

# scottish churches parliamentary office

## SCPO PARLIAMENTARY UPDATE MARCH 2010

In this month's SCPO Update,

In Constitutional, the Government launched "**Scotland's Future: Draft Referendum (Scotland) Bill Consultation Paper**". Questions include options on the wording and format of the proposed 2-question ballot paper, including full independence, and one of either an extension of powers via 'devolution max' or the proposals for the Calman Commission.

In Economy and Finance, the Budget Bill passed with the support of the Conservatives and the Greens; the Lib Dems abstained and Labour voted against.

In Education, there was a debate on the Curriculum for Excellence; results of the 2009 Scottish Survey of Achievement - Reading and Writing and a new inquiry from the Education and Lifelong Learning Committee into different models of school management.

In Environment and Sustainable Development there was scrutiny on a couple of key environmental reports and the passing of the Marine (Scotland) Bill.

In Justice, there are further amendments to the Criminal Justice and Licensing Bill as well as the Scottish Prison Service action plan to take forward some of the recommendations made by HM Prison Inspector in relation to HMP Cornton Vale.

The End of Life Assistance (Scotland) Bill Committee have called for evidence on Bill, with a closing date of 12 May.

At Westminster the Independent Chief Inspector of the UK Border Agency published his first in-depth inspection of the UK Asylum System giving 19 recommendations.

In Benefits and Employment, further developments on the implementation of the Welfare Reform Bill and the questions these raise.

The Ministry of Defence have published a Defence Green Paper giving an opportunity to contribute to a discussion leading up to the publication of a Strategic Defence Review, closing date 1 April.

The SCPO serves Scotland's Churches  
(administered by The Church of Scotland, Scottish Charity No SC011353)

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## HOLYROOD

### (A) CURRENT CONSULTATIONS

(Further details from SCPO; dates given are closing dates for response)

(hyperlinks are in bold)

- **Stage 2 amendments to Criminal Justice & Licensing (Scotland) Bill - stalking; knife crime and paid-for sexual activity** (Justice Committee) (17 March)
- **Budget Strategy Phase** (Finance Committee)(26 March)
- **Children's Hearings (Scotland) Bill** (Education, Lifelong Learning and Culture Committee - call for evidence available from their homepage) (26 March)
- **Proposed Scottish Autism Strategy Bill** (Hugh O'Donnell) (30 Mar)
- **Options for Future Charity Appeals Route in Scotland** (5 Apr 2010)
- **Inquiry into migration and trafficking (Equal Opportunities Committee)** (9 April)
- **Proposed Housing (Scotland) Bill** (19 April)
- **Death Certification, Burial and Cremation** (21 April)
- **Scotland's Future: Draft Referendum (Scotland) Bill** (30 April)
- **A Strategy for Self Directed Support** (7 May)
- **End of Life Assistance (Scotland) Bill** (End of Life Assistance Bill Committee) (12 May)
- **Future of Schools Management in Scotland** (Education and Lifelong Learning Committee) (2 Jul)
- **Scotland's Future: A National Conversation** (ongoing)

## **(B) CURRENT TOPICS**

(hyperlinks are in bold)

### **CONSTITUTIONAL (PEOPLE AND PARLIAMENT)**

- A motion commemorating the 450th anniversary of the Reformation, praising the role of the reformers in establishing Scottish schools, emphasising an individual's relationship with God and paving the way for the Scottish Enlightenment attracted cross-party support, with representatives from all parties in the Parliament signing the motion lodged by Nigel Don MSP.
- Bill Butler MSP lodged a motion welcoming Fairtrade Fortnight and applauding the efforts of church groups and schools in promoting fair trade in Scotland. The motion also welcomes moves to establish a cross-party group on fair trade in the Scottish Parliament which subsequently held its first meeting on 3<sup>rd</sup> March.
- Following calls from opposition parties Deputy First Minister made a statement to Parliament on a letter she wrote asking a court to consider alternatives to custody on behalf of a constituent found guilty of fraudulently claiming £80,000 of benefits. She said, "In short, I assisted a constituent in good faith and for what I considered to be the right reasons but, in doing so, I got some things wrong and for that I am sorry".
- The Government launched "**Scotland's Future: Draft Referendum (Scotland) Bill Consultation Paper**". Questions include options on the wording and format of the proposed 2-question ballot paper, including full independence, and one of either an extension of powers via 'devolution max' or the proposals for the Calman Commission.
  - The consultation also seeks views on the intention of the Government to allow 16 and 17 year olds (on the electoral register) to vote in the referendum; and proposes the creation of a Scottish Referendum Commission which would oversee the process, particularly the proposal to have 'designated organisations' for each of the ballot choices, who will be subject to campaign spending limits of £750,000.
- A new leaflet entitled *Petitioning the Scottish Parliament: making your voice heard* has been produced by the Public Petitions Committee. The Public Petitions Committee have also announced how they are using a series of social-media tools to encourage a greater number of people to engage with the petitions process, including 'boos' (digital sound recordings), texts and podcasts.

### **ECONOMY AND FINANCE**

- Following negotiations with opposition parties, the Budget Bill passed with the support of the Conservatives and the Greens; the Lib Dems abstained and Labour voted against after their amendment to reinstate the Glasgow Airport Link was rejected. The Tories secured an Independent Budget Review, which will make recommendations about the options for delivering public services within constrained public expenditure and will report by end July 2010.
  - Other new measures in the Bill include a commitment to publish online all items of expenditure above £25,000; £10m to support a new area-based universal access home insulation scheme; £2m for a boiler scrappage scheme; 5,000 new flexible training places, including training in the skills to repair traditional buildings; £10m for 7,500 additional higher education places; £10m for the Scottish Investment Bank; and £1m for a post office diversification fund.
- Patrick Harvie MSP lodged a motion in support of the Robin Hood Tax campaign, urging the Government to lend its support to the campaign. The premise of the campaign, supported by a wide coalition of organisations, is based on a proposal to levy an average 0.05% tax on banking transactions and spend the money raised on protecting public services, fighting poverty and tackling climate change.

- The debate on the role of private finance initiatives and public-private partnerships rumbled on, with John Swinney telling Parliament that the total unitary payments for all existing PFI and PPP contracts from 2010-11 onwards are approximately £27.7b. Jeremy Purvis pointed out that the initiative the Government is currently tendering for is in fact an equity investment model, which will mean that private sector investors will receive profits according to the share of their equity investment, which will be neither limited nor capped.

## EDUCATION & CHILDREN

- The **Government has published an action plan designed to promote internet safety for children and young people**. The plan is designed to: minimise the risk for children of accessing or viewing inappropriate internet content (i.e. by working with the gaming industry); equip teachers, parents and guardians with the knowledge of how to protect children online; and promote responsible internet use, including amongst children and young people themselves.
- **Statistics on looked after children in Scotland** show that the number of children looked after by local authorities has risen since last year, and, at 15,288, is the highest since 1983. At 31<sup>st</sup> March 2009, 39% of children looked after were placed at home with parents, and 20% were looked after by friends or relatives, 29% were looked after by foster carers and 10% were in residential accommodation.
- The delayed **Children's Hearings (Scotland) Bill** has been published, including proposals to create a new national body, Children's Hearings Scotland, whose National Convener will be responsible for setting standards for the recruitment, support and training of local panel members. The 32 existing children's panels will be replaced by a single national Children's Panel.
- The **Results of the 2009 Scottish Survey of Achievement - Reading and Writing** - have been published, showing that overall attainment has plateaued since the last measures were undertaken in 2005/06. The Survey highlighted that one of the largest differences in socio-economic groups was at S2 where pupils from less deprived areas were about twice as likely to be 'well-established' or better at the expected level of reading skills.
- There was a Lib Dem sponsored debate on the Curriculum for Excellence following concerns and calls for delays in implementation from teaching unions. Education Secretary Michael Russell supported the motion which committed him to make a decision with the management board on the timetable for implementation "within a reasonable timeframe over the next few months".
- In its response to the consultation on the proposed independence of the General Teaching Council for Scotland (GTCS), proposals to expand the role of the Council in relation to taking the lead on developing and monitoring Scottish Teaching Standards; setting entry requirements for teacher training; and the expansion into CPD (continuing professional development) are all outlined by the Government.
  - The restructuring of the Council into an independent body will also see the numbers of members of the Council cut from 50 to 37, including 7 independently appointed lay members. The Church of Scotland and Roman Catholic Church will retain their entitlement to one seat each on the Council.
  - The Government has also laid out its intention to enact all of these changes in relation to the GTCS through secondary legislation through the Public Service Reform Bill when it becomes law - this will mean that Scottish ministers will be able to propose changes without requiring to draft new legislation.
- The Education and Lifelong Learning Committee have commissioned research from the Scottish Parliament Information Centre **on models of school management in other UK jurisdictions and internationally** and issued a call for evidence.
  - In an evidence session at the Committee Mike Russell extolled the musings of East Lothian Director of Education Don Lendingham who is pushing plans to implement "Community Ownership of Schools"; a move he has described as a return to the "parish school" system.

- The Education and Lifelong Learning Committee took evidence on the final report of the Offender Learning Project ahead of the Government's response to the report and its recommendations due in March 2010. The report emphasises that progress will only be made when currently fragmented approaches are managed as a single system and states that in the short-term advances can be made without new structures or more money.
  - During questions it emerged that it is very difficult to track education, employment or training destinations of former prisoners after release and that there is no statutory agency that is responsible for maintaining family links for people who are in custody. It was recognized that this work is done largely by voluntary organisations.

## ENERGY AND TRANSPORT

- The Transport Committee passed subordinate legislation relating to the new Aberdeen Western Peripheral Route, a major new ring road that will enable traffic to bypass Aberdeen City Centre. The Convener, Patrick Harvie was the only member to vote against the measures arguing that the Committee is being asked to approve a project without being told the full costs and while two investigations are under way into the legality of the proposals.

## ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

- The independent Committee on Climate Change which advises the Scottish and UK Governments issued advice to the Scottish Government on its targets of cutting emissions by 42% by 2020. The Committee's analysis suggests that following a global deal to cut emissions Scotland can meet the 42% cut at a relatively low cost to the economy (e.g. less than 1% of GDP in 2020). The report also suggests that meeting the target will be "difficult" if a global agreement is not reached.
- The Auditor General gave evidence to the Public Audit Committee on the report, "**Protecting and improving Scotland's environment**" which looks at the performance of the public sector against targets in four areas: air quality; the water environment; biodiversity; and waste management. The overall message is that progress is mixed; some targets, for example, the amount of municipal waste being sent to landfill have been met ahead of schedule, but others, such as the air quality and biodiversity targets are in danger of being missed.
  - Members' questions highlighted findings of the report which showed that local authorities are not accessing all the available funding. For example, in 2007-08, £1m was available for councils to reduce emissions from their fleets yet no council applied for that grant in the first two years of its operation. One of the problems highlighted was the level of match funding required by councils.
- The Marine (Scotland) Bill completed its parliamentary journey, receiving cross party support at Stage 3. The legislation puts in place a planning system to help manage Scotland's marine environment, a requirement for environmental targets to be incorporated into marine plans, a duty to set up a network of marine protected areas in Scottish inshore waters and a general duty on Scottish Ministers to protect and improve the health of Scotland's seas.
- Representatives from the Sustainable Development Commission watchdog, gave evidence to the Transport Committee on their **Third Annual Assessment of Government policy**. The report finds that economic policy is still centred on economic growth as opposed to well-being and wider sustainable outcomes and recommends that the Energy Efficiency Action Plan be backed by sufficient resources to deliver a radical improvement in domestic energy performance.
  - The report also highlights a disconnect between national planning guidance and local planning action and urges significant improvements to the sustainability of procurement activity across the public sector.

- Kenneth Gibson MSP published an analysis of the responses received to his proposed member's Bill on Protecting Scotland's Regional Parks. Of 91 responses, 77 supported the proposal, 8 expressed opposition and 6 neither opposed nor supported the proposal.

## EQUALITY (INCLUDING RACIAL JUSTICE)

- Following an inquiry by the Parliament's Equal Opportunities Committee, the Government and COSLA have joined together to publish the Supported Employment Framework for Scotland, an action plan designed to assist disabled Scots, including armed forces veterans, get into employment. Currently 48.1% of disabled people in Scotland are in work, compared to around 75% of the general population.
- An inquiry into the impact and contribution of migrant populations within Scottish society and the extent and nature of trafficking has been launched by the Equal Opportunities Committee. Questions cover media portrayal of migrants, the effectiveness of public sector responses to changing migration patterns, and how positive messages regarding the contribution of migrant populations to Scottish society be effectively disseminated.
  - The Committee welcomed the announcement by the Equality and Human Rights Commission of its own inquiry into trafficking, led by Baroness Helena Kennedy QC, which will particularly focus on commercial sexual exploitation; but also investigate how far Scotland is meeting international and domestic human rights standards in both protecting victims from trafficking, and prosecuting traffickers.
- Considering the petition requesting an investigation into reasons for the apparently disproportionate number of Roman Catholics in Scottish prisons, the Public Petitions Committee has asked the parliamentary research unit, SPICE, to commission a literature review before deciding how to proceed further with this piece of research.

## HEALTH & COMMUNITY CARE

- The Scottish Government launched a consultation in conjunction with the UK Department of Health and other devolved administrations on the labelling of alcoholic drinks. While there is currently a voluntary code in place which requires drinks labels to display information such as number of units, recommended limits and advice for pregnant women, currently only 15% of labels currently carry this information.
  - Although the proportion of labels carrying the information has gone up from 6% in 2008, UK Public Health minister Gillian Merron describes the uptake as "disappointing". Accordingly, the options proposed in the consultation are to: do nothing and continue with the current voluntary agreement; renew and strengthen the self regulatory agreement; or introduce a mandatory requirement on labelling.
- Kenneth Gibson tabled a motion calling for an immediate end to the £260m EU subsidies for tobacco production.
- Following a petition raised by school pupils banned from selling Fairtrade chocolate under the 2007 Schools (Health Promotion and Nutrition) Act 2007, Children's Minister Adam Ingram has written to all directors of education to highlight the flexibility that exists in regulations to enable schools to achieve a balance between providing for healthy, balanced diets and addressing wider issues, such as support for fair trade.
- A petition has been lodged which requests that the Scottish Parliament urge the Scottish Government to amend the Mental Health (Care and Treatment) (Scotland) Act 2003 to abolish the over-use of Compulsory Treatment Orders for non-violent mentally ill patients. The petitioner seeks to amend this act in favour of establishing a process to better allow patients and their representatives to control treatment options.

- As part of the Health & Sport Committee's scrutiny of the Alcohol (Etc) Bill, members of the Committee went on a fact finding trip to France and Finland. Mary Scanlon pointed out that the health officials and economists that they met were confused as to why the revenue generated under minimum pricing policies would go to the alcohol producers and retailers rather than taxation revenue to the Government.
  - Taking evidence from Dr Petra Meier of Sheffield University, the senior author of the report used by the Scottish Government to develop the minimum alcohol pricing strategy, the Committee members identified the lack of a break-down of impact of minimum pricing on different income groups within society as a piece of information that would be desirable to get a clearer picture of the impact of the policy.
- The Government published in partnership with COSLA, "Preventing Overweight and Obesity in Scotland: A Route Map Towards Healthy Weight". During a chamber debate on the policy, Public Health Minister said that the "consequences of obesity will reflect, perpetuate and potentially increase social inequalities in health in Scotland". A joint governmental leadership group will now be set up to agree milestones and monitor progress.

## HOUSING & HOMELESSNESS

- The Home Owner and Debtor Protection (Scotland) Bill passed unanimously. The legislation, fast-tracked through by the Local Government and Communities Committee, will put in place a number of measures designed to provide safeguards for owners faced with repossession.
  - Provisions include: hearing all cases in court (except when there is evidence that the property has been voluntarily abandoned), ensuring that lenders can demonstrate in court that they have considered alternatives to repossession, offering alternative routes to bankruptcy, and allowing lay representation in court from approved organisations such as Citizens Advice Bureaux .
- The Local Government and Communities Committee took evidence on the **Homeless Persons (Provision of Non-permanent Accommodation) (Scotland) Regulations 2010**, which would allow local authorities to use the private rented sector to provide tenancies for homeless applicants, subject to a needs assessments which take account of support needs as well as affordability considerations. The regulations have subsequently come into effect.

## INTERNATIONAL

- Two MSPs visited Malawi to develop a pilot scheme that will deepen the relationship between the Malawian Assembly and the Scottish Parliament. Karen Gillon and Michael Matheson visited the country to develop the links first forged between the two parliaments in 2005. Eventually it is hoped that 9 parliamentarians from each country will be 'twinned' to share ideas and ways of working.
- A petition has been lodged urging the Government to review its policy in relation to overseas trade missions to Israel in light of the Scottish Development International trade mission in January. A motion was lodged by Jackson Carlaw welcoming this mission and the opportunities it "afforded Scottish companies to explore potential partnerships with Israeli companies and attract direct foreign investment".
- External Affairs Minister Fiona Hyslop announced £687,000 of funding from the International Development Fund to support 11 NGOs working in Haiti following the devastating earthquake, up from the initial proposed figure of £250,000.
- The Government issued a call for applications for funding for the South Asia Development Programme covering Bangladesh, India, Pakistan and Sri Lanka. All projects must address sustainable economic development and at least one other sub theme of gender equality and the

empowerment of women; capacity building and skills exchange or community-led approaches and initiatives which seek to build civil capacity.

- Subject to parliamentary approval, a total budget of up to £2 million is available for the South Asia Development Programme in each financial year 2010-11, 2011-12 and 2012-13.

## JUSTICE

- Discussing the petition seeking to enforce the ban on displaying sexually graphic magazines or newspapers at children's eye-level, the Public Petitions Committee recognised the difficulty of dealing with the issue as the regulation of the press industry is a UK matter. However, the possibility of research into non-compliance with the voluntary code is to be considered by the parliamentary research unit, SPICE.
- The Justice Committee published its **report of their inquiry into the decision to release Abdelbaset al Megrahi**, which accepted that the decision of Justice Secretary Kenny MacAskill had been a difficult one, taken in good faith at the time. However, the Committee were divided on whether the decision and the processes followed were correct.
  - The SNP members of the Committee voted against the conclusions of the report, which included concerns about the decision by the Cabinet Secretary to visit Mr al Megrahi in prison and the precedent that may establish; the reasoning of the refusal of the Prisoner Transfer application; and the basis on which compassionate release was granted, particularly the decision not to inform Parliament prior to the announcement of the decision.
- **The latest homicide figures released by the Government** report that the number of homicides has decreased slightly from the previous year's figures (with 99 homicides recorded in 2008-09, compared to 115 in the previous year). Of those 99, 57 victims died as a result of coming into contact with a sharp instrument.
- Labour Justice spokesman Richard Baker has tabled an amendment to the Criminal Justice and Licensing Bill to set a minimum 6 month custodial sentence for anyone over 16 caught carrying a knife. Bill Aitken, Conservative Justice spokesman, has tabled an amendment to make the mandatory sentence at least 2 years. In addition, Baker has lodged an amendment to remove the presumption against short periods of imprisonment or detention.
  - Rhoda Grant is sponsoring amendments which would create an offence of stalking, whilst Trish Godman's proposed amendments relate to criminalising those who pay for sexual services. As the Committee did not take evidence on these three areas at Stage 1, the Justice Committee have issued a call for written evidence on these proposals. In total, over 400 amendments have been tabled to the Bill.
- Bill Butler's Proposed Damages (Scotland) Bill achieved sufficient Parliamentary support for a Bill to be introduced. The Bill, if passed, would implement the Scottish Law Commission's Report on Damages for Wrongful Death passed to the Government in September 2008.
- The debate in the Chamber about the Equal Opportunities Committee's report of their inquiry into female offenders in the criminal justice system was broadly consensual, with cross-party agreement on the need for the Government to take further action on points raised in the Committee's report, including addressing the drugs and addictions which accompany the majority of women in prison.
  - Elaine Smith pressed the Government for comment on the current practice of cancelling family visits as a punishment for being caught with drugs - a practice condemned by the Committee when it is clearly the child that is deprived of family contact. However, the Government failed to respond to this.
  - **The Scottish Prison Service published an action plan** to take forward some of the recommendations made by HM Prison Inspector in relation to HMP Cornton Vale. The plan also details some ongoing work, such as the current tendering of renovation and refurbishment

of some of the blocks in the prison; a review into toilet access (a major source of concern in the report); and considering improving visitor access.

- Elaine Murray has lodged a motion condemning the intention of the Scottish Defence League to hold a march in Lockerbie on 27 March 2010. The Labour MSP from Dumfries has garnered support from all parties within the Parliament in opposition to the use of the Lockerbie tragedy for extremist purposes.
- Bill Wilson published an analysis of responses to his **Proposed Criminal Sentencing (Equity Fines) (Scotland) Bill which seeks to allow** courts to obtain pre-sentence company background inquiry reports and impose equity fines. CBI Scotland and UNISON submitted responses stating that the proposed Bill would fall outwith the competence of the Parliament but the other 10 responses supported the Bill in full or in part.
- The Lib Dems sponsored a debate on the pilot being undertaken by Strathclyde Police issuing Taser guns to 30 frontline police officers following a three-day training course arguing that this move represents a shift in policy and as such requires ministerial sanction. The SNP and Conservative united to vote down this motion with the Justice Secretary arguing that firearms legislation is reserved and that the decision was an operational matter for Strathclyde Police.

## LAND REFORM

- Bill Kidd asked a number of questions on extending the community right-to-buy provisions in the Land Reform (Scotland) Act 2003 to urban areas. Environment Minister Roseanna Cunningham responded that there are no plans at present to do so and that at the time of framing the legislation it was felt that the lives of people who live and work in large towns and cities are not constrained in the same way as those of people in the country.

## POVERTY AND DEBT

- Michael McMahon asked a number of questions about Community Planning and the Fairer Scotland Fund, highlighting a study from the Scottish Centre for Regeneration that raised concerns about the lack of community engagement in community planning. Mr McMahon urged Finance Secretary John Swinney to take steps to improve community engagement and to prevent fairer Scotland funding from being used to prop up mainstream budgets.
- Johann Lamont quoted figures which show a significant underspend in the Energy Assistance Programme; suggesting only £20m from a budget of £60m has been spent. Ms Lamont also called into question the assessment process, highlighting figures on stage 4 referrals which show that of 599 appeals against the decision to reject an application, 529 were upheld.

## RURAL AFFAIRS & GM FOOD

- Cabinet Secretary for Farming, Richard Lochhead, led a debate in the Chamber about the interim report from the Inquiry into Future Support for Agriculture in Scotland led by Brian Pack which is being prepared to enable the Scottish Government to take the views of Scottish farmers to the UK Government before the next round of negotiations on the Common Agricultural Policy at the EU.
  - Parliament welcomed the inquiry, and called on the Scottish Government to focus on "the supply of healthy, affordable food produced as locally as possible with good environmental stewardship" recognising the key community role played by farming, as well as the importance of the agriculture sector in reaching Scotland's climate change targets, and the need to ensure responsible levels of production.
- Stage One considerations of the Crofting Reform Bill continued in the Rural Affairs committee. Crofters indicated their discontent with the Bill's focus on absenteeism, arguing that neglect & decay of crofts are the real problems, and this does not directly correlate with absentee crofters.

There was also concern raised about proposals which would place the burden of cost of the proposed register of crofters onto crofters themselves.

- During a chamber debate on BBC Alba, all parties united to pass a motion welcoming the contribution made by BBC Alba to Scottish culture and the promotion of the Gaelic language. The motion also urged the BBC Trust to decide to make BBC Alba available on Freeview and called on the UK Government to require that all relay transmitters in Scotland are capable of transmitting the full range of Freeview channels by the 2010 and 2011 launch dates.

## **VOLUNTARY ISSUES**

- Motions were laid at Holyrood and Westminster voicing concern over the move by Lloyds Banking Group to serve its notice to terminate its covenant with Lloyds TSB Foundation Scotland. The motions highlight the conditions placed on the previous offer to the Foundation would have removed much of the foundations independence and halved the share of pre-tax profits to 0.5%.
- In an evidence session on voluntary sector grant providers, the Local Government and Communities Committee heard that a £12m funding gap had emerged following the withdrawal of funding from the Lloyds TSB Foundation and the Laidlaw Youth Trust. A committee witness from the Gannochy Trust said "It is difficult to see how the remaining independent grant-making trusts can backfill that sizeable gap, even collectively."

## (C) PARLIAMENTARY BUSINESS

During this period, Parliament debated the following (details from SCPO or Parliament website): Budget (Scotland) (No 4) Bill: Stage 3; Marine (Scotland) Bill: Stage 3; Ure Elder Fund Transfer and Dissolution Bill: Preliminary Stage; Control of Dogs (Scotland) Bill: Stage 1; Local Government Finance (Scotland) Order 2010; Home Owner and Debtor Protection (Scotland) Bill: Stage 3; Access to BBC Alba; Female Offenders in the Criminal Justice System (Equal Opportunities Committee); Preventing Obesity in Scotland.

**Member's Debates:** Improved Availability of Broadband (Peter Peacock); Bo'ness Scottish Railway Museum (Christopher Harvie); The Bike Station Makes Climate Change a Local Challenge (Ian McKee); Celebrating Scotland's First Ever General Practice Week in Scotland (Richard Simpson); Car Parking Charges at HIAL Airports (Liam McArthur).

**Ministerial Statements:** Representing Constituents (Deputy FM, Nicola Sturgeon).

**Time for Reflection was led by:** Rose Goodenough (Scottish Interfaith Council); David Duncan (Scottish Interfaith Council); Rev Alex Noble (Saltcoats North Parish Church, Ayrshire).

### **BILLS IN PROGRESS**

1. **Alcohol Etc. (Scotland) Bill (Ex):** Stage 1 Health and Sport Committee (to be completed 7 May)
2. **Children's Hearings (Scotland) Bill (Ex):** introduced 23 February
3. **Control of Dogs (Scotland) Bill (M):** Stage 2 Local Government and Communities Committee
4. **Criminal Justice and Licensing (Scotland) Bill (Ex):** Stage 2 Justice Committee (to be completed 26 March)
5. **Crofting Reform (Scotland) Bill (Ex):** Stage 1 Rural Affairs and Environment Committee (to be completed 30 April)
6. **End of Life Assistance (Scotland) Bill (M):** Stage 1 End of Life Assistance Bill Committee
7. **Forth Crossing (Scotland) Bill (Ex):** Stage 1 Forth Crossing Bill Committee
8. **Housing (Scotland) Bill (Ex):** Stage 1 Local Government and Communities Committee (to be completed 25 June)
9. **Interpretation and Legislative Reform (Scotland) Bill (Ex):** Stage 2 Subordinate Legislation Committee (to be completed 26 March)
10. **Legal Services (Scotland) Bill (Ex):** Stage 1 Justice Committee (to be completed 26 March)
11. **Public Services Reform (Scotland) Bill (Ex):** Stage 2 Finance Committee (to be completed 12 March 2010)
12. **Scottish Parliamentary Commissions and Commissioners Etc (Scotland) Bill (C):** Stage 1 Finance Committee
13. **Ure Elder Fund transfer and Dissolution (Scotland) Bill (P):** passed Preliminary Stage on 10 February 2010
14. **William Simpson's Home (Transfer of Property etc.) (Scotland) Bill (P):** introduced 28 January 2010

## WESTMINSTER

### (E) PROGRESS OF LEGISLATION

(all dates are provisional, subject to Parliamentary business)

1. **Bribery Bill [HL]:** Committee Stage: House of Commons, no date
2. **Child Poverty Bill:** Report Stage: House of Lords 09/03
3. **Cluster Munitions (Prohibitions) Bill [HL]:** 2nd reading: House of Commons, no date
4. **Constitutional Reform [HL]:** Committee Stage: House of Lords, no date
5. **Constitutional Reform and Governance Bill:** 2nd reading: House of Lords, 24/03
6. **Debt Relief (Developing Countries):** Committee Stage: House of Commons 09/03
7. **Digital Economy Bill [HL]:** Report Stage: House of Lords 08/03
8. **Energy Bill:** 2nd reading: House of Lords, 23/03
9. **Equality Bill:** 3rd reading: House of Lords, no date
10. **Financial Services Bill:** Committee Stage: House of Lords, 10/03
11. **Taxation (International and Other Provisions) Bill:** Committee Stage: House of Lords, 10/03

### (F) CURRENT CONSULTATIONS

- **Extending the Carbon Emissions Reduction Target** (14 Mar)
- **The Income Support and Employment and Support Allowance (Work-Focused Interviews, Work-Related Activity, etc.) (Lone Parents and Partners) Regulations 2010** (29 Mar) The Social Security Advisory Committee is seeking views on these regulations which will introduce personalised conditionality and support for lone parents with children aged between 3 and 6, and will be underpinned by an escalating sanctions regime.
- **Defence Green Paper 2010** (1 April) This is an opportunity to contribute to a discussion leading up to the publication of a Strategic Defence Review, which will decide the future shape and role of the Armed Forces. The Paper insists that renewal of the Trident submarine system is non-negotiable.
- **Support for all: The Families and Relationships Green Paper** (21 April)
- **Renewable Heat Incentive Scheme** (26 April)
- **Equality Bill: Making it work - Ending Age Discrimination in services and public functions** (30 April)
- **Publication of monthly asylum application statistical data - a consultation** (30 April) The Home Office are seeking views on publishing more information about asylum statistics, to comply with European legislation.
- **National Minimum Wage workers: Travel and subsistence expenses schemes** (6 May) A consultation on changes to travel and subsistence schemes for temporary workers paid at or near the National Minimum Wage (NMW) which propose that these payments no longer count as pay for NMW purposes.

### (G) CURRENT TOPICS

#### **ASYLUM, MIGRATION AND REFUGEES**

- The Independent Chief Inspector of the UK Border Agency published his first in-depth inspection of the UK Asylum System which identified that, based on current staffing levels and the complexity and volume of asylum cases, the UK Border Agency's target of concluding 90% of asylum cases within six months by December 2011 is unachievable.

- The report, "Asylum: Getting the Balance Right?", makes 19 recommendations including inviting refugees to contribute to training for case owners; ensuring applicants are kept informed of who is dealing with their case and the timescales throughout the process; involvement of front-line staff in setting targets and clearer and consistent recording of appeal information.
- The **Parliamentary Ombudsman also produced a report** on the UK Border Agency in response to the "large number of complaints" referred to the Ombudsman by MPs. Most of the complaints relate to people experiencing long delays awaiting a decision on their application, which can have "serious implications for the individuals involved, for society in general, and for the public purse."
  - The Ombudsman also expresses concern as "there are numerous examples where the Agency have been unable to perform at even a basic level of administration, such as reading and replying to letters, keeping proper records, keeping case files together and in the proper place, and notifying the applicant of their decision."
  - The report highlights the new challenge facing the agency in 2010 when it will have to begin to review the refugee status of all those granted asylum since August 2005, when the Agency started granting refugee status for 5 years rather than indefinitely.
- Christina McKelvie MSP lodged a Parliamentary motion, expressing "deep concern" at allegations by whistleblower Louise Perrett of a culture of hostility and discrimination towards asylum seekers at UKBA. Ms Perrett said she was given the power to make legally binding decisions on whether asylum seekers were granted or refused asylum after just five weeks' training and had the power to detain individuals and families for up to 28 days. The motion supports Keith Vaz MP, Chair of the Home Affairs Committee at Westminster, in calling for an investigation of the UKBA.
- Gordon Brown issued a public apology for the role of the UK Government in the Child Migrant Programme, which sent around 130,000 disadvantaged British children to former Commonwealth countries around the world between the 1920s to 1960s; often without their parents' consent. The Prime Minister also announced a £6m family restoration fund to support former child migrants find their families.
- Home Secretary Alan Johnson announced stricter regulations for international students entering the UK including halving the number of hours students can work and imposing new restrictions on bringing dependants. Scotland's Universities and Colleges have expressed concern over the introduction of the points based system for international students and the effect it is having on their ability to attract these students and the income they bring.

## BENEFITS

- Newspaper reports suggested that Scotland Secretary Jim Murphy has asked Ed Miliband to include a proposal in the Labour Party Manifesto that people who inform on benefits cheats should be given a share of the resulting savings to the state. Church Action on Poverty hit out at this suggestion highlighting figures that show £25b is lost annually in the UK from tax avoidance; 25 times higher than the amount lost due to benefit 'fraud'.
- Figures released by the Department for Work and Pensions showed of the 352,500 new claims for Employment and Support Allowance made between October 2008 and May 2009: 5% were assessed as suitable for the ESA Support Group (i.e. not required to engage in work related activities), 12% as suitable for the Work Related Activity Group, 38% as fit for work (i.e. refused) and 45% had either abandoned their claim or had not had a decision during the survey period.
  - A motion lodged in the Scottish Parliament highlighted concerns about these figures calling on the UK Government to "put in place mechanisms to ensure that independent medical assessments for work capability, carried out by doctors on behalf of the Department for Work and Pensions, are consistent, accurate and fair". In the Commons, the SNP and the Lib Dems called for an independent investigation.

- The **Commons Work and Pensions Committee** published a report on **Decision making and appeals in the benefits system** which expressed concern about the increasing level of official error. The report found that the Secretary of State has not produced an annual report on decision making since 2006 (which covered 2002-03) in contravention of the 1998 Social Security Act, making it "impossible to measure that agency's [Jobcentre Plus] decision making performance."
  - The Committee reiterated its call that the Government should establish a Welfare Commission to examine the existing benefits system and model possible alternative structures with the aim of creating a fair but simpler system that claimants and their representatives are able to understand more easily and DWP staff are able to administer more accurately.

## DEFENCE

- Defence Minister Quentin Davies named the Soteria Consortium as the preferred bidder for the UK's Search and Rescue operations, a contract worth £6b. Motions were laid and signed by Labour, Lib Dem, Green and SNP MSPs condemning this privatisation.
- Armed Forces Minister Bob Ainsworth announced changes to the Armed Forces Compensation Scheme following the completion of a review by former chief of the defence staff, Admiral Lord Boyce. Compensation for the most serious injuries will remain at £570,000, but the other award levels below that will be increased. Other recommendations include the establishment of a new expert medical body to advise on compensation for particular illnesses and injuries.
- BAE Systems agreed to pay £286 million in fines and plead guilty to two criminal charges to settle corruption claims in the UK and US. BAE will pay £30m in the UK for failing to keep "reasonably accurate" accounting records over activity in Tanzania. Campaign Against Arms Trade said the decision meant there was "no opportunity to discover the truth" about the allegations.

## ECONOMY AND FINANCE

- An Early Day Motion was lodged welcoming the appointment of the UK's first Minister for Pubs. Housing and Planning Minister John Healey has been appointed to this position and will lead a team of 5 other ministers in creating a strategy for saving Britain's pubs, as an average of 39 pubs close down every week. The motion calls on the Government to focus on measures to deal with unacceptably low supermarket beer pricing.

## EMPLOYMENT

- Figures for the 3 months to December showed that the number of unemployed in Scotland rose by 10,000 to 206,000 and the claimant count for Jobseekers Allowance increased by 3,800 to 140,600.
- The DWP published guidelines on the new 'fit note' which will replace medical sick notes, coming into force on 6 April. The Government estimate that it will save £240m over 10 years in lost productivity, but the TUC cautioned that doctors may not have detailed knowledge of an employee's job and warned "if employers see the changes as a green light to force workers back to work before they are well enough to return... it will only lead to increased sickness absence."

## ENERGY AND TRANSPORT

- Alistair Carmichael tabled an EDM calling on the Government to pay the same level of feed-in tariff to businesses and homes that installed micro-generators before 15 July 2009 as those who install after this date when the Clean Energy Cashback scheme comes into force. As it stands, the newer installations will receive 41.3p/kilowatt hour compared to the older ones which will receive 9p/kilowatt hour.

## EQUALITY

- The **Joint Select Committee issued a report urging an investigation by the Privileges Committees** of the Commons and the Lords, alleging that the Chair of the Equality and Human Rights Commission, Trevor Phillips, attempted to influence the outcome of their report on the EHRC. This was subsequently endorsed by Parliament.

## INTERNATIONAL DEVELOPMENT

- A private members Bill that seeks to restrict 'vulture funds' companies that buy up poor country debts cheaply and then sue for massive profits received cross party support at its second reading. However, the Conservatives refused to allow the Debt Relief (Developing Countries) Bill to bypass its Committee Stage meaning it is unlikely to pass before Parliament in dissolve for the General Election.
- A series of questions were taken in the Lords about the situation in Sri Lanka, particularly the progress being made on the return of nearly 300,000 internally displaced persons. Government Minister Lord Brett told the House that the Government have urged the Sri Lankan Government to initiate an independent inquiry into crimes that were stated to have happened during the recent conflict.

## JUSTICE

- The **Commons Home Affairs Committee published a report on the Home Office's response to terrorist attacks.** Key points include the recommendation that the Government immediately introduce legislation allowing the admission of intercept evidence in court; that the control order regime is no longer viable and that while budgets for counter-terrorism work have increased there is a lack of parliamentary scrutiny of this spending.
- The 30-year rule for publishing secret government papers is to be reduced to 20 years, falling 5 years short of the recommendation from the independent review set up by Gordon Brown. Campaign groups welcomed the change and the decision to ditch proposals to exempt cabinet papers from the Freedom of Information Act.
- Ministers laid emergency legislation, the **Terrorist Asset-freezing (Temporary Provisions) Bill**, following the Supreme Court's ruling that two orders made under the United Nations Act 1946 were beyond power as they had not been properly authorised by Parliament and did not provide effective safeguards.
  - The Bill made it through both houses in 5 days with backbench MPs and civil rights groups condemning the Government for fast-tracking this legislation without sufficient time being made for scrutiny.

## PEOPLE & PARLIAMENT

- Scotland Secretary Jim Murphy announced that HM Revenue and Customs will establish a new group to advise on the technical and practical implementations of the Calman Commission proposals.
- **The Electoral Commission published a report on the Glasgow North East by-election and called for the UK Parliament to review the procedures for calling by-elections following the long period between the vacancy arising in the Glasgow North East constituency and the by-election taking place - 5 months, the longest time a constituency has been without an MP for 35 years.**
- Baroness Walmsley asked a number of questions in the Lords on the progress of setting up a reclaim fund to enable the estimated £300-£400m in dormant accounts to be channelled to youth projects through the Big Lottery Fund. Business Secretary Lord Myners told the House that if work proceeds as planned, it is expected to be operational by mid-2010.
- **Sir Thomas Legg's final report on the Additional Costs Allowance for MPs** found that out of the £55.5m spent on the ACA during the review period, just over £1.3m has been recommended for repayment. 48% of the 752 MPs and former MPs concerned have no issues arising from the review and 52% have been recommended to make repayments.
  - Criminal charges of false accounting have been brought against 3 MPs and 1Peer.
- Culture Secretary Ben Bradshaw announced that the Government has decided to legislate to allow television product placement arguing that the current prohibition is causing continuing damage to the TV industries finances "at a time when this crucial part of our creative industries needs all the support we can give it."

## SCIENCE AND TECHNOLOGY

- **The Commons Business, Innovation and Skills Committee published a report on Broadband**, voicing concern over the Government proposals to levy a universal 50p levy on fixed telecommunication lines, arguing this is a regressive tax, charging all users regardless of whether everyone does (or can) experience any improvement in service.
- **The Commons Science and Technology Committee published a report on Homeopathy**, urging the Government to stop funding Homeopathy on the NHS and recommending that the Medicines and Healthcare Regulatory Authorities stop licensing these products, as this runs the risk of "endorsing homeopathy as an efficacious system of medicine."
  - The British Homeopathic Association hit back saying, "One should keep in mind the Science and Technology report is from only four MPs, one of whom dissented."

Reflections from Westminster in the lead up to the General Election.  
Chloe Clemmons, Scottish Churches Parliamentary Officer

The General Election is fast approaching. Although through devolution it is far removed from many aspects of our daily lives here in Scotland it still offers the possibility for radical changes to Government finances and foreign policy. Therefore at the beginning of March I spent 2 days in Westminster meeting MPs and government departments - people for whom the election could make or break their political careers - getting a flavour of how they see the coming election.

For MPs this is a strange time: one person described it as treading water and waiting for something to happen; Parliament is still in session and there is legislation in progress that the Government still hopes to pass before the election. Meanwhile the main parties are finalising their manifestos and individuals who want to keep their seats are starting to campaign back in their constituencies. The date of a General Election is not predetermined, hence there have been rumours of an "early" election on and off throughout the year. The election must take place on or before 3 June and predictions have centred around 6 May. The not for profit sector, including churches, is also gearing up for an election with organisations drawing up pledges and manifestos which they encourage their members to send to prospective parliamentary candidates.

Among the subjects I was discussing are two topics that have been regular features of church campaigns; the detention of children in the asylum system and the future of Trident. Of course MPs reactions to those topics were mixed. Many of the MPs that I spoke to maintained that the economy was the big issue of the election and talked about the spending cuts which are sure to follow hard on the heels of the election whatever the outcome. All of which left me wondering whether they meant to imply that the issues I was discussing were a lower priority. These conversations served as a salutary reminder that MPs are our representatives and it is crucial that we do take the time to reflect on the issues that concern us and communicate our priorities to our MPs and prospective parliamentary candidates. Reassuringly this sentiment was echoed by some MPs I met who encouraged churches to continue to provide a value-based and politically neutral contribution to public debate, especially around economics.

While I was in London the BBC confirmed that televised debates between party leaders would take place, and would not give equal representation to nationalist parties including the SNP. For some in Westminster this was the news of the day, a rallying cry to the nationalist cause which was being, once again, sidelined by an Anglo-centric institution. For others it was self evident that a debate between party leaders would only include parties which had representation across the UK. For Scottish organisations trying to do business in the House of Commons these variations in perspective are a common issue. In our work at Westminster our concerns centre around reserved issues and not the whole social spectrum, many areas of which are within the remit of the Scottish Parliament, meaning that we end up on the periphery of the debate. At the same time a nominally UK wide debate often excludes Scotland in that it covers devolved issues from an English perspective. However, if the predictions of a Conservative Government or of a hung Parliament prove right then Scottish issues at Westminster will take on a different dimension. The likely lack of a Conservative mandate in Scotland could create a tension between Holyrood and Westminster while in a hung Parliament it is possible that SNP MPs and their Welsh counterparts could hold the balance of power.

As we were guided through the corridors of power we had a chance to chat to the people who put policy into action. For them the General Election is less significant than we might have expected. Ministers come and go, whilst the civil servants remain; a constant presence to ensure the smooth running of the country. Many of them, I might add, are more Scottish than I.