sure that they came to fruition. Mary spent most of her life there, and it was probably more formative than her time in the north, so it is important that Dundee celebrates her life.

Mary Slessor was quite different and disjunct from women of her time. We have heard that she dressed, ate and drank in the way that the people in Nigeria she supported did. More fundamentally, she learned to speak the native language. For me, as someone who is no linguist of any great merit, that particularly stood out because, of course, she had to learn it from the people she was supporting—there was no one in particular to teach her. The inspection that took place in the early 1880s commented on the friendship that she had with the people and the fact that she had that language, which helped her in her work.

We have heard something of other women and I will say just a little bit about women in my former profession of software engineering.

Women have played a remarkable and substantial role in today's computer technology. Ada Lovelace, who was the daughter of Lord Byron, was Charles Babbage's programmer and is the first identified programmer.

Grace Hopper, who worked for the United States navy, retired three times and was begged to come back each time. When she finally retired, having been made a rear admiral by the US President, she was 80 years old and went to work for the remainder of her life for a computer company. She is responsible for the fact that we talk about bugs in programs because she coined that phrase.

I remember hearing on a flight about 25 years ago, although I cannot remember where, the announcement that it was the first commercial flight operated from Scotland on which all the crew members were female—those in the back of the plane and in the front of the plane. It is sad that it took that length of time before women were given even that modest recognition.

Mary Slessor did a lot for people in Scotland and in Africa, and it is right that we celebrate her life.

17:31

Lewis Macdonald (North East Scotland) (Lab): I, too, congratulate Jenny Marra on bringing the debate to the Parliament.

Mary Slessor grew to maturity in Dundee, as we have heard, but she spent the first 11 years of her life on Mutton Brae in her home city of Aberdeen. That was a run-down inner-city street but it is now long gone, having been swept away entirely in the 19th century improvements that created Union Terrace gardens. There is a memorial to her in the gardens, as Patricia Ferguson said, and a plaque in Belmont Street nearby.

At a service to mark the centenary of Mary Slessor's death in January, Lord Provost George Adam rightly described her as

“one of Aberdeen's greatest daughters.”

However, Mary Slessor belongs to all the places in which she is revered 100 years on. She is a citizen of Scotland and Nigeria alike. She belongs also to the international women's movement and humanity as a whole as a champion of the rights of women, of mothers and children and of widows and slaves.

Time and again, Mary Slessor put her life on the line for others' rights in this world and their salvation in the next. Her Christian mission was rooted in her experience of poverty and her profound belief in the equality of all in the sight of God.

The wheel has turned full circle, and several thousand Nigerians now live and work or study in Aberdeen. They include Pentecostal Christians such as Pastor Dr Mark Igiehon, who led time for reflection some months ago. In their view, Scots missionaries such as Mary Slessor brought Christian enlightenment to their country and now they are returning the favour by their mission in ours.

Mary Slessor was one of many north-east Scots who lived and worked in Africa in the 19th century. The stories of several others were told by the late Professor John D Hargreaves of the University of Aberdeen, who passed away earlier this year and will be remembered by his family and many friends in Banchory later this month. His account of those who went from Aberdeenshire to Africa was one of many publications in a long and distinguished career. Like Mary Slessor's, his life was devoted to broadening African horizons and opportunities. He taught in the 1950s at Fourah Bay College in Sierra Leone—the original west African university—and was still actively supporting higher education there long after his official retirement from Aberdeen.

Mary Slessor devoted herself to the physical and spiritual wellbeing of women and children among the Efik people of south-eastern Nigeria. John Hargreaves made his life's work the empowerment of west Africans in general. He helped to rescue their history from a Eurocentric perspective and to return it to the people to whom

it rightly belongs. Both of them achieved real and permanent change. I was lucky enough to learn about African history at the University of Aberdeen, from John Hargreaves and his colleague Roy Bridges, and to visit Nigeria as a PhD student 30 years ago.

Mary Slessor, John Hargreaves and Pastor Mark all represent different strands in a long and fruitful relationship between north-east Scotland and west Africa. In Aberdeen, we have a special opportunity to celebrate all those strands and to commemorate Mary Slessor. I am delighted that the Cabinet Secretary for Health, Wellbeing and Sport is here this evening because, today, I have proposed to NHS Grampian that the replacement for Aberdeen maternity hospital should be named the Mary Slessor women's hospital, to recognise both her work for disadvantaged mothers and vulnerable infants, and Aberdeen's continuing engagement with Africa and the wider world.

If we want to follow Mary Slessor in tackling injustice and inequality wherever they arise, there could be no clearer signal of that intent than to add her name to those of the other pioneering women and men whose names are commemorated every day in the names that we use in our national health service.

17:35

The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop): I thank all the members who have contributed to this afternoon's debate and I thank Jenny Marra for lodging the motion. It is heartening to see so much support for such an outstanding woman of Scotland as Mary Slessor. I share the admiration for her that has been expressed and am pleased to be able to close the debate on behalf of the Scottish Government.

Immortalised on the Canongate wall of this very building are the words of another Mary—Mary Brooksbank:

"Oh, dear me, the world's ill-divided,
Them that work the hardest are aye wi' least provided,
But I maun bide contented, dark days or fine,
But there's no much pleasure livin' affen ten and nine."

Those words sum up the Scotland in which Mary Slessor lived and the reality of working in one of Dundee's jute mills. It is true that the Scotland that Mary left at the age of 28 in 1876 no longer exists. However, the fight for women's equality still goes on, and the principles and standards for which she stood are very much alive in the women who continue to work towards achieving gender equality. When we honour Mary Slessor, we honour them as well.

As we know, significant improvements have been made and things are by no means as tough

for women as they once were. However, we still have a long way to go. Ending inequality in Scotland and contributing to its eradication internationally is at the heart of our ambitions as a Government. That is why we have prioritised that work in our programme for government, whether it be through our goal of making Scotland's boardrooms gender balanced through our 50:50 by 2020 commitment, or through our strengthening of the criminal justice system's response to tackling domestic abuse and other forms of violence against women. No one who listens to the First Minister can be in any doubt about the strength of our commitment to that agenda.

It is fitting that, today, just a few days before international women's day, we are discussing one of the foremost women's rights activists that Scotland has seen. It is also fitting that Mary Slessor's work is now finally being recognised by all of Scotland in a year in which women are at the forefront of politics in Scotland and women's equality is one of the main priorities for my Government.

I want to reflect on the speeches that we have heard. Jenny Marra spoke of Mary Slessor's fortitude, bravery, determination, integrity and respect. Other members talked about her forthrightness and her courage, and David Thompson in particular talked about her faith. Patricia Ferguson made an important point about how we recognise women. Of course, statues are supported by public subscription and always have been, but I would draw members' attention to the new heritage packs that have been introduced as part of a Historic Scotland scheme over the past few years. I have been clear that I want to ensure that women of Scotland are recognised as part of that, and I would encourage all members to put forward women for that commendation.

Murdo Fraser made an excellent speech about international perspectives and made an important point about the need for more equality for girls and women across the world, which involves a focus on education. Stewart Stevenson said that Mary Slessor was a remarkable woman of her time and Lewis Macdonald broadened the debate, speaking about the perspective of a modern mission in a historical context. Those are all important points to reflect on.

As others have highlighted, Mary Slessor was a formidable woman and an amazing role model for women today. She was the second of seven children in a family that was crammed into a single end in the slums of Dundee, at a time when work was scarce and money even more so. At a time when schools and education were for the privileged, Mary found her way into the classroom, albeit not quite to the same level as that of children from a more affluent background. Her

experience was not how most people today would envisage going to school, and it was no ordinary school. She would be in the classroom for five hours in the morning, then spend the next five hours working in a noisy, dangerous jute mill.

An inspiration to Mary Slessor was the missionary David Livingstone, as we have heard, and his work to better the lives of those in Africa, who in Mary's eyes were even more unfortunate than her. On hearing of his death, Mary found the courage within herself to follow her dreams, belief and faith and join the great work that was under way in Africa.

During her 38 years working with the people of Africa, Mary Slessor was taken in as an honorary member of the community. Not only did she stand up to the tribal chiefs but she saved the lives of countless men, women and children, some of whom she adopted as her own; we heard about her work with twins in particular. That was the work she was most proud of—breaking down barriers and spreading the word of peace, harmony and equality, and breaking a glass ceiling of her own in becoming the first female magistrate in the British empire.

In this, the centenary of Mary Slessor's death, we welcome the launch of the many events that have been organised to celebrate the life and work of this incredible woman—work that the Mary Slessor Foundation continues today. For example, the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights will attend the planned civic reception in Dundee in April.

Only by recognising the path that was forged by Mary Slessor, and indeed by many others like her, can we, living in a modern world, appreciate just how far we have come towards being an equal, fair and prosperous country. We must recognise not just how far we have come, but how far we still have to travel. That journey is not just about us, the daughters of Scotland or the daughters of Europe; it is about the daughters of the world. In reflecting on Mary Slessor's journey and her contribution, let us all rededicate ourselves to what we can do for the daughters, sisters, mothers, aunts and grandmothers of all the world.

Meeting closed at 17:42.

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e-format first available
ISBN 978-1-78568-050-2

Revised e-format available
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