

Wednesday 14 May 2014

SCOTTISH GOVERNMENT

Crown Office

Alex Johnstone (North East Scotland) (Scottish Conservative and Unionist Party): To ask the Scottish Government, in light of a conviction for the sale of drug-taking paraphernalia in Yorkshire and a decision by the Crown Office and Procurator Fiscal Service not to pursue a case in Angus, for what reasons such prosecutions are not being brought in Scotland.

(S4W-20939)

Lesley Thomson: The decision for raising criminal proceedings in Scotland in any case is a matter for the Crown Office and Procurator Fiscal Service (COPFS). In any case there has to be a sufficiency of evidence in law available before consideration of raising proceedings can be made, and this is taken only after a full and careful consideration of all the available evidence and applicable law.

Section 9A(1) of the Misuse of Drugs Act 1971 prohibits the supply or offer of supply of articles that may be used or adapted to be used in the administration by any person of a controlled drug to himself or another, believing that the article is to be used in the unlawful administration of the controlled drug. COPFS have recorded three instances where people have been successfully prosecuted under section 9A(1).

Enterprise and Environment

David Stewart (Highlands and Islands) (Scottish Labour): To ask the Scottish Government what plans it has to develop new (a) land and (b) marine national parks.

(S4W-20921)

Paul Wheelhouse: Scotland's National Parks are two of Scotland's greatest assets. The Scottish Government fully recognises the valuable contribution that they make to our tourism industry and wider Scottish economy, and the vital role that our National Park Authorities play in managing the parks, in supporting sustainable rural development, in promoting and enhancing the visitor experience, and ensuring that the parks stunning landscapes and special qualities are conserved and enhanced for future generations.

While the success of our national parks is unquestioned, we believe it would be wrong at this time to raise expectations regarding the designation of others, particularly at a time of significant real terms reduction in both resource and capital funding available to the Scottish Government. While we would not rule out a further designation at a future stage, this would only be appropriate if there was a clear view expressed as to what model of new national park is being proposed; what its objectives were; whether a robust business case demonstrating its financial sustainability was demonstrated; and clear evidence of community and local authority support was made. As there are no current proposals which meet these tests, the Scottish Government has no current plans to designate further national parks in Scotland. Instead, we believe it is essential to continue to focus support on our two existing parks, to continue to deliver excellence in the visitor experience and to maximise the contribution they make to meeting local and national objectives, and in support of the statutory aims agreed by the Scottish Parliament.

Health and Social Care

Richard Baker (North East Scotland) (Scottish Labour): To ask the Scottish Government what funding per capita it provides to NHS Grampian and how this compares with other NHS boards.

(S4W-20911)

Alex Neil: This information is publically available on the Information Services Division Scotland website in the 'NHS Costs' section. The most up to date figures relate to the financial period 2012-13 and are provided in the following table:

NHS Board	Net Operating Expenditure per Head	Net Capital Expenditure per Head
Ayrshire and Arran	1,887	33

NHS Board	Net Operating Expenditure per Head	Net Capital Expenditure per Head
Borders	1,803	56
Dumfries and Galloway	1,945	67
Fife	1,745	36
Forth Valley	1,775	11
Grampian	1,550	95
Greater Glasgow and Clyde	1,985	263
Highland	1,943	42
Lanarkshire	1,748	21
Lothian	1,649	41
Orkney	2,185	24
Shetland	2,261	52
Tayside	1,909	224
Western Isles	2,763	61
NHS Scotland	2,050	114

It should be noted that spend per capita does not take into account variation in relative need which is what the NHSScotland Resource Allocation Committee formula does. The primary reason for the difference between the per capita expenditure and the weighted per capita expenditure is relative need.

Ken Macintosh (Eastwood) (Scottish Labour): To ask the Scottish Government what steps it is taking to support victims of defective polypropylene mesh medical devices.

(S4W-20948)

Alex Neil: An expert working group, chaired by the Deputy Chief Medical Officer, has been set up to address the issues affecting women who have undergone transvaginal mesh surgery. The group is developing:

A revised patient information and consent booklet that will then go into use in NHSScotland, to be given to women considering undergoing a vaginal mesh tape procedure for stress urinary incontinence.

New care pathways for those women who decide to go ahead with a mesh procedure and for those who have suffered complications.

A strengthened process for adverse incident reporting.

Ken Macintosh (Eastwood) (Scottish Labour): To ask the Scottish Government what plans it has to notify patients with polypropylene mesh medical devices of any potential risk to health.

(S4W-20949)

Alex Neil: The Scottish Government has no plans to directly notify patients.

The Chief Medical Officer and Deputy Chief Medical Officer wrote to all NHS boards and Medical Directors on 10 April 2013, 11 July 2013 and 20 December 2013 regarding the investigation and management of patients being treated for urinary incontinence and pelvic organ prolapse, including the management of patients with vaginal mesh and tape products.

Neil Findlay (Lothian) (Scottish Labour): To ask the Scottish Government which of the country's poorest communities use the NHS programme, Keep Well, and what progress it has made on delivering the 2011 SNP manifesto commitment to extend the programme "to cover all of Scotland's poorest communities by 2012."

(S4W-20995)

Michael Matheson: The Keep Well health checks are targeted at all people aged 40-64 living in Scottish Index of Multiple Deprivation (SIMD) one and two which are the most deprived communities of Scotland.

An audit carried out by NHS Health Scotland showed that nearly 85 per cent of health checks in 2012-13 were delivered to individuals who live in SIMD one and two.

Neil Findlay (Lothian) (Scottish Labour): To ask the Scottish Government how much it has spent on the NHS programme, Keep Well, and how many people have participated in it.

(S4W-20997)

Michael Matheson: The mainstreaming process for Keep Well began in 2011. Between March 2011 and March 2014 128,240 checks have been delivered to people living in the most deprived communities in Scotland.

The budget allocation to NHS boards for the delivery of the Keep Well programme between March 2011 and April 2014 was £33.4 million.

Mark McDonald (Aberdeen Donside) (Scottish National Party): To ask the Scottish Government, further to the answer to question S4W-18830 by Michael Matheson on 7 January 2014, which local authorities have published an autism strategy.

(S4W-21018)

Michael Matheson: Published local autism action plans are available from the following web link: <http://www.autismstrategyscotland.org.uk/news/>.

Local authorities have also been encouraged to publish them on their own websites.

Mark McDonald (Aberdeen Donside) (Scottish National Party): To ask the Scottish Government what information it has on which local authorities have not started to develop an autism strategy.

(S4W-21019)

Michael Matheson: All local authorities have started to develop autism strategies/action plans. Local authorities are in different stages, most are either finalised or drafted with some still in development.

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government whether it is confident of the accuracy of the waiting times figures for NHS boards in the Health Improvement Scotland report, *Chronic Pain Services in Scotland: Where are we now?*

(S4W-21020)

Michael Matheson: This is a matter for Healthcare Improvement Scotland (HIS).

HIS advise that they are confident that they had a robust approach to collating and verifying the data published on 28 April 2014 within their report, *Chronic Pain Services in Scotland: Where are we now?*

HIS further advise that this involved all NHS boards initially providing the data, being in regular dialogue with HIS about their data as the report was being prepared over the period October 2013 to February 2014 and providing formal verification of data accuracy. All NHS boards were sent a copy of the draft report and given four weeks to examine their data prior to publication. All NHS boards provided verification of the accuracy of the data they provided.

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government whether it has been notified by NHS Lanarkshire that the correct figures for waiting times for nursing are 24 to 28 weeks, and not two weeks as stated in the Health Improvement Scotland report, *Chronic Pain Services in Scotland: Where are we now?*

(S4W-21022)

Michael Matheson: This is a matter for Healthcare Improvement Scotland (HIS).

HIS advise they were made aware that there was an error in the data submitted by NHS Lanarkshire to them subsequent to the publication of the report, relating to the waiting time for second appointment at the nurse clinic. NHS Lanarkshire confirmed that the time between an original assessment and/or treatment and a second (follow up) appointment at a nurse led clinic is 24 to 28 weeks (mean 26 weeks). In this context it is important to note that this service follows up patients previously seen by the pain consultant to ensure their intervention has been successful and in most clinical conditions they report, a six month period would be one that would be needed to assess this. Patients are fully involved in determining this pathway and are aware of the purpose of the clinic visit.

HIS will amend the data on their website to reflect this correction by NHS Lanarkshire. HIS also confirm that this amendment does not in any way impact on the conclusions and/or recommendations made in the report, *Chronic Pain Services in Scotland: Where are we now?*

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government whether it will review for accuracy the data provided by NHS boards for the Health Improvement Scotland report, *Chronic Pain Services in Scotland: Where are we now?*

(S4W-21023)

Michael Matheson: I refer the member to the answer to question S4W-21020 on 14 May 2014. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx>

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government how much the (a) UK Government and (b) Scottish Government will provide for the Independent Living Fund.

(S4W-21030)

Michael Matheson: The Scottish Government is awaiting the settlement details from the Department of Work and Pensions (DWP) in regards the devolved settlement. The DWP have committed to providing funding in lieu of existing users. The Scottish Government fully intends to pass on this resource to existing users, subject to adequate resources being devolved on a continuing basis.

As the Deputy First Minister announced on the 11 April 2014, the Scottish Government will provide new funding of £5.5 million to establish a national system and open up the Scottish Independent Living Fund to new users.

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government when the Independent Living Fund will be transferred to the Scottish Government; who will administer it, and on what criteria.

(S4W-21031)

Michael Matheson: The Department for Work and Pensions have taken the decision to close the Independent Living Fund from June 2015. Therefore there is no transfer. The Scottish Government will establish a Scottish Independent Living Fund (SILF) from the 1 July 2015. Discussions on the administration of the SILF and criteria will begin soon with our partners in the third and statutory sector.

Jackie Baillie (Dumbarton) (Scottish Labour): To ask the Scottish Government how many people receive support from the Independent Living Fund, broken down by local authority, and how many new applicants can be accommodated when responsibility transfers to the Scottish Government.

(S4W-21033)

Michael Matheson: The Independent Living Fund is administered through the Independent Living Fund, a non-departmental public body of the Department for Work and Pensions. Therefore the Scottish Government does not hold the figures requested. However the information can be found at the ILF website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/301888/user-profiles-0314.pdf

The Scottish Government will provide new funding of £5.5 million to the newly established Scottish Independent Living Fund to open the fund to new members. We will work with disabled people and groups representing disabled people, to develop the process of the new arrangements. Based on this, eligibility criteria will be developed. Therefore we cannot say how many people will utilise this funding.

Finance

Nigel Don (Angus North and Mearns) (Scottish National Party): To ask the Scottish Government what its response is to the *Review of Scottish Public Sector Procurement in Construction*.

(S4W-21123)

Nicola Sturgeon: The Government welcomes Robin Crawford and Ken Lewandowski's excellent report which highlighted a number of areas where there is significant scope to improve the way in which the public sector and construction industry do business with each other. Importantly, the report challenges all parts of the public sector to make improvements, as well as industry itself.

I firmly believe that we must work together to address the issues which the report has brought into focus. The Scottish Government, working with the Scottish Futures Trust, is developing a programme to deliver the report's recommendations in partnership with other parts of the public sector and construction businesses as appropriate.

I am asking the cross-sector Public Procurement Reform Board, which I chair with support from John McClelland, to oversee this new programme of work. For now, therefore, I do not intend to pursue the appointment of a Chief Construction Adviser. I am, however, happy to accept all of the other recommendations of the report, and shall ask the reform board, as part of its detailed planning, to identify and prioritise those actions which will have the greatest impact.

The implementation of the report's recommendations will represent a major change programme across the public sector. I am committed to ensuring that the Scottish Government plays its full part in supporting this programme and I strongly encourage the leaders of other public bodies to proactively consider the report's recommendations, to determine what they can do to develop capability in relation to construction procurement in order to ensure greater efficiency and deliver better outcomes for Scotland.

Learning and Justice

James Kelly (Rutherglen) (Scottish Labour): To ask the Scottish Government what action it is taking to support places on courses at FE colleges.

(S4O-3224)

Michael Russell: We have committed to a funding floor of £522 million this year, rising to £526 million in 2015-16. This very substantial funding supports our key commitment to maintain the number of full-time equivalent student places at college.

Earlier this year, we announced an extra 3,500 places over the 2013-14 and 2014-15 academic years, funded by a combination of European Social Fund and existing Scottish Funding Council FE resource funds.

Murdo Fraser (Mid Scotland and Fife) (Scottish Conservative and Unionist Party): To ask the Scottish Government what its position is on the recent Scottish Survey of Literacy and Numeracy, which suggests that there were statistically significantly lower levels of numerical attainment at both P4 and P7 in 2013 compared with 2011.

(S4O-3225)

Alasdair Allan: I refer the member to my earlier answer to Iain Gray. We announced a range of measures to ensure a clear focus on numeracy across Scotland's schools.

In addition to the extra £1 million funding over three years committed to the local authority numeracy hubs programme, Education Scotland are building a range of further activities and resources into the support they provide to local authorities, teachers and schools on numeracy. This includes further professional learning resources for teachers based on the survey findings.

We are also incorporating a specific numeracy strand into our ground-breaking work on Pathfinder schools and building a specific focus on numeracy into the forthcoming Organisation for Economic Co-operation and Development review of Curriculum for Excellence.

Alex Johnstone (North East Scotland) (Scottish Conservative and Unionist Party): To ask the Scottish Government what measures it can take to prohibit the sale of drug-taking paraphernalia from retail premises.

(S4W-20938)

Roseanna Cunningham: The classification of drugs and supply of drug paraphernalia is a reserved matter.

The Scottish Government recently hosted a summit on enforcement methods to tackle the emergence of new psychoactive substances (so-called 'legal highs'), building on the learning from the summit held last year. Representatives from the Home Office, Trading Standards, police, health, and community organisations attended with the aim of creating a shared understanding of how new psychoactive substances are affecting people across Scotland; the approaches that could be used to tackle the supply of these drugs and; actions to take against those involved in the production and sale of these substances.

The information gathered from discussions at this conference will inform the Scottish Government's response to the Home Office review of legislative options to address the emergence of these new drugs.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government, further to the answer to question S4O-02758 by Alasdair Allan on 8 January 2014 (Official Report, c. 26226) on what date the update to Guidance on Education of Children Absent from School through Ill-health will be published, and whether it will consult on the revised document.

(S4W-20969)

Alasdair Allan: The intention is to publish the revised Guidance on Education of Children Absent from School through Ill-health shortly.

The revision has been developed in partnership with a stakeholder group which includes representatives from ADES, COSLA, NHS Scotland, Scotland's Commissioner for Children and Young People, the Scottish Council of Independent Schools, Action for Sick Children Scotland, the National Parent Forum of Scotland and Education Scotland.

While it is not the intention to consult formally, the representatives from the stakeholder group will have a further opportunity to comment on the draft guidance ahead of its publication and agree the date for publication.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government, further to the answer to question S4O-02758 by Alasdair Allan on 8 January 2014 (Official Report, c. 26226), on what dates the stakeholder group reviewing Guidance on Education of Children Absent from School through Ill-health has met; when it will next meet, and when the review will be completed.

(S4W-20970)

Alasdair Allan: The stakeholder group involved in the review of the Guidance on Education of Children Absent from School through Ill-health has met on seven occasions in total, on 28 March

2012, 1 February 2013, 11 April 2013, 13 June 2013, 21 August 2013, 24 October 2013 and 6 December 2013.

While there are no plans to re-convene the stakeholder group, the representatives will have a further opportunity to comment on the draft guidance ahead of its publication and agree the date for publication.

Jayne Baxter (Mid Scotland and Fife) (Scottish Labour): To ask the Scottish Government when it will conclude its work assessing the implications of the strategic review of learning provision for children and young people with complex additional support needs (Doran Review).

(S4W-20981)

Alasdair Allan: The Scottish Government issued a response to the *Doran Review* report, '*The Right Help at the Right Time in the Right Place*', in November 2012. The *Doran Review* provided 21 recommendations in total. The Scottish Government accepted 16 in full, 3 in part and 2 were deemed outwith the Scottish Government's capacity to deliver.

Recommendations 7, 17-18 (in part) and 19-21 will be delivered through the Strategic Commissioning Project. A project board and five workstreams have been established to support delivery of this project by 2017.

Recommendations 1-6 and 8-16 are part of a broader work plan and will be delivered before the conclusion of the strategic commissioning project in 2017.

Further information can be found on the Scottish Government website:

<http://www.scotland.gov.uk/Topics/Education/DoranReview>

The following questions received holding answers:

S4W-20912

S4W-20913

S4W-20914

S4W-20915

S4W-20916