

**Conveners Group**  
**Meeting with the First Minister**  
**Wednesday 2 March 2022**

*Transcript prepared by the Scottish Parliament Official Report*



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# CONVENERS GROUP

## CONVENER

\*Liam McArthur (The Deputy Presiding Officer)

## MEMBERS

- \*Clare Adamson (Convener, Constitution, Europe, External Affairs and Culture Committee)
- \*Claire Baker (Convener, Economy and Fair Work Committee)
- \*Siobhian Brown (Convener, COVID-19 Recovery Committee)
- \*Ariane Burgess (Convener, Local Government, Housing and Planning Committee)
- \*Jackson Carlaw (Convener, Citizen Participation and Public Petitions Committee)
- \*Finlay Carson (Convener, Rural Affairs, Islands and Natural Environment Committee)
- \*Joe FitzPatrick (Convener, Equalities, Human Rights and Civil Justice Committee)
- \*Kenneth Gibson (Convener, Finance and Public Administration Committee)
- \*Stephen Kerr (Convener, Education, Children and Young People Committee)
- \*Richard Leonard (Convener, Public Audit Committee)
- \*Dean Lockhart (Convener, Net Zero, Energy and Transport Committee)
- \*Gillian Martin (Convener, Health, Social Care and Sport Committee)
- \*Stuart McMillan (Convener, Delegated Powers and Law Reform Committee)
- \*Audrey Nicoll (Convener, Criminal Justice Committee)
- \*Martin Whitfield (Convener, Standards, Procedures and Public Appointments Committee)
- \*Elena Whitham (Convener, Social Justice and Social Security Committee)

\*attended

## THE FOLLOWING ALSO PARTICIPATED:

The First Minister (Nicola Sturgeon)

## CLERK TO THE CONVENERS GROUP

Irene Fleming

## LOCATION

The Mary Fairfax Somerville Room (CR2)

# Scottish Parliament

## Conveners Group

Wednesday 2 March 2022

*[The Deputy Presiding Officer opened the meeting at 12:02]*

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. I welcome members to this Conveners Group meeting. I have received no apologies, although a couple of colleagues might join slightly later as committees conclude. The meeting is in public, so, unlike in other Conveners Group meetings, the microphones will be activated automatically.

The meeting is a session with the First Minister that has been rescheduled from December and it will last up to two hours. You are very welcome, First Minister.

We agreed to frame the meeting around the two broad themes of Covid recovery and net zero. However, after a discussion at last week's meeting, we accepted that a range of issues are likely to fall outwith those themes, so we will have a section on more general questions towards the end. I will start with questions around Covid-19 before moving on to net zero and more general questions.

Some conveners have indicated that they wish to ask more than one question, and I will try to accommodate that as best I can. I have the priorities for each convener, so we will certainly get to their first and, I hope, to their second one. That leads me neatly to a plea, as ever, for questions and answers to be as succinct as possible.

## Ukraine

12:03

**The Deputy Presiding Officer:** Before I turn to part 1, I invite Clare Adamson, in her role as convener of the Constitution, Europe, External Affairs and Culture Committee, to ask an initial question on current events.

### Scottish Government Response (Priorities)

**Clare Adamson (Convener, Constitution, Europe, External Affairs and Culture Committee):** I apologise that I cannot be with you in person today. Can the First Minister provide an update on the Scottish Government priorities in responding to the situation in Ukraine?

**The First Minister (Nicola Sturgeon):** Many thanks for beginning with the issue that I know is uppermost in all our minds now. The people in Ukraine are clearly fighting a battle for the freedom and independence of their country, but we should always remember that they are fighting a battle that matters to all of us, as they uphold the principles of democracy, freedom and respect for the rule of law.

Therefore, we must all not just say that we stand with Ukraine—I know that that is the sentiment that everyone has right now—but do everything that we can to support the people of Ukraine in a practical sense. Clearly, the United Kingdom Government holds most of those responsibilities. I give a strong message of support for the actions that the UK Government has taken, particularly in the imposition of very tough sanctions. I know that there is a strong willingness there to go even further on sanctions, which is important.

The Scottish Government stands ready to do everything that we can. First, it is very important for countries across the world, large and small, to provide as much humanitarian assistance as possible. This morning, just days into the war, the United Nations estimates that around 650,000 people have already fled Ukraine. Clearly, there is a spiralling humanitarian crisis. We have already confirmed initial financial aid of £4 million, and we will seek to do more as the situation deteriorates, as it is likely to do, unfortunately. A consignment of medical supplies is leaving Scotland today bound for Ukraine. I have just come from the NHS National Services Scotland distribution hub to see and thank those who have worked hard on that.

The second priority in which the Scottish Government has a big part to play—although responsibility first and foremost lies with the UK Government—is in welcoming refugees who are fleeing Ukraine and seeking sanctuary. We are already in discussions with the Convention of Scottish Local Authorities to make sure that, practically, we are prepared to welcome refugees from Ukraine. We have recent experience through the Syrian resettlement scheme and more recent experience through the Afghan resettlement efforts. However, I do not think that any of us has yet properly grasped the magnitude of the population displacement that the war in Ukraine might result in. It is important that we all play our part in that regard.

I am on record—I am far from alone in this—as encouraging the UK Government to go much further than it has done so far in enabling people to come to the UK from Ukraine. The UK Government has made positive steps in the past 24 or 48 hours, but it still lags way behind the European Union and, within the EU, countries such as Ireland, which days ago waived visa

requirements. I again appeal to the UK Government to, in effect, have a situation in which anybody fleeing Ukraine can come to the UK and we deal with the bureaucracy and paperwork later. That is the humanitarian response that is required, but it is also practically necessary, because no single country or small group of countries will be able to deal with the issue alone.

I hope that we will see further movement from the UK Government. For my part—this is my responsibility—we will continue to work with COSLA to ensure that we are ready to provide the assistance that refugees need. However, I know that all of us are thinking of those in Ukraine, from the President down, who have been showing unbelievable bravery and courage. Our thoughts are with them, but it is much, much more important that our practical assistance and solidarity are with them, too.

**The Deputy Presiding Officer:** Thank you, First Minister. I am conscious that we could spend the entire session on that issue. I am sure that we will have opportunities to return to it in the chamber in the days and weeks ahead.

## Covid-19 Recovery

12:08

**The Deputy Presiding Officer:** I invite Siobhian Brown to begin the questioning on the Covid recovery.

### Home Working

**Siobhian Brown (Convener, COVID-19 Recovery Committee):** As we move on to Covid recovery, the strategic framework signals support for a level of home working to be embedded into society as we move to the new normal. That represents a significant shift, for our society and our economy. How does the Scottish Government propose to analyse the impact of that policy decision on, say, mental health, public transport use and our town centres and city centres? Will you share that analysis with the COVID-19 Recovery Committee?

**The First Minister:** That is a central question and consideration at this time. Obviously, before Covid, we were seeing a change, albeit quite a slow one, in the pattern of work and a growth in home working. However, the experience of Covid and what was necessary throughout much of the past two years have rapidly accelerated that shift. I do not think that any of us fully understands yet exactly where the new normal will settle and what the balance will turn out to be. However, it is reasonable to predict and perhaps to encourage—I will come on to that in a second—a greater degree of home working and hybrid working between people's homes and workplaces, as well as more in-office or in-workplace working locally, with hubs in local communities.

There are many potential advantages to that. In the immediate term, as has been the case in the past two years, it helps our resilience against spread of infection, but in the longer term and more fundamentally, it has obvious advantages for work-life balance and in reducing our carbon footprint by reducing commuting to and from work. There is some evidence emerging that it can lead to increased productivity. However, on the other side, there are concerns among many businesses and individuals that there is a danger of isolation and negative impacts on mental health as well as a serious consideration around the impact on town centres and businesses that are located in town centres. We need to think carefully about all those things as we find the new normal in the period ahead.

We are currently doing some work at pace with stakeholders and business organisations and across Government to examine the evidence that is available and to consider what more evidence

we need to gather to properly understand and assess the experience of hybrid working from a range of policy perspectives. We would be happy to share that with the COVID-19 Recovery Committee as that work develops.

### Economic Impact

**Siobhian Brown:** We all agree that life will not go back to the way it was and it is important that we find the balance between what is right for employees and what is right for employers.

Moving on to the economic impact, I see that the strategic framework notes that the economic output of consumer-facing service sectors, such as hospitality, remains “below pre-pandemic levels”. The framework recognises that the business resilience of those sectors will be very important as they are most likely to be affected if we have further restrictions.

What does greater business resilience look like and how is the Government working with such sectors, particularly hospitality, to ensure that they can be more resilient in the future?

**The First Minister:** There is no doubt that what you rightly describe as consumer-facing businesses have suffered, in an economic sense, the greatest impact of the pandemic, for obvious reasons: as those are the settings where people gather together, they pose the greatest risk of transmission of infection—through no fault of the businesses. As far as possible, we have sought to provide financial support and compensation to businesses that have been closed for periods or have had their trading curtailed and restricted. That was important.

We want to come out of this phase of the pandemic and, as far as we can, face up to any future risks. We all understand that the risk that the virus poses has not gone away—new variants may challenge us in the future—but if we build resilience now, together with vaccines and treatments, the hope is that we will be able to deal with future risks much less restrictively than was the case in the past. A key part of that is providing guidance to businesses on the measures that they can retain—they might have had them in place earlier in the pandemic—or introduce now to reduce infection risks. The strategic framework goes into some of this, but there is no one size fits all—what will be important in a shop, a pub or a restaurant will be different.

We have provided some funding for particular priorities, such as for ventilation improvements in private businesses, focusing on smaller businesses in the sectors most affected. We will continue to do that and we will work with stakeholders to consider what more we can do.

Finally, there is a more general point. If, to get back to normal, we all continue to take basic steps to try to reduce the risk of infection, we will collectively help to ensure that those businesses can function without some of the things that they have had to deal with in the past two years. If we do that, it is possible—as we are already doing—to encourage people to feel confident about going back to shops, pubs, restaurants, theatres and cinemas. That is what we need to do. People need to have confidence that they can go about their daily lives. That is what those businesses need more than anything right now.

**The Deputy Presiding Officer:** I know that Claire Baker has questions in broadly the same area, so I invite her to ask them at this stage, before we come to questions from Richard Leonard.

### National Strategy for Economic Transformation

12:15

**Claire Baker (Convener, Economy and Fair Work Committee):** I am happy to do that. First Minister, the national strategy for economic transformation was published yesterday. It is disappointing that the Economy and Fair Work Committee has not had formal notification of the publication, but we intend to engage with the cabinet secretary as soon as possible. There have been mixed reviews since the strategy was published. I know that you can bring forward positive comments from Scottish Chambers of Commerce and others, but Tom Hunter expressed the concern that the strategy was

“a long wish list with no magic wand to deliver it”

That is linked to the issue of the delivery plans, which I will ask about. Why are they not included in the strategy, will the actions be developed by sector, how will progress on the delivery plans be measured and how will progress be charted through the delivery plans? What kind of oversight and engagement will the Government have?

**The First Minister:** First, I know that the economy secretary is very keen, and it is part of her responsibility, to engage closely with the committee as the strategy develops. It is the Government’s responsibility to design and develop in partnership with stakeholders strategies such as the one that was published yesterday and to engage with Parliament as we develop and take it forward, and in particular to engage with Parliament around scrutiny and delivery.

With any strategy of that nature, there will inevitably be mixed opinions. In the context of world affairs right now, we should welcome the healthy aspect of that in a vibrant democracy. It is

important that we listen to those who have expressed comments that say that they want it to go further or do different things, just as I could sit here and list—although I will not—lots of comments from individuals and organisations who are very positive about what was set out yesterday. I am sure that I will not be the first to break it to Sir Tom Hunter that there is no such thing in politics, governance or life in general as a “magic wand”. You need to set out your ambitions, work hard and focus on them.

We will set out more detail of the delivery plans and the governance of that. Kate Forbes set out plans for the operational oversight of that, including a leadership board that I will chair to track progress, and we will regularly report to Parliament on the key deliverables and progress against them. Any strategy, no matter how good it is—I think that this one is very solid and very good—delivers all the detail. It is about setting the vision and ambition and ensuring that we have a focus on delivery to turn that into reality.

### **Covid-19 Tourism Recovery Programme**

**Claire Baker:** I will change the subject to something closer to Siobhian Brown’s question on the Covid-19 tourism recovery programme. The sector had asked for funding for phase 2 in the budget. Kate Forbes appeared at the Economy and Fair Work Committee and gave her commitment to phase 2 but could not deliver the resources for it in the budget. She has indicated that there would be the opportunity for in-year budget transfers. Does the First Minister recognise the importance of the sector and the need for it to receive further support? Could she give any assurances that it will be prioritised when it comes to any redistribution of funds?

**The First Minister:** Yes, I recognise the importance of the sector. Tourism is obviously one of Scotland’s most important economic sectors in terms of the jobs that it provides and the revenue that it raises and it is vital in projecting Scotland’s brand and reputation overseas. Our tourism sector is one of the jewels in Scotland’s crown and we should support it and do everything that we can to help it recover and regain the huge success that it had going into the Covid pandemic. It is clear that we have to work with the budget that we have, and we have had and will continue to have to make difficult choices in the budget, but as Kate Forbes has indicated in relation to in-year decisions, we recognise the importance of supporting tourism.

I go back to the point that I made in response to Siobhian Brown about confidence, and this is also true in relation to the tourism sector not only domestically but internationally: we need to individually here in Scotland but also collectively globally take the actions that keep the virus under

control, so that we can build people’s confidence to go and visit other countries and, we hope, come and visit Scotland and support the tourism sector.

I recognise the importance of financial support for the actions that the Scottish tourism sector is taking to try to get back to a position of success, which we know it is capable of doing.

### **Scottish Government Expenditure**

**Richard Leonard (Convener, Public Audit Committee):** First Minister, we know that, in 2020-21, the Scottish Government’s total net expenditure rose by 27 per cent compared with its expenditure in 2019-20, which is an additional £10.7 billion. When will you clearly demonstrate where that money has gone and what difference it has made and to whom?

**The First Minister:** In 2020-21, which, if I heard you correctly, was the year that you cited, a lot of the growth in the money that was at our disposal involved Covid-response money. I should say that, in summary, we report in the normal way on budget outturn, and your committee is part of the scrutiny process around that. Although, as ever, there will be different views on how we allocate that money, I think that people the length and breadth of the country can see, not only through our more technical outturn reporting on our budgets every year but through their own eyes, what that money has been supporting over the past couple of years, whether it is the provision of vital personal protective equipment for our nurses and doctors on the front line of our health service, compensation and financial support for businesses or support to local government to allow it to employ significant numbers of extra teachers to help with the challenges in our schools.

I will make this sound much more simple than it is, but, in normal years, not just during the pandemic, the national performance framework seeks to guide all of our spending decisions so that they contribute towards the outcomes and indicators that are set out transparently and clearly for people to see.

**Richard Leonard:** You are right to say that this is not just a technical matter; transparency is at the heart of it. In recent weeks, the Public Audit Committee has taken evidence from the Auditor General on his report on the Scottish Government’s consolidated accounts. He said:

“my report highlights the need for the Scottish Government to be proactive in publishing comprehensive Covid-19 financial reporting information that clearly links budgets, funding announcements and spending levels. That will help to increase transparency in areas of significant parliamentary and public interest.”—[*Official Report, Public Audit Committee, 20 January 2022; c 26.*]



Last week, we had the newish permanent secretary before the committee—

**The First Minister:** I think that he could still reasonably be described as new.

**Richard Leonard:** I will call him new, then. He seemed to concur with the Auditor General's view, and he said that he wanted to speak to Audit Scotland about that and to maximise transparency. Do you recognise that there is more work to be done on transparency and on identifying where that additional funding has gone?

**The First Minister:** Yes, I do. I have no difficulty in saying that. You and everyone else around this table know that I spend significant chunks of my life looking at extremely technical explanations and reports of how money is spent and of its performance. Of course, there is a collective interest in making that information as comprehensive, transparent, readable and understandable to the layperson as possible—I am sure that we would all appreciate that, too.

I absolutely concur with the view that you quoted, and I know that JP Marks, the new permanent secretary, is keen to talk to Audit Scotland and the Auditor General about how we do that in general as well as in relation to the additional funding for Covid.

In the past two years—I can say this from a position of considerable experience—many of our decisions have had to be made at pace. When I say “at pace”, I am talking about situations in which hours and days make a difference in whether money is spent quickly enough to make a difference on the front line. If I cast my mind back almost two years, to March, April and May 2020, I can say quite unashamedly that, frankly, every day, our priority was getting PPE to the front line for doctors, nurses and social care workers as quickly as possible. That was more important than spending time sitting and thinking about the transparency of that spending.

I absolutely agree that we need to go back and set out clearly how that money was spent, but, in the moment, our priority was to get the money to where it was needed. In this context, what I am about to say is not hyperbole: lives were depending on it.

### **Pupil Equity Fund**

**Stephen Kerr (Convener, Education, Children and Young People Committee):** On the same theme, I would like to ask about closing the poverty-related attainment gap and the pupil equity fund. Audit Scotland report that it cannot trace how that money has been spent. Do you know?

**The First Minister:** Yes. We work with local authorities and schools to consider the spending of that money. We know how that money has been allocated. Properly tracking the impact of the spending in terms of the delivery of the objectives will be done over a longer period.

As members will recall—I appreciate that this concerns events in previous sessions of Parliament, when you were not a member—the objective of the pupil equity fund was, in part, to put money directly into the hands of headteachers and allow flexibility and autonomy with regard to how it was used, rather than being overly prescriptive at the outset.

Given the matter's importance with regard to our aim of reducing the attainment gap, we will work with Parliament, with Audit Scotland and internally to ensure that we track what has worked and—we have to be open to the fact that schools, headteachers and local authorities will have tried things that have not been successful—what has not worked. However, the most important thing is recognising that our responsibility is to put resources into the hands of those who are on the front line and to allow them to innovate to ensure that they deliver on that objective.

**Stephen Kerr:** From that answer, I am not clear whether you know specifically how the money is being spent. If you know how it is being spent, could you publish what you know? Audit Scotland has struggled to find out what the money is being used for, and there are other concerns, too. Closing the attainment gap is the defining mission of the Government that you lead, but there seems to be some ambiguity about how the money is being spent. For example, there is a concern among some that the funds are simply replacing what was already being done, so every penny will not necessarily be used to provide extra support. How do you know what is happening and what is not happening?

**The First Minister:** I think that you have to distinguish between the allocation of money, how that money is used on the front line and how we monitor and track the impact and outcomes of that. All those elements are related but separate.

We know exactly how the money is being allocated, and we have given people autonomy around how it is used on the front line. Before the pandemic, I visited schools that have used that money in different ways. I remember being in a school that had used it for weekend-away sessions for parents, to try to engage them more with schools in order to improve attendance. There is a deliberate degree of autonomy and flexibility. We will know the different ways in which the money is being spent, but we were deliberately not prescriptive in order to allow for innovation, because that is what is needed.

Given the nature of what is being done, tracking the progress in terms of outcomes will take some time, but we have a duty to do that—that is the most important aspect of this. Inevitably, with an initiative such as the pupil equity fund, some things that schools will have tried will not have been as successful as others, and that will be seen in the outcomes.

In all three of those areas, we know what is happening, but some of that takes longer to assess and judge.

**Stephen Kerr:** Are you concerned about—

**The Deputy Presiding Officer:** Mr Kerr, I have allowed you to ask a couple of questions. We will come back to you if there is time, but I am conscious that we must give every convener an opportunity to ask questions.

### Care Workforce

**Gillian Martin (Convener, Health, Social Care and Sport Committee):** I want to concentrate my questions on the care workforce. Every country faces challenges with attracting people into that sector. The Scottish Government has an ambitious manifesto commitment to establish a national care service, but that is being done against a backdrop of a tight labour market in social care. Could you share your thoughts on how to tackle that challenge and say how the Government is working with partners to attract people into social care?

**The First Minister:** That issue is one of the biggest challenges—perhaps the biggest—that we face as we seek to enable the health and social care sectors to recover and ensure that they deliver on the objectives that we set for them.

Social care employers are, largely, local authorities or private or voluntary organisations but, in the national health service, we have a reasonably good foundation, with record levels of staffing—we have higher staff numbers per head than other countries in the United Kingdom. However, we still face a challenging recruitment position.

As you rightly said, we are operating in a very tight labour market. There is intense competition for labour not just in Scotland itself but between Scotland and other countries, particularly with regard to health workers.

12:30

We therefore need to do a number of things. First, we need to ensure that we have very good and robust workforce planning, so that we know what we need to achieve in the years to come. I know that the Cabinet Secretary for Health and Social Care is very focused on that.

Secondly, we need to have a very strong focus on the wellbeing of the current workforce, because there is a risk that we will lose people in this very competitive labour market. As a result, we are investing a lot in wellbeing initiatives in the health service, and we are also working with local authorities in particular to raise the pay of our social care workforce, which has been undervalued for generations now. Of course, part of the reason for that is that that workforce is largely female.

We are working with the health service and other partners on very targeted recruitment campaigns in Scotland. Anyone who lives in the west of Scotland will have seen the integrated partnership in Glasgow advertising on television for social care workers, and we are helping with those targeted recruitment campaigns to ensure that, in such a competitive workplace, careers in social care are being marketed as good opportunities for people.

None of this is easy—in fact, it is really difficult and all countries are trying to do the same thing—but we are focusing on that area in a real and determined way.

**Gillian Martin:** Just this morning, I chaired a stakeholder meeting on the national care service, and a thread that went through all the conversations on the panels that I chaired was that the voices of those receiving care need to be at the centre of the new service's design and that a human rights approach is fundamental. How will your Government ensure that that happens?

**The First Minister:** We are trying to build that in from the outset. Derek Feeley's review and report, which have laid the foundations for our plans for the national care service, very much took a human rights approach, with service users at the heart of things, and we are seeking to continue that. Indeed, the Cabinet discussed the matter just last week, and I have been involved in very detailed discussions on how we take forward the plans following the consultation.

As for service users, the Feeley report is all about reducing the postcode lottery, raising the quality of care, ensuring that we see care as an investment and being as preventative as possible, instead of having people in institutional care when they could be better cared for in their communities and in their own homes. That is the objective, and we have to keep that centrally in mind.

Secondly, the voices of those who work in the care service and deliver the services have to be central, too, because a linked objective is having a highly skilled, motivated and rewarded workforce. After all, if you have such a workforce, you will deliver good care. The opportunity that we have to deliver a nationally agreed pay scale, collective

bargaining and national terms and conditions will be important with regard to that objective.

There will be some intense debates about the detail of all that, not just in Parliament but in the wider stakeholder community—and rightly so—but we should come at it from the perspective of remembering what this is all about, which is improving the quality of care for those who need it.

### **Decision Making (Human Rights Approach)**

**Joe FitzPatrick (Convener, Equalities, Human Rights and Civil Justice Committee):** First Minister, we know that the pandemic had a disproportionate impact on some sections of society, including older people, disabled people, carers and women. In fact, just yesterday, my committee heard about the intersectional challenges faced by black and minority ethnic women. As you said in response to a previous question, a human rights approach was at the heart of decision making throughout the pandemic. What lessons can be learned from such an approach as far as policy making is concerned?

**The First Minister:** It was probably always obvious, but it pretty quickly became much more obvious during the handling of the pandemic that the pandemic was having a disproportionate impact. It was having an awful impact on everybody, but some groups were being particularly impacted. That was absolutely the case for ethnic minorities, but also for women, young people and those already living in poverty. We sought to take account of that in our decision making. As I said to Richard Leonard, to be absolutely candid, I think that, particularly in the very early days of the pandemic and at key points afterwards, what was most important to us was the speed of decision making. However, we sought to learn more about the issue that you have raised, so we established the expert reference group on Covid-19 and ethnicity quite early on and used its findings to inform and shape future decision making.

We sought to learn as we went along and to take account of that disproportionate impact in our decision making. For example, delivering the vaccination programme very quickly required a massive effort, with trade-offs having to be made between local access and mass vaccination centres, but health boards put real emphasis and a really strong focus on making particular efforts to get the vaccine to underrepresented groups.

Did we get every decision right in that respect? We absolutely will not have done that, so there is a need to learn retrospectively and to build any lessons into future decision making. Of course, the public inquiry, which will get under way shortly, will

have a human rights focus, too, and the learning from that will be extremely important.

**Joe FitzPatrick:** We have talked a bit about inequalities, but the fact is that a lot of the inequalities involving people and communities existed before Covid. A lot of them are societal, but there is no doubt that the pandemic put them in stark focus. I am keen to hear how we can ensure that we do not lose that focus and that we challenge those inequalities, some of which, as I said, are societal and are not just for the Government.

**The First Minister:** That is down to all of us. As First Minister, I have a particularly heavy responsibility to ensure that we do not lose that focus, but it is a collective challenge and responsibility for Parliament.

The pandemic has, without a shadow of a doubt, shone a very bright and unforgiving light on some of the pre-existing inequalities that many groups in our society were facing. As we come out of the pandemic, we need to redouble our efforts to address them. For example, the inequality that is faced by people who are living in poverty can be linked to the work relating to our social security responsibilities, such as the doubling of the Scottish child payment. We are determined to accelerate that work and to increase its impact. The doubling of the Scottish child payment is not uniquely to do with the pandemic, but the experience of the pandemic was definitely a factor in our decision, because we recognised that we had so much more to do in that respect.

To go back to Gillian Martin's question about the social care workforce, I think that we have all known that that workforce has always been predominantly female, undervalued and underrewarded. The collective responsibility for that goes back decades—indeed, generations—but none of us no longer has an excuse to say that we do not understand that and have no responsibility for tackling the problem. That is why the inequalities that women face are so clearly at the heart of the work that we are doing in the short term and the longer-term work on the national care service.

The work that we were doing before the pandemic, which was led to some extent by my national advisory group on women and girls, has become much more important, because there is simply no hiding place any more. None of us has any excuse to say that we do not know or understand exactly where the inequalities are. Fixing them will not be easy—there are, as we said earlier, no such things as magic wands—but we need to tackle them. That is up to the Government, but it is also up to the Parliament to ensure that there is a real iron focus on holding our feet to the fire on the matter.

## Made Affirmative Procedure

**Stuart McMillan (Convener, Delegated Powers and Law Reform Committee):** First Minister, you will be very aware of the report that the DPLR Committee published just a couple weeks ago on the made affirmative procedure. The committee is also considering the Coronavirus (Recovery and Reform) (Scotland) Bill, which has five powers that may be exercised through use of the made affirmative procedure.

One of the questions that the committee always asks in considering primary legislation is whether it is right to delegate powers to the Government of the day instead of the powers being put in the bill itself. Why do you consider it to be helpful to give future Governments emergency powers—such as on the new public health protection regulations on altering school term dates—instead of ensuring that they introduce emergency legislation when it is needed, as happened with the two Scottish coronavirus acts?

**The First Minister:** Obviously, the bill is for Parliament to scrutinise. It is not emergency legislation, so full parliamentary scrutiny will take place, to which the Government will respond in the normal course of things.

In summary, I note that it is better to have on the statute book properly considered legislation that provides a framework for decisions than it is to have emergency legislation, which is always suboptimal. Governments do not want to operate through emergency legislation if they do not have to. We have an opportunity to get the legislative framework for such decisions in a better state than it was when we went into the pandemic.

We always have to be very mindful of the appropriate balance between Government decisions and parliamentary scrutiny, which is vital even in emergencies, but we have to recognise that Governments must act quickly in emergencies. However, the made affirmative procedure should always be used sparingly. The fitter for purpose the existing legislative framework is, the less need there will be in reality to act with emergency powers.

**Stuart McMillan:** On that point, I mentioned the report that the Delegated Powers and Law Reform Committee has published. Some witnesses made a point about use of the made affirmative procedure being part of a broader narrative that goes back generations, about the constant need to ensure that there is an appropriate balance of power between the Government of the day and the legislature.

Looking back over the pandemic, how did you strike that balance when making decisions? Those decisions sometimes brought substantial changes

into force almost immediately and often, as I appreciate, with little time to make difficult choices.

**The First Minister:** I am sure that some members will be more sceptical than others about what I am about to say, but I can genuinely say that the need for a balance between the speed of Government decision making and appropriate full parliamentary scrutiny was always one of the considerations.

Where the balance was struck could not be a fixed thing throughout the pandemic, because at times—certainly early in the pandemic—we operated on the basis that literally every minute, hour and day mattered in relation to the speed of decisions that we were taking. Parliament was, obviously, not sitting normally at that point, so we had to put different procedures in place for informing Parliament in order that we could have parliamentary scrutiny. There were also periods in which the balance changed, when we could act more slowly because Parliament was sitting more normally.

John Swinney might have used this example with the Delegated Powers and Law Reform Committee previously, but it sticks firmly in my mind. I chaired a Cabinet meeting in November, at the tail end of last year. My report and the feeling of the Cabinet that day was that things were very stable—I think that I said as much to Parliament on the Tuesday afternoon in my statement that week. Within 48 hours—literally—we were back on an emergency footing, facing the omicron variant and the prospect of having to make quick decisions to curtail the virus, which was spreading very fast. Things were changing at that speed. We have to be able to respond to such situations.

The made affirmative procedure should be used only in exceptional circumstances, but it just so happens that in much of the past two years there have been exceptional circumstances. For committees and Parliament as a whole, the normal affirmative procedure is very lengthy; it takes 40 days and a plenary vote. In the face of such a virus, that is clearly not fit for purpose.

There might be debates about making our normal procedures more flexible so that use of emergency procedures is not so necessary. I go back to the point about our opportunity now to get our statute book and parliamentary procedures into a state in which, if we were ever to face such circumstances again—I hope that we will not—use of genuine emergency procedures would not be as necessary as it was during what we have faced over the past couple of years.

**The Deputy Presiding Officer:** Audrey Nicoll, convener of the Criminal Justice Committee, joins us online.

## Trial Backlog

12:45

**Audrey Nicoll (Convener, Criminal Justice Committee):** The Criminal Justice Committee has heard from the Scottish Courts and Tribunals Service that the trial backlog might continue until 2026 because of the pandemic. We also heard in private testimony from survivors of rape and sexual offences, who told us of the harrowing impact that trial delays had on them and about how they can potentially be retraumatised each time a trial is adjourned. One person told us that their trial had been rescheduled 13 times.

How will the Scottish Government's new vision for justice place victims at the heart of the justice system and assist in reducing the backlog of criminal cases?

**The First Minister:** I will obviously tailor my answer to the criminal justice question, but the comment could apply more generally. First, we have to be frank and honest about the scale of the challenge of recovery. The pandemic and the impacts of dealing with it brought swathes of our normal way of life to a shuddering halt for long periods of time. Recovery from that will not be easy or quick in any sense.

That is the case in the criminal justice system. Justice agencies have made it clear all along that it will likely take a number of years to address the backlog through the recovery programme. They have also made it clear that how long it takes will depend on the actions that we take and the investments that we make. Recovery is not a fixed thing. I will come back to the actions and investments in a moment.

It is important to stress that when we talk about it taking years to tackle the backlogs—its taking four or five years has been talked about—that means bringing the overall case load back into normal timescales. It does not mean that individual cases will be delayed for that length of time. It is important to understand that from the perspective of victims, for whom it is hugely important.

We are seeking to work with justice agencies and to make investments—principally in the Scottish Courts and Tribunal Service, but also in the Crown Office and Procurator Fiscal Service and Police Scotland—to get the recovery programme moving as quickly as possible. You will know from the Criminal Justice Committee that we have established the justice recovery fund. That fund is upwards of £50 million for the next financial year and will support recovery and renewal. Around half of it will go to the courts service, but there is also funding for other parts of the criminal justice system. We have also increased the normal Scottish Courts and Tribunal

Service resource budget in our budget, so there is investment to accelerate progress. We will continue to work with justice agencies as we go, in order to make sure that we are doing everything that we can do.

Audrey Nicoll mentioned victims of rape and sexual assault. There are bigger and wider issues about how the criminal justice system deals with those cases, which predate Covid. Obviously, Lady Dorrian has produced a report for us that we are considering carefully in relation to, for example, greater use being made of specialist courts in the future. Over the next couple of weeks, we will also hear from Helena Kennedy about the work that she has been doing for us on tackling misogyny. As we recover the criminal justice system, there are deep issues that we have to do more to address.

**The Deputy Presiding Officer:** Audrey, do you want to ask a follow-up question?

## Drug Deaths

**Audrey Nicoll:** Yes—if I may and if there is time, Deputy Presiding Officer.

Thank you for that answer, First Minister. I have a follow-up question on an urgent issue to be addressed: how we tackle drug deaths and problem drug use. Many issues that affect our communities in this context are cross-cutting; solutions to the problem do not always fall easily into one committee's remit. Members of the Criminal Justice Committee, the Health, Social Care and Sport Committee and the Social Justice and Social Security Committee met recently to hear evidence and consider how we can work collaboratively to find solutions. Can you provide an assurance that ministers will, similarly, work collectively across portfolios and will keep the relevant committees updated on the actions that are being taken to address the issue?

**The First Minister:** I give that assurance. The effort to tackle drug misuse and to cut the completely unacceptable toll of deaths from drugs in Scotland is truly cross-cutting. The problem will not be tackled effectively if it is seen as sitting only in one part of the Government's responsibilities. The Minister for Drugs Policy, Angela Constance, sits in a position in Government in which she reports directly to me, because that allows her to take that cross-Government approach.

We need to ensure that there are good community services in order that we can prevent people from falling into drug misuse in the first place, and we need to ensure availability of treatment that is much more rapid and effective than it has been.

We also have to ensure that we take a sensitive criminal justice approach. I am a firm believer—I think that there is firm consensus in Parliament on this—that the problem should be seen not as a criminal justice issue but as a public health issue. The recent effort to roll out use of naloxone has been genuinely cross-cutting. The issue has to be seen in that way or it will not succeed. Therefore, I give the assurance from the Government that you ask for. I am also happy to work with committees to consider how we can ensure that the approach is mirrored in Parliament.

**The Deputy Presiding Officer:** Elena Whitham, convener of the Social Justice and Social Security Committee, will ask the final set of questions in this section.

### Tackling Child Poverty

**Elena Whitham (Convener, Social Justice and Social Security Committee):** Good afternoon, First Minister. Although the Scottish child payment, including its doubling, is a big step forward in tackling child poverty, the current cost of living crisis and our continued recovery from the pandemic mean that budgets in households and Government are being stretched. Tackling child poverty is a national mission, so what more can all spheres of Government, business and wider society do, and how will Covid consequentials from the UK Government be spent in Scotland to support people who are on low incomes?

**The First Minister:** You have framed the question absolutely correctly. In my view, a country's social security system is a mark of how civilised that country is. A social security system is an essential way of providing a safety net for people so that they do not fall into poverty and destitution. If it is properly designed and implemented, it should help to lift people out of poverty. If people are able to work, the system should provide them with a good bridge into well-paid work.

However, when the system is a sticking plaster for failures elsewhere, we have problems and the system does not work as effectively as it could. Right now, our limited devolved social security system is, to some extent, operating as a sticking plaster to cover up, as far as possible, the impacts of decisions that are being taken by the UK Government. We are spending about £100 million a year to mitigate decisions that have been taken elsewhere, including on the bedroom tax and on removal of the universal credit uplift. It makes no sense that we have to do that, because it is not the most effective way of using money properly to lift people out of poverty.

Similarly, our ending up subsidising companies that do not pay decent wages is also not the best

approach. That is why we put so much emphasis on payment of the real living wage. This is a really tough time for businesses, as it is for individuals, but paying people good wages helps with productivity and business success. It also helps to ensure that we are lifting people out of poverty through work.

One of the most shameful aspects of the poverty statistics for Scotland and the rest of the UK is that many people who are in poverty are also working. That tells us that there is a real issue with regard to the reward that people get for a day's work. It is vital that we look at the issue across all the various spheres.

**Elena Whitham:** How will we measure the impacts of the decisions and actions that we take on the issue? Will current mechanisms be adequate, going forward?

**The First Minister:** I am interested to hear the Social Justice and Social Security Committee's views on whether we should augment or change any of the mechanisms. In terms of child poverty, there are very hard measures that judge our success. There are statutory targets, which we are working to meet. Whether we meet them and the extent to which we do not meet them will be very transparent.

We are engaged in the spending review. One of the most serious preoccupations for me and my ministers is how we ensure that the review is concluded in a way that gives us the best possible chance of meeting the child poverty targets. They are statutory targets, but they are also morally important in terms of lifting kids out of poverty. That is the approach that we are taking, and we will be judged very clearly on that.

When I make this point, people who want to do so will hear me making a constitutional point. I have been known to make them, I confess, so I will not plead total innocence. However, I am also making a practical point about effective governance.

It makes no sense that as we, on one hand, double the Scottish child payment to help us to meet the child poverty targets, the Government in London is, on the other hand, taking away money from the families whom we are trying to help. That makes it more difficult to do and achieve the right thing. That is why—whatever anybody thinks about the wider constitutional questions—joining up the relevant powers and decisions in a much more holistic and comprehensive set of social security powers for the Scottish Parliament seems to me to be absolutely the sensible and, actually, the necessary thing to do.

## Net Zero

12:56

**The Deputy Presiding Officer:** We move on to the second broad theme, which is net zero. I invite Dean Lockhart, the convener of the Net Zero, Energy and Transport Committee to kick off.

### Retrofitting and Decarbonisation of Buildings (Funding)

**Dean Lockhart (Convener, Net Zero, Energy and Transport Committee):** The Scottish Government has estimated that retrofitting and decarbonisation of buildings by 2030 will cost more than £33 billion. How will that be funded? Local authorities have told the Net Zero, Energy and Transport Committee that they do not have the funding and face a budget cut of more than £250 million this year alone.

**The First Minister:** I will resist the temptation to go off on a tangent about how local authorities are not facing a cut this year. Local authority budgets are increasing and the total local government settlement has increased. We will put that to one side.

We are being candid about decarbonisation of heating of our homes and buildings. It is a massive obligation and it is central to meeting our overall net zero targets. Public money will be a key part of how we fund it. We have already made commitments on funding for this session of Parliament. It is one of the key issues in our spending review considerations and it will be an issue in future sessions of Parliament, as we head towards the 2030 milestone. We will also have to work to lever in private sector investment, which is a key focus in what we are doing.

We have to make efforts to minimise the financial burden on individuals, but decarbonisation will be a collective task, as will many other aspects of our obligation to achieve net zero. Not only the Scottish Government but Governments throughout the world are grappling with the issues right now.

**Dean Lockhart:** I understand that there are various initiatives considering how to raise finance. However, the target is not so much for 2030; in the light of the sheer amount of work that is required to retrofit and decarbonise more than 1 million buildings across Scotland by 2030, the physical work will have to start now. It will take more than five years for it to be done. In effect, that means that the Scottish Government will have to raise the necessary financing over the next two or three years. I am not convinced that enough work is being done on leveraging in the necessary private investment.

**The First Minister:** If you are not convinced on behalf of your committee, our job is to engage with you so that we can give you greater confidence and you can properly scrutinise the plans, which are well under way in the Scottish Government. We have made significant commitments to public funding as a contribution to decarbonisation over the current session of Parliament, and we are working to ensure that we can lever in finance.

We could have an interesting and technical debate—we would probably need others to contribute to it—about phasing of the work that will be needed between now and 2030. I concede your point that much of it will be front loaded in terms of the infrastructure that is needed.

I am not telling anyone anything that they do not know when I say that decarbonisation is one of the most significant and difficult challenges that we face, but not achieving it is not an option because we need to meet the net zero target. We will continue to engage with the Net Zero, Energy and Transport Committee about the fine detail of the plans, but we are very focused on ensuring that we not only keep the 2030 target in mind but that we take decisions about appropriate phasing. If we do not do that it will not, as you say, be possible to meet the target.

### Citizen Engagement

**Jackson Carlaw (Convener, Citizen Participation and Public Petitions Committee):** Next week, the Parliament will welcome its youngest ever petitioner. Callum Isted is seven years old. He is from Livingston. I do not think that he will find coming to the Parliament daunting because he is already a veteran of the 26th United Nations climate change conference of the parties—COP26.

His petition calls on us to provide every primary school child in Scotland with a reusable water bottle. He has worked out that we provide 250ml disposable plastic bottles to children all over Scotland.

He has been very active in his own school and has carried out fundraising. His petition seeks to find a means to roll that initiative out to schoolchildren across Scotland. I am sure that he would be delighted to hear you commend him for his initiative.

13:00

That leads us to a broader point. It is exceptional not just to hear from young people, but to hear from many other groups in Scotland who are actively engaging with our politics in a deliberative way. That is part of the responsibility of the Parliament and part of the reason why my

committee has been given the citizen engagement aspect of its remit.

How does the Scottish Government see its role in all that? That touches partly on the point made by Gillian Martin. At what stage can we put in place mechanisms to allow groups who might be affected by evolving legislation to participate in the construction of that legislation rather than simply responding to a proposal that is largely fully formed?

**The First Minister:** I commend Callum Isted for being the youngest petitioner at seven years old—I am just wondering whether you might possibly be the oldest person he has ever met in his young life, Mr Carlaw. [*Laughter.*] We will see. Well done to Callum for his work. Will he be at the Parliament in person to present his petition next week?

**Jackson Carlaw:** I am sure that he would be delighted if that were possible.

**The First Minister:** If so, I will see whether I can catch a word with him and learn more about his efforts to get a reusable water bottle to every young person. That is a laudable aim and I wish him well in it.

Your question on young people's involvement is timely. For the past six years, once a year, the Cabinet has held a joint meeting with representatives from the Scottish Youth Parliament and the Scottish Children's Parliament—we may be one of the only countries in the world that does that. This year's meeting took place yesterday. We heard a range of presentations on climate, mental health, education generally, gender inequality, assisted dying, the gender recognition reform proposals, and a whole range of other things. We are already doing a lot of good stuff to try to ensure that the voices of young people in particular are heard at a time and in a way that allows them to influence policy in advance, rather than after decisions have been taken.

We have also been pioneering citizens assemblies. The citizens assembly on climate change, for example, will be instrumental in how we implement decisions in the journey towards net zero. The Citizen Participation and Public Petitions Committee is an important part of getting people's voices heard in a way that means that they can influence policy. In Scotland, the Parliament and the Government, we probably do that in a way that is better than in many other countries, but we should not close our minds to ways of doing it even better.

The last point that I would make about young people is that institutions such as the Scottish Youth Parliament are hugely powerful in that context. The Scottish Youth Parliament can point to pieces of legislation that have been passed in

the Scottish Parliament over the years that started with one of the Youth Parliament's campaigns—equal marriage is an example of that.

**Jackson Carlaw:** I hope that Callum Isted is watching.

**The First Minister:** So do I.

**Jackson Carlaw:** I look forward to our encounter next week.

The Scottish Government has established a group institutionalising participation and deliberative democracy and bringing together various parties in relation to that. There is an expectation that a report with recommendations will be published at some point. Can you indicate when you hope that might be?

**The First Minister:** I do not think that I can give you the date right now, but I hope that it will be soon. We will be making proposals on the infrastructure and resources and support for things such as citizens assemblies that will be needed to take that forward. If we have a date or a rough timescale for that, I would be happy to get that information to the Citizen Participation and Public Petitions Committee.

**The Deputy Presiding Officer:** I hope that Callum Isted is at school, but he may tune in during his lunch break.

**The First Minister:** Much though I hope that he is watching, I am starting to feel a bit sorry for him if he is.

#### National Planning Framework 4

**Ariane Burgess (Convener, Local Government, Housing and Planning Committee):** First Minister, you will be aware that the Local Government, Housing and Planning Committee is taking a great deal of evidence on the national planning framework, which underpins many of our ambitions in relation to net zero. How will you close the gap between the policy priorities set out in NPF4, such as compact growth, local living and biodiversity enhancement, with the reality that planning authorities are still granting planning permission for out-of-town commercial developments and low-density housing on greenfield sites, for example?

**The First Minister:** Any national planning framework is designed to try to close that gap by setting the overall framework from which planning authorities take their decisions. As you would expect me to say, it would be wrong for me to try to comment on decisions by individual planning authorities or to issue diktats to them about their decisions.

The draft NPF4 advocates a quite fundamental change in direction and in how we plan places. It



puts climate and nature, along with the whole concept of a wellbeing economy, at the heart of the planning system and is intended to drive the decisions that are taken locally. It also has specific new planning policy support for community wealth building, using how communities are planned in a way that, crucially, retains as much wealth as possible in local communities.

You are right. Giving life to that comes down to the decisions of individual planning authorities. That will not happen unless we provide the right framework. NPF4 is all about providing the right framework, with the right priorities, objectives and guidance for local decisions to be framed within.

**Ariane Burgess:** The Local Government, Housing and Planning Committee has been working to get the word out that the framework exists and that the Government is consulting on it. In Ireland, the Taoiseach is working alongside the vision for planning and for reaching net zero. What are your thoughts on that? What kind of platform could we put NPF4 on to ensure that local authorities and the others who will have to pay attention to it will become aware that it exists?

**The First Minister:** I would be happy to give serious consideration to the ways in which we can do that, so that we can raise the profile, awareness, understanding of and sense of engagement with the framework. I think that is really important. I am not familiar with exactly what the Taoiseach is doing, but I am happy to look at that. If I think back to my own experience at COP26, I spoke about NPF4 in many of the discussions and conversations that I had. It is there. I speak about it regularly.

As the answers that I am giving to your questions demonstrate, it sounds very abstract and technical in nature, but it is not. It is actually about the quality of the environment and communities that people live in now and will live in in future; it is about how those contribute to people's wellbeing and to our environment. It is really important. It is probably some of the most important stuff that we or communities can talk about.

You are right to say that we should be doing more. I will certainly give some thought to how we do more to bring that to life for people.

**The Deputy Presiding Officer:** Clare Adamson has a further question in relation to net zero.

### United Kingdom Internal Market Act 2020

**Clare Adamson:** In our recent report on the UK internal market, the Constitution, Europe, External Affairs and Culture Committee found that the United Kingdom Internal Market Act 2020 places more emphasis on open trade than on regulatory

autonomy, when compared to the EU single market. To what extent are you concerned that the market access principles in the act may constrain the Scottish Government in delivering its policy priorities and commitments, including in relation to net zero?

**The First Minister:** I think it is fair to say that I have a significant and profound concern in that respect. The act places really quite significant constraints on the devolution settlement. To be blunt, it can automatically disapply legislation that has been passed by this Parliament, should it be deemed that that legislation conflicts with the principles and detail of the 2020 act.

That is democratically unacceptable. It could impede our progress to net zero and could have all sorts of other implications as well. One example of a live issue would be our ban on single-use plastics in Scotland. Whether that ban can have the planned effect will ultimately come down to the decision of a UK minister.

The 2020 act could make it impossible to apply the ban to products that come into Scotland after being produced elsewhere in the UK. That is just one example—there are others. It is arguable whether, if we wanted to have a particular regulatory standard for food, we could impose that on food products that come into Scotland from elsewhere in the UK.

We are talking about powers of this Parliament. How the Parliament chooses to exercise them—in this context, as part of our journey to net zero—could be completely overridden by UK Government decisions. That is not acceptable—it is a power grab. Party politics aside, every member of this Parliament should be absolutely up in arms about that.

**Clare Adamson:** The committee certainly shares a concern about the issue. I commend to anyone who has an interest in the subject our committee debate that will take place in the chamber this afternoon.

**The Deputy Presiding Officer:** That was a spontaneous advertising break in the midst of proceedings, which is not necessarily a bad thing.

Finlay Carson has questions that are in a similar vein.

**Finlay Carson (Convener, Rural Affairs, Islands and Natural Environment Committee):** I will continue on that line. There is no question but that the smooth operation of the internal market in the UK is hugely important to Scotland. If we put constitutional concerns aside, what will be the main impact in practice of the 2020 act on agricultural businesses and on rural, coastal and island communities?

**The First Minister:** To be honest, I do not think that you can put constitutional arguments aside on this, and maybe we should not use that description, as it immediately divides us. The fundamental issue is whether this Parliament is capable, within its powers, of taking decisions that should be ours to take, or whether we are happy to allow an act that was passed somewhere else, against this Parliament's wishes, to override this Parliament's decisions. That is pretty fundamental, whatever people's views might be on Scotland's constitutional future. There are many examples of how this Parliament's powers might be impeded and overridden, which raises profound questions for all of us.

Agriculture could be affected. As we know, responsibility for it is fully devolved. We face agriculture challenges that are not faced elsewhere in the UK, but the principles that are set out in the Subsidy Control Bill risk constraining our ability to develop policies that are tailored to meet those needs. Income and coupled support payments play an important role for many businesses that operate in our most remote and constrained areas, for example, but such payments seem to be incompatible with the principles of the UK's approach to what it calls the internal market.

There are profound issues about whether this Parliament—with all the proper debate and scrutiny—can come to decisions about such matters or whether we will find ourselves ridden roughshod over by a Government that is not accountable to this Parliament.

### Rural Areas and Climate Change

**Finlay Carson:** My next question is on a different subject that is important to rural areas. The Rural Affairs, Islands and Natural Environment Committee finds that it deals with lots of cross-cutting issues and that it is sometimes difficult to appreciate what our remit is and to scrutinise policies. On NPF4, we took evidence—it was brief because of time constraints—on how rural areas would deliver Scotland's ambitions on climate change and biodiversity. There is a lack of priorities. What are the biggest challenges for rural communities, when the burden of delivering climate change measures is on their shoulders?

**The First Minister:** It is not for me to determine a committee's remit or where it decides to go. However, I assure you that the Government will always try to respond to requests for information, answers and discussion on the issues.

What is the biggest challenge? In the context of climate change, agriculture faces massive challenges—I do not need to tell you what they are—such as Brexit, global issues that are

impacting on food supply and the potential constraints that we have talked about on our ability to take decisions on food standards that will ensure the quality of our food. We need to be alongside our agriculture sector as we face up to those big challenges.

In relation to climate change, agriculture is one of the biggest contributors to our carbon emissions. It is going to take really difficult, fundamental change to address that, and to do so in a way that protects the ability of our farmers and those in the agriculture sector to make a living and contribute to quality food. That is the biggest challenge. We have a duty to work with them to try to make those changes, because they are critical to our ability to meet the net zero target overall.

## General Questions

13:15

**The Deputy Presiding Officer:** I thank Finlay Carson for moving us seamlessly on to general questions. We have a little bit of time in hand. I have Kenneth Gibson, Stephen Kerr and Audrey Nicoll down to ask questions in this section, but if other colleagues want to ask another question, they should catch my eye, or Irene Fleming's eye, and we will try to get through as many as we can.

### Demographic Challenges

**Kenneth Gibson (Convener, Finance and Public Administration Committee):** Good afternoon, First Minister. In evidence that we took on the Scottish budget, witnesses expressed great concern about the demographic challenges that Scotland faces as the size of our workforce declines relative to our overall population. Those challenges are likely to result in falling income tax receipts while welfare spend increases, which will impact on fiscal sustainability.

At committee yesterday, Universities Scotland said that the priority must be to make our economy more competitive to attract people of working age from beyond our borders and encourage more Scots to spend their working lives here. We lack powers over immigration, but we can still attract workers from elsewhere in the UK. How will the Scottish Government address the demographic challenges?

**The First Minister:** All countries face demographic challenges, but they are particularly acute in a Scottish context, and they clearly have a big impact on the future sustainability of our public finances. There are some technical but important things that we need to do in relation to the spending review and the review of the fiscal framework, which will determine to some extent the flexibilities that the Scottish Government has year on year to manage some of this. However, fundamentally, in the longer term, it is about ensuring that we have a population that is fit for the modern economy that we are seeking to create.

We seek to encourage people to come here, and we do that in a number of ways. We do it through the international marketing campaigns that encourage people to come here. We encourage students to come and study here and then we encourage them to stay. We work with businesses to recruit internationally. We will continue to do all of that.

Happily for Scotland, we have an absolutely fantastic prospectus to put to people, given everything that we have to offer, from the sectors

that are at the cutting edge of the developments that we are seeing globally right now, through to the beautiful environment that we have for people to live in and the quality public services that we have in Scotland. We are deemed to have the best educated workforce in the whole of Europe, I think. There is a lot to commend us.

However, in answering the question, I cannot put to one side the fact that we do not have control of immigration. That would always be a constraint, but it would be less of a constraint if we had a neutral immigration policy that was not working against our attempt to grow the population. We face an immigration policy that is in absolute conflict with what we are seeking to do to grow our population, which is making the situation much harder. Obviously, the end of freedom of movement with Brexit has led to that situation, and the wider immigration policy, which is about constraining people coming into the country, makes it much more difficult.

It is a bit like the position with social security. People do not have to support Scottish independence like you and I do to understand, surely, the advantages of having key powers for the future sustainability of our economy sitting here and able to be exercised in a way that aligns with our objectives.

**Kenneth Gibson:** That is fundamental. However, some constituencies in Edinburgh have 7,000 or 8,000 EU citizens living in them, whereas I have only 200 or 300 in mine, because the economy of North Ayrshire is not growing at the same pace as the economies of other areas of Scotland. If we have strong economic growth, it will surely—at least initially, before we have powers over immigration, assuming that we get them with independence—attract people from elsewhere in the United Kingdom, which is also critical. Of course, many people from my area—as you know, having left North Ayrshire yourself—move to other parts of Scotland and other parts of the United Kingdom. How do we ensure that we deal with the situation as it is at this time?

**The First Minister:** We can and should do all of that, and we are doing it. A key objective of city and region deals, for example, is to support better, faster and more sustainable growth in parts of the country that could be said to have lagged behind. We are working constructively with the UK Government on that, and Ayrshire has benefited from it. We want to encourage people from all other parts of the UK—we make a very open offer to them—to come to live and work in Scotland.

However, there is still a fundamental issue. We could slice the existing cake more thinly by, for example, encouraging European citizens who live in Edinburgh to go and live in Ayrshire—having grown up there, I think that that is a good thing to

encourage people to do. What Scotland needs to do is to grow our overall population. We can do some of that, and we should try to maximise what we can do in the UK, but we will always run up against serious limitations if we do not have an immigration policy that supports the wider objective. We can go down the track of this conversation only so far without running full square into that pretty fundamental problem.

### Preventative Spend

**Kenneth Gibson:** I have one brief, further question, which is of fundamental importance to the Finance and Public Administration Committee—colleagues of all parties have addressed it. The Scottish Government has had a number of successes over the years with preventative spend, which is considered crucial to addressing many of our social and economic problems. What new areas of preventative spend is the Scottish Government considering?

**The First Minister:** I have referenced the spending review a couple of times already, and both mentions of it probably fall into the preventative spend category, which is a key consideration. I will give one example, to which we have made the first commitment in the budget for the financial year that is about to start but which is a bigger commitment over the parliamentary session. The whole family wellbeing fund has been put in place to ensure that we spend money more effectively and in a preventative way to try to stop young people having to go into care, for example. That is a new example of the well-established preventative principle.

The funding commitment around tackling drugs and reducing drug deaths is also a relatively new approach and is preventative. We have done a number of very important things on preventative spend.

Going back to my earlier answer on the attainment challenge, I note that it often takes a long time to properly understand, track and judge the outcome of the spend, because of the nature of what you are trying to do. That is what makes it so difficult for Governments to take money from the immediate and very visible things that are being supported and allocate more to preventative spend, the benefits of which might take longer to feed through and become visible.

### Schoolchildren (Digital Devices Programme)

**Stephen Kerr:** In the election campaign, John Swinney said:

“the SNP will roll out a new programme to deliver into the hands of every school child in Scotland a laptop, Chromebook or tablet to use in school and at home.”

How many have been issued, and why do we still find that families, including low-income families, do not have access to a free digital device?

**The First Minister:** I do not have the precise number right now; I will get that for you and we will give your committee more detail, if you do not already have it, of the phasing of the programme.

It is a parliamentary session commitment and it is one that we are extremely committed to. Working with COSLA, we rolled out in the region of 75,000 devices and internet connections over the course of the pandemic. An assessment was done of the number of schoolchildren who were living in conditions of deprivation and so would not have a device and an internet connection and would be at risk of being digitally excluded. The number was 75,000, and that is what we did. We continue to take forward our commitment, which is one of the key commitments that we made and stand by and on which we will continue to deliver.

**Stephen Kerr:** I am grateful for that reply and will be grateful to receive the details, as you suggested.

The Cabinet Secretary for Education and Skills has suggested that the commitment is not a promise that will be fulfilled in the short term and that it could take up to five years. That means that many thousands of children will have left school before the promise is delivered.

At the same time that John Swinney made the commitment about every schoolchild in Scotland having a “laptop, Chromebook or tablet” to use, he said that

“a child without access to the internet will struggle.”

Given that it seems that you might be sticking with what the cabinet secretary said previously, does that mean that many children will be left to struggle for years to come?

While I am asking questions about data points, which are important in terms of outcomes, policy objectives and promises, I will ask about free internet connections, which you mentioned. Will you provide the committee with details of how many children currently have a free internet connection courtesy of the Scottish Government?

**The First Minister:** Yes, I am sure that we can do that. Many, many children will have them, due to the work that we did in the pandemic.

I am not sure what is difficult to understand about the commitment. We made a manifesto commitment to deliver something over this parliamentary session. That is standard—

**Stephen Kerr:** The point is that John Swinney did not say that at the time. There was no qualification to the manifesto promise.

**The First Minister:** I will have to go back and check the terms of the manifesto, but I can assure you that the commitment was to deliver this over the parliamentary session. If it is such an important commitment, it is perhaps for others to say why it was not in other parties' manifestos.

**Stephen Kerr:** That was not the point.

**The First Minister:** We are committed to it and we are going to deliver it.

We will continue to tackle digital exclusion. The 75,000 devices that I spoke about will have already provided families who did not have connections with those connections. As we roll out and complete the commitments around the delivery of next-generation broadband—which is, of course, a reserved responsibility that the Scottish Government is having to step in and largely fund because the UK Government is failing in its commitments—we will also make sure that people have the wherewithal to use it.

Whether it is baby boxes, the doubling of early education and childcare, the doubling of the child payment to not only lift children out of poverty but mitigate the brutal attacks on incomes from a Westminster Tory Government—

**Stephen Kerr:** Can I—

**The Deputy Presiding Officer:** No, Mr Kerr. I have given you a bit of latitude already.

**The First Minister:** Whether it is laptops or tablets—whether it is all of that, we will continue to make sure that Scotland is the best place in the world for children to grow up in, despite the best efforts of those elsewhere in the UK who try to drag us backwards.

**The Deputy Presiding Officer:** I will bring you back in if we have time at the end, Mr Kerr.

### Prison Estate

**Audrey Nicoll:** I would like to ask a final question on another—*[Inaudible.]*

**The Deputy Presiding Officer:** Audrey, your audio is not working. Can you start that question again, please?

**Audrey Nicoll:** Apologies, Presiding Officer.

I would like to ask a final question on another key issue that the Criminal Justice Committee has been looking at, which is the prison estate. We all know that Covid has put a massive strain on staff and prisoners in prisons, and I am sure that the First Minister would join me in commending how well the service has responded.

One means by which we can ease the situation is by having enough resources in place and

investing in what is often considered to be an antiquated estate that dates from the Victorian era.

In our budget report, the Criminal Justice Committee called for a

“sustained, above inflation injection of funds into the prison budget”.

We welcome the 4.2 per cent increase in operating costs, but no increase has been made to the capital budget for infrastructure improvements. What scope is there for even a modest increase in capital costs to fund small-scale schemes such as drug-recovery cafes and the provision of items of technology to allow prisoners to stay in touch with their families, which we know can make a big difference in prisons and are very much seen as preventative spend items?

**The First Minister:** In terms of what scope there is for more, I do not want to unduly raise expectations. We have put forward and Parliament has approved the budget for the next financial year.

I think that it was in response to Claire Baker that I talked about in-year adjustments and the priorities that we might set for those. We will keep in mind all of these very legitimate calls for funding, but it is a tight budget, in both resource and capital terms. We have invested significantly in the prison estate in past years, and further investments are planned. The existing capital budget will be supporting investment in the estate infrastructure.

I absolutely agree with Audrey Nicoll about some of the examples that she cited that can help to keep people out of prison, which is really important. It sounds as if some of them may be—partly, at least—revenue fundable, as opposed to capital fundable.

However, there are strong plans in the overall justice budget to support community services and rehabilitation, and to focus as much as we can on keeping out of prison those who are facing a punishment, as well helping to rehabilitate them, so that our justice system is as effective overall as it can be.

We will continue to support the prison service and the very difficult work that it does all the time—it was particularly difficult during Covid—as much as we can in a financial sense.

### Decarbonisation of Heat

13:30

**Dean Lockhart:** I want to come back to the issue of net zero. As you probably know, the UK Climate Change Committee has expressed concerns that

“The credibility of the Scottish climate framework is in jeopardy.”

An example of that was the publicly owned energy company that was announced in 2017 but that never saw the light of day.

Instead of establishing a publicly owned energy company, the Scottish Government has announced plans for a public energy agency to deliver on the decarbonisation of heat. That will be a virtual agency with no additional staff, budget or resource, and it will be operational only by 2025. Given the sheer scale of the challenge in that area, which the First Minister acknowledged in response to a previous question, how can a virtual agency that will have no additional budget or resource be a credible answer?

**The First Minister:** To put it candidly, I think that we face—as all countries do—many challenges in meeting our very ambitious goals. Our climate change ambitions are more stretching than those of most other countries in the world. I am not for a second saying that what you have just described is not one of them, but I am not sure that I would describe that as the biggest challenge that we face.

We pay close attention to the Climate Change Committee, which published its most recent report on the climate compatibility checkpoint for new oil and gas exploration just last week. It has lots of important things to say that help us to scrutinise our plans. No doubt, those things help the Parliament to scrutinise them as well.

We changed our plans on a publicly owned energy company. It was meant to be a retail-based company, not an asset-owning company. The changing situation around energy and the pandemic led us to change our plans in favour of what we are now pursuing, which is the agency that you have described. As we develop that—there has been consultation on it—we will be very clear about the contribution that we think it can make to our overall plans to achieve our climate change targets.

I think that the agency will be important in that regard. However, as I said, there are many other important issues. Indeed, the subject matter of your previous question is a much bigger challenge for how we meet our climate change targets.

**Dean Lockhart:** I will follow up my question. The agency, which is virtual, is tasked with delivering on the decarbonisation of heat with no additional resource or staff, and it will not become operational until 2025. Is that not an example of a policy that lacks credibility?

**The First Minister:** I do not agree. Obviously, we need to subject all our policies to scrutiny and challenge so that we get them right. This is about

introducing an agency that can, as we go further through this decade, better co-ordinate and lead our efforts. It is not the case that our work on the issue will wait until 2025, when the agency becomes operational—we talked about that earlier. Rather, at that point, the agency will become an important part of how we guide and co-ordinate work. As I said, the work that we reflected on earlier is already well under way.

### Ukraine (Transportation of Donations)

**Jackson Carlaw:** I return to where we began—the outrage about the situation in Ukraine. Many community groups are finding the public response in Scotland immediate and overwhelming—stunning, even. However, it has become clear this morning that a logistical challenge is emerging. Such has been the response that that has stripped the initial provision of transport that will be needed to deliver community group support to Ukraine, Poland or wherever people may currently be who require that support.

You made reference to the hub that you visited this morning. Is there anything more that the Government can do to give public information—in a forceful way—that will facilitate the huge response by the Scottish public, so that the provisions are not stuck where they cannot serve any purpose?

**The First Minister:** The response has been outstanding. Understandably, people across the country want to do whatever they can to help. I think that there is more that we can do that would not get in the way of or supplant that effort but would co-ordinate and facilitate it.

The Cabinet had a discussion about the issue yesterday—it featured in a resilience committee that I chaired. As quickly as we can, we will consider what useful advice we could give to people about how they can best contribute and how we can support the logistics of getting donated or gathered physical goods to where they need to be—Elena Whitham raised that issue with me in another forum just yesterday.

Aid agencies and charities obviously have a big part to play in that work, and we are working now to put some structure around it. I have asked my officials to send a letter that sets out some of the detail of that, which can then be used to communicate with constituents, as quickly as possible to all members of the Scottish Parliament in the first instance. We will also seek to raise public awareness around the issue.

I do not have all the answers now to the question of exactly what that work will look like, but I recognise that it is important that the groundswell and outpouring of support finds its way to people in Ukraine who need it.

### Low Income Benefits

**Elena Whitham:** I thank my colleague Jackson Carlaw for bringing up that important issue today, because it is important that we respond to that stunning display of solidarity from our communities.

My question relates to social security. During my time on the Social Justice and Social Security Committee, I have seen how the low income benefits that the Scottish Government delivers must, by their nature, rely on the underlying entitlement of reserved benefits and therefore require close collaboration with the UK Government. Do you believe that that collaboration works to deliver for the people of Scotland? What more could be done to make that collaboration more efficient and effective?

**The First Minister:** At a practical, official level, the engagement between the Scottish Government and the Department for Work and Pensions as we have designed and introduced those new benefits or, in some cases, transferred responsibility for them has worked well. Officials in the DWP work with us to ensure that the system operates effectively, whether around the transfer of information or the detail that we need to design our systems. Obviously, inescapable political disagreements sometimes take place, but they mostly have not got in the way of the important and effective work that has allowed us to achieve what has been done so far.

On how that work could be done better, I go back to what I said earlier. It would make more sense practically if more of the social security powers were joined up under the aegis of the Scottish Government and the Scottish Parliament. Sometimes, one of the limiting factors in a benefit that we are trying to deliver is, as you have said, the underlying entitlement that the UK benefit sets. It is difficult for us to change that situation. At the outset, what we can achieve is limited. We will be able to deliver more with a more holistic arrangement, which I hope we will have.

**The Deputy Presiding Officer:** I call Clare Adamson, to be followed by Kenneth Gibson. Unless anybody else catches my eye, Kenneth will be the final questioner in the session.

### Wellbeing and Culture

**Clare Adamson:** I made a constituency visit to neighbourhood networks on Monday, and I met some of the representatives from Shotts, Bellshill and Motherwell and Wishaw. They told me about their activities, which included drumming and guitar lessons as well as dancing. We read poetry that had been developed there, and we heard about creative writing classes. To me, those activities epitomise what the Constitution, Europe,

External Affairs and Culture Committee has been looking at around what wellbeing means in a community setting and the important part that culture has to play in that. We covered that in our budget scrutiny. How will the Scottish Government ensure that wellbeing is delivered throughout all portfolio areas of the Government?

**The First Minister:** We seek to do that as a matter of course. However, let me be candid about the fact that we will not always succeed. We will need to do better in many areas to ensure that that objective is embedded. Any aspect of Government policy that is not contributing to the wellbeing of people across the country is not doing what it should be doing, because that is fundamental. There are many different aspects to that and many different ways in which we consider overall wellbeing. Governments are there to improve the wellbeing of the people they serve.

Culture has a massive role to play in that. You cited a constituency example, and, in the past couple of weeks, I have seen first-hand examples of that. I was at Scottish Opera in Glasgow a couple of weeks ago, hearing about a project that it leads in which it works with people with long Covid and people with dementia. It uses the power of song to help people with long Covid and those who have struggled in other ways during the pandemic with their breathing difficulties and mental health issues. That is a very real example. I was also at the Paisley Book Festival on Saturday, talking about poetry with Kathleen Jamie, the makar, and someone in the audience talked about a poetry project that was doing a similar thing.

Culture is such a strong and important sector of our economy. It contributes massively financially to Scotland, but it is much more than that. It is important to our wellbeing, our happiness and how we engage with each other, and it is how we understand and empathise with each other and learn about different parts of Scotland and the world. It is vital that we see it in that deeper and more fundamental sense.

**The Deputy Presiding Officer:** We will go to Kenneth Gibson, to be followed by Finlay Carson. He took us into the general questions, so it is fitting that he takes us out of them.

### Devolution

**Kenneth Gibson:** The Secretary of State for Levelling Up, Housing and Communities, Michael Gove, advised the Finance and Public Administration Committee last Thursday that UK ministers will involve themselves in devolved areas ranging from local government to ferry provision in the Western Isles and to literacy and numeracy programmes—all without consulting

Scottish ministers. How concerned are you about the rolling back of devolution?

**The First Minister:** I am very concerned. The express objective of the current UK Government is to undermine, roll back and get in the way of the Scottish Parliament doing its job. People do not have to agree with us politically to see what is obvious to anyone who is paying any attention to Scottish politics. It is not acceptable democratically. The Scottish Parliament was constituted with certain powers, which have grown over the years. The Scottish Government and the Scottish Parliament are elected democratically by the people of Scotland to exercise those powers and to hold the Government responsible for them. It should matter to us all that that is not attacked in the way that it has been through the kind of power grabs that you mention.

Whether the UK Government has any success in doing any of that is another matter. Some people may look at the UK Government's performance in its own areas of responsibility and think that it probably will not be successful. However, the very fact that it is trying shows the utter contempt with which it views the Scottish Parliament and Scottish democracy. Those in this Parliament who are of a different political persuasion to me, who might roll their eyes at that, have only to listen to Mark Drakeford, the First Minister of Wales, or politicians in the Northern Ireland Executive to see that such concerns are not exclusive to the Scottish National Party Government but are shared by the other devolved Administrations.

### Rural Depopulation

**Finlay Carson:** Rural depopulation is of significant concern to the Rural Affairs, Islands and Natural Environment Committee. Following Covid, there is greater opportunity for people to work from home, but that is being put at risk by lack of broadband. We know that regulation of telecommunications is reserved to Westminster. However, I am sure that you would not wish to mislead the public by suggesting that the physical roll-out and R100 is not absolutely the responsibility of the Scottish Government. The previous cabinet secretary said that he would resign if all of Scotland did not have superfast broadband by the end of 2021. We now know that it will be 2025 before some people in the Highlands and the south of Scotland will get broadband. Where did it go wrong?

**The First Minister:** It has not gone wrong. We are rolling out broadband faster than any other part of the UK. We are certainly taking responsibility for it. UK Governments have not stepped up and fulfilled their responsibility. If you look at the funding, you will see that the lion's

share—about 90 per cent—comes from the Scottish Government. We will also provide vouchers for areas that cannot physically access broadband or that are to be reached later in the programme. We are fixed on doing that because it is so important.

The premise of your question is correct—we need to ensure that access to broadband is as easy and fundamental as access to electricity. That is the journey that we are on and that will continue, to transform the ability of people to live, work and build lives in the rural parts of our country.

**Finlay Carson:** Derek Mackay committed £600 million five years ago, with a promise to deliver by the end of 2021. That is not going to happen, so that is a failure. I am asking where it went wrong.

**The First Minister:** I do not think that it has gone wrong. We are dealing with some of the most challenging topography anywhere in Europe, and we have made massive strides in the delivery of broadband. We are continuing to ensure that that money is being spent. You are right to say that £600 million came from the Scottish Government, despite the reserved aspects of the responsibility in this area—indeed, at one point the UK Government was contributing only £20 million. If you want to trade responsibilities, I would be happy to sit here and do that for a long time.

That programme is under way. We are one of the fastest parts of the UK—if not the fastest—in making progress on broadband, and we will continue to focus on completing the programme and providing voucher support for people who need it along the way.

13:45

**The Deputy Presiding Officer:** I will squeeze in one final question, because members have been helpful in keeping their questions concise and the First Minister has been concise in her answers. I will give the last word to Dean Lockhart on the basis that his question is equally concise.

### Ferries

**Dean Lockhart:** I convene the Net Zero, Energy and Transport Committee. Mr Gibson mentioned ferries, and I note that a further delay has been announced in the delivery of the two ferries that are being built at Ferguson Marine. Are you personally involved in trying to fix that on-going shambles, First Minister?

**The First Minister:** As with everything that the Scottish Government is responsible for, I am involved in ensuring that the right things are being done by my cabinet secretaries, ministers and



officials. Having oversight of that is my responsibility.

Kate Forbes is the lead minister on that issue. She has been keeping the Parliament up to date and will continue to do so. The latest issue around cabling and the ferries—which has only just come to light but happened before the Scottish Government took ownership of Ferguson’s shipyard—is something that the management is focused on fixing as quickly and cost effectively as possible.

**Dean Lockhart:** Do you acknowledge that it has been one of the worse procurement exercises in devolution?

**The First Minister:** I am not going to allow you to put words in my mouth. There have been many very difficult challenges along the way, and we are still working through those. I would not have wanted it to transpire like this—you can take that as read. However, we are very focused on getting it fixed and ensuring that Ferguson’s continues. We have ensured that Ferguson’s has continued, supporting the employment that is supported by that shipyard and ensuring that it has a sustainable future.

**Kenneth Gibson:** The ferries do exist, unlike the ones that Chris Grayling ordered.

### Legislative Consent Memorandums

**The Deputy Presiding Officer:** Before this descends, I thank members for their questions and the First Minister for giving up her time to respond to those questions.

Before we conclude, First Minister, I want to raise an issue that has come up in earlier meetings of the convener’s group. You will be aware that there have been concerns around some legislative consent memorandums because, on several occasions, the timescales involved have left committees with little time to carry out their scrutiny of those LCMs. You will appreciate that committees have significant work programmes with very busy agendas and so need adequate time to consider the LCMs. We recognise that time is needed for discussions and negotiations with the UK Government, but it would be helpful if LCMs could be lodged at the same time as those discussions took place—they could always be updated later. That would allow the process to begin and enable committees to get on with their scrutiny.

I am not necessarily expecting a response now, but, if you were able to get back to the convener’s group on that point, we would be very grateful.

**The First Minister:** I will ask the Minister for Parliamentary Business to look specifically at whether we could put a different process in

place—at least in principle—to resolve the issue that you raise.

**The Deputy Presiding Officer:** Thank you very much.

The next meeting of the convener’s group will be on Wednesday 30 March, when we will consider issues relating to our strategic priorities—in particular, progress on scrutiny of post-European Union devolution issues.

I thank everyone for attending the meeting today.

*Meeting closed at 13:48.*



