



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 15 November 2017**

**Session 5**



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# Scottish Parliament

Wednesday 15 November 2017

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

## Portfolio Question Time

### Culture, Tourism and External Affairs

#### Cycle Tourism (Economic Value)

1. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what value cycle tourism has to the Scottish economy. (S5O-01453)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** Nature, heritage and activities such as cycling are all identified as key assets in the industry-led tourism Scotland 2020 strategy. Based on their usage estimates of the national cycle network, the March 2017 research by Sustrans in Scotland and Scottish Enterprise valued cycle tourism as adding £345 million to the Scottish economy in 2015.

On Monday I visited Glentress forest and met local business people from the world-leading mountain biking trails there. I understand that the TweedLove bike festival, which took place over two weeks in May, brought 5,000 visitors and a net economic impact of £594,000 to the Tweed valley economy.

**Brian Whittle:** With that answer in mind, does the cabinet secretary agree that when new road infrastructure projects are in the design phase, cycle tracks and walking paths should be integral parts of the design, and does she therefore find it regrettable that the A77 Maybole bypass does not include such plans, which highlights yet again how the south-west of Scotland is excluded from such investment and positive tourism outcomes?

**Fiona Hyslop:** The south of Scotland—Ayrshire in particular—has a focus on outdoor activities and coastal routes. I am not aware of a tourist route around the Maybole bypass, and Brian Whittle's question relates to tourism.

In connection with rail links, my experience this week in the Tweed valley was that people there have used the opportunity to develop cycle tracks by the railway—as happened with the Bathgate to Airdrie line—using the old solum.

Whether cycling can be included as part of road developments is a matter for Transport Scotland. I understand, for example, that parts of the A9 route development include cycling. Mr Whittle can make applications to Transport Scotland and make his case known, but from a tourism point of view he

can be assured that I am investing in and supporting the work of VisitScotland on cycling and cycle tourism.

#### MG Alba (Programme Commissioning)

2. **Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government when it last discussed the commissioning of programmes with MG Alba. (S5O-01454)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** I last met MG Alba on 24 August, but what is commissioned on BBC Alba is a matter for the joint working between MG Alba and the BBC, independent of Government. Scottish Ministers and Government officials do, however, keep in regular contact with MG Alba and a range of relevant matters are discussed. I have also recently met and discussed matters relating to BBC Alba with the BBC.

**Angus MacDonald:** The cabinet secretary will be aware of the £1 million pressure fund that MG Alba has in recent years received as a top-up of its core funding, which helps it to commission extra programmes. However, the fact that that funding is not included in MG Alba's core funding causes concern not only to MG Alba but to the Gaelic independent production sector, which relies heavily on the seasonal commissioning rounds for which the pressure fund is used. There are concerns that—

**The Deputy Presiding Officer (Christine Grahame):** No, no, no. I need a question.

**Angus MacDonald:** Will the cabinet secretary agree to raise the issue with the Deputy First Minister and with the Cabinet Secretary for Finance and the Constitution with a view to ensuring that the £1 million pressure fund is included in MG Alba's core funding from now on?

**Fiona Hyslop:** I am not responsible for the funding of MG Alba—I have responsibility for broadcasting. I am sure that Mr MacDonald regrets that the United Kingdom did not continue its £1 million funding. The additional funding from the Scottish Government is not a pressure fund, but is for specific commissioning. It is helpful to MG Alba to have had that. We committed in our manifesto to maintaining funding for investment in MG Alba, and we will continue to press the BBC to increase funding for BBC Alba programming. I think that we were quite clear in our manifesto, on which Angus MacDonald was elected, and I am sure that he, like me, will press not only the BBC but the UK Government to step up to the mark with funding for MG Alba.

#### Culture Sector (Local Government Budgets)

3. **Neil Findlay (Lothian) (Lab):** To ask the Scottish Government what the impact is on the

culture sector of reduced local government budgets. (S5O-01455)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** The overall increase in spending power to support local authority services this year amounted to over £383 million, or a 3.7 per cent increase, compared with 2016-17.

The 2018-19 budget will continue to treat local government fairly despite the cuts to the Scottish budget from the UK Government. We are aware that there are challenges because of the UK Government's austerity regime, and we are doing all that we can to protect Scotland's culture and historical environment, and to ensure that our diverse and world-class cultural and heritage scenes continue to thrive.

Local councils are responsible for their own spending decisions on culture.

**Neil Findlay:** That was a thoroughly depressing answer from the cabinet secretary.

Midlothian Council is being forced to consider another £13.5 million of cuts this year. No doubt, there will be the same, or more, next year. Included in the cuts is closure of libraries. Across Scotland, sport, music, the arts and culture are on the front line, with councils of all political persuasions proposing major cuts. What is the cabinet secretary doing to protect the sport and culture sectors from yet more cuts? Can she tell us what representation—

**The Deputy Presiding Officer:** No. You have had one question.

**Fiona Hyslop:** The Scottish Government has consistently supported our culture sector. Neil Findlay mentioned libraries in particular: I, as the responsible minister, have supported investment in libraries and am looking forward to an event on Friday in the north-east to mark that.

Councils are responsible for their own culture spending; it is not a statutory requirement. Neil Findlay will be aware that in West Lothian—I was shocked to see this—the Labour-run administration's budget estimate for 2017-18 was the largest of any single local authority in Scotland. Others are increasing their culture spend.

The austerity measures that are being imposed on us by the UK Government, so perhaps the member should ask West Lothian Council, in which Labour is in administration with the Conservatives, to address that point.

Perhaps the 14 per cent reduction in culture spending, when it is compared to other areas where we see increases in expenditure—East Ayrshire Council, for example, is showing an

estimated 7 per cent increase for that spending for 2017-18—shows a stark contrast in the value that different local decision-makers place on culture and its impact.

**The Deputy Presiding Officer:** I say to back-bench and front-bench members that I want to get everybody in. I also want to get supplementaries in. Questions must be brief, and answers must be as brief as possible, while still answering the question.

I will take two supplementary questions.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The cabinet secretary will be aware of the significant impact that a reduction in the national lottery income of good causes will have on organisations that rely on it, including Creative Scotland. What representations is the cabinet secretary making to the UK Government to ensure that the impact of that reduction will be mitigated?

**Fiona Hyslop:** It will be of concern to all members to realise that the national lottery income for good causes reduced by 14 per cent between 2015-16 and 2016-17, and by a further 4 per cent in the first half of 2017-18.

Aileen Campbell, the Minister for Public Health and Sport, and I have written to our counterparts in the UK Government to urge them to take cognisance of that reduction in the forthcoming budget, because some of the reduction in that income is a result of decisions that were made by the United Kingdom Government about the lottery. I have also written to Karen Bradley MP, and Derek Mackay has written to the UK Treasury, to relay our concerns about a number of issues, including the reduction in lottery funding for culture and sport.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** We all saw the letter that the cabinet secretary wrote to the UK Government on culture funding through the national lottery. As she said, funding is going down—

**The Deputy Presiding Officer:** No, no, no. I want a question, please.

**Rachael Hamilton:** It is absurd to depict that as a UK Government cut. This is the question. Given—

**The Deputy Presiding Officer:** At last!

**Rachael Hamilton:** Given that the cabinet secretary called on the UK Government to develop a recovery plan to meet the shortfall, can she confirm that the Scottish Government also has a plan? Will she today commit to—

**The Deputy Presiding Officer:** No. One question. Thank you.

**Fiona Hyslop:** I said that it was not a cut from the UK Government; I specifically said that it was a reduction in national lottery income, but the decisions that the UK Government makes about licensing and the range of lotteries that are available has had an impact on income from the lottery. The UK Government therefore has a responsibility, which is why it is incumbent on it to address the matter.

For our part, despite the reductions in UK funding for Scotland, we have protected culture funding because we think that it is important to the life and economy of this country.

#### **European Union Nationals (Post-Brexit Working)**

4. **Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what discussions it has had with the United Kingdom Government regarding the future of European Union nationals currently working in Scotland post-Brexit. (S5O-01456)

**The Minister for International Development and Europe (Dr Alasdair Allan):** The Scottish Government has repeatedly urged the UK Government to guarantee the rights of EU citizens and their families who are living in the UK post-Brexit. We want EU citizens in Scotland to feel settled and secure and to continue to make a strong contribution to our country. The Scottish Government has not been substantially engaged in the detail of the negotiations.

Last week, the Scottish Government provided the UK Migration Advisory Committee with the latest evidence on the overwhelmingly positive contribution that EU citizens make to Scotland and the vital importance of continued free movement in delivering future population growth and economic growth.

**Stewart Stevenson:** Does the minister see any prospect of a solution to the fishing industry's problems, which involve the fact that 70 per cent of workers in the industry in the north-east of Scotland are not EU nationals?

**Dr Allan:** As the member points out, that is a huge problem for Scotland's offshore processing sector, where EU nationals make up 58 per cent of the workforce in large seafood processing factories—the percentage is even higher in the Grampian area.

As we have made clear, people who choose to work and live in Scotland—whether they are from the EU or elsewhere—are welcome and needed. It is for exactly that reason that the UK Government must give assurances. I am asking the UK Government to provide those assurances and to immediately remove the unnecessary uncertainty

that is being caused to businesses and to the workers to whom the member refers.

#### **International Development Fund (Lobbying)**

5. **Ash Denham (Edinburgh Eastern) (SNP):** To ask the Scottish Government how it ensures that there is transparency regarding lobbying when its international development fund offers humanitarian aid. (S5O-01457)

**The Minister for International Development and Europe (Dr Alasdair Allan):** The Scottish Government's £1 million humanitarian emergency fund is activated and distributed either in response to the launch of a Disasters Emergency Committee appeal or on the recommendation of the independent expert HEF panel, which is made up of eight of the leading humanitarian aid organisations in Scotland.

**Ash Denham:** Does the minister agree that it was concerning to hear reports last week that the United Kingdom's former Secretary of State for International Development, Priti Patel, held secret discussions about routing aid through the Israeli military? What representations has the minister made to the UK Government to ensure that its decision-making on humanitarian aid allocations is transparent and free from undue political interference?

**Dr Allan:** I hear muttering from the Conservative benches, but I struggle to visualise what would have happened to me if I had gone on a rogue mission to offer Scottish aid money to a Government in Israel to use, through its military, in an area of land that is not recognised as its territory by the UK. Enough has been said about that matter, but I will say that I have written to the Foreign Secretary to ask what exactly Priti Patel was thinking of in that instance.

**Alexander Burnett (Aberdeenshire West) (Con):** What was the most recent award of emergency humanitarian aid made by the Scottish Government, and is the Scottish Government arranging to make any more awards soon?

**Dr Allan:** We have recently assisted the Rohingya people in their plight, as they flee from real persecution and end up in camps outside Burma. We continue to receive representations from the sector and more generally about the best use of the fund in the future, and we take seriously our responsibility to disburse the fund fairly.

#### **Community Radio Stations (Support)**

6. **Iain Gray (East Lothian) (Lab):** To ask the Scottish Government what support it provides for community radio stations, such as East Coast FM in East Lothian. (S5O-01458)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** Between January 2011 and November 2017, community radio channels received a total of £307,645 from the Scottish Government for running public information adverts.

The Office of Communications administers a community radio fund that has been taking applications for 2017-18, and the fund can be accessed by Scotland-based stations such as East Coast FM, whose director, Ian Robertson, I met last year at the invitation of Mr Gray. I congratulate Mr Robertson on his silver award as volunteer of the year at this year's UK community radio awards.

**Iain Gray:** That is much appreciated. The cabinet secretary will be pleased to know that East Coast FM recently received a Princess Royal training award at St James's palace, where it was recognised as one of 40 businesses that have created a lasting impact by successfully linking their skills development needs to business performance. I think that that demonstrates—

**The Deputy Presiding Officer:** Question, Mr Gray.

**Iain Gray:** —the important role beyond simple broadcast media that the station plays. Could it not receive more support than it does from our Government?

**Fiona Hyslop:** When we last met, the member raised the situation in Wales. He will be aware that the Welsh Government closed its radio fund in 2013-14. I have written to Mr Gray, outlining the number of different funding sources that community radio can access. I encourage him to pass on that communication to Mr Robertson, along with my congratulations.

### **Glasgow Maryhill and Springburn (Cultural History)**

7. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what support it offers communities in the Glasgow Maryhill and Springburn constituency to celebrate the area's cultural history. (S5O-01459)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** Creative Scotland and Historic Environment Scotland promote the rich culture and traditions of our communities in many different ways.

In 2016 the Maryhill Burgh Halls Trust received almost £5,000 from Creative Scotland for the "The Maryhill Songbook", which is inspired by historic poems in the Trust's collection that relate to Maryhill. Toonspeak, the young people's theatre, also received £30,000 from Creative Scotland for

"Ma Bit", a large-scale contemporary musical theatre production that was created by young people and that helps to build a greater connection between young people and their communities. Historic Environment Scotland's support fund can provide grant assistance of up to £5,000 for one-off, heritage-related events.

**Bob Doris:** I draw the cabinet secretary's attention to plans for a Maryhill museum, which is to be based at the stunningly restored Burgh Halls in my constituency, which was mentioned by the cabinet secretary. I extend an invitation to the cabinet secretary to join me and see for herself, perhaps some time in the new year, the importance of the excellent work that has been undertaken by the Maryhill Burgh Halls Trust.

**Fiona Hyslop:** Diary permitting, I would be delighted to return to Maryhill Burgh Halls. I was there when the building was officially reopened after extensive investment. It is a great celebration of traditions and history as well as of engagement with the local community.

**Annie Wells (Glasgow) (Con):** Glasgow has a fabulous culture, which has been rightly celebrated over the years. What discussions has the Scottish Government had with Glasgow City Council ahead of its upcoming budget to ensure that proper support and funding are given to local communities to encourage tourism?

**Fiona Hyslop:** I will meet Glasgow City Council in the next few weeks. Only this morning, I was in Glasgow, where I heard about the Glasgow international festival of visual art, which is going to be fantastic. I also met Glasgow Life representatives.

The new administration in Glasgow is to be commended for putting centre stage its approach to culture and creativity. I look forward to engaging with Glasgow City Council as it moves forward to a very exciting year—the anniversary year of Celtic Connections and the year of the European championships, which will be a great opportunity to showcase and celebrate the great traditions of Glasgow, the great city.

### **Tourism in Ayrshire**

8. **John Scott (Ayr) (Con):** To ask the Scottish Government what recent discussions it has had with VisitScotland regarding tourism in Ayrshire. (S5O-01460)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** The Scottish Government's programme for government commits us to promoting the south of Scotland and Ayrshire as a tourism destination for coastal and forest tourism activities.



I met Malcolm Roughead, the chief executive officer of VisitScotland, only last week, and part of our discussion was about VisitScotland's progress in taking forward that commitment. In particular, there is to be a two-week-long digital skills push to increase the number of Ayrshire tourist businesses that use digital channels.

**John Scott:** The cabinet secretary will be aware that VisitScotland's recently announced proposal means that there will not be a tourist hub in mainland Ayrshire and that, in the future, information about Ayrshire will be provided by hubs in Dumfries and Glasgow. I think that it is unreasonable that Ayrshire should be neglected in that way. Will the cabinet secretary please join me in making representation to VisitScotland that a presence be retained in Ayr?

**Fiona Hyslop:** Those are operational matters for VisitScotland. The member will be aware that there has been a 58 per cent drop in visitor numbers to the VisitScotland iCentres and a 62 per cent drop in visitor numbers to the iCentre in Ayr, in particular. The footfall in Ayr has dropped from 50,000 in 2006-07 to 19,000. In addition, he is wrong to say that there will be no information, as information will be provided through the partners. There are 1,500 new visitor information partners, including a number in Ayr.

I note that, following the discussions that VisitScotland had with South Ayrshire Council in recent weeks, in the meetings that the three Ayrshire councils have had subsequent to the announcement, the closure of the VisitScotland site has not been on the agenda as a council item.

We need to move into a digital age, and two out of three visitors always use their internet access to make bookings. It is, therefore, very important that we encourage businesses in Ayr and Ayrshire to get involved with the VisitScotland information partnership programme, because that is the way in which tourism is moving. Indeed, the programme that has been set out by VisitScotland has been supported by the Scottish Tourism Alliance.

**The Deputy Presiding Officer:** I have just managed to squeeze in a question from Alexander Burnett.

### North East 250

**9. Alexander Burnett (Aberdeenshire West) (Con):** I ask members to note my entry in the register of members' interests, particularly in relation to businesses in the tourism sector.

To ask the Scottish Government what its position is on the proposed tourism initiative, the north east 250. (S5O-01461)

**The Deputy Presiding Officer:** Briefly please, cabinet secretary.

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** The Scottish Government welcomes industry-led initiatives such as the north east 250. Launched on 8 November, the north east 250 is a privately developed route that has the potential to encourage visitors to experience the wonderful scenery, rich culture and numerous attractions that the north-east has to offer, from coastal villages in Banff and Buchan and the distilleries of Speyside and Royal Deeside to the vibrant city of Aberdeen.

**The Deputy Presiding Officer:** Very briefly please, Mr Burnett.

**Alexander Burnett:** I thank the cabinet secretary for her answer. I am grateful to see that initiative come to the north-east. I ask the cabinet secretary what data the Scottish Government will look to collect in order to determine the success of the initiative, so that it can be replicated elsewhere.

**Fiona Hyslop:** The initiative has not "come to the north-east"; it has been developed by private interests there. I encourage them to engage with everybody so that its progress can be seen. If it is anything like the north coast 500, there is great potential to maximise its economic impact, but it is very important that all of the north-east can benefit from it. I hope that engagement and inclusion will be part of that privately led initiative.

**The Deputy Presiding Officer:** That concludes portfolio questions on culture, tourism and external affairs. I apologise to Bruce Crawford for not reaching his question. We will try to do better next time, Mr Crawford.

## Justice and the Law Officers

### British Transport Police Integration Cost

**1. Anas Sarwar (Glasgow) (Lab):** To ask the Scottish Government how much the integration of British Transport Police in Scotland into Police Scotland will cost. (S5O-01463)

**The Cabinet Secretary for Justice (Michael Matheson):** The Scottish Government set out the projected costs of railway policing in the financial memorandum to the Railway Policing (Scotland) Bill. Under current arrangements, the costs are around £20 million per annum, and the financial memorandum assumes an envelope that is the same in real terms following integration. The costs of railway policing in Scotland following integration will continue to be funded through contributions from the railway industry.

**Anas Sarwar:** The cabinet secretary will be aware that Police Scotland submitted evidence to the Justice Sub-Committee on Policing that stated that it did not know the costs of the merger. He will

also be aware that not a single trade union or staff association representing the workforce supports the merger: not the British Transport Police Federation, not the Transport Salaried Staffs Association and not the National Union of Rail, Maritime and Transport Workers—and, indeed, not the Scottish Trades Union Congress. Surely the cabinet secretary must now accept that the merger is one that the workers do not want and that passengers do not need. Is it not time that we ended this politically motivated merger right now—

**The Deputy Presiding Officer:** Mr Sarwar, this is a supplementary question, not a long ramble before another question. I call the cabinet secretary.

**Michael Matheson:** Parliament, including the Justice Sub-Committee on Policing, considered those matters and voted on the bill. The bill was supported by the majority of MSPs and the Government is now progressing the policy.

**The Deputy Presiding Officer:** A brief supplementary question from Liam Kerr.

**Liam Kerr (North East Scotland) (Con):** No details have been provided about which staff body will represent the employment interests of BTP officers north of the border after the force is abolished here. Will the cabinet secretary end that uncertainty now?

**Michael Matheson:** As the member will be aware, the Justice Sub-Committee on Policing has written to me, looking for further details on that matter. I will respond to the committee in due course.

### **Non-harassment Orders (Domestic Abuse)**

**2. Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what its position is on the mandatory imposition of non-harassment orders on people convicted of domestic abuse. (S5O-01464)

**The Cabinet Secretary for Justice (Michael Matheson):** The Domestic Abuse (Scotland) Bill, which is currently before Parliament, strengthens the system of non-harassment orders by requiring the court in every domestic abuse case always to consider whether to impose protection for the victim. That improves on the existing system, which requires an application to be made by the prosecutor.

We consider that discretion should remain with the court in any given case. That is because there may be cases in which such an order is not appropriate, and the court needs discretion to ensure that a decision can always be made on the basis of the facts and circumstances in a given case.

**Linda Fabiani:** I ask the cabinet secretary to give further consideration to that issue as the bill progresses, and to consider in particular the fundamental principle that the onus should not be on the victim to justify the need for a non-harassment order, but should be on the convicted perpetrator to justify why such an order should not apply.

**Michael Matheson:** The requirement for the court to consider granting a non-harassment order in each case and to give reasons for its decision will help to ensure that such orders are granted to protect victims where that is appropriate and necessary.

However, we are always happy to engage with members to consider further ways in which the bill could be strengthened, and I have no doubt that the member will continue to make representations on the issues, on behalf of her constituents, as she has done over a period of time. We believe that a level of discretion is still required in the system so that the courts can decide whether a non-harassment order should be applied.

**Claire Baker (Mid Scotland and Fife) (Lab):** I am very supportive of the domestic violence disclosure scheme known as Clare's law; I recognise its value. Does the cabinet secretary have a view on the petition that was launched this week calling for an official register of domestic abusers, similar to the sex offenders register?

**Michael Matheson:** I am aware of the petition and will give consideration to the matters that are raised in it. The Scottish Government is committed to taking forward a range of measures to tackle domestic violence in our society. There is still much work to be done in addressing that issue and we will give due consideration to the issues that are raised in the petition.

**Liam McArthur (Orkney Islands) (LD):** Like Claire Baker, I welcome the moves that have been outlined by the cabinet secretary. What consideration has been given to extending non-harassment orders to cover children, particularly when an aggravation in relation to children is referred to in a case?

**Michael Matheson:** Liam McArthur will be aware that I am due to appear before the Justice Committee for stage 2 consideration of the bill. I have lodged an amendment to extend the provision of non-harassment orders to children in such circumstances in order to improve the protection that can be made available to them. My amendment reflects the evidence that the Justice Committee received at stage 1, particularly from children's organisations, about the impact that domestic violence can have on children. I am pleased that the amendments that I lodged on Monday have been welcomed by a number of the

children's organisations that have been calling for an extension of that provision.

**Margaret Mitchell (Central Scotland) (Con):** Does the cabinet secretary agree that if the same sheriff who heard the evidence in a domestic abuse case in the criminal court were to rule on civil orders such as non-harassment orders following a domestic abuse conviction, domestic abuse survivors would suffer less trauma? If so, will he confirm that the one-judge proposal will be included in the family justice modernisation strategy consultation?

**Michael Matheson:** My colleague Annabelle Ewing is taking forward the consultation as part of our review of family law, in which we will look at a range of measures. No doubt the issue that Margaret Mitchell raises is one of the factors that will be taken into account as part of the consultation. If she wishes to provide further information on that proposal, I have no doubt that my colleague will be more than happy to give it due consideration.

### Urban Crime

**3. Bill Bowman (North East Scotland) (Con):** To ask the Scottish Government what steps it is taking to tackle urban crime. (S5O-01465)

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** The Scottish Government remains committed to tackling urban crime around Scotland. Overall, crime levels are at a 43-year low, violent crime is down by almost half since 2006-07 and the number of homicides is at its lowest since records began.

The Scottish Government is committed to building safer communities by supporting local authorities, partner agencies such as Crimestoppers, Neighbourhood Watch Scotland, the violence reduction unit and the Scottish Business Resilience Centre, and communities themselves in helping to create an environment where people feel safe and supported, and where everyone takes responsibility for their own actions and how they affect others.

**Bill Bowman:** I welcome any reduction in crime, but official figures for the past year show that, sadly, Dundee is one of the worst areas for violent crime and is the worst area for sexual crime. In addition, attacks on NHS Tayside staff are up. What guarantee can the minister give Dundonians that the figures will be lower next year?

**Annabelle Ewing:** I understand that there has been a spike in the number of murders in Dundee over the past year, but we are committed to tackling all forms of violence around Scotland, wherever they are manifested. We will continue to work with our national and local partners to make our communities safer and stronger.

Our strategy is focused on tough enforcement, coupled with education, early intervention and diversion activity. That is very important, hence our work with, for example, the violence reduction unit, which has secured Scottish Government support of £8.7 million since 2008 and has developed key initiatives—I am sure that Bill Bowman is aware of them—such as the no knives, better lives campaign, Medics Against Violence and the important navigator programme. We are absolutely committed to doing everything that we can to tackle violence around Scotland, including in Dundee.

### Bail-related Offences

**4. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government what action it is taking to reduce the number of bail-related offences. (S5O-01466)

**The Cabinet Secretary for Justice (Michael Matheson):** The Scottish Government is keen to discourage breach of bail, which is why we have made it easier to bring charges for such breaches. Decisions in any given case as to whether to grant bail are a matter for our independent courts.

**Murdo Fraser:** I am sure that the cabinet secretary is aware of the significant increase in the number of people breaching bail conditions. In 2006-07, one in eight bail orders was breached, but the figures for 2015-16 show that it is now one in five. In light of a recent high-profile sexual assault case where bail conditions were breached with tragic consequences—

**The Deputy Presiding Officer:** Please ask a supplementary question.

**Murdo Fraser:** Can the minister confirm whether the Scottish Government is considering additional measures to enforce bail conditions to protect the most vulnerable victims of crime?

**Michael Matheson:** In recent years, we have taken two separate measures through legislation to tighten up bail-related matters, in 2007 and again in 2010. In 2015-16, there were 8,563 bail-related offences, which was similar to the figure in previous years. Between 2008-09 and 2015-16, the number of bail-related offences decreased by 6 per cent, so there has been a reduction in the number of offences that have been committed on bail. We took additional measures through the Criminal Proceedings etc (Reform) (Scotland) Act 2007 and the Criminal Justice and Licensing (Scotland) Act 2010 to make it easier for our courts to deal with breaches of bail and to tighten up the conditions under which bail can be granted. The member is incorrect to state that, overall, breaches of bail are up. The statistics show that, between 2008-09 and 2015-16, which is the most

recent year for which there are figures, bail-related offences decreased by 6 per cent.

### Prison Estate Modernisation

**5. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what progress is being made with its commitment to modernise the prison estate. (S5O-01467)

**The Cabinet Secretary for Justice (Michael Matheson):** I recently announced plans for the modernisation of the women's estate. On completion of those projects, proposals for the next phase of the estate development programme will get under way. That next phase comprises the construction of HMP Highland to replace HMP Inverness, the construction of HMP Glasgow to replace HMP Barlinnie and the proposed replacement of HMP Greenock.

**Finlay Carson:** Currently, there is no mention of HMP Dumfries in the strategic corporate plan for the Scottish Prison Service, which is obviously of concern to staff who work at the facility. What reassurances can the cabinet secretary give the staff at Dumfries with regard to the long-term future of the prison?

**Michael Matheson:** HMP Dumfries is an important part of the existing range of provision in the Scottish Prison Service. As I have set out, we already have a capital investment programme, which is proceeding in a number of phases. The Government has invested hundreds of millions of pounds in the prison estate to ensure that it is fit for purpose, and we will continue that programme in the coming years. As I said, we are taking forward the next phase of the estates plan and, after we have completed that process, we will look at the remaining elements of the prison estate, including HMP Dumfries and HMP Castle Huntly, which is the open estate.

I say to the member that, given the capital costs that are involved in investing in our prison estate, one of the major inhibitors to investment has been the significant cuts that the United Kingdom Government has been applying to our capital budgets.

**Mary Fee (West Scotland) (Lab):** The cabinet secretary will be aware that I work closely with Families Outside and I am keen to see progress on improving the relationships that prisoners have with their children. Does he have any plans to make improvements across the prison estate to the facilities that are available when children visit a parent, to make the visits less imposing and to help parents and children to maintain and develop close bonds?

**Michael Matheson:** We have been taking forward work with a number of third sector organisations to provide visitor centres in a

number of our prison establishments. Several months ago, I had the pleasure of opening the new visitor centre at HMP Glenochil, which is specifically designed to accommodate the needs of children who are visiting the establishment. We have provided resources to allow similar facilities to be provided in prison establishments across the prison estate, and we want to continue to build on that progress.

We recognise that maintaining and supporting family links can be an important element in promoting desistance among offenders and that family centres in our prison system have an important role in helping to support and maintain those relationships. We have been taking forward work on that and have provided additional resource for facilities to be established in a number of our prisons, and we want to continue to move forward on that in the months and years ahead.

### Scottish Fire and Rescue Service

**6. Claudia Beamish (South Scotland) (Lab):** To ask the Scottish Government what support it provides to the Scottish Fire and Rescue Service to ensure that it can continue to provide its existing level of service. (S5O-01468)

**The Minister for Community Safety and Legal Affairs (Annabelle Ewing):** The Scottish Government has provided the Scottish Fire and Rescue Service with a budget in 2017-18 of £316.4 million, which is an increase of £21.7 million from the previous year. That budget has allowed the Scottish Fire and Rescue Service to protect front-line services, notwithstanding significant cuts to Scotland's budget from Westminster.

Of course, the funding for the Scottish Fire and Rescue Service would go much further if the United Kingdom Government would allow the service to recover VAT like other fire services across the UK, adding an estimated £10 million to its annual budget. The Scottish Government will continue to press for a change to VAT legislation to remedy that long-running inequity.

**Claudia Beamish:** Although I agree with the minister on the VAT issue, given the geographical spread of the South Scotland region, any cuts will put communities at risk. Does the minister agree that local community engagement is essential and that fire stations should be at the core of our communities and officers known in them, such as at the recent bonfire awareness event at St Mary's primary school in Lanark? Can the minister give me assurances that no fire stations will close and that there will be no reductions in services in South Scotland, and in Scotland more generally?

**Annabelle Ewing:** I pay tribute to the bonfire awareness event that Claudia Beamish referred to, at St Mary's primary school. That is the kind of important event that the Scottish Fire and Rescue Service participates in daily across the country.

The member alludes, I think, to the Scottish Fire and Rescue Service transformation draft plans that have been put on the SFRS intranet. Those proposals are out subject to discussion and no final decisions have been made on what transformation will look like. There is a commitment to engage fully with not just staff but the service as a whole and members of the public.

I reiterate that being deprived of the sum of £10 million per annum from the front-line emergency services that are provided by the Scottish Fire and Rescue Service certainly does not help. I urge the chancellor to end that inequity and to place the Scottish Fire and Rescue Service on the same footing as all the other fire services in the UK, which are not subject to VAT that cannot be reclaimed. I urge the chancellor to take the opportunity of his autumn statement to do right by our front-line firefighters.

#### **Police and Fire and Rescue Services (Remote and Rural Areas)**

**7. Gail Ross (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government what workforce planning and recruitment plans are in place for the police and fire and rescue services in remote and rural areas. (S5O-01469)

**The Cabinet Secretary for Justice (Michael Matheson):** Workforce planning and recruitment are, rightly, matters for the chief constable and the chief officer.

The Scottish Government continues to support our police and fire services. We are protecting the police resource budget in real terms in every year of this parliamentary session—a boost of £100 million by 2021—and we are providing additional police reform funding of £61 million in 2017-18. We have also increased the overall operational budget for the Scottish Fire and Rescue Service this year by £21.7 million, to support investment in equipment and resources.

**Gail Ross:** What support can the Scottish Government give to remote and rural areas to roll out programmes such as the uniformed services programme at Golspie high school, while recruitment to emergency services is an issue? Will the cabinet secretary pay the school a visit?

**Michael Matheson:** I welcome the initiative that has been taken at Golspie high school. I know that our police and fire services work closely with a number of youth-based organisations to help to support and promote the work that our uniformed emergency services carry out daily to protect our

communities. I am keen to ensure that we continue to develop that partnership between the police and our fire service. I am happy to consider any invitation that I receive to visit that particular initiative at Golspie high school.

**Maurice Corry (West Scotland) (Con):** According to figures collected by the Fire Brigades Union, the number of fire safety officers and inspectors has fallen from 102 in 2013 to 90 in 2017, which is a 12 per cent drop in four years. Can the cabinet secretary assure members that he plans to reverse that trend?

**Michael Matheson:** How the staffing complement is configured in the Scottish Fire and Rescue Service is a matter for the chief officer.

**The Deputy Presiding Officer:** Thank you very much. That concludes portfolio questions. I apologise to Emma Harper and Donald Cameron, whose questions I did not reach this time.

## Building and Fire Safety (Ministerial Working Group)

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Angela Constance, who will provide an update on the ministerial working group on building and fire safety. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:41

**The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance):** I am sure that I speak for everyone in this chamber when I say that our thoughts and deepest sympathies remain with all those affected by the tragic events at Grenfell tower. Since those events in June, we have taken steps to strengthen building regulations and fire safety in Scotland.

The ministerial group has been focused on three key areas: reassuring the public of the steps that we have taken to ensure such a tragedy will not happen in Scotland, establishing the fire safety of high-rise domestic buildings and improving the fire safety and compliance of building standards.

Following the Grenfell fire, it was of paramount importance to reassure the public that our high-rise buildings are safe from fire. I thank the Scottish Fire and Rescue Service for the immense work that it has undertaken in that endeavour, which I will highlight. The service has distributed more than 60,000 comprehensive fire safety leaflets, carried out about 890 operational assurance visits to high-rise domestic properties and made more than 1,200 individual home fire safety visits. Those activities gave the public visible and tangible reassurance at a time when the tragic events of Grenfell were understandably causing great anxiety.

The ministerial working group asked the fire service to extend and refresh its multistorey fire safety campaign. The campaign, which was launched on 18 October, gives information and advice on what to do if there is a fire in a high-rise building, and it promotes fire safety advice about living in high-rise buildings. It will run for the remainder of this year.

Following the tragic events at Grenfell, it became clear that the aluminium composite material—ACM—used on the tower's cladding system contributed to the rapid spread of fire. That product, which was first certified for use in 2008, became the focus of checks across the United Kingdom.

In Scotland, applications for building warrants for high-rise domestic buildings and building

regulations in force from May 2005 do not permit use of the same type of ACM as that found on Grenfell tower. The ministerial group nonetheless sought to verify whether any high-rise domestic buildings in Scotland were completely clad in the same ACM.

I want to be clear about ACM: its presence does not necessarily mean that a building is defective or dangerous. As the UK Government's full-scale fire tests have demonstrated, some grades of ACM used with the right insulation can mean that an overall cladding system is fire resistant enough to be used on high-rise buildings. It is the type of ACM and the extent of its use that are key in determining fire risk.

The ministerial working group took a risk-based approach that focused on establishing the presence of ACM cladding on domestic buildings over 18m, as well as on non-domestic buildings where people might sleep, such as hospitals and care homes. Schools were also prioritised. The nature and scale of that work are such that it is resource intensive, and I want to express my gratitude to local authorities and others for their responsiveness to our requests, which helped to establish the extent of the use of ACM.

Thirty-one local authorities reported that no public or private domestic high-rise block was completely clad in ACM. As members know, Glasgow City Council reported that ACM had been found on private high-rise buildings that were granted building warrants before 2005. Two of those have extensive ACM. The council is working closely with the owners to ensure that fire safety measures are upgraded and that a long-term solution is agreed.

Our request for information from local authorities showed that having a clear nationwide picture of our high-rise building stock would be helpful in informing our future work, so the group has commissioned the compilation of a comprehensive inventory of domestic high-rise buildings over 18m, which will include reference to construction type and fire safety features. That work is expected to be complete by spring 2018, at which point we will consider how it can be maintained in the future.

The ministerial working group is determined to do all that it can to ensure that the fire safety and building standards that are expected in the buildings that we live in are as strong and effective as they can be, so I want to outline to the chamber the other steps that we have taken.

As I said, building regulations relating to the fire safety of cladding systems were strengthened in 2005 to ensure that cladding on domestic high-rise buildings was non-combustible and met the most stringent fire test at the time. We are not

complacent. Further to our original request for and receipt of information on all high-rise buildings over 18m, the group has decided to seek additional reassurance from local authorities with respect to pre-2005 high-rise domestic properties and high-rise non-domestic buildings with sleeping accommodation. We are doing so to ensure that we have captured information on all relevant building types and that nothing has been missed.

In addition, the ministerial working group has commissioned three reviews. The first is a review of building standards relating to fire safety, the purpose of which is to ensure that our regulations are robust and clear. That review, which is being chaired by Dr Paul Stollard, is already under way. Its scope covers high-rise domestic buildings, including student accommodation, and high-rise non-domestic buildings with sleeping accommodation, such as hotels and hospitals. It will focus on standards that cover fire spread on external walls and in cavities, spread to and from neighbouring buildings, and escape and automatic fire suppression systems.

The review will draw on the expertise of fire and building design specialists from academia and industry, and it will look beyond Scotland to learn from international best practice. Recommendations for improvement will be shared with a global group of experienced building fire safety regulators from the USA, Australia, the Netherlands and Austria, thereby ensuring that any required changes reflect the latest expertise from across the world.

The second review is a review of enforcement of and compliance with building standards. Earlier this year, the Scottish ministers undertook to consider the findings of the independent inquiry into the construction of Edinburgh schools. That comprehensive review, which will be chaired by Professor John Cole, will examine the roles and responsibilities of everyone who is involved in all elements of construction, from start to finish. It will consider the actions that need to be taken before a building warrant is granted and a completion certificate is accepted. It will also consider the risk-based approach to reasonable inquiry by local authority verifiers before they accept a completion certificate, and the role of certification in the construction journey. In addition, it will reflect on any issues that are identified regarding wind calculation and the installation of external wall insulation that may require further action.

The fact that people of such high calibre are leading those reviews, along with the wealth of expertise of the members of each of the review groups, demonstrates the support that we have to get this right. The recommendations of those reviews will lead to a consultation that will start next spring.

The third review is of Scotland's fire safety regime for high-rise domestic properties, to ensure that it is fit for purpose and provides comprehensive protection for residents. The review, which will be led by the Scottish Government, will begin this month and will identify changes required to legislation or practice, including whether the roles and responsibilities of the Scottish Fire and Rescue Service should be expanded. Together, the three reviews will ensure that we improve our practices and have robust building standards and fire safety regulations.

The ministerial working group has also developed a comprehensive strategic plan of activity, including consulting on consolidated and strengthened fire safety guidance for buildings where people sleep and on a minimum safe standard for fire and smoke alarms in Scottish homes. Our work will be closely involved with the on-going United Kingdom review of building standards, ensuring that any key lessons are applied here in Scotland, too.

I hope that that overview of the current work of the ministerial working group reassures Parliament that the Scottish Government is committed to learning lessons and taking action to make our buildings safe. As part of that, we will continue to keep a watching brief on the UK Grenfell public inquiry and will be ready to respond to any new evidence that comes to light.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on issues that were raised in her statement. I intend to allow 20 minutes for questioning. It will be helpful if members who wish to ask a question press their request-to-speak buttons. Members should also bear it in mind that we will be able to get in everyone who wishes to ask a question only if we have quite short questions and answers.

**Graham Simpson (Central Scotland) (Con):** I thank the cabinet secretary for advance sight of her statement. We welcome the reviews of building standards, and we welcome enforcement of and compliance with the standards and the fire safety regime. However, the Local Government and Communities Committee has already looked at those things and come up with comprehensive recommendations for improving building regulations and standards. In other words, the reviews that have been announced today will duplicate work that has already been done.

First, in that case, can the cabinet secretary confirm whether she is minded to accept any of the committee's recommendations?

Secondly, the cabinet secretary mentioned cladding. On 21 September, she told Parliament that the Government was informed on 5 September that some flats in Glasgow might have

ACM cladding, but we have email evidence that suggests that the Government knew three weeks earlier than that. Can Angela Constance confirm exactly when Government officials and ministers were told about that cladding?

**Angela Constance:** I thank Mr Simpson for his question and, indeed, his welcome for the various reviews and the work that the ministerial working group has either commenced or is taking forward.

I dispute his suggestion that our work will duplicate the Local Government and Communities Committee's review. It is fair to say that there will, at times, be overlaps, but we very much welcome the committee's diligent hard work and will give a full response to it, in due course. Of course, there will be a debate on the committee's work in the very near future. Without pre-empting that, I say that I am sure that we will be mindful and accepting of some of the committee's recommendations. However, we must give all matters careful consideration, so it would be wrong of me to pre-empt our close scrutiny of the committee's work in the few minutes that I have today.

With regard to cladding, Graham Simpson raised the issue of verification. We have been transparent about the work that we are leading in the ministerial working group, and we are always happy to provide more detail. It is important to stress that we have received over the past few months—and continue to receive—information from concerned people, whether they be building owners or local authorities, and that at times we have had to dig deeper to clarify what that information is saying.

**Graham Simpson:** What about Glasgow City Council?

**Angela Constance:** I do not accept Mr Simpson's characterisation and presentation of the facts in respect of Glasgow. As I have said in the chamber previously, there has been intensive engagement between Scottish Government officials and Glasgow City Council officials to clarify what the issues are and their nature, and to get specific information. It is imperative, when we get to our feet with information, that our information is accurate.

**Pauline McNeill (Glasgow) (Lab):** Does the cabinet secretary agree that it is the Scottish Government's duty to give confidence to the public that all our buildings have, or will achieve, the correct standard of fire safety, regardless of whether they are in the public sector or the private sector, so that all residents and tenants have equal protection?

Is the cabinet secretary fully aware that aluminium composite material cladding is present in both towers at Glasgow harbour, and that that

was signed off in 2005-06? I hope that she agrees that that in itself warrants questions. Is it fair that residents at Glasgow harbour are being charged for fire-warden patrols? Surely residents should not pay the price of that poor decision.

Finally, I thank the expert working group for all the work that it has done so far. Will the cabinet secretary consider the inclusion of the Fire Brigades Union in that group as an added voice at the table of experts?

**Angela Constance:** The Government does, indeed, have a duty to ensure that we have the very best standards and that they are put into practice. Parliament is aware of many issues that relate to the buildings in Glasgow that Pauline McNeill cited, and to the Edinburgh schools inquiry, and which have raised a number of detailed questions about building standards, and about regulations stating things when perhaps other things are happening in practice. That is why we have taken the move to commission a review into enforcement and compliance. That is not just in response to Grenfell; it is also in response to the Edinburgh schools inquiry.

We do not demur from the Government's responsibilities, but it is important to stress that others apart from the Government—including local government, building owners and the Scottish Fire and Rescue Service—have very clear roles and responsibilities. The work on fire-related building standards and the regulatory framework for high-rise domestic buildings, and the broader work relating to enforcement and compliance, are to ensure that everybody has the correct roles and responsibilities.

On the point about the FBU, the group that I chair is an internal ministerial working group, on which I am ably assisted by Annabelle Ewing and Kevin Stewart. We are working very hard to be informative, transparent and helpful so that people are informed and can access the work that we do. We are, of course, outward looking and, as ministers, we are always happy to engage separately with the FBU, industry experts or anyone else who has an interest in engaging and helping us on the important journey that we are on.

On the Glasgow situation, I accept that residents and building owners have found themselves in a very difficult situation that is not of their making. It is, of course, not the norm for the Government to provide, direct to home owners, financial assistance of the nature that I think Ms McNeill touched on. It is important that Glasgow City Council, in its work with factors and residents, comes quickly to a clear understanding, in order that it can scope out what work is required for a longer-term solution. It has asked City Building to do some work on that. Obviously, that will give a



view on overall costs. However, in dealing with the here and now, it was imperative that interim safety measures be put in place to keep residents safe in their homes.

**The Deputy Presiding Officer:** I know that the cabinet secretary wants to be thorough on such an important subject, but I ask her to give shorter answers. That will allow everyone to get in. Questioners should also bear that in mind.

**Clare Adamson (Motherwell and Wishaw) (SNP):** I thank the cabinet secretary for her statement and welcome the three review streams that she detailed in it. However, I seek an assurance that the Scottish Government will be able to respond timeously and effectively to any matters that might arise as a consequence of its review streams, or the public enquiry into the Grenfell tower fire.

**Angela Constance:** Yes, is the short answer. We established the ministerial working group very quickly after the tragic events at Grenfell; it has met seven times. We are working hard to engage with colleagues in the UK Government and the other devolved Administrations. We are also keeping a close eye on the Hackitt review of building standards south of the border—Kevin Stewart and I have engaged with Judith Hackitt on that. We will continue to monitor the public inquiry on Grenfell. The working group's remit allows it to deal with any other matters that are pertinent or desired.

**Alexander Stewart (Mid Scotland and Fife) (Con):** I note from the cabinet secretary's statement that she wishes to seek additional reassurances from local authorities with respect to pre-2005 high-rise domestic properties and non-domestic high-rise buildings with sleeping accommodation. What measures are being taken to achieve those reassurances, and what are they?

**Angela Constance:** In essence, we want to go back to the local authorities, and we are currently in the middle of drafting correspondence. We want to take a belt-and-braces approach and to dig deep. We are conscious that the area is somewhat complex and that buildings that were intended to be, for example, student accommodation are perhaps now occupied as more traditional residential homes. I want to be assured, as, I am sure, members do, that we are capturing all the necessary and relevant information.

In terms of our risk-based approach, it is entirely appropriate that we also take a look at high-rise buildings that are not considered to be domestic but in which people sleep at night. We will keep Alexander Stewart and others informed about the nature of those inquiries and the detail of the

requests that we make to our partners in local government.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** The Local Government and Communities Committee did, indeed, conduct an inquiry into buildings and fire safety. I hope that the Scottish Government will be in a position to respond formally to the committee's inquiry report ahead of next week's debate. One conclusion in our report is that there should be a national high-rise inventory with regard to fire safety and that it should be regularly updated, be speedily accessible and potentially carry additional information. Does the fact that the Scottish Government is now seeking additional information and reassurances from councils not strengthen the view that it should accept that very specific recommendation regarding an inventory?

**Angela Constance:** There is a good prospect of that specific committee recommendation being accepted and endorsed by the Government. As I said, though, I do not think that it is appropriate—prior to the debate or, indeed, to Mr Stewart's formal response to the Local Government and Communities Committee—for me to speak too much about the matter, particularly given that the focus today is on the work of the ministerial working group. The important point is that the buildings inventory will give us an overview of the types of domestic high-rise buildings, their construction and their existing fire safety measures, which will help us to understand how improvements, including retrofitted sprinklers, could be made. Once we have gathered that information, the crucial issue will be how we keep it up to date, relevant and pertinent. I have heard Mr Doris speak about that previously.

**David Stewart (Highlands and Islands) (Lab):** The cabinet secretary will be well aware that, in Scotland, there have been no multi-fire deaths where working sprinklers have been in operation. Will the Stollard review address the issue of retrofitting sprinklers in high-rise domestic properties?

**Angela Constance:** We are watching very closely Mr Stewart's proposals for his planned member's bill. I have had the opportunity to meet Mr Stewart to discuss those matters. As I said in my earlier reply, the work that we are doing on the inventory of high-rise buildings will give us a clear picture of the condition of the buildings and what it is physically and technically possible to do within them.

I know that Mr Stewart has a keen interest in that area, but it is not just work around the inventory that will be helpful in our future decisions. Work on the fire-related building standards is also important in that regard, as is our consultation on smoke and fire alarms, as there

are a number of questions that touch on wider fire safety issues. The Scottish Fire and Rescue Service has also commissioned some joint research by the BRE Group and the Fire Industry Association, which we will look at in due course.

**Andy Wightman (Lothian) (Green):** I thank the cabinet secretary for sending me an advance copy of her statement. On 27 September, the Minister for Local Government and Housing, Kevin Stewart, told the Local Government and Communities Committee that the remits of the Paul Stollard and John Cole reviews had not yet been agreed. I am not aware that they have been published yet. Can the cabinet secretary confirm whether they have been published and, if they have not, when they will be published?

**Angela Constance:** We will attend to that matter imminently if it has not been addressed. We want to share that information with the committee and with all members who have an interest, so we will give an undertaking to do that as soon as possible.

**Sandra White (Glasgow Kelvin) (SNP):** The two buildings in Glasgow that have been mentioned are on the Glasgow harbour site in my constituency. Indeed, evidence received from constituents states that completion certificates were received after May 2005. What evidence has the working group received from Glasgow City Council that it is doing everything in its power to ensure that residents are kept informed of everything that is going on, including the on-going work, and that they are told where they can access further advice?

**Angela Constance:** The issue around completion certificates is one of the many issues that the review panel on building standards compliance and enforcement will look at in further detail. Glasgow City Council has been keeping the ministerial working group updated regularly on the work that is going on at a local level and it remains proactive in addressing the situation of the two towers that Ms White has referred to. The council has written to property owners, detailing the actions that it has taken to date, including interim measures to improve the fire safety of the buildings that will allow residents to continue to live at home, and the work that will need to be done to remove and replace the cladding. If that does not capture everything that the constituency member requires, we will endeavour to write to her in the fullest detail.

**Liam McArthur (Orkney Islands) (LD):** I thank the cabinet secretary for giving me early sight of her statement—and, indeed, sight of the details of the three reviews. Given the on-going review that is taking place within the Scottish Fire and Rescue Service and the service's existing well-publicised resource pressures, can the cabinet secretary give

the chamber any indication of what expanded roles and responsibilities are being considered for the service as part of the review of the fire safety regime? Can she also assure Parliament that any expanded roles will be properly funded?

**Angela Constance:** I do not want to pre-empt work where international experts are paying close attention to all those matters. Members will be aware that the fire safety legislation in Scotland is different from the legislation in England, which has sparked off a bit of a debate around the expansion—or not—of particular roles and responsibilities.

We must be fully cognisant of the resource implications of any decisions. I remind members that this year's operational budget for the Scottish Fire and Rescue Service has increased by more than £21 million. It is also important to stress that the Scottish Fire and Rescue Service has stepped up to the plate and, since Grenfell, has undertaken more than 1,200 home visits including nearly 500 in Glasgow. It has also undertaken nearly 900 operational and intelligence visits to ensure that firefighters know the layout of buildings and to offer a visible reassurance to residents.

**Maurice Corry (West Scotland) (Con):** Can the cabinet secretary confirm the full extent, remit and scope of the review of high-rise domestic properties?

**Angela Constance:** I am not sure that I understand which specific review Mr Corry is referring to. As I said, we have three reviews on-going. There is the building standards review of compliance and enforcement and the building standards review of fire-related safety standards—as I said to Mr Wightman, we will ensure that the remit of that review is published. There will also be a look at the regulatory framework, which will be far more about the day-to-day operations of domestic high-rise buildings.

We have set out a broad definition of what a high-rise building is that includes all buildings over two storeys, as we want to capture tenement buildings, for example. We have taken a broad-brush approach in order to capture different types of buildings that, using common sense, we would understand to be high rise although they are perhaps not 18m high or more. The review of the regulatory framework is also important for the work that we do around the roles and responsibilities of the Scottish Fire and Rescue Service and other major players in fire safety.

**John Mason (Glasgow Shettleston) (SNP):** Will the comprehensive inventory of domestic high-rise buildings to which the cabinet secretary referred in her statement just pull together figures that councils already have, or will somebody else

go out to Glasgow, Edinburgh and elsewhere and carry out an assessment from scratch?

**Angela Constance:** We have procured the work for the inventory, and people will be able to tender for that work. We hope that it will be completed by next spring. There will be a fresh pair of eyes looking at the condition of domestic high-rise buildings in Scotland. In that regard, it is about cross-checking information and ensuring that we have no gaps, so that we have detailed knowledge of the conditions in and around fire safety and other matters relating to domestic high-rise buildings in Scotland.

**Neil Findlay (Lothian) (Lab):** If there is to be an expansion of the roles and responsibilities of the Scottish Fire and Rescue Service, how will they be fulfilled on a reduced budget and with fewer personnel?

**Angela Constance:** I think that I answered that question earlier. Dealing with the here and now, the operational budget of the Scottish Fire and Rescue Service has increased this year. We are not prejudging any of the outcomes of the reviews that are being led by eminent international experts. There may or may not be an expansion of roles, but we will keep members fully informed of all deliberations that are carried out in the interests of building safety and the residents of Scotland.

**The Deputy Presiding Officer:** That concludes questions on the cabinet secretary's statement. I will allow a couple of moments before we move on to the next item of business. I apologise to Mr Lyle for not having been able to call him.

## Prejudice-based Bullying and Harassment in Schools, and Personal and Social Education

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a debate on motion S5M-08171, in the name of Christina McKelvie, on behalf of the Equalities and Human Rights Committee, on prejudice-based bullying and harassment of children and young people in schools and a review of personal and social education. I call Alex Cole-Hamilton to speak to and move the motion on behalf of the Equalities and Human Rights Committee.

15:14

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I remind the chamber that I am the past convener of Together, the Scottish Alliance for Children's Rights.

As deputy convener of the Equalities and Human Rights Committee it is a privilege for me to open the debate on our report on prejudice-based bullying and harassment of children and young people in schools.

I offer the apologies of the convener of the committee, Christina McKelvie, who cannot be here today for personal reasons. I thank James Dornan and the members of the Education and Skills Committee for agreeing to make this a joint debate on our report and their recommendations on personal and social education which, as we will hear, is vital if we are to help children understand what healthy relationships and respect look like. The committees liaised closely during their work—an excellent example of how our parliamentary system can work to uphold the rights of young people in Scotland when we work together.

The debate is timely, as it takes place during national anti-bullying week. It is also set against the backdrop of recent revelations of bullying and sexual harassment in public life. Those revelations are uncomfortable, but they are important. They offer us the opportunity to make this moment a turning point in the life of our country, if we have the courage and the commitment to grasp it.

Last month, when speaking about those revelations, the Deputy First Minister said:

"it is the conduct and behaviour of men that need to change if we are to end ... sexual harassment".—[*Official Report*, 31 October 2017; c 3.]

I agree with that entirely. The painful truth, however, is that we are only now reaching a critical mass of public debate around the issues, because of their recent exposure in the high-profile worlds of entertainment and politics. If we

are to address that toxic culture, we must see the problem in its entirety.

As our inquiry shows, prejudice, bullying and sexual harassment are commonplace in our education system. It would be dangerously naive of us to think that our behaviour as adults in society is somehow unconnected to the learning environment in which we first began to socialise with others. Prejudice, bullying, harassment and the trauma that can result from them pose an enormous risk to the health and wellbeing of Scotland's young people. That is why the aim of the committee's inquiry was to put the voice of children at the centre of our public debate on those problems.

We heard from many brave young people who told us of their experiences at school, and the picture that they painted for us was a harrowing one. Like all pupils, they hoped for a school experience that would help them grow to their full potential, both academically and socially. However, for all too many the reality is that school life is an experience to be endured and from which significant trauma can result. They fight a daily battle in classrooms and corridors, on playing fields and online. Their primary goal is merely to survive their education, emotionally and psychologically, and then to come to terms with the trauma that they have been left with.

Our inquiry heard stories of racism, sexism, disability prejudice, religious and ethnic intolerance, homophobic bullying, hate speech, and physical and sexual harassment. Shockingly, we heard of many cases that included serious criminal offences, such as hate crime, assault and rape, taking place in the school environment. We were concerned to hear that many professionals in the education sector seem unequal to the challenge before them, but most troubling of all were the examples in which some teachers condoned or incited such behaviour among students, or were even the cause of it.

We received evidence that 27 per cent of lesbian, gay, bisexual, transgender and intersex children in Scotland have attempted suicide because of bullying and homophobia. The measure of the task that is ahead of us is great and it is laid out in the representations that we received: One study showed that more than half of the requests made by disabled young people seeking additional support identified bullying as a contributory factor to their needs. Another study found that more than half of all Muslim children in Edinburgh encountered Islamophobia in school, with one third of them experiencing it directly in their community. Girlguiding Scotland told us that 59 per cent of its members aged 13 to 21 reported experience of some form of sexual harassment in school. All of that was reinforced by evidence that

we took from organisations such as Rape Crisis Scotland, Children in Scotland, the Coalition for Racial Equality and Rights and LGBT Youth Scotland, and it should sound an alarm bell for us all.

Protecting the human rights of our children is central to their development. We should adopt a rights-based approach in all aspects of our education system. That is why our committee's report called for a fundamental shift in the way we view this problem. Put simply, there is a children's human rights deficit in our midst. We must meet that challenge head on and seek to build an adequate response to trauma recovery for those who have already suffered because of it.

Irrespective of the setting, be it council-run, faith-based, or independent schooling, it ultimately falls to the state to protect the rights of our children as they learn. We must recognise that the cost of failure is fast becoming a major public health and wellbeing problem. We must work collaboratively to address the problem with the same energy and cross-party commitment that we would for cancer care or domestic violence.

Failure to meet this growing challenge will be measured in increased calls on the public purse. We have already seen in the news that the United Kingdom Government might face litigation for its failure to prevent peer-on-peer abuse in schools in England.

The social cost of inaction is greater still through the loss of life chances, lower economic productivity, increased rates of depression, self-harm and suicide. All told, our report made 29 recommendations. I am pleased to say that the Government responded positively to them all, for which I thank the Government.

We are grateful to the Deputy First Minister for agreeing to put on hold the update of the national anti-bullying strategy, respect for all. That allowed us to undertake our work in a way that could influence the refresh of the strategy. We also welcome the Government's commitment to keeping the strategy up to date and to refreshing it at least every five years.

However, we note the Government's silence on our call for the public and the Parliament to be involved in the process. The committee is therefore anxious that, in today's debate, the Deputy First Minister should provide clarity on how the Government will lead on driving change with the wider public and Parliament.

We also welcome the Government's support for our call to make the reporting of bullying and harassment mandatory across Scottish education, and for all schools to have an actively inclusive culture. However, we fear that, although many key players, such as education authorities or the

General Teaching Council for Scotland, might see the need for change in their individual silos, some might fail to grasp the full size, scope and urgency of the problem that is now facing Scotland.

This is why the committee believes that the full incorporation of the United Nations Convention on the Rights of the Child into Scots law would help to focus minds on driving the cultural change that we need to see in our society and give children access to justice when their rights are denied to them.

We also welcome the Deputy First Minister's support for our call for all teachers to receive training on how to deal with bullying and harassment, and for children to be taught about consent, healthy relationships and equalities from their early years and throughout their school lives. I am sure that that sentiment will speak to the many contributions that we shall hear from colleagues on the Education and Skills Committee this afternoon.

The Equalities and Human Rights Committee will continue to hold to account all those who are responsible for protecting the rights of our children. We will assess progress on our recommendations as part of our work in 2018. I thank all my fellow committee members, our clerks and those who gave evidence.

I move,

That the Parliament notes the findings and recommendations in the Equalities and Human Rights Committee's 5th Report, 2017, (Session 5), *It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools* (SP Paper 185) and the Education and Skills Committee's 7th Report, 2017 (Sessions 5), *Let's Talk about Personal and Social Education* (SP Paper 148).

15:22

**James Dornan (Glasgow Cathcart) (SNP):** It is a great pleasure to speak in this joint debate on behalf of the Education and Skills Committee. I start by thanking my fellow committee members and the clerks for all the good work that they have done over the course of the inquiry.

Listening to Alex Cole-Hamilton's speech, we can see that there is a clear link between the inquiry of the Equalities and Human Rights Committee on prejudice-based bullying and my committee's work on personal and social education. Both committees found that there is a need to focus on the health and wellbeing aspects of our schools and on creating nurturing and safe environments in which all our children and young people can learn.

On that basis, we welcomed the invitation from the Equalities and Human Rights Committee to hold a debate on this cross-cutting issue. I very

much hope that this collaboration and the clear cross-committee support for progress to be made in this area can have a real impact.

I will briefly work through the approach that my committee took, the evidence that we heard, and the broad conclusions that we came to. I will leave it to other committee colleagues to explore particular recommendations in more detail.

When my committee approached the work, we were keen to hear from as many young people, teachers and parents as we could, as well as hearing from experts and stakeholders. We invited responses in the form of short emails or directly through Facebook and Twitter on what PSE sessions should be about and how they should be delivered. The response was tremendous, and many of the most powerful aspects of our inquiry came through the voices of young people.

We followed that up with a round-table discussion on 22 February. Again, we focused on hearing the views of young people and youth and children's organisations. It was, as Tavish Scott observed at the time, a "brilliant panel".

As members might expect from such an open consultation, there were a great many suggestions about the context of PSE. There were so many suggestions that I simply cannot cover them all in the time available but, to give a flavour, many comments were about sex and relationships education, inclusivity, mental health, drug and alcohol misuse, citizenship and financial planning.

However, content is only part of the story. Who chooses the content, who delivers it and how it is delivered are also vital. We heard that PSE has the most impact and relevance if the curriculum is co-designed with the children and young people themselves, and delivered by a range of people. The committee therefore recommended that all PSE programmes should have an element of co-design and should also feature external speakers.

PSE should differ from class to class and school to school. However, there are some things that the committee firmly believes should be part of every school's PSE lessons. The committee identified mental health, equalities, sex and relationships education and substance abuse as the cornerstones of any PSE programme.

The committee received many personal and sometimes heartbreaking accounts from young LGBTI people, their parents and their teachers about experiences of LGBTI people in school. One email said that, at school, people were

"only really told in passing that gay people exist, nothing about any other sexuality or gender identity."

It continued:

"I therefore spent years thinking I was wrong for liking both men and women, and for not experiencing sexual attraction. I thought I was broken."

The last topic that I want to address is good sex and relationships education, which has become even more important in the modern, online world. In relation to children's access to the internet, Joanna Barrett from the National Society for the Prevention of Cruelty to Children told the committee that

"by the age of 14, 90-odd per cent of young people had seen pornography, and about half of boys thought that it was an accurate representation of sex. Girls were articulating that they were very worried that boys' impressions of and attitudes to women were negatively impacted by exposure to pornography."—[*Official Report, Education and Skills Committee*, 22 February 2017; c 33.]

Some of the most powerful and disturbing evidence that we heard was about consent. Clare Clark from Sexpression:UK stated:

"Consent is a massive issue, but it seems not to be coming across to young people. There is clearly a gap ... We are letting people leave school with no information about consent, and we are having to cover it in universities."—[*Official Report, Education and Skills Committee*, 22 February 2017; c 14.]

I will come back to that later in my speech.

The committee also heard about the importance of age-appropriate sex and relationships education starting at an early age, which was also highlighted in the session 4 Health and Sport Committee's 2013 report on teenage pregnancy, and the committee asked the Scottish Government about the progress that it had made in that respect since 2013.

One of our main findings is that PSE provision is patchy. The committee heard from teachers who are truly committed to PSE—fantastic guidance teachers who put enormous thought, effort and passion into ensuring that our young people are equipped to face and be part of the world—but there are some places where we could do a lot better.

The committee believed that the first step was for there to be a recognition of the inconsistent delivery of PSE and for the Scottish Government to undertake a review. We simply do not know enough about how PSE is taught in our schools and the reasons why it is better in some schools than others. The committee was pleased to be pre-empted by the Scottish Government, which announced such a review before we even had the chance to suggest it—joined-up thinking, eh?

As part of the review, the committee wants the Scottish Government to examine whether schools' PSE offer meets their duty to be health promoting and their duties under the Equality Act 2010 to meet the needs of those with protected characteristics, such as LGBTI young people.

Recently, the committee asked those who had engaged with us during the inquiry to let us know for this debate what one point they would make in the chamber if they could. One response, from Liz McInally, simply states:

"the issue of LGBTI equality cannot be emphasised enough in the context of PSE, particularly with regard to the number of non-binary young people now self-identifying in the school community, to help their peers understand the importance of knowledge and respect, to help them challenge homophobic bullying safely."

In terms of the next steps, we need to wait for the conclusion of the review of PSE and, indeed, the working group looking at the recommendations of the time for inclusive education—TIE—campaign. I would be grateful if the cabinet secretary could provide an update on those pieces of work in his speech or in summing up.

Before I finish, I beg my fellow committee members for a little leeway to speak briefly as the member for Glasgow Cathcart. We spoke earlier about the importance of knowledge about the meaning of consent. That is important in schools, not just for the wellbeing of the young people while they are at school but to prepare them for when they leave to attend further and higher education institutions. Constituents of mine, Fiona and Germain Drouet, lost their daughter in the most terrible circumstances imaginable when she took her own life in her first year of university last year after being bullied and abused by another student. With their permission, I would like to let them use my voice so that they can speak to you today about the importance of PSE. They say:

"Losing our beloved daughter Emily in such tragic circumstances left us questioning every aspect of our life. The never ending 'What ifs', 'Why didn't we', 'If onlys'. But in our calmer and more rational states of mind we understand all these questions have the same answer: him. Our question 'Why didn't we' often continues as: 'Why didn't we know "he" was a danger?'. The misogynistic, cold hearted and determined way he conducted himself was alien to Emily and the outcome speaks for itself. How could a 20-year-old boy be so ignorant and lacking in human decency, empathy and compassion.

Unfortunately, it seems parents can't be relied upon to have those all-important conversations with their children about healthy and respectful relationships. PSE is the perfect opportunity to tackle the many and complex issues young people in our fast evolving society may face but it has to be made relevant to our children. Consent, kindness, love, honesty, respect are values that can only be brought home by involving them in a thought provoking discussion. We have to develop PSE in such a way that pupils fully engage with the subject. PSE shouldn't be just another lesson but be a challenging experience where pupils are openly asked their opinions and encouraged to share experiences and feelings. Youth should also be educated in their role as by-standers Early intervention in education can only help other girls avoid the horrific experiences our daughter had to endure."

There are no words that I could possibly add that would more eloquently and powerfully highlight the

importance of PSE, and I very much support the motion in the name of Christina McKelvie.

15:30

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** I thank the Education and Skills Committee and the Equalities and Human Rights Committee for their reports, which are the subject of debate today. There is a vast amount to cover in the debate, and I will do my level best in the opening and closing speeches to cover as much ground as I possibly can.

This debate takes place during anti-bullying week, which provides us the opportunity to send a clear and positive message that bullying of any kind is totally unacceptable and that when it happens, we all have a responsibility to address it. We need to intervene early and deal with it quickly and effectively.

We now understand more than ever before about how children's and young people's confidence, resilience, participation and attainment can be affected by bullying, in both the short and long terms. We understand more about how and where children and young people are experiencing bullying, how they can be supported and, most important, how bullying can be prevented.

During anti-bullying week we are asking adults and young people alike to get involved in a national conversation about what respect means to them. Respect is central to all relationships, and it should be at the heart of how we treat each other. We all have a role to play in promoting respectful behaviour.

To that end, the Government has this week announced details of the new guidance on anti-bullying, which was influenced by the contents of the Equalities and Human Rights Committee consideration of this question. "Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People" forms part of our wider attempts to improve the health and wellbeing of our children and young people. It fits in with our on-going work to promote positive behaviour and ensure that children and young people feel safe and secure and are able to build up strong and positive relationships.

"Respect for All" is underpinned by the United Nations Convention on the Rights of the Child, and it places children's rights at the very centre of the policy approach that we have adopted. It sets out a common vision and aims to make sure that work across all agencies and communities consistently and coherently contributes to a uniform approach to anti-bullying in Scotland.

"Respect for All", of course, is not just for schools. It is for everyone who is involved in children and young people's lives in Scotland. The guidance outlines the common expectations of everyone in preventing and managing bullying, as well as what they can expect from others. Those include local authorities, schools, governing bodies, independent and voluntary services, youth clubs, parents and carers, and children and young people themselves.

We expect all schools and organisations to develop and implement an anti-bullying policy that involves all stakeholders, including children and young people, parents, carers and staff. "Respect for All" encourages everyone to take a proactive and holistic approach to anti-bullying, regardless of the type of bullying that is experienced. That includes an explicit commitment to address prejudice-based bullying.

This Government believes that there is no place in Scotland for prejudice or discrimination and that everyone deserves to be treated fairly. We must continue to address prejudice and discrimination, to promote equality and diversity, and to introduce those messages at the early stages of a child's development. "Respect for All" is clear about the impact of prejudice-based bullying, including homophobic, biphobic and transphobic bullying. It is also clear about how schools and youth and sports organisations can respond appropriately.

As a 15-year-old who was quoted in "Respect for All" said,

"People have a right to be themselves, and no one should deny them that".

The position is expressed no more clearly than by that 15-year-old.

"Respect for All" refers to the importance of ensuring that instances of bullying are properly recorded, monitored and acted upon. I am certain that Parliament understands that effective monitoring allows organisations to gauge the effectiveness of their policy and practice and to inform, review and update their policy on a regular basis. Monitoring of bullying incidents is essential and helps organisations to identify recurring patterns, thereby ensuring early intervention and appropriate support. I am clear that we need a consistent, uniform approach to recording and monitoring.

Following the Equalities and Human Rights Committee's inquiry and subsequent report, I have discussed with a number of key stakeholder organisations the approach that we should take to recording and monitoring instances of bullying. What is clear from those discussions is that we need to make immediate progress on this question, to ensure that we can take steps practically to put in place measures to enable such

an arrangement to be made. That is why I have commissioned the convening of a working group, to include Education Scotland, the Convention of Scottish Local Authorities, the Association of Directors of Education in Scotland, local authority officers, the teaching unions, parents' groups and LGBTI groups, to develop additional supporting guidance on the process for recording and monitoring.

We are actively looking at the practical measures that will enable us to consider that material and to implement it in practice through the SEEMiS system, which is habitually used to record information on events and instances in our school system. Therefore, the approach that we are taking is timely and swift, to ensure that we can properly record instances of bullying and tackle—

**Jamie Greene (West Scotland) (Con):** It is very welcome to hear those words of progress on the recording of bullying. However, my worry is that, while I hear the cabinet secretary say that immediate steps are being taken, I also hear, in the same sentence, that another working group is to be set up. What timeline are we looking at, so that we may see practical results, on the ground, of recording of metrics, so that we can actually measure performance in the future?

**John Swinney:** I want to make early progress on the issue. The question is a practical one; it is about putting in place the mechanisms that will enable schools properly to record instances of bullying so that we can consider and assess exactly the points that Mr Greene makes about practice. The issues are practical, logistical ones that need to be confronted. We have taken the decision in principle: there will be a uniform recording system across the country. I am now simply turning that into practice, and I have to work with our local authorities and schools around the country to put it into practical effect. I will be very happy to report to Parliament about the progress that we make. However, that is the swiftest route to making sure that we have a uniform recording system in place. If I were to rely on statute, it would take significantly longer to do so, which is why I have opted for the earliest possible route to ensure that the recording of such instances can be considered and assessed.

I will do more justice to them in my concluding remarks, but I turn now to the questions that Mr Dornan raised about personal and social education. Following the Minister for Mental Health's publication of the mental health strategy in March, I commissioned Education Scotland to undertake a national review of PSE in schools. There are three elements to that review. Phase 1, which is now complete, covered communications and initial exploration of PSE teaching resources. Phase 2, which began in October, covers the

thematic review of the delivery of PSE in schools across Scotland. Phase 3, which will commence in June 2018, will analyse findings and develop recommendations.

It is important that the scope and remit of the review have been informed and shaped through consultation with our local authority partners and with educational practitioners who have expertise in PSE, pastoral support and counselling. Education Scotland has now started the first set of visits to schools and early learning and childcare centres. It will undertake approximately 55 visits as part of that process. I will, of course, update Parliament on the progress of the review and ensure that the measures are taken forward in a timely fashion to ensure that the objectives set out by Mr Dornan are fully addressed as part of the review of PSE.

15:39

**Michelle Ballantyne (South Scotland) (Con):** I thank both committees for their important work on the issues. Many of us in the chamber are fortunate to have positive memories of school lives that were not blighted by bullying. Sadly, I am sure that others were never happier than on the day that they closed the door on their school life.

Bullying is not a new phenomenon; it is a facet of human behaviour that is often driven by a need to exert power and is particularly noticeable in schools. Parents, schools, Governments and young people have wrestled with the challenge of how to eliminate bullying, but the sad truth is that we will never stop it completely. However, we must do everything that we can to minimise the frequency of bullying to ensure that those who choose to act that way and those who are impacted are both supported.

Today's debate focuses on prejudice-based bullying, which is a negative judgment of someone that is based on characteristics such as disability, race, religion or sexual orientation. The effects of prejudice-based bullying can be manifest. The victim might feel socially isolated and unable to talk to anyone about their experiences. They might develop anxiety or other mental health conditions, or they might even feel compelled to take their own life. The fact that 27 per cent of LGBT young people have attempted suicide at least once as a consequence of prejudice-based bullying should engage and alarm us all.

Prejudice-based bullying cannot be tackled by a one-size-fits-all approach. We must recognise that there is a complex and evolving spectrum of acts that might constitute bullying. We know that the nature and method of bullying has changed over the years, and that the advent of the digital age and, in particular, social media has done little to



stem its rise. Children and young people are now expressing opinions without thought and behind the veil of anonymity of a code name. They are saying and doing things that they would not do in full view of their peers.

Whether it is careless commentary or a targeted attack, the pervasive nature of social media has given new lifeblood to prejudice-based bullying. A single comment or photo can reach an entire school community in minutes and, unlike when most of us were young, it does not stop at the school gate. It reaches other schools and social settings and it follows the victim home. It is the lack of relief from the torment that can lead a young person to believe that taking their own life is preferable to enduring another day of the comments and attacks that they might face.

What can we do to change that? We know that children learn many of their prejudices and societal norms from their parents, peers and the adults in their lives such as teachers and celebrity role models. We also know that, as they develop, children become more sensitive to others as they mature.

Although our society is more inclusive than ever, there has been a rise in prejudicial bullying, so we cannot be complacent and it is clear that we need to review the way in which we deliver personal and social education in our schools. I welcome the fact that a review is under way and I hope that it will bring some useful recommendations to the Parliament.

I want to raise some salient points about PSE. If we are serious about tackling prejudice-based bullying, we need the right people in the right jobs. Dr Joan Mowat, senior lecturer in education at the University of Strathclyde, highlighted that PSE is typically delivered

“by the least experienced members of staff with often minimal support or guidance in its delivery.”

We must remember that our teachers, first and foremost, are subject specialists, and that is particularly true in secondary schools. They are historians, linguists, chemists or mathematicians; they are not social scientists, counsellors, sexual health educators or substance misuse specialists. Teaching a complex and multifaceted issue such as PSE requires a very specific skill set, and PSE is a subject and a specialism in its own right. Teaching it piecemeal without appropriate background and context can do far more harm than good.

Factoring in the existing workload pressures that our teachers face, it is clear that the current inconsistent delivery of PSE teaching is unsustainable. That cannot continue and PSE as we know it must be overhauled. We need to have greater involvement from external contributors with

relevant expertise and training in the specialist areas that make up PSE. We need to ensure that every young person has access to and knows that there is a safe place where they can go and where they will be listened to in confidence. We also need to ensure that teacher training includes awareness of the use of language and of the potential impact of what is perceived by the teacher as a joke on a young person. Further, we must ensure that our embrace of the digital age does not take possession of the school classroom and enable covert bullying to take place.

The committees' reports and today's debate should be the impetus for taking forward the issue so, collectively, we must make sure that that happens.

15:44

**Daniel Johnson (Edinburgh Southern) (Lab):**

I thank the Equalities and Human Rights Committee and the Education and Skills Committee, and—perhaps more importantly—the many organisations and individuals who contributed to these two important reports. A discussion on bullying and personal and social education is well timed because, as many members have pointed out, we are currently in anti-bullying week. It is not always easy for parliamentary debates or committee reports to capture the subtleties or realities of subjects such as social education or bullying in our schools, but we have a duty to explore the issues because of the devastating impacts that intolerance and exclusion can have on our young people.

In reading the reports, I thought about the similarities with my school experiences, and I cannot have been the only person to have done so. More often than not when I deal with education matters, I remark on how much progress we have made and how much more developed our thinking is, but I found it depressing to read about how entrenched a problem bullying remains. We need to understand the terrible effects that bullying can have on children and young people. The impact of one-off incidents or of smaller cumulative cruelties can be deeply felt.

There is a clear connection to personal and social education. I hope that, through developing better understanding of young people's personal and social needs and supporting their understanding of themselves and one another, we can make progress.

The debate is an important one that brings two important reports together, and I will draw on their common themes and the overlaps between them. On bullying, the Equalities and Human Rights Committee has taken a difficult subject and provided a genuinely helpful look at the

intersection between children's rights, prejudice and bullying. The report improves our understanding of and provides clarity on definitions and terminology. On PSE, the Education and Skills Committee has provided a useful marker of what is going right but also of what must be improved in our schools. Both reports are clear on the shortfalls and the areas where there is a lack of consistency among schools.

The two reports have a number of broad common themes, the first of which is clearly mental health. That bullying has an impact on children's mental health is a clear conclusion of the Equalities and Human Rights Committee's report. It is vital that those who are impacted by bullying receive speedy and appropriate support, including through in-school counselling and support beyond the school. That means that the Government must tackle the unacceptable waiting times for child and adolescent mental health services.

Likewise, the report on PSE pointed to the need for mental health to become a larger part of the curriculum. Following publication of the Education and Skills Committee's report, we received a powerful contribution calling for more resources for PSE, especially in light of the rising expectations that we all have for what it should deliver. The reality is that many teachers find themselves ill-equipped to explore the complicated issues of young people's mental health.

The next common theme is the need for consistent policy and regular reviews. Both committees pointed out their hopes for and expectations of the Government's anti-bullying approach, and it is welcome to have that published today. It sets out the need for schools to have a consistent policy, and it contains many positive things that both committees called for. Likewise, I welcome the details that the Deputy First Minister provided about the Education Scotland review of PSE. The Education and Skills Committee set out clear requirements, and I hope that the review meets them.

Both committees grappled with the real tension that exists between the principles of curriculum for excellence and the desire for consistency across schools. That is a tricky issue because although our schools must be able to create individual approaches to anti-bullying and PSE given the evidence from their contexts and communities, we must ensure that there is a minimum level of policy—every child should expect that. We must spread best practice across the whole school system, but that cannot come at the cost of schools not being able to make their own decisions and take different approaches.

Perhaps the most important point that comes from both reports is about culture. We know that we cannot reduce bullying to a simple policy point or instil the right learning in PSE simply through guidance alone, because behaviours are shaped by a much wider range of contexts. The change needs to be across the school community and everyone needs to buy into anti-bullying measures if they are to work. Similarly, we must involve children and young people in the creation of personal and social education if it is to be relevant and therefore if it is to work for them. The Education and Skills Committee's comments on co-production are vital in that regard.

Both reports highlight the need to improve teacher training—both initial teacher education and continuing professional development. The PSE report highlights that we need to discuss improvements in LGBTI inclusiveness and the bullying report emphasises language and rights.

I sound a small note of caution. While those points are undoubtedly true and important, we are all familiar with the call for education to solve many of society's ills, whether those are to do with personal finance, intolerance or other issues. We seek to fix that by calling for changes to initial teacher education. Although we need to do that, it is not a simple magic bullet. I sound that note of caution, although we must look to make improvements.

Both reports help hugely in providing clarity on two important issues. However, we have a long way to go in eliminating bullying and improving PSE. I have no doubt that the reports take us a step in that direction.

**The Deputy Presiding Officer (Christine Grahame):** We move to the open debate. Speeches are a tight six minutes.

15:50

**Clare Haughey (Rutherglen) (SNP):** Scotland is no different from any other country across the world, in that our young people and children are living increasingly complex lives. Sadly, many experience bullying and stresses at school, while others may face a multitude of problems at home, such as poverty or abuse. Those pressures have existed for generations, but with the increase in the use of social media and with people's lives now shared online, such problems can be amplified and are harder to escape from. Helping our children and young people to cope with those pressures is paramount, and schools can play a leading role in supporting them, through the teaching of PSE.

Alongside the formal evidence sessions and focus groups that were held, the Education and Skills Committee also asked the public what

personal and social education sessions should be about and how they should be delivered.

As James Dornan mentioned, the response that the committee received from pupils on social media and by email was overwhelming, and the committee is incredibly clear that pupils find that good-quality PSE is invaluable to them. It was evident that there are particular subjects that should be taught in PSE, including sex and relationships education, education about inclusivity, drug and alcohol misuse and financial planning, and learning and talking about mental health.

Sex and relationships education—the core issue that the committee concludes should be taught in PSE—must go further than merely talking about biology and must properly discuss sex and relationships. The committee took evidence from various organisations and charities that were of the opinion that there is a real lack of teaching in school about consent and the diversity of relationships, including LGBTI relationships. Shockingly, the committee received evidence that some LGBTI young people's sex education was learned online, due to a lack of adequate provision in their schools.

Nonetheless, there are many positive and innovative examples across Scotland of how PSE is taught in our schools, and several could be looked at as models of best practice. I was delighted to learn that Cathkin high school, in my constituency of Rutherglen, has an incredibly varied and thorough PSE programme, in which pupils are taught about relationships and sexual health in PSE classes from second year through to fourth year. Trinity high school, which is also in my constituency, has worked with external organisations during PSE lessons. For example, police and fire service personnel come to classes, allowing pupils to learn what happens outside the school environment. That ensures that their PSE reflects and is tailored to the real world.

Drawing on the expertise of people outside teaching provides another perspective on life, and it equips students with the skills and information that they need to thrive. One of the committee's recommendations, which the Cabinet Secretary for Education and Skills agreed with in his response to the report, was that PSE should involve external contributors with relevant specialisms, so I was particularly pleased to hear that that already happens in South Lanarkshire schools.

Unfortunately, there are schools across Scotland whose delivery of the subject is not to such a high standard. One of the main findings that is mentioned throughout the report is the lack of consistency and effectiveness in the delivery of PSE. That issue was also highlighted by the

session 4 Health and Sport Committee and the current Equalities and Human Rights Committee.

Although PSE is not mandatory, there are statutory requirements in relation to health and equalities. However, the committee is concerned that the importance placed on health and wellbeing is not borne out in schools across the board.

Health and wellbeing is spread across the curriculum for excellence. It is one of the three core areas—the other two are literacy and numeracy—that are the responsibility of all staff in the school. Despite that aim of central Government and the fact that the Schools (Health Promotion and Nutrition) Scotland Act 2007 places a duty on all schools to be health promoting, the committee found that that is not always the case at local level.

The health-promoting duty also covers mental health, but those who responded to the committee persuasively reported that that issue is not sufficiently covered in PSE. The Scottish Youth Parliament's submission to the committee on the topic said:

“Young people have told us that there is not enough focus on mental health in PSE.”

Its research, to which almost 1,500 young people contributed, found that

“the quality of education on mental health and wellbeing is varied across the country.”

The Scottish Association for Mental Health estimates that three pupils in every classroom will experience a mental health issue by the time that they are 16, while the World Health Organization has found that up to 20 per cent of children and adolescents across the world suffer a mental illness in any given year. Who do many of those children and young people turn to for help? They turn to their class teachers and their guidance teachers.

Young people want to learn and talk about sex and relationships, alcohol and drugs misuse and mental health issues in an atmosphere where they feel safe and supported. We should give them that opportunity at school, during PSE.

Schools are vital settings in which to promote positive wellbeing, challenge mental health stigma and tackle biphobia, transphobia and homophobia. Therefore, I hope that key stakeholders across Scotland note the conclusions reached and recommendations made by the Education and Skills Committee in its report.

The committee is clear that PSE in its current form is too inconsistent. I am pleased that the Government has committed to reviewing the matter in the new mental health strategy. I have confidence in the Scottish Government to

complete the review in the near future, ensuring that all schools across Scotland teach good-quality PSE for the benefit of all our pupils.

15:57

**Brian Whittle (South Scotland) (Con):** I point members to my entry in the register of members' interests. I am also a board member of the west of Scotland NSPCC.

I, too, thank both committees for bringing the debate to the chamber and the organisations that have contributed briefing papers for it.

I am grateful to have the opportunity to contribute to the debate, but I must be honest—I take no pleasure in having to speak on a topic that can be so destructive to the lives of our school pupils.

We hope that our schools afford each and every pupil the opportunity to be all that they want to be, to open up their eyes to possibilities and, as is often said, to ensure that their school days make up the very best years of their lives. It is a time when pupils are not only developing their academic skills, but learning social skills, interacting, developing relationships and building resilience—in other words, they are developing the basic academic and social skills that will define them into and throughout their adulthood.

The experiences of our school years stay with us throughout our lifetimes, so it is vital that pupils get as wide an opportunity as possible to participate, to integrate, to try, to fail, to bounce back, to succeed and to be as much a part of everyday school life as possible.

Here lies the crux of today's debate: any prejudice, abuse or bullying—be it physical or mental—can have a devastating effect on the personal development process. We are talking about pupils withdrawing from the very opportunities and activities that can have such a positive impact on individual and collective development. We are talking about victims taking themselves out of the mainstream—out of harm's way, as they see it, and being on the outside looking in.

As SAMH put it, good mental health is based on inclusivity and activity. We are talking about health and wellbeing, health inequalities, attainment and mental health. We are also talking about having very low self-esteem, self-loathing and ultimately seeking escape through self-destructive behaviour such as self-harming, overeating, drug and alcohol abuse or even suicide.

All those topics are familiar to and are often discussed in this chamber, but I have not heard them mentioned in the same breath as prejudice, abuse or bullying. I mention this only because

when we are looking for solutions, it is important how we link all the issues and look at the wider implications. If we could really tackle abuse and prejudice at source, what impact could that have on our school pupils' mental health, the strain on CAMHS referrals, on attainment, on physical activity uptake or even on obesity?

For someone of my generation, bullying was something that was done looking someone in the eye. On the whole, such abuse—which involves people sorting out issues with their fists or name calling—is being dealt with, although I imagine that we will all have had casework that shows that bullying is still swept under the carpet. That is why I am pleased by and welcome the assurances that the cabinet secretary gave about education and the taking of evidence-based action.

However, harassment and bullying have evolved. Cyberbullying is now a major concern. Somehow, that seems worse to me, because the fact that the victim remains unseen means that the impact of their behaviour is not witnessed by the perpetrator. Members will understand the cowardice of the keyboard bullies who would not say what they say online if they were looking their victim in the eye. In a way, that has removed a barrier to bullying. Therefore, we must continually evolve our approach. In that context, I want to mention the work of the NSPCC as a shining light in tackling abuse through education in primary schools. That is necessary, because children who are being abused often do not recognise that that is the case.

We have talked about the consequences of getting our approach wrong. I want to share a story with members that highlights the outcomes that can be achieved when we get it right. When my middle daughter was at primary school, one of her classmates was a very bright boy with a significant physical disability. Although he was confined to a motorised wheelchair, he received a mainstream education. The school and all the pupils went out of their way to make sure that he was included in just about everything that he could be. The kids absolutely loved him and, every time I spoke to him, he was bubbly, bright and full of enthusiasm. That was also the case at secondary school. I lost touch with what he was up to until earlier this year, when a team of MSPs was being ritually and systematically shown up and humbled at the Scottish powerchair football championships. When he bowled up to say hello, there was no mistaking who he was, because he looks virtually the same as he did when I first knew him. He proceeded to tell me about his desire to start his own business. I will not share that business idea with members in case someone who is watching the debate nicks it, because it is an absolute cracker. He is a very bright young man who is intent on making his mark. That is how it should

be—that is the kind of outcome that being included can deliver.

Members can follow him on Facebook. He calls himself Weebodbighead. He is a remarkable young man who has a wicked sense of humour. The fact that many of his classmates are still in touch with him is an example of social media at its very best. That was all started by a school that was totally committed to treating him in the same way that it treated every other pupil—as an individual. That surely speaks to the very foundation of the getting it right for every child principle.

That will not necessarily take complicated interventions or legislation from this place. We need to ensure that our educators, through their education, have the tools at their disposal to be comfortable in teaching, integrating and including all pupils in all aspects of life. Education is the basis of many of the solutions that we seek, as every submission that we have received for the debate has highlighted. Let us educate prejudice, bullying and harassment out of our society.

**The Deputy Presiding Officer:** Thank you very much. I hope that somebody caught your reference to a Facebook site. You had better give them a note of its name.

16:03

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** I begin by reminding the chamber that my husband is a teacher.

When the Equalities and Human Rights Committee started taking evidence on the bullying and harassment of children, it was apparent that it was far more widespread and deep-seated than anyone had imagined. I put on record my thanks to everyone who gave evidence. Some of the testimony that we heard cannot have been easy to give, and I hope that the people who gave it know that they have already helped others through their bravery.

I am sorry to say that some of the stories that we heard were absolutely shocking. We should not shy away from the fact that, in some of our schools, bullying is very real, is affecting children's mental health and is preventing some people from reaching their full potential as a result of its profoundly damaging impact on their self-esteem.

When he gave evidence to the Equalities and Human Rights Committee in June, the Deputy First Minister said in his opening statement:

"I make it absolutely clear that the Government considers bullying of any kind to be completely unacceptable. Wherever it occurs, we have a responsibility to take action to deal with it quickly and effectively. The Government believes that there is no place in Scotland for prejudice or discrimination and that everyone deserves to

be treated fairly."—[*Official Report, Equalities and Human Rights Committee*, 22 June 2017; c 1.]

That statement was very welcome. We have a duty of care to every young person, and I thank the Deputy First Minister for his honesty in that evidence session. It is testament to the work of the committee and the clerks that the Government has agreed or is considering all of the report's recommendations.

We heard about pupils being picked on for their sexual orientation, a disability, their religion, their skin colour, their gender or their foreign accent. Moreover, sexual harassment, with girls being rated and given nicknames based on how they look or dress, is rife. We also see children being tormented and made to feel of less worth, because of their socioeconomic background or their appearance.

As has been mentioned, there has been a huge rise in social media use, with cyberbullying now a massive problem that can happen at any time of the day, and not just at school. Assaults, including those of a sexual nature, are being videoed, and we had a robust discussion around the issue of consent. Technology is moving so quickly that it is hard to keep up with applications such as Snapchat and how they can and are being used. Teachers need to be equipped with the knowledge and understanding of how to deal with these issues but, as a society, we need to teach our children why they are wrong in the first place. Teachers can do only so much; parents, too, have a responsibility to educate and inform.

We all know that being a teacher is a very important and sometimes very difficult job. They shape the future, and they have the chance to ensure that our young people are nurtured, respected and listened to. Yes, they teach them facts and figures, but they also have a duty of pastoral care. Unfortunately, however, the committee heard some very uncomfortable evidence about the conduct of some teachers and local authorities. We heard about lack of care; lack of understanding of personal issues; lack of response to incidents of bullying; lack of proper investigations by some local authorities of parents' complaints; and a complete disregard of scrutiny or holding anyone to account. I should put all that in perspective by making it clear that not every teacher in every classroom behaves in that way, but even one is one too many. There are many brilliant teachers in schools all over the country of whom we are rightly proud and a minority of individuals are not representative of the sector. Indeed, I am sure that most teachers will be horrified to hear such accounts.

In our committee's report, we ask the Scottish Government to work with teacher training providers to ensure that greater emphasis is

placed on equalities, the handling of bullying incidents, the protected characteristics and the United Nations Convention on the Rights of the Child. It would be helpful if the Scottish Government could provide more information on how the GTCS's review of professional standards will take into account the Equality Act 2010 as well as the committee's recommendations on continuous professional development. The standards for registration set out a number of behaviours that teachers must adhere to, and we must also make sure that all local authorities are aware of how such reports and incidents are dealt with. Education directors, managers and officers all have a duty of care, and we ask the Scottish Government and the education authorities to make CPD training on equalities, the protected characteristics and children's human rights compulsory.

We also ask the Scottish Government to take steps to ensure that all teacher training makes it clear that section 28 of the Local Government Act 1988 was repealed in Scots law by the Scottish Parliament on 15 March 2001. The fact that that was one of the first pieces of legislation enacted by our Parliament demonstrates our outright rejection of the denial of LGBTI-inclusive education and gives us the opportunity to go further in the provision of such education, especially with regard to relationships, sexual health and parenthood education. There are great examples in Scotland of schools with a zero-tolerance approach to bullying, and we have a lot to learn from them. We need to foster a whole-school ethos in which everyone is equal and respected—and by everyone, I mean both pupils and teachers, because respect goes both ways.

As a final ask, I think that it is essential that all the equalities and human rights organisations from whom the committee heard are consulted as we go forward, including representatives from those that deal with race, gender, LGBTI and young people's issues as well as children's charities. If we are to stamp out bullying in our schools and make our classrooms truly inclusive, we have to make sure that the process to get there is truly inclusive, too. As LGBT Scotland has rightly noted, an inclusive approach—

**The Deputy Presiding Officer:** I am sorry, but you must conclude there.

16:09

**Monica Lennon (Central Scotland) (Lab):** I am pleased to follow a fantastic speech by Gail Ross, although it was cut short, and to have the opportunity to contribute to the debate. I congratulate the Equalities and Human Rights Committee and the Education and Skills

Committee on their work on the important cross-cutting issues that we are debating.

There is much to celebrate about young people's time at school, but for too many young people in Scotland, their time at school is a battle. Bullying means that, for them, school becomes something to be endured rather than enjoyed. Instead of school being an environment in which they thrive, prejudice-based bullying at school means that some young people struggle to survive.

The TIE campaign research is well established and well known among colleagues in the chamber, but the sheer awfulness of the findings bears repeating as loudly and as often as possible. Ninety per cent of LGBTI young people experience bullying at school because of their identity. Twenty-seven per cent of those attempt to take their own life and 15 per cent try to do that more than once. Beyond those statistics are real stories and real people—and real devastation as a result of the havoc that is wreaked upon individuals because of the prejudice that they face.

I will talk about the experience of one of my young constituents whom I have been supporting in recent months because of the absolutely appalling treatment that they have faced at school as a result of their gender identity. Their story, albeit anonymised, can tell us more about what needs to change, and why, than standalone statistics or reports ever can. That young trans person has been the victim of an appalling catalogue of abuse and harassment by other pupils at a school in South Lanarkshire. From name calling and physical assault to consistent online harassment and verbal abuse—abuse and harassment that really is as bad as it can get. The situation has deteriorated to the point at which that young person has already, on one occasion, tried to take their own life. The campaign of abuse, which remains on-going and incessant, means that my young constituent faces a daily battle of torment and frequently misses out on school because the pressure of facing the harassers is just too much to cope with.

To date, that young person is still struggling to access the adequate support that they need from the school. That is largely because of a lack of adequate reporting and recording of prejudice-based incidents and an apparent inability on the part of the school leadership to see the bullying incidents, which amount to a pattern of abuse, as part of a wider cultural problem. The school cannot even recognise a hate crime when it sees one.

I continue to work with that young person, their family and the school. Last week, I met the local authority again to try to make some progress. It has been heart-breaking at times to witness the

utter dejectedness that that young person has come to expect at such a young age.

When I spoke to the young person recently, I heard something that seemed to sum up their experience well. It is also utterly unacceptable. I heard that school for them is not or cannot be about making friends or having an enjoyable experience; it is simply about their trying to survive through their next few years so that they can receive an education. That sentiment is a shocking indictment of the experience of some of our LGBT young people, and we must do better. School should not be a battle; we need to change urgently.

As we know, the experience of my young constituent is not the experience of all young LGBT people in schools. On a more positive note, earlier this week I was fortunate to be in Brannock high school in Motherwell with the TIE campaign. I was overwhelmed and amazed by the supportive environment that has been fostered in that school. It is clear that the school is outward looking and forward thinking, and it was a delight to speak to its LGBTI committee, which was newly established in August. That committee provides a welcoming and safe support network for pupils of all ages in the school. The commitment and passion of Ms Divers, who helped to set up the committee, and the headteacher, Mr Colquhoun, were clear to see and truly impressive to me as a visitor to the school.

On Monday, we talked about today's debate—Brannock high school knows that it is happening—and young people were keen that their voices should be heard, so I agreed to read out some of their questions. The experts include Jamie McClean, Rachel Dillon, Sophie Steele and Keirah Gillespie.

Some of the issues that the group wanted me to raise with members today are about what can be done to ensure that all teachers receive compulsory training on LGBTI-inclusive education; how we can make PSE content on LGBTI issues in family life and sexual health compulsory for all schools and pupils; and how LGBTI bullying can be recorded so that we know the true bullying figures and can be confident that schools are recording the bullying. I am sure that the pupils at Brannock will be interested to hear from the committee and the Government on those points.

With the right attitude and support, we know that things can be different. The experience of Brannock high school gives me hope that things can and will change. However, that should not be down to luck and what catchment or postcode area people live in. That is why I believe that we need legislative change, with the obligation to record prejudice-based bullying incidents being placed on a statutory footing, as well as a legal

duty for all education institutions to provide inclusive sex and relationship education.

It strikes me that there is wide agreement across the chamber about what needs to be done, so it is the pace of the change that we now need to work on.

16:15

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** Over the years, the concept of bullying has changed and evolved as we have become more aware of the impact of the differing ways in which bullying can be inflicted. There is no doubt that bullying at a young age can have a long-lasting adverse effect on those on the receiving end. Scotland's anti-bullying service, Respectme, defines bullying in the following terms:

"Bullying is both behaviour and impact; what someone does and the impact it has on the other person's capacity to feel in control of themselves. We call this their sense of 'agency'. Bullying takes place in the context of relationships. It is behaviour that can make people feel hurt, threatened, frightened and left out and it can happen face to face and online."

It is important to understand those terms defining bullying so that we can recognise it immediately and understand how to minimise it. Respectme goes further in noting how bullying is not just repetitive behaviour but can take place in solitary incidents, and that although such behaviour may not be intentional, the impact on the person being bullied is no less severe. Bullying is distinct from criminal offences such as hate crime, child sexual exploitation and gender-based violence.

Respectme's survey "Bullying in Scotland 2014" provided some context on the present situation. More than 8,000 children and young people were surveyed, of whom 30 per cent stated that they had been bullied in the 2013-14 school year. Of that sector, 60 per cent had been bullied in person, 19 per cent had been bullied online only and 21 per cent had experienced a mixture of the two. Unsurprisingly, the most common type of bullying behaviour was name calling, hurtful comments and rumour spreading.

Against that background, in May this year the Education and Skills Committee produced the report "Let's Talk About Personal and Social Education". The committee took evidence from round-table sessions and online surveys. It had a tremendous response that emphasised the importance of good personal and social education and noted how the delivery of PSE can be variable across the country. PSE can cover a wide range of topics, including study skills, sex and relationships, and drugs and alcohol awareness, with the intention of enabling children with a greater understanding of such topics and helping them to

develop the skills and attributes that they need to thrive.

As part of the committee's work in producing the report, focus groups were held at Dalkeith high school, in my constituency, and I am pleased to report that beneficial and supportive PSE is clearly valued and appreciated at that school. For example, students noted that outside agencies such as employers and colleges advised them on issues such as pathways into careers, and that teachers made themselves available outside PSE sessions so that pupils were able to meet them at different times. In terms of transgender children and LGBT issues, the school confirmed that Stonewall Scotland comes in to provide support and that the school has its own LGBT support group.

However, the committee also heard of cases of LGBT support through PSE lessons that was not as valued as the support at Dalkeith high school. We heard from students who were bullied and struggled with who they were because of a lack of LGBTI-inclusive PSE lessons. We also heard from those who believed that their sex education lessons focused on all the "terrible things"—including "shocking videos"—that can happen to someone if they have sex or take drugs, instead of taking a constructive approach that informed pupils of the support that was available to them. In one case, a pupil was apparently told by his school that he would "go to hell" because of his sexuality. When Scotland's young people are facing such attitudes from our own educational establishments at a time when they should be receiving the maximum of emotional support, it is clear that steps need to be taken to address the issue.

Stonewall Scotland's 2012 school report provided more context on LGBTI issues, including the facts that 52 per cent of lesbian, gay and bisexual young people had experienced homophobic bullying behaviour in our schools and that 26 per cent of such young people had tried to take their own life at some point. Those statistics are profoundly shocking and highlight where action needs to be taken.

With its explicit commitment to addressing prejudice-based bullying, "Respect for All: The National Approach to Anti-Bullying for Scotland's Children and Young People" encompasses a vision that I hope is supported by everyone here today. I have touched on some of its points already, but they bear repeating. It states:

"every child and young person in Scotland will grow up free from bullying and will develop respectful, responsible and confident relationships with other children, young people and adults;

children and young people and their parent(s), will have the skills and resilience to prevent and/or respond to bullying appropriately;

every child and young person who requires help will know who can help them and what support is available;

and adults working with children and young people will follow a consistent and coherent approach in dealing with and preventing bullying from Early Learning and Childcare onwards."

There are many actions that we can take to instil consensual understanding and empathetic attitudes in our young people—attitudes that they can carry through their post-school lives and into society and work environments. In that way, we can make Scotland into a fairer and more tolerant country in the years ahead. Prejudice-based bullying can manifest itself in many forms and encompasses a wide range of prejudices, from prejudices based on race, sexuality and disability to those based on body image, religious belief and gender identity. Those who pick up bullying habits at a young age are likely to keep them throughout their lives, and such habits may transmit themselves onward into the children of such people.

The Scottish Government will now take forward the review of personal and social education alongside the steps outlined in the respect for all strategy, and I very much welcome the Scottish Government taking that action. I thank those who gave evidence and all who have contributed to the debate.

16:21

**Jeremy Balfour (Lothian) (Con):** I have to confess that, when I was sitting on the Equalities and Human Rights Committee and we decided to do an inquiry into this area, I was a bit sceptical. I thought that surely things had moved on since I was at school. However, as we heard the evidence over a number of weeks, like Daniel Johnson, I was shocked, as someone who lives in 21st century Scotland, by how little progress has been made at the grass roots in schools. I say that as the parent of two young children who are starting off their educational career. As they and their contemporaries and my constituents go through school, if their experience is anything like some of the evidence that we heard, we should hang our heads in shame as a society.

The comment, "Sticks and stones may break my bones, but words will never break me," is perhaps one of the false statements that we need to stop making as a society. Words do affect people, not only when they are said but later in life, and often that experience will shape the person that someone becomes.

I want to pick up on two characteristics of individuals who are bullied and then offer a couple



of brief comments. Paragraph 43 of the Equalities and Human Rights Committee's report says that

"most of the evidence that exists suggests that disabled children are twice as likely to be bullied at school as non-disabled children".

That bullying can take place in the classroom, but it is far more likely to happen in the lunch room, in the playground or on Facebook. We need to realise that, if we are truly going to have inclusive education—we had a good debate last week on that—we need to ensure that, whatever their disability, we protect disabled people, particularly those who have mental health issues or disabilities, who often are more likely to be bullied than those with physical disabilities.

We are at an interesting juncture in relation to faith and belief. As faith and belief change in our society and people come to different views and perhaps turn away from traditional religions, we have to ask how a traditional child who believes in Islam, Judaism or Christianity fits into our schools. How do we protect children who have those beliefs and thoughts?

Evidence came from a number of groups that we need to take a holistic approach, which the Scottish Government is working towards. We have to say that all bullying, whatever form it takes, is wrong and we have to work that through our syllabus.

We heard that when incidents of race-based bullying take place, perhaps race-based bullying gets a higher priority in schools, and when there is a drop in that type of bullying, it falls off the agenda a bit and is not taught about as much. There is a danger that if we pick one characteristic over another and say, for example, that disability is more important than race at this time, some groups will end up missing out.

It all starts with what is taught in the classroom, which in turn starts with what teachers are taught in their teacher training. One teacher told us in the committee that they had half a day of training on bullying of disabled children, so if someone happened to have a cold on that day, they would have missed out completely. That was true of training on other characteristics, too. We need to look at what our teachers are being taught.

I welcome the cabinet secretary's comment about how we record bullying. Most of the evidence that we heard stated that it was not recorded and that lots of incidents were still happening.

We need to see how we can involve and educate parents on this—people like me, who have been away from school for many years. How do I help my children face these issues if they are bullied or, heaven forbid, if they become the bully? As many members have said, we also need to

involve the children in our schools—those who face bullying now and those who might face it in the future.

I welcome both reports and all the evidence given to the two committees. As others have said, those who were brave enough to come before our committees and give evidence have started something that will hopefully change our society.

I hope that the message that comes out from the Parliament today and in the months ahead is that bullying is wrong and there is no place for it in 21st century Scotland.

16:27

**Neil Findlay (Lothian) (Lab):** I declare an interest as a member of the Educational Institute of Scotland and a former teacher.

The word "bullying" is a much misused term. Yesterday, the dispute over the Office for National Statistics withdrawal of data on taxation saw the Tories accuse the Scottish Government of bullying. Every day we hear someone who makes a legitimate criticism of another person or group charged with being a bully. We hear the increasingly ludicrous President of the United States claim that the media is bullying him. That misuse of the term undermines the real impact and the everyday misery that the systematic misuse of power by one person over another brings.

We might be in danger of trying to present all MSPs in here today as somehow unique and saintly people who would never, ever indulge in such practices. If we all recalled from the dark recesses of our minds some of the behaviour that we engaged in or the things that we had done to us in school, we might reflect on that a bit more.

Over the nine years in which I taught in schools and colleges, I saw at first hand pupils being singled out for being different—for being gay, coming from a different country, coming from black and minority ethnic communities, their gender, their beliefs, the clothes that they wore, the football team that they supported, how they looked, how they spoke, their disability, their academic achievement or lack of it, where they lived or their social class. I heard some of the most appalling things said by one pupil or a group of pupils to another.

Schools and classrooms can be very cruel and lonely places, but they can also be the most inspiring, caring and compassionate places. I saw the overwhelming majority of pupils showing humanity, solidarity, decency, dignity and respect to their fellow pupils, especially to pupils in real need. I also saw pupils who had been aggressors develop into being good and compassionate

members of society. Such pupils need support, help and understanding too; often, we do not know what is going on in their minds or backgrounds.

A few years ago I had the privilege to show a film in this Parliament that had been made by pupils from St Kentigern's academy in Blackburn, which they made with UNICEF UK. It featured a young boy called Timmy. When pupils were asked at an assembly in front of the whole school whether anyone believed that they were poor, Timmy raised his hand in front of all his peers. Instead of being singled out for ridicule, that boy was supported and surrounded by people who wanted to help and a school community that was looking after one of its own. His real story, and the school's work, won a UNICEF award, and it was inspirational.

However, for a young person feeling increasingly alone and vulnerable, systematic bullying can have disastrous and lifelong consequences for their self-esteem, mental health and many other aspects of their life. In the past, of course, when the school gates opened for home time there would be respite from the aggressor, but not now. The dominance of technology and social media provides the bully with a new toolkit. A quarter of the young people who contacted Childline reported online abuse. That means that the misery continues long after the school bell rings, which impacts on people's relationships, families, attainment and mental health, and it can damage them for life.

I spoke to a constituent recently who has been a friend of mine for many years and used to be a neighbour—a man in his 50s. He has a speech impediment and he recalled how life at school was a misery for him. He was relentlessly mocked and embarrassed and was made to read aloud with others sniggering and mocking him, all because he had a stammer. That has affected him all his life. It affected his confidence and self-belief, his social life and so many other areas. None of us can really understand that unless we have experienced it ourselves.

For girls and young women, we see the consequences of sexual harassment and pressure to share images of themselves, which can be devastating. The *Sunday Herald* recently reported that 43 per cent of the more than 10,000 sexual crimes recorded in 2015-16 had a victim under the age of 18. That is a shocking figure. We need to ensure that there is equality and fairness for all our young people, and to do that we need to have systems in place through which people can fight back. We need not just rhetoric but real action.

The motion mentions PSE in schools, and I taught PSE in a number of schools. Working with outside agencies and people such as youth workers, charities, the police, the national health

service, the fire service, ex-offenders and pressure groups on range of issues can ensure that PSE is an engaging part of school. However, topics must be taught in a non-patronising way. They have to be real and they cannot and must not ever be tokenistic, because young people can smell tokenism a million miles away.

I support the thrust of the report. There are lots of questions and recommendations in it and all of us will be interested to see how we make progress on this very important issue.

**The Deputy Presiding Officer:** Thank you. I call Ross Greer to be followed by Ruth Maguire. You have four minutes, Mr Greer, by agreement.

16:33

**Ross Greer (West Scotland) (Green):** Thank you, Presiding Officer.

Personal and social education is an issue that I have been raising since I was first elected—not here, but to the Scottish Youth Parliament six years ago. The SYP has long made the case that PSE needs to change to reflect the real experiences of young people.

I was pleased that one of the first requests that I made here—that there should be a committee inquiry into PSE—was agreed to. Many members are only too aware that PSE is just not working, and the inquiry has put that on the record. With hundreds of submissions from young people, parents, teachers and charities, the strength of feeling is clear: PSE is often seen as an extra—as something that is less important than assessed subjects.

Whether it is about mental health education, consent in relationships or personal finances, we cannot argue that such essential knowledge should be relegated to a lower tier. We have heard only too clearly what happens when those matters are not covered. The Education and Skills Committee heard that many—indeed, most— young people in Scotland are not taught about consent in sex, and are not taught relationships education. It would be wilfully ignorant to believe that there is no link between that and the issues of rape culture, sexual harassment and the deeply-embedded misogyny in our society. Sexpression:UK has highlighted the appalling need for consent classes at university.

Last weekend, the *Sunday Herald* reported the experiences of young women at school, who cited how normalised words such as “slut”, “bitch” and “whore” are, and how unwanted touching and groping—sexual assault—is far more common than many people would care to admit. They also mentioned how many women who highlight or resist such behaviour are accused of overreacting.

Revamped sex and relationship education, starting with the principle of consent, will not end all that on its own. Much can be drawn here from the Equalities and Human Rights Committee's report on bullying. It is not tenable that the situation is that most young people in Scotland do not learn about consent, but the situation is not unique: the Terrence Higgins Trust found that 75 per cent of young people across the UK had not learned about consent at school.

The Education and Skills committee also heard about the impact of classes not being LGBTI-inclusive. Almost every LGBTI young person suffers from school bullying, and more than one in four has self-harmed or attempted suicide. Almost nine in 10 said that they did not receive an LGBTI-inclusive education at school: who they are—their life—was not covered. For young people who are confused and anxious and are trying to understand who they are, that is not good enough. I am glad to see that progress is being made as a result of work that has been carried out by LGBT Youth Scotland, Stonewall and the TIE campaign, which has been a tremendous advocate for LGBTI-inclusive education.

The need for good-quality mental health education for every young person has also emerged strongly. The Scottish Youth Parliament recently found that three in four young people do not know what mental health information, support and services are locally available to them. The Church of Scotland youth assembly—I declare an interest as a member—highlighted the need for PSE to tackle stigma around mental health; in particular, the common use of stigmatising language. That will make a big difference in tackling young people's poor mental health.

The Scottish Young Greens have recently launched a campaign called "Healthy minds, healthy students", which seeks a guarantee that every young person will receive good-quality mental health education, and that the transition from school to college or university will be improved for young people who are receiving mental health support. I hope that the Government will listen carefully to those calls.

The range of issues that can and must be delivered through PSE is considerable. In this era of exploitative work, evidence shows the need for young people to learn about their rights, and about key skills including personal financial management. Now that 16 and 17-year-olds have the vote—another win for the Scottish Youth Parliament—citizenship and democracy are key subjects.

We heard wonderful examples from Bearsden academy—again, I declare an interest, as a relatively recent pupil—where the PSE curriculum

is co-designed with pupils and features topics such as the sixth-year holiday.

In summary, although great work is going on, PSE is delivered inconsistently and with glaring omissions and dated practice in key areas of young people's lives. I am delighted by the Government's announced review, but refreshed guidance alone will not be enough: we need to be bold to ensure that every young person receives the good-quality inclusive personal and social education that they deserve.

16:38

**Ruth Maguire (Cunninghame South) (SNP):** I am pleased to contribute to this important debate about the crucially interrelated issues of prejudice-based bullying and personal and social education in our schools.

How we approach those topics will have a huge impact on the lives of children the length and breadth of Scotland. It will profoundly influence the crucial and formative years that our children spend at school, and it will shape the lessons and experiences that will be carried into adulthood. In that way, it will play a significant role in defining the type of adults and members of society that those children will become. The importance of those topics and the responsibility that lies with us to get this right cannot, therefore, be overstated.

As such, I strongly welcome the Scottish Government's commitment to refreshing the national approach to anti-bullying and to the national review of personal and social education. As a member of the Education and Skills Committee, I will focus my comments on PSE. As we have heard, the short investigation that was undertaken by the committee found that sex and relationships, inclusivity and diversity, mental health, and drugs and alcohol misuse are the essential issues that young people tell us must feature in PSE. The core values that must underpin teaching about those matters can be summed up as being respect, tolerance and consent.

The concept of consent is, of course, particularly associated with sex and relationships education. I agree that consent is a hugely important issue, and am very concerned that the Education and Skills Committee's research found that it is not covered consistently in PSE at the moment. As a starting point, we must make absolutely sure that our children and young people fully understand and respect the notion of consent.

However, I hope that we can all agree that it should be only the starting point when it comes to discussing healthy and fulfilling sexual relationships. Consent—that is, the absence of resistance—can only be a baseline and an

absolute minimum standard; it is not the ultimate goal or the extent of our aspirations when it comes to the relationships of our young people. As we all know, healthy emotional, social and physical relationships are based on far more than just consent; they are also based on enthusiastic and whole-hearted commitment, on participation and on mutual respect and confidence.

Although I completely recognise and support the need to improve education around consent, I also caution that we should not lose sight of the bigger picture, and that we should ensure that our young people know that they should be aiming for far more than just lack of resistance in their relationships with others.

In a similar vein, during yesterday's statement on preventing sexual offending involving children and young people, I was pleased that the Cabinet Secretary for Justice agreed with me that the education that is received by children on the issue must focus not only on what is lawful and what is unlawful, but on what is healthy, safe and respectful. That is important because the review of personal and social education overlaps many other key strategies and actions that are currently under way, including anti-bullying work, the equally safe programme, the national action plan on internet safety for children and young people and—most recently—the newly announced expert group on preventing sexual offending involving children and young people.

In all those areas, it is crucial that we distinguish between basic minimum standards of what is legal or acceptable behaviour and behaviour and relationships that are unambiguously positive, healthy, respectful and safe, which we should promote as the ultimate goal for our younger people.

As well as consent, inclusivity is another key issue that was identified by the committee when it comes to sex and relationships education. Our young people must have the right to see themselves and their families being respectfully and honestly reflected in what they are taught in school.

That valuing of diversity applies to LGBTI-inclusive education—I reiterate my support for the TIE campaign—but it is also about recognising and respecting that families come in all sorts of different shapes and sizes, including lone-parent families, families with divorced parents or married parents, step-families and blended families.

Lastly, although the committee's report focused on PSE in the school context, it is important to acknowledge that we cannot give the full responsibility for it to schools and teachers: it is up to all of us to instil values of tolerance and respect in our children and young people.

The provision of good-quality and fit-for-purpose PSE is one part of the task, but it is also about what children and young people learn at home and in their communities, and about what is happening in families and in wider society.

It has been heartening to hear a pretty agreeable debate this afternoon, with lots of contributions from members who clearly care deeply about how our young people learn. I look forward to working with everyone to make quality PSE and anti-bullying work a success.

16:43

**Tom Mason (North East Scotland) (Con):** It is something of a poor reflection on our society that the topic needs to be discussed in the first place. However, we have a duty to acknowledge where we can do better, and to work constructively to deliver for the people who are affected. The necessity of ending prejudicial bullying and harassment in Scotland's schools is something on which everyone in Parliament undoubtedly agrees. Our views differ on many things, but this is certainly not one of them. I appreciate the constructive manner in which the issue has been approached by colleagues from across the political parties, but we have a lot of work still to do.

For example, the campaign Scotland against criminalising communities noted earlier this year that 55 per cent of Muslim children experience verbal Islamophobia in school, and the TIE campaign has reported that 91 per cent of LGBT youth have experienced homophobia and related prejudice-based bullying. That also causes huge teaching problems, because more than 15,000 absences take place due to bullying.

As members are no doubt aware, there are numerous reports with statistics to cite: many are being put out today. One statistic in particular shocked me. The study from TIE found that 27 per cent of LGBT youth had attempted suicide at least once as a result of prejudicial bullying. That is a huge number of young people who felt compelled to try to take their own lives due to the actions of others. That simply cannot be allowed to happen in a civilised society, so we must discuss solutions.

The Education and Skills Committee report identified weaknesses in the delivery of personal and social education. I cannot stress enough how important I believe that education to be. When it is done well, PSE educates children and young people about healthy relationships, diversity and equality. Unfortunately, as the committee has found, only 9 per cent of teachers felt the Scottish Government PSE guidance to be sufficient—which comes before I mention the fact that 34 per cent had not even read it.

We need an approach to PSE that is consistent across the country and that deals adequately with subjects including minority issues, diversity and mental health, and it needs to focus on combating the attitudes that allow prejudice and hatred to prosper.

Another key consideration is the ability of teachers to deliver such content. The highly specialised nature of secondary education means that teachers often do not have the relevant training to deal with those complex issues. Therefore I impress on the cabinet secretary the need not just to improve what we teach as part of PSE and how we deliver it, but to ensure that the guidance that is given is salient for teachers across the country.

Another area about which I have some reservations is the review process for the national anti-bullying approach. I know that the cabinet secretary has committed to reviewing it every five years, with interim ad hoc evaluations. I urge him to reconsider that approach, not just because of where we might be five years from now, but because of the changes that we have seen in the past few years alone. I think that the committee's recommendation to hold a more regular full review is sound, and should be considered again by the Scottish Government.

In conclusion, I say that I think that we all appreciate the necessity and the gravity of the task that lies ahead of us. To end bullying and harassment in our schools, we need to put in place educational practices that prevent that behaviour from surfacing and which show why it is unacceptable in the first place.

The Scottish Government will publish its review of PSE by the end of next year, as part of its mental health strategy. Although I look forward to seeing its recommendations, that timescale should not prevent ministers from taking swifter action, when it is needed.

I encourage all those who can make a difference to do just that. Whether we are teachers, ministers, MSPs or community leaders, we all have a responsibility to do better. Let us work together and make prejudice-based bullying and harassment in schools a thing of the past.

16:48

**David Torrance (Kirkcaldy) (SNP):** I refer members to my register of interests.

As a member of the Equality and Human Rights Committee, I first thank the clerking teams for their hard work in comparing the findings of our committee's fifth report this year and the Education and Skills Committee's seventh report this year in order to highlight prejudice-based

bullying and harassment in schools. I welcome both reports' recommendations.

I will also take the time to acknowledge the contributions from children and young people who shared their extremely moving stories with us. It was their stories and shared experiences that provided us with the greatest insight into the extent and nature of prejudice-based bullying in schools. I offer them my heartfelt thanks; I appreciate how difficult it was for many of them to share such personal experiences.

When children and young people are continuously bullied because of their race, age, disability, gender or gender identity, religion or beliefs, or sexual orientation, they are told to accept the negative identity that others give them. The policy recommendations that came out of the reports that are being discussed in the debate focus on changing attitudes and behaviour among young people and teaching staff.

Young people should see all students and staff being treated with respect, because the quality of relationships and the ways in which pupils, staff and the wider community interact provide vital indications of an inclusive educational experience. Policies and approaches need to adapt to the changing nature of technology and social media. Although social media can provide a platform from which to voice our opinions, they can also ruin a child's life in a moment.

By the time we reach 18, each of us has spent 11,000 hours of our life in school. Our time in school can have a great influence on our character, our beliefs and our attitudes, because we spend more time with our peers than we do with our parents. In order to promote a stronger anti-bullying policy, we need to understand that the voices of young people are the first ones that should be heard.

The committee had the pleasure of welcoming Cameron Bowie and rector Derek Allan from Kirkcaldy high school to one of our meetings, to discuss the challenges that young people face in my community. Every school in Fife is required to develop and maintain its own anti-bullying policy, to be developed in conjunction with children and parents. Kirkcaldy high school continues to impress me in valuing respect for others in the classroom as well as in informal school settings.

The presence of young voices around the policy-making table is crucial in formulating anti-bullying legislation, and we must continue to encourage students to voice their concerns to parents, teachers and their representatives. I believe that Kirkcaldy high school is leading the way in equality, acceptance and inclusivity in education in my constituency. That was recently echoed when the school was identified by

Stonewall Scotland as leading practice nationally, and was named as a Stonewall champion school.

The extremely positive ethos at Kirkcaldy high school has been achieved by reinforcement of a consistently strong and clear message by all staff, and a strong education programme that focuses on topics including prejudice and stereotyping. The LGBT+ group at Kirkcaldy high school, which is made up of about 30 young people, has played a major role in attaining the positive culture that exists in the school. The group was formed in 2015 and has become an integral part of the school, thanks to its having a highly visible presence in the school and outside it. Following an invitation from the director of the respectme service, the group recently gave a presentation on bullying and discrimination at its national conference.

All too often, young people's voices are drowned out. The amazing efforts of pupils at Kirkcaldy high school prove that if we give young voices the means of tackling bullying, they will have the power to shape anti-bullying culture and give younger people a better school experience.

Bullying diminishes confidence, therefore it is crucial that we help children to fulfil their full potential. Recent studies have shown that bullying has long-term impacts that last long into their adult lives. Children who experience bullying as early as four years old are much more likely to be physically, psychologically and mentally disadvantaged. Therefore, bullying is not only a problem for our children; it becomes a problem for our adults too.

As, I am sure, everyone is aware, I have a great passion for scouting. Scouting is a place for people to be themselves, and it welcomes all young people and adults, regardless of their sexuality or gender identity. The Equalities and Human Rights Committee recently heard evidence from a range of people, all from very different backgrounds. The evidence that affected me most, on a very personal level, was from Girlguiding Scotland. The results of its research included the startling statistic that nearly two in three girls aged between 13 and 21 have experienced some form of harassment in school. It is therefore a priority to ensure that all young people feel that they are able to thrive and feel safe in a supportive environment that celebrates differences and inclusivity, and that the LGBTQA+ community can access support.

Scouts Scotland has a national scout active support unit called flags, which actively supports the recruitment and support of LGBTQA+ adults to the Scout Association. Our equal opportunities policy has covered LGBT rights for more than 20 years, and we do lots more actively to reach the LGBTI community. We welcome LGBTI members at all levels of our organisation, we appoint

volunteers specialising in diversity, including an LGBTI adviser, and we have attended Scottish pride festivals for the past five years. I continue to be impressed by evidence from several youth organisations that have already recognised the importance of that, and have implemented measures to address the issue and ensure inclusivity for all.

In conclusion, I welcome the cabinet secretary's response to the 29 recommendations and I look forward to working with the Scottish Government to advance awareness of and to tackle prejudice-based bullying, as well to continue to hear evidence being shared across Scotland.

We need to empower young students to feel part of the solution—not the problem. Policy makers, teachers and local authorities need to co-operate on anti-bullying policies alongside their students, and to work with them to come up with a solution. When young people participate—when the rules become their rules, too—they are more inclined to follow the rules. Schools are an excellent way to promote respecting and celebrating difference and diversity, and to learn to stand up to bullying. We need to send a message to our young people—

**The Deputy Presiding Officer (Linda Fabiani):** You must close, please.

**David Torrance:** —that they are powerful, and that they can make a huge difference in changing their own lives and future attitudes to bullying in Scotland.

16:54

**Andy Wightman (Lothian) (Green):** Very shortly after being elected, I was approached by a constituent with a case involving a child who was the victim of serious bullying at George Watson's College in Edinburgh that ended up causing lifelong injuries. On 15 February 2017, a report of the annual Her Majesty's Inspectorate of Education engagement visit to the school said that there were

"no identified areas for development"

in relation to safeguarding; yet, by that time, the school was aware of a catalogue of complaints about various forms of bullying against a pupil and knew that its parent liaison group had heard of bullying concerns from parents who were scared to complain. The school was also aware of potential regulatory action that was under consideration by Scottish ministers.

In September this year, a special inspection was conducted and, three weeks ago, Scottish ministers wrote to the merchant company of Edinburgh to inform it that

“The Scottish Ministers are satisfied that George Watson’s College is at risk of becoming objectionable on the following ground — that the welfare of a pupil attending the school is not adequately safeguarded and promoted there.”

I do not know whether the governance failures that were identified at George Watson’s College are an isolated incident in the merchant company schools or in private schools more generally, but we need to find out as a matter of urgency.

The Equalities and Human Rights Committee made a number of recommendations in its report. Recommendations 20 and 28 are of particular relevance, yet neither of the recommendations nor the Government’s response to them suggests that they will apply equally to the private sector. I would be pleased to hear the cabinet secretary’s view of whether monitoring and recording, in particular, should apply to all schools. Anti-bullying measures, whether statutory or in the form of guidance, should apply equally to all schools, including private schools, as children’s human rights are universal and indivisible.

It is self-evident that the welfare of children at the school is at risk, yet the letter intimating regulatory action and the HMIE report have not been published. I plan to publish both documents this afternoon, and I invite ministers to reflect on the possibility that there are wider governance and safeguarding failings in the private sector and to investigate as a matter of utmost urgency whether that is the case.

16:57

**Mary Fee (West Scotland) (Lab):** I am extremely grateful to have the opportunity to speak in today’s debate as a member of the Equalities and Human Rights Committee. I thank fellow members of the committee and the committee clerks who, as always, were of tremendous assistance in publishing the report on prejudice-based bullying and harassment of children and young people in schools.

The committee’s inquiry was extensive and comprehensive, and we took evidence from a wide range of witnesses, including academics and third sector organisations. However, the most compelling voices were undoubtedly those of the young people who spoke candidly of their experiences of bullying and harassment in schools.

The debate has been consensual in nature, with all parties in the chamber expressing a clear commitment to eradicate prejudice-based bullying and harassment of young people in schools. In closing the debate on behalf of Scottish Labour, I will reflect on the key themes of this afternoon’s debate and consider some of the particularly thoughtful contributions from colleagues around

the chamber. Before doing so, I will touch briefly on the pertinent issue of LGBTI bullying in schools, about which the committee heard harrowing evidence from a range of young people.

Recent evidence from Stonewall Scotland revealed the continuing high prevalence of LGBTI bullying in schools, which was highlighted earlier by Monica Lennon and other members. In giving evidence to the committee, LGBT Youth Scotland revealed that many of the young people who use its support services have experienced intrusive, suicidal thoughts as a result of the bullying that they have experienced in school.

For too long, we have accepted bullying as just banter, or as part of the natural order of the transition from childhood to adulthood. However, bullying is an extremely serious issue, which can cause long-term damage to an individual’s mental health. We have a responsibility to ensure that every young person, no matter their sexual or gender identity, has the right to a safe and enjoyable education, without fear of bullying or harassment.

LGBTI bullying in schools is not restricted to a certain group of schools or specific regions of the country; it is present in schools in every village, town and city along the length and across the breadth of Scotland. However, things do not have to be that way. As mentioned by David Torrance, Kirkcaldy high school provides a shining example of how schools can take the initiative to tackle LGBTI bullying.

The ethos in Kirkcaldy high school is to actively promote diversity and inclusivity. The school works tirelessly to eradicate LGBTI bullying and has established a student-led LGBTI committee, which has helped to ensure that students feel safe, secure and valued, regardless of their gender or sexual orientation. I know that I speak for all members of the Equalities and Human Rights Committee in saying that we were extremely impressed by Kirkcaldy high school’s approach. All of the staff and pupils there should be incredibly proud of what they have achieved.

In the time that I have remaining, I will reflect on the key themes in the debate. We have heard considered and thoughtful speeches from across the chamber. There has rightly been a focus on improving the recording and monitoring of bullying and harassment in schools and on how to improve support services in schools to give the appropriate guidance and counselling to young people who have been bullied or harassed. Several members highlighted the importance of PSE. James Dornan’s contribution, which covered his committee’s work, was particularly helpful, and I am grateful to the Education and Skills Committee for its on-going focus on the issue.

I do not have time to go through every individual contribution to the debate, but I want to mention the contributions of Gail Ross and Neil Findlay, which were particularly powerful. In addition, I want to mention Daniel Johnson and Clare Haughey, who touched on the important issue of mental health.

I thank all members who have contributed thoughtfully and constructively to this vital debate. Most important, I thank once again all the young people who gave evidence to the Equalities and Human Rights Committee. Without their bravery, honesty and openness, we would not be aware of the true scale of the prejudice-based bullying and harassment that are still experienced by thousands of children in Scotland each and every day. As a Parliament, we must do more to promote inclusivity in schools, but local authorities and individual schools must also take greater responsibility for eradicating prejudice-based bullying and harassment.

**The Deputy Presiding Officer:** It is disappointing to note that not all of those who took part in the debate are in the chamber for the closing speeches. I remind all members that if they take part in a debate, they should be in the chamber for the start of the closing speeches. It is discourteous to do otherwise.

17:02

**Jamie Greene (West Scotland) (Con):** Alex Cole-Hamilton, in opening the debate, outlined the context. We are in national anti-bullying week and a number of national conversations are taking place about our behaviour towards one another across all walks of life. Today's debate makes it abundantly clear that we cannot just tackle bullying as it happens but must prevent it from happening in the first place, therefore preventative education is key.

The debate has been quite depressing in many ways. We have heard story after story from every corner of Scotland of so many young people suffering on a daily basis. Admittedly, we live in a far more inclusive society than ever before in terms of gender, sexuality, race, religion and disability, but there remains an undercurrent of discrimination. One of the most startling figures to come out in the debate was from Stonewall Scotland, which says that 90 per cent of LGBT people experienced homophobia, biphobia or transphobia at school—not in the street or on a bus, but in school, the very place where we expect our children to learn and to develop from childhood into adulthood. If nearly half of LGBT students are routinely bullied, how on earth can we expect school to be an environment in which children can learn, develop and grow?

We on the Conservative benches welcome the warm words and the commitments from the Government today but, for some, it will be too little, too late. I agree with my colleague Michelle Ballantyne that one size does not fit all when it comes to tackling bullying. The methods have changed, so we must be flexible and nimble in tackling it. It is evident that education at the earliest appropriate age is the way to tackle intolerance in society, but we will have to be sensitive and deal with challenging issues. Education must be age-appropriate, but we must accept that today's world is a digital one, a by-product of which is the fact that access to adult themes at a younger age is more prevalent than in our childhoods.

There were excellent contributions from across the chamber. Jeremy Balfour pointed out that disability can come in many forms, including physical, but can also be unseen and mental. He made salient points about the need for improvements in teacher training; high school teachers are specialists, but they are not always specialists in PSE. Our teachers need the support of externally trained experts and consistent teacher training mechanisms to allow them to deliver PSE adequately. Mr Balfour also touched on often overlooked faith-based harassment; where that still exists, it must be stamped out. That is especially important in relation to sectarianism in sport, where the language and imagery of chants have not changed much since my days of educational segregation. It is a blight on our society.

Following Monica Lennon's sad story about a transgender constituent who suffered daily harassment, I pay tribute to my friends in the TIE campaign for their cross-party efforts to tackle such harassment. Like many third sector charities, they work in schools and talk to teachers and pupils directly and confront prejudice at the coal face. I have signed their pledge and I encourage others to do the same.

Tom Mason rightly emphasised the need for a coherent strategy across the country, so that there can be a clear understanding of what needs to be covered in the classroom. I was struck by Brian Whittle's positive story about Weebodbighead, who I shall look up on Facebook later, which showed what can be achieved when we get things right—often we speak of what happens when we do not.

Daniel Johnson was right to point to the important issue of waiting times for mental health support for young people in Scotland. Waiting months for specialist help is a dire outcome. Gail Ross made a thought-provoking speech: bullying is not a word; it is an action. Right now, someone will be sitting at home who has just returned from



another day at school that was probably another day of hell—and the bullying has probably followed them home, due to social media. Moreover, some of those people will have tried to seek help and found no solace—that should bother us as MSPs.

I ask the Government to consider our proposals to improve PSE to ensure that it is adequately delivered in every school across Scotland. It is remarkable that that is not currently the case. Let us train teachers in how to deliver this subject; enshrine LGBTI subjects in PSE and train teachers how to deliver it; standardise the teaching framework, so that there is consistency across Scotland; and be open minded about the content of PSE, so that it scopes beyond sex, drugs and the internet and looks at all walks of life, including personal finance and citizenship. Let us make speedy progress on the introduction and monitoring of bullying metrics. We can no longer accept the response that those are someone else's job.

We speak in the political arena about getting it right for every child, but the stories that have been shared in today's debate make it clear that that still remains an ambition, rather than an achievement.

17:08

**John Swinney:** The debate has been valuable and thoughtful. We have had the opportunity to reflect on two important reports from two parliamentary committees, which have drawn together a considerable amount of evidence and feedback from members of the public. An awful lot of that feedback was given with great courage by members of the public who have endured examples of bullying behaviour and who live with the consequences. I place on record my admiration and that of the Government for those individuals who have come forward to contribute to our discussions in that fashion.

A number of members who have spoken in the debate have reflected on that evidence. I was struck by the contrast in Monica Lennon's speech between one very bad example in which a young person was bullied and the very good example of Brannock high school. Mr Whittle also cited an example of a young man who prospered in a mainstream education setting—I cannot recall the name of the school—despite the challenges that he faced. The fundamental theme that ran through both those speeches was the strength of the schools' ethos of inclusivity and their effort to ensure that those young people had a good experience.

In essence, that is what lies at the heart of the Government's thinking behind the respect for all guidance that has been issued. In it, we set out

not only for our school system but for wider debate some of the important elements that must be at the heart of our approach to education if we are to ensure the strongest possible ethos of assisting young people. The guidance will play a valuable part in the journey of supporting young people to avoid their developing further mental health challenges that would require more acute interventions. As I and other ministers have acknowledged, those services are under significant pressure. If a school has a strong ethos, that can equip young people with the ability to avoid having to seek further assistance, as their condition will not have deteriorated sufficiently to merit such intervention.

The challenge of this policy area, which has been with us for all time, is made more demanding by the era in which we live. Cyberbullying is now a significant factor in life. It can follow young people out of an educational setting into a home setting, where young people might be able to experience much greater support. An important part of our agenda, therefore, is to ensure that our policy approach adequately equips young people with the resilience to withstand the pressures of cyberbullying, makes clear the fact that such behaviour is unacceptable and gives them the confidence to tackle it.

The importance of the home setting brings into play points that were made by Ruth Maguire, Tom Mason and Jeremy Balfour about the importance of parental involvement and of ensuring that parents are equipped with the knowledge to support their children to acquire the resilience they need should they experience difficulties in that area.

In his statement to Parliament yesterday, Mr Matheson said that an important part of the work of the expert group on preventing sexual offending involving children and young people is considering how to tackle the issues early and create the resilience within young people to withstand what they face. That addresses one of the points that Gail Ross made in her powerful speech.

I said in my opening remarks that I would spend a little bit of time on personal and social education. I intend to do that because the review of personal and social education is an important aspect of ensuring that there is proactive support and assistance for young people in our schools.

Personal and social education must be appropriate for the times: it must be relevant. In that respect, Mr Greer made the point—he has made it to me before, but I will happily respond to it again—that the development of a deeper understanding of the issue of consent must be central to the approach that we take.

There has been a call in Parliament today for personal and social education to be delivered uniformly across the country. Although I want personal and social education to be valuable and relevant to every young person across the country, I think that that approach would inhibit the exercising by individual teachers of their professional responsibility to decide what is the correct approach to take in certain circumstances. I do not want to impede in any way the professional capacity of teachers to make the judgment about the most effective way in which to deliver personal and social education.

I will close by reflecting on the speech given by the convener of the Education and Skills Committee, James Dornan. He mentioned a number of values that must underpin the approach that we take in all these areas of policy, whether in how we tackle bullying in our society or in how we equip our young people with the capacities to handle some of the challenging issues with which we wrestle in personal and social education. Mr Dornan talked about the importance of understanding consent, of love, of kindness and of respect, which he said lay at the heart of the agenda that we are discussing.

It is important that we reflect on those values and understand the significance that they have in ensuring that we take an approach in this area of policy that is supported by a broad consensus in Parliament. In doing so, we can have a profound impact on the lives of young people and equip them with all that they require to withstand the pressures that come from bullying as well as provide a good personal and social education that enables them to meet the challenges of our times, and that is what the review that we undertake will address.

**The Deputy Presiding Officer:** I call Johann Lamont to close the debate on behalf of the Education and Skills Committee.

17:16

**Johann Lamont (Glasgow) (Lab):** I declare an interest as a member of the EIS and a former schoolteacher.

It is a great privilege for me to close the debate on behalf of the Education and Skills Committee. I thank all those people and organisations that gave us briefings for the debate, and I thank the two committees and their clerks for all the work that they have done in informing the debate and future work in this area.

When I was a schoolteacher, bullying was one of the things that I worried about most. I used to give young people the message that they had to speak up. I promised that, if they told us what was happening, they would be okay. However, I

realised that that promise was extremely difficult to keep because bullying can be insidious. It takes place not only in the classroom but can seep out into the community. That was the case 20 years ago, when a young person could feel absolutely destroyed as a result of being targeted in that way. I knew young people whose life chances and capacity to learn in school were significantly diminished by their experience of bullying.

I want to give some thought to the bullies, too. I taught youngsters who were bullies. As parents, we often worry that our children might be bullied but we never think that they might be bullies. I think that there is work to be done to understand what takes people to that place. We need to think about the collective experience of bullying. I used to teach my children that it was bad enough being bullied but that it was even worse to see someone else being bullied and not do anything about it. I taught them that they had a greater responsibility to speak up for the victims of bullying.

People live with their experience of bullying right into adult life, but bullying is not without its social context. Given how, as a society, we treat people with disabilities and people from different cultures or backgrounds, we should not be surprised when that is reflected in our schools. Even the way in which we treat one another in our political discourse in Parliament might send out a message about what is acceptable behaviour.

I will talk about some of the important issues that are highlighted in the Education and Skills Committee's report on personal and social education.

Young people today face numerous issues. As well as being under pressure in their personal lives, they are under pressure to do well at school so that they will have future opportunities to achieve. They might also be under financial pressures, which might lead to precarious work. Although it is an experience that I never had, I know that, all too often, young people are bullied in their workplace when they are trying to do their best to earn a bit of money to keep themselves going. On top of all that, they have to deal with the brutally harsh and judgmental world of social media.

It is unrealistic to think that personal and social education can sort out all those problems for us. I know, from my working life, that St Andrew's First Aid, the British Heart Foundation and—particularly dear to my heart—Remembering Srebrenica Scotland all want to go into schools and work with PSE teachers. Many organisations recognise the opportunity that school affords to send out the messages that we want to get across. We know that it is not possible for personal and social education to do all of that, but what is done should be done well and should not be a time filler.

Education is not necessarily the simple cause of discrimination, but it must not compound the problems that young people already face. As has been said, we commend the campaigns of TIE and others in talking about direct experiences and the way in which school made things worse.

There has been some discussion about consent. I see a role for PSE in addressing such questions, but I note the evidence that we took from someone who said that they got to university without knowing about consent. Frankly, I think that that is sometimes a bit of a get-out clause for people who understand exactly how they are behaving and how inappropriate their behaviour is. It is important to talk about consent, but it is also important to talk about personal responsibility.

Twenty years ago, when I was still teaching, Castlemilk high school was doing forward-thinking—indeed, pioneering—work on the role of personal and social education. Driven by the guidance department, but with the participation of other volunteers, that work was done in small groups, with external visitors and in a co-productive way with the young people themselves. I must ask the question: is that model, which was so effective back then, realistic today, given the pressures on staffing and, in particular, support staff? It is essential that personal and social education is not just a bonus or an add-on but something that can be central to a young person's ability to learn. That is why we emphasise again that education is not just about buildings and teachers but about all the other supports in the school that allow the development of a good PSE programme.

Our report emphasises a number of things. For example, with regard to relationship education and the question of consent, we believe that sex education should be part of such education but its core should be more about people respecting one another. There should be a focus on understanding diversity in a classroom and the fact that people come with different experiences, and all experiences should be included instead of some being described as something other and as nothing to do with the school. There should be a discussion about mental health, not to medicalise problems for young people but to ensure that issues such as trauma, secrecy and what young people might be living with in their lives are understood and that there is an attempt to get other young people to understand and empathise with the fact that someone's attendance or behaviour might not be evidence of a problematic young person but a logical response to experience. It is really important to have more conversations in schools about something that is actually the experience of all too many young people.

The report highlights a number of concerns, particularly with regard to patchy provision. I have heard what the cabinet secretary has said in that respect; we might not want uniformity, but there is a reasonable expectation of consistency. We also welcome the review that has been announced. It should emphasise the importance of health and equalities, which, after all, should be seen as an important part of the operation of the curriculum.

The report also raises a number of important questions. For a start, should personal and social education be mandatory? Many organisations that work with young people have said that it should be; they have also said that it should be consistent, with direction from the centre. We have to wrestle with that issue, because it must be balanced with other areas of the curriculum and the pressures that schools face. However—I must repeat this—the reality is that some young people will not be able to access the curriculum and will not achieve unless they get the support that effective personal and social education can give.

The debate also provides an opportunity to acknowledge those who have spoken out about their experience of bullying in school and elsewhere. We commend not only the TIE campaign, but the other groups that understand just how insidious and destructive being bullied can be. In the by-going, I want to attach myself a little to the success of the TIE campaign in noting that it started life as a petition to the Public Petitions Committee. I hope that other campaigns will see the petitions process as an important way of bringing their work to the Parliament's attention.

There is a question—

**The Deputy Presiding Officer:** You must close now, Ms Lamont.

**Johann Lamont:** In conclusion, we need to recognise that personal and social education should happen in the context of the school's broader ethos. It is the responsibility of the whole school, the responsibility across schools and, indeed, the responsibility of us all to address bullying wherever we see it.

**The Deputy Presiding Officer:** I call Annie Wells to close the debate on behalf of the Equalities and Human Rights Committee. You may have seven minutes, Ms Wells.

17:24

**Annie Wells (Glasgow) (Con):** The Equalities and Human Rights Committee very much welcomes hearing members across the chamber coming together on such an important issue, and I am pleased to have the opportunity to close the debate on behalf of that committee.

I thank the many organisations and individuals who gave evidence to the Equalities and Human Rights Committee and the Education and Skills Committee, the clerks for their hard work, and the Education and Skills Committee for its contribution.

I have spoken in the chamber before about my experience of being bullied in school. I will not go into the details of that again, but it is telling that, 30 years later, bullying is still happening in our schools. We know that there is not a magic ingredient, but there are ways and means by which we can drastically improve the situation. Perhaps instrumental to that—we have seen this today—is our working together on what is essentially a public health issue. I am pleased that the Scottish Government has worked with the Equalities and Human Rights Committee by halting the publication of its anti-bullying strategy and that it has taken the recommendations in the committee's report into serious consideration. I also welcome the introduction of the working group to look at the process of a uniform mandatory monitoring system.

We have heard my fellow committee members Alex Cole-Hamilton and Gail Ross and many other members talk about the right training for teachers to tackle prejudice-based bullying. We have also heard that consent, healthy relationships and human rights should be taught from the earliest age possible.

Gail Ross also spoke about section 28 of the Local Government Act 1988 and all teachers needing to be made fully aware that it no longer exists.

David Torrance mentioned Kirkcaldy high school and its anti-bullying strategy. During an evidence session, Kirkcaldy high school shared with the committee how it is leading the way in equality and inclusivity. As David Torrance mentioned, it won Stonewall Scotland's champion school award.

Mary Fee and Jamie Greene spoke about LGBTI bullying, the shocking numbers of those who have been bullied and, more shockingly, those who have thought of taking their own lives.

As I close the debate on behalf of the Equalities and Human Rights Committee, I want to focus on why it is so important to get this right. As many—including the Scottish Youth Parliament in its right here, right now campaign—have said, bullying is a human rights issue. We all know that its repercussions go far beyond the school gates and well beyond our time spent as children and teenagers.

During the evidence sessions in the inquiry, we heard from a number of witnesses who shared harrowing stories about their experiences in school. One of the most distressing cases that we

encountered was that of Rebecca Nicholson, who is a young woman from the Highlands who now volunteers as a disabled youth worker with Inclusion Scotland. As a wheelchair user in secondary school, Rebecca's life was made miserable by fellow students. She faced verbal abuse, and pupils would put rubbish in the hood of her clothing. When she sought help from the teachers and school leadership, that behaviour was brushed under the carpet and rationalised. It was something to simply ignore.

Rebecca changed schools twice. She felt isolated. She was made to feel an inconvenience to teachers, and she eventually became depressed.

Those issues did not stop the moment that Rebecca left school. The consequences were that she entered into an abusive relationship in her early adulthood and was subsequently diagnosed with post-traumatic stress disorder. Although Rebecca is now doing well and is studying health and social care at university and working tirelessly to eliminate disability-based prejudice in schools, that anecdote, which we are indebted to her for sharing, highlights the devastating effects that bullying can have on someone's life.

There is a bigger picture that arguably makes bullying a public health issue. In politics now, we rightly constantly talk about mental health. In light of recent events, we are now also talking about sexual harassment. Those issues are not devoid of a relationship with the goings-on of our time spent at school.

Statistically, we know that 20 per cent of adolescents might experience a mental health problem in any given year and that 50 per cent of mental health problems are established by the age of 14. I do not for one minute think that all mental health problems stem from issues at school—absolutely not—but we must recognise the need to foster an environment that protects young people from exacerbating the problem.

Just this weekend, we saw more media coverage of sexual harassment in schools. Girls are being subjected to shocking levels of sexual harassment on a daily basis, including catcalling, the casual use of words such as “slut”, “whore” and “bitch”, unwanted touching, boys watching violent porn at school, and problems with sexting, with intimate pictures of girls being shared through social media. Recent research by Girlguiding found that nearly two in three girls aged 13 to 21 have experienced some form of sexual harassment in school. The question is how many of the behaviours that we are now beginning to call out in the adult world start at school with young people. How many such behaviours can we prevent from spilling into our adult lives? The emphasis should be on prevention and looking at

the wider societal impact that bullying has on our mental health and our values in relation to how we treat one another

We do not always know where things are going to go. Even 10 years ago, no one would have predicted the impact of social media in our schools as a potential tool for sexual harassment and no one predicted the recent fallout from the Harvey Weinstein scandal. That is why it is so important that we work together to get ahead of these issues and anticipate the possible longer-term and wider effects. Only by taking decisive action at an early stage can we begin to get to the root of the issues and continue to make progress.

That is the change of attitude that I have spoken about today and which I hope is taken forward by members on all sides. I welcome the consensus across the chamber in today's debate and the positive contributions made by members. This Parliament sends out the message today that it is not cool to be cruel.

## Business Motion

17:31

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is consideration of business motion S5M-08862, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 21 November 2017

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Ministerial Statement: UK Supreme Court judgment on minimum unit pricing of alcohol in Scotland

*followed by* Scottish Government Debate: Suicide Prevention in Scotland

*followed by* Final Stage Proceedings: Edinburgh Bakers' Widows' Fund Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 22 November 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Education and Skills

*followed by* Scottish Government Debate: Working in Partnership to Reduce Flood Risk Across Scotland

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 23 November 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Local Government and Communities Committee Debate: Building Regulations and Fire Safety in Scotland

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions  
5.00 pm Decision Time

Tuesday 28 November 2017

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 29 November 2017

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions  
Health and Sport

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 30 November 2017

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

and (b) that, in relation to First Minister's Questions on 23 November, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".—[*Maurice Golden*]

*Motion agreed to.*

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** I recognise that the member has raised a point of order, but I would prefer him to wait until decision time is closed before raising it.

## Decision Time

17:32

**The Deputy Presiding Officer (Linda Fabiani):** There is a single question to be put as a result of today's business. The question is, that motion S5M-08171, in the name of Christina McKelvie, on behalf of the Equalities and Human Rights Committee, on prejudiced-based bullying and harassment of children and young people in schools and a review of personal and social education, be agreed to.

*Motion agreed to,*

That the Parliament notes the findings and recommendations in the Equalities and Human Rights Committee's 5th Report, 2017, (Session 5), *It is not Cool to be Cruel: Prejudice-based bullying and harassment of children and young people in schools* (SP Paper 185) and the Education and Skills Committee's 7th Report, 2017 (Sessions 5), *Let's Talk about Personal and Social Education* (SP Paper 148).

## Point of Order

17:32

**Patrick Harvie (Glasgow) (Green):** On a point of order, Presiding Officer. As you will be aware, the Finance and Constitution Committee is currently taking evidence on the European Union (Withdrawal) Bill and the question of legislative consent for that bill. This morning, as part of that evidence taking, we heard an academic witness raise an argument that calls into question one of the functions of the Presiding Officer.

As you will be aware, under standing orders rule 9.3, the Presiding Officer is required to give a ruling on the legislative competence of any bill that is introduced to the Parliament, which accompanies the bill. If the European Union (Withdrawal) Bill were passed in its current form, it would introduce a new concept of law called “retained EU law”, which would inhibit the ability of the Scottish Parliament to draft legislation that was not compliant with retained EU law.

What consideration has been given and what advice has been taken by the Presiding Officer in relation to that aspect, which might impinge on the Presiding Officer’s function in relation to legislative competence? Was that matter discussed with the United Kingdom Government with regard to its drafting of the withdrawal bill? Will it have an impact on, for example, the resources that the Presiding Officer needs or the time taken to ensure the legislative competence of any future bill after the withdrawal bill has been passed?

**The Deputy Presiding Officer (Linda Fabiani):** I thank Mr Harvie for giving formal notice of that point of order. I assure Mr Harvie and the chamber that these matters are under consideration. The Presiding Officer’s role is in legislative competence and that will continue. However, the bill does indeed introduce the new concept of retained EU law. It will be up to the Presiding Officer to take that into account, along with all other considerations, and I further assure members that a careful watch is being kept on all constitutional developments and that all these matters will be considered on an on-going basis.

## Sport and Leisure Sector (Barclay Review Recommendations)

**The Deputy Presiding Officer (Christine Grahame):** The final item of business is a members’ business debate on motion S5M-08387, in the name of Gordon Lindhurst, on Barclay review recommendations and the sport and leisure sector. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the recommendations of the Barclay Review of Non-Domestic Rates 2016/17; recognises that the Cabinet Secretary for Finance and the Constitution responded to the review in September 2017 by announcing that some of the recommendations would be taken up by the Scottish Government and that others merited “further thought and consideration”; notes that these other recommendations include a suggestion to restrict charitable relief for arms-length external organisations (ALEOs), a review of sports club relief and the implementation of rates for commercial and recreational activities in public parks; acknowledges what it understands are the concerns of ALEOs and community sports clubs regarding the collective impact of these recommendations which, it understands, if implemented, could cost millions of pounds for ALEOs, such as Edinburgh Leisure, which provides public recreational facilities often at a fraction of the cost of other sports facilities; highlights what it sees as the important role that ALEOs and community sports clubs play in providing accessible facilities that allow people to pursue healthy and active lifestyles; notes the assertion by ministers that “the Scottish Government’s over-arching policy objective [is] to make Scots active for life” and that “we want to get and keep more Scots active”; is concerned therefore that, if the review’s recommendations are taken forward, there could be an increase on the amount consumers pay to access facilities or the facilities could be stripped back, which it believes would restrict access and ultimately impact on the policy objective and the health of the nation; notes the view that it is important to consult directly with stakeholders during the consideration of non-domestic rates, and further notes the calls for the Scottish Government to fully consider the potential effects of implementing these recommendations.

17:37

**Gordon Lindhurst (Lothian) (Con):** I am pleased to bring to Parliament this debate on the important issue of the unimplemented aspects of the Barclay review, and I welcome all those who have come to hear the debate, including some councillors.

The Cabinet Secretary for Finance and the Constitution, in spite of my persistent questioning, has not yet said whether the Government is committed to the unimplemented aspects of the review or not, but eventually he will have to nail his colours to the mast. This is an opportunity for us all to reflect on the debate before that decision is taken.

Having spoken to a variety of the organisations that are liable to be affected, I know that at least some of them do not appear to have had the opportunity to make their case to the Barclay review itself. The recommendations came as a surprise—in some cases, a shock—to them. Perhaps the Government did not see them coming either. However, awareness of the potential consequences is now spreading as the debate unfolds. Different areas of Scotland, including my own Lothian region, will have different stories to tell.

Let us begin by reminding ourselves that, as the cabinet secretary is aware, the Scottish Conservatives supported a number of the recommendations of Barclay that have since been adopted by the Government. The remainder sit in the cabinet secretary's in-tray, including one to remove charitable rates relief from private schools. That recommendation and other aspects are equally important, but today our focus is on Barclay recommendations 24 and 27.

**The Cabinet Secretary for Finance and the Constitution (Derek Mackay):** Since he has touched on the point, will Gordon Lindhurst identify any of the revenue-raising recommendations that the Conservatives support?

**Gordon Lindhurst:** We will return to that at the appropriate point. As I said, tonight we are looking not at other aspects of the Barclay review or the unimplemented parts of the report, but specifically at recommendations 24 and 27.

**John Mason (Glasgow Shettleston) (SNP):** Will the member give way?

**Gordon Lindhurst:** No, not on this occasion.

We should focus on those recommendations, rather than being deflected by questions about other matters.

Recommendation 24 says that

“Charity relief should be reformed/restricted for a small number of recipients”

and that arm's-length external organisations such as Edinburgh Leisure or Xcite in West Lothian should lose their charitable relief. Recommendation 27 says that sports club relief should be reviewed to remove relief from unintended recipients with “significant assets”.

At the heart of both recommendations lies a fundamental misunderstanding of what the organisations that would be affected provide and how they are structured. Furthermore, recommendation 24 describes local councils and the ALEOs that they have established to deliver services on their behalf as being engaged in an exercise in “tax avoidance”. The use of the words

“tax avoidance” is frankly ridiculous if we consider the services that ALEOs deliver.

Barclay claims that the creation of such ALEOs has led to unfair competition between the public sector and the private sector, but we cannot and should not equate ALEOs with the private sector. Both have their place and part to play, but ALEOs, as not-for-profit organisations, deliver to many parts of the community services that would not be financially viable if they were delivered on a standalone basis. Put simply, that would not happen.

It is therefore logical that ALEOs such as Edinburgh Leisure and Xcite are registered charities approved by the Office of the Scottish Charity Regulator, because they provide public benefit. Edinburgh Leisure offers services such as the healthy active minds project, which uses physical activity to help people improve their mental wellbeing.

There are many examples of what those organisations and many other charitable organisations provide for the public good, including delivering affordable sport and leisure activities to disadvantaged families or disabled people. Indeed, many users are referred to those facilities by their general practitioners. One user of Edinburgh Leisure facilities told me with enthusiasm:

“Edinburgh Leisure has changed my life.”

That is a real comment to illustrate a real issue.

**John Mason:** Will the member give way?

**Gordon Lindhurst:** No.

It might be valid to raise the question of whether sports club relief could be more focused, but recommendation 27 is vague in saying that “clubs with significant assets” should lose relief. Who does that cover?

I visited a community sports club in my region that has one significant asset: a sports centre paid for through funding and loans. The club provides discounted sport and leisure to a disadvantaged neighbourhood. It has taken over responsibility for some infrastructure from the local authority and makes sports pitches available to local state schools free of charge. However, it runs on a fairly tight budget. If the recommendation is adopted, the club might not survive and the pitches and the surrounding area could again become derelict and fall into disuse. That illustrates what might happen if the recommendations are taken forward, with the addition of millions of pounds of business rates bills for such organisations. Ninety-two per cent of trusts that responded to a recent survey said that some leisure centres and swimming pools would close. Many would, at the very least, need to increase their charges and drop activities that are



currently provided to communities at little or no cost. I have spoken to those who would be affected and those are the very real consequences that they face.

It is ironic that the £45 million of savings identified in recommendation 24 could be lost entirely if rateable properties close, the non-domestic tax take shrinks and costs rise in other areas such as the national health service, social work or the police service. All that would surely fly in the face of the Scottish Government's own national outcomes and programme for Government priorities for getting and keeping more Scots active for life. Two thirds of adults are now overweight or obese and there is unlikely to be improvement if sports facilities close or become more expensive.

My speech merely scratches the surface of the specific issues that we are discussing—not other issues such as those that the cabinet secretary wanted to go into. There is much more to be said, but my time is up and I leave that to others. I sincerely hope that the cabinet secretary and the Government will reflect carefully on the potentially devastating consequences of taking up these recommendations.

17:44

**Daniel Johnson (Edinburgh Southern) (Lab):**

I thank Gordon Lindhurst for securing the debate. I declare an interest as a director of a company with retail interests in the west end of Edinburgh. That gives me a bit of inside knowledge and, indeed, experience of the rates system and what rates reviews do.

It is fair to say that the rates regime is pretty widely reviled by the business community, because it is inconsistent, opaque, arbitrary and irregular, and it is a growing proportion of a retail business's cost base. The Scottish Retail Consortium estimates that over the past decade that proportion has increased by almost a half.

We welcomed the intention to look again at business rates in the Barclay review, but, frankly, it did not go far enough. With regard to the list of problems that I just gave, it only fully addressed the second-last item in any serious way. We also welcomed some of the details that we have already heard about. I welcome the fact that nurseries are being lifted out of business rates—I will let the cabinet secretary give me credit, or not, for that.

However, the fundamentals are still the same. Rateable values are still calculated by the assessor in an opaque way, and in different ways by different assessors in different areas, and there is no audit of that.

I had a pretty shocking meeting with the local assessor. When I asked who checked an assessor's calculation and who checked whether they are accurately applying the information from the data that is collected to calculate people's bills, they said, "No one—we informally check things with other assessors." The system is opaque and inconsistent, and it leads to unfair results, which have put many businesses in my constituency out of business. They have gone from having no rates to pay to suddenly having a huge monthly bill because of the change in rateable value. Businesses such as Babies and Bumps, a well-loved cafe in my constituency, and others are facing hardship because of those changes.

However, tonight's debate is primarily about sports clubs and ALEOs. In my constituency, two such sports clubs will potentially be impacted by the possible change to their rates bills: Carlton cricket club and the Inch park community sports club. I hope that Carlton cricket club barely needs an introduction; it is the home of Scottish cricket. Cricket is the fastest growing sport in Scotland, and yet the club has the uncertainty of the potential increase in its rates bill.

Inch park community sports club was founded out of community asset transfer. Well over 2,000 people regularly take part in sport at the club, which is committed to reaching out to marginalised groups. The club has said to me that it cannot plan for the future because it does not know what the cost base is going to be. All we know is that the situation is under review and is going to be looked at by the minister.

I have consistently asked for clarification as to what form the review will take and when we will have an answer and I have twice had a response. The first response said that there will be further consideration and engagement by the Government. When I pushed further, I was told that stakeholder engagement will take place. The bottom line is that we have no details, no timescale and no deadline.

On the wider issue of ALEOs, Gordon Lindhurst's points were well made. I know how well used the facilities of Edinburgh Leisure are. They provide access to sports facilities to a great number of people in our community and we have to ask questions about that. The policy has the potential to undermine things that are meant to be of fundamental importance to the Government: the healthy wellbeing of our citizens and helping people to participate in sport and improve their health. Frankly, the policy puts those things at risk. The Government should end the uncertainty now and clarify the position for those sports clubs. Let us not have them paying any more money than they have to.

17:48

**Murdo Fraser (Mid Scotland and Fife) (Con):** I start by congratulating Gordon Lindhurst on securing this debate on what is an important subject. Finally, this Parliament is having a conversation about how we raise money for our public services.

There are a range of opinions across the chamber, but I think that we can all agree that taxation must be fair and proportionate. The recently released paradise papers have reignited the public debate about who does and does not pay their fair share. Just as thought provoking was last year's business rates revaluation, to which Mr Johnson just referred. I heard from many local businesses in my area who felt unfairly targeted by some of the increases to which that led and, from those discussions, it was clear that the current system is failing and fundamental reform is needed.

The Barclay review was a comprehensive summary of the issues and made some sensible recommendations, but it was hamstrung from the start by the finance secretary's requirement that any proposals be revenue neutral. One proposal that was not so sensible, however, was the call to tax ALEOs. If implemented, that would have a negative impact on local facilities across the country.

The Barclay review characterises ALEOs as tax-avoidance structures. Therefore, according to the review, the local leisure centre can be treated as equivalent to the likes of the high-profile celebrities we have heard about, who have offshore accounts to avoid paying UK tax. That is absolute nonsense. There is no equivalence between an offshore shell company and the local swimming pool. A failure on the part of the Scottish Government to see that would be unforgivable.

In my electoral area, Perth and Kinross Council has Live Active running the region's sport and leisure facilities. It is no Mossack Fonseca-type operation. The trust is one of the longest serving in the UK, having been set up more than 50 years ago to provide and develop sporting and leisure facilities in the area. The model is simple: any profits from the gyms and swimming pools are channelled back into loss-making social programmes. Perth Live Active's work is truly transformational.

Despite the clear social benefit delivered by Live Active, it would be targeted by the Barclay review proposals and would be hit with an annual tax bill of £1 million if its relief was removed. According to a letter that was sent to the finance secretary by Live Active's chairman, Mike Robinson, the impact would be devastating. It would mean increased admission charges, reduced social programming

and the potential closure of loss-making facilities. If the Scottish Government is serious about tackling the obesity time bomb, hiking taxes on sports facilities is not the way to achieve it.

Live Active offers free swimming lessons for vulnerable children and teaches disabled kids to cycle. It provides walking groups for the elderly and respite for carers. It provides free access to sporting activities for disadvantaged families and bonding classes for new parents. In what world does that sound like an organisation that is ripe for additional taxation? Despite the obvious social good that Live Active provides, the finance secretary is still considering taxing such projects out of existence.

We have a similar issue in Stirling, another part of my region, where the ALEO Stirling Leisure estimates the additional cost at £600,000 per annum. Andrew Bain told me today that

"the local consequences could be catastrophic."

**Dean Lockhart (Mid Scotland and Fife) (Con):** Will Murdo Fraser take an intervention?

**The Deputy Presiding Officer:** Murdo Fraser is concluding.

**Murdo Fraser:** I am terribly sorry that I cannot give way to my good friend on this occasion.

The SNP swim tax—that is what it is—must be avoided at all costs. I call on the cabinet secretary to visit Live Active in Perth before he thinks about saddling such an organisation with a £1 million annual tax bill. If Scotland is to reduce obesity, encourage activity and salvage any kind of legacy from Andy Murray and the Commonwealth games, the SNP needs to axe this tax.

17:53

**John Mason (Glasgow Shettleston) (SNP):** I am happy to speak in this debate and I thank Gordon Lindhurst for bringing it to the chamber.

It is worth remembering the background to the Barclay review, which was the widespread acceptance that the non-domestic rates system could be improved, especially if it could encourage economic growth. However, there was certainly no acceptance that there should be an overall reduction in NDR. Reducing business rates as a whole would inevitably mean a less skilled and less healthy workforce, because we would have to make cuts elsewhere, which would damage the economy,

The motion raises a whole range of issues, but I want to concentrate on three in particular. First, what is a charity? My understanding of a traditional charity is an organisation such as Oxfam, Cancer Research UK or a hospice that is largely funded by donations and largely run by

volunteers, with the aim of helping vulnerable folk, or even animals, here or overseas. An ALEO such as Glasgow Life would not be a traditional charity.

There is a wider issue around whether we need a review of what is and is not a charity. The Scottish Council for Voluntary Organisations suggests that allowing local government bodies to be treated as charities can put pressure on what we might call real charities. Under the definition of charities that I outlined, rates relief would not apply to what is effectively an arm of Glasgow City Council. It seems to me that the letter of the law has been adhered to but we have drifted away from the spirit of the law, and that, at some point, we need to re-examine what a charity is.

My second point concerns the issue of public money recirculating. Glasgow Life was set up as an ALEO while I was a councillor, and I refused to take a seat on the board. It was set up to save on rates, and I was opposed to it partly because it was inevitably less democratic. Previously, Glasgow City Council had a culture and sport committee, the public could approach their councillors with issues and the councillors were answerable in that regard. However, Glasgow Life effectively stopped that. ALEOs are not accountable.

**Neil Findlay (Lothian) (Lab):** Did the member share those concerns about democracy at the time of setting up Police Scotland and the centralised Scottish Fire and Rescue Service?

**John Mason:** That is a bit away from the debate.

The rates saving that the city council in Glasgow proposed to make by setting up Glasgow Life, in effect, robbed Peter to pay Paul: it saved the public purse in Glasgow but cost the public purse in Scotland—there is no actual new money in the public sector as a result of these devices. Of course, the reverse is still the case: if a council starts having to pay rates, the money stays in the public purse. It is a zero-sum game.

I note that the SCVO used the term “tax avoidance”. I would not go so far as to say that the practice of using ALEOs is immoral, but it puts councils who have refused to use an ALEO out of principle at a disadvantage.

My third point is that income has to equal expenditure. The Conservatives told us that they wanted business to pay less in rates. However, if one organisation pays less in rates, another has to pay more. Are the Conservatives now saying that ALEOs should not pay and that they are happy for other businesses to pay more? Of course, alternatively, expenditure somewhere else could be cut. Would the Conservatives want to cut health or education? Would they want to reduce the number of nurses or school teachers? If not,

we could raise income tax to compensate. Is that what the Conservatives want to do? No, they want to cut income tax by £140 million.

All in all, there is a lack of reality in the Conservatives’ position. To say that we should reduce income tax and business rates and increase expenditure in various areas is neither good accountancy nor good economics.

Overall, I am pleased that the Scottish Government has agreed to give further consideration to this question. As I understand it, it is still considering the issues. Of course we want as many people as possible to be active in sport and other leisure activities, and we want publicly and volunteer-operated community facilities to be in use as much as possible. However, I believe that we must create a fairer playing field for organisations and not allow artificial devices such as ALEOs to cloud the picture.

17:58

**Maurice Golden (West Scotland) (Con):** As my colleagues have mentioned, there is much to welcome in the Barclay review, but there are also proposals that need to be challenged. A particularly troubling aspect is the lack of common sense in the proposed changes to charitable relief that would see crucial community services burdened with increased business rates.

We all know the challenges that we face around encouraging active lifestyles, improving mental health and reducing social isolation. Sport is something that can help with many of those issues. The vast majority of community sports clubs do not own their own facilities, relying instead on local leisure trusts. Given that local authorities account for around 90 per cent of sports investment, leisure trusts are a major part of Scotland’s sporting landscape. The proposed changes would risk that, and would put local clubs at risk. Where is the sense in that? There is none.

The issue concerns not only sport. In the west of Scotland, Paisley is competing for the title of United Kingdom city of culture, and the proposals risk the loss of an estimated £1.6 million from local finances, which is a real concern to the community at this critical time for Paisley.

The fabric of local communities is at risk. We need a comprehensive overhaul that supports businesses, charities and clubs that grow our economy, teach our children and improve our wellbeing. Let us stop the swim tax before it harms our communities.

17:59

**Andy Wightman (Lothian) (Green):** I thank Gordon Lindhurst for bringing this important

debate to Parliament. Before I turn to the substance of his motion, I want to put the issue in context. I have long been a critic of the non-domestic rating scheme. For too long we have had ad hoc, it'sy-bitsy changes. Some of the changes were hardwired by vested interests some years ago, including agricultural relief, and some reliefs have been introduced recently, such as those for charitable organisations and sport clubs.

I particularly welcome the debate because it is an opportunity to subject the non-domestic rating system to scrutiny, to which it is generally not subjected because changes come through secondary legislation from the Local Government Finance Act 1992. I was particularly exercised by the fact that the second-biggest tax that has been raised in this Parliament—non-domestic rates, which I think last year yielded £2.8 billion—was facilitated by a statutory instrument that I attempted to annul last year, just to get some debate on it.

In September 2013, Derek Mackay, who I think was the minister responsible for local government at the time, responded to the consultation that he had held on non-domestic rates. In the response's foreword, he said:

"the Scottish Government has committed to use the period until the next revaluation in 2017 to conduct a thorough and comprehensive review of the whole business rates system."

All reforms were to be

"in place by the next revaluation in 2017, delivering a fairer, simpler and more efficient business rates system."

That review never took place. Instead we had the Barclay review, which in its consultation paper asked one question:

"How would you redesign the business rates system to better support business and incentivise investment?"

That is a legitimate question to ask, but it is not

"a thorough and comprehensive review"

of the non-domestic rating system. The Barclay review did not ask any questions about who would set the rates, about whether local government would be given back control of this important part of its tax base, or about many other wider aspects of the system.

The Barclay review was also told that its recommendations should be revenue neutral. That meant, in practice, that any proposals that were made to reduce liabilities in any sector had to be balanced by measures that would make up for the lost yield.

It is in that context—a very narrowly drawn remit and a need to balance revenue—that the subject of Gordon Lindhurst's motion should be considered. The proposed reviews, and in

particular the review of charitable relief for sports facilities, have not been generated by a considered and diligent review of the non-domestic rating system, as was anticipated in 2013, and are not even a consequence of a considered review of charitable relief. They are a measure that has been considered very cursorily in order to make up a deficit in respect of proposals that have to be revenue neutral.

Given that context, I have read the views of Sporta Scotland and Edinburgh Leisure very carefully. As someone who has long been critical of the non-domestic rating system and who wants a thorough review, I do not believe that this is the right context for even discussing the issue. The potential impact of the proposal could be extremely complex and should be considered extremely carefully. It is certainly not to be used as a quick measure to raise revenue in a budget that is just a month away.

I have long argued that charitable relief is too blunt a relief and that it does not discriminate effectively between the wide range of charities—just as the small business bonus scheme does not discriminate effectively between small businesses. I hope that we get to the "thorough and comprehensive review" that was promised in 2013.

In conclusion, I am not persuaded that the recommendation by Barclay is well founded, and I would have very serious reservations about voting for any statutory instrument that would introduce the reforms that are noted in Gordon Lindhurst's motion.

18:04

**Tavish Scott (Shetland Islands) (LD):** I thank Gordon Lindhurst for allowing Parliament to debate rates relief for sports facilities in the run-up to the Scottish budget. I also thank Derek Mackay, as the cabinet secretary, for responding to the debate. I remember what it was like to be a minister taking debates at 5 o'clock when everyone else had gone back to—I was about to say "the bar"—their offices to work hard. It is quite important that Mr Mackay is here.

I must confess that I disagree with Murdo Fraser to some extent: I did not find rates revaluation quite as exciting as the paradise papers. Maybe he needs to get out more.

On Monday this week, I met the Shetland Recreational Trust general manager, James Johnston, in Lerwick. As I was waiting to go into his office, an exercise class for older people was taking place in one of the spaces at Clickimin leisure complex. James explained to me that the class was being run in conjunction with the national health service. It was about fitness,

mental wellbeing and companionship—and fun. The SRT manages leisure centres and swimming pools in Lerwick and across the outlying areas of Shetland. It provides a range of facilities, and it provides classes and services for the general public, for pupils in schools and for specific groups with particular health needs. With Shetland Amenity Trust and Shetland Arts, it works across health, wellbeing, sport, art, culture, the creative industries, heritage and tourism. It delivers on the Scottish Government's approach to mental health, obesity, healthy living and so many more policy areas.

The Barclay review proposes removing such organisations' rates relief. Barclay and Government ministers say that such facilities compete with the private sector, but that is not the case in Shetland, where there are no private sector alternatives. The argument does not apply to Shetland—neither, I suspect, does it apply to many parts of island and rural Scotland. Such bodies are not ALEOs, says Audit Scotland, because they do not receive core grant moneys and are not controlled by the local authority, but the financial sword of Damocles now hangs over them and the services that they provide.

In a letter to the Cabinet Secretary for Finance, the Shetland organisations made clear what would happen if rates relief were to be removed. There would be a reduction in activities on Shetland's outer islands, charges would go up by at least 50 per cent, and some facilities and leisure centres might have to close.

I will make two specific points in relation to policy objectives that the Government has made very clear. Wellbeing work in care homes for elderly people might have to be cancelled and, according to the SRT, abolition of rates relief would also mean a reduction in interventions for young people—ironically, in 2018, which will be the year of young people. I hope that ministers will be properly briefed on the Islands (Scotland) Bill, if they let those things happen. They cannot say that they want to island proof policy areas and their financial consequences but still let that happen. I ask the Cabinet Secretary for Finance to consider making sure that what he does in his budget in relation to this and other areas is properly island proofed.

The Government cannot also simply pass all that over to local government; it cannot pass the financial buck. Shetland Islands Council's leader is here tomorrow to meet Mr Mackay on the subject of interisland ferries, in relation to which there is a £7 million black hole that we do not want to be made worse. I hope that the cabinet secretary will not solve his budget difficulties simply by transferring the cost to local government right across the country. I would be grateful—as, I am

sure, would Parliament—for an assurance from him tonight that that will not happen.

If the Government cuts rates relief funding, across Shetland £1.4 million of expenditure that it funds will have to be cut. That will cancel huge swathes of charitable work. The SRT, Shetland Amenity Trust and Shetland Arts are vital components of Shetland's offering to its people, to visitors, to tourists and to those whom we want to attract to live in the islands. I do not want the organisations to be damaged.

That is the decision that the Cabinet Secretary for Finance faces. I urge him to take the correct decision, to recognise the wider policy commitments across sport, the arts and health and to leave the rates relief in place. Otherwise, I fear that the knock-on effects—on mental health and wellbeing, in particular—will be far reaching and, in some cases, irreversible.

18:08

**Liam Kerr (North East Scotland) (Con):** Conservatives welcome many of the proposals in the Barclay review, but as my colleagues have outlined, we are concerned about the implications for local services if all the recommendations are enacted.

I want to highlight the plight of a specific organisation that demonstrates the damaging impact that the plans could have. I recently had the pleasure of visiting Rossie Young People's Trust, just outside Montrose. The organisation provides vulnerable young people with secure care and accommodation. The current system allows Rossie to reinvest the money that it saves in charitable relief back into the organisation, to improve its services and to help young people to reintegrate to mainstream schooling and the community. If implemented fully, the Barclay recommendations will restrict charitable relief and force the trust to remove front-line funding and fork out for rates instead.

We can surely all agree that the purpose of charging business rates is to raise money for strong public services, so why would the Government take money from organisations such as Rossie Young People's Trust that already provide vital services to communities and to our children? That is not right, and neither is it logical.

Tavish Scott made some important points. We should fully support charities such as Rossie Young People's Trust that help to reduce the cost to public services, which will no doubt struggle to pick up the consequences if charitable institutions are forced to reduce their offering. John Mason talked of robbing Peter to pay Paul: this approach would be that in action. It would destroy good

operations such as Rossie Young People's Trust and leave the public sector to pick up the pieces.

A complete overhaul of the business rates system is long overdue, but the Government is choosing a sticking-plaster approach and the injury will be to organisations such as Rossie Young People's Trust that are integral to their local communities and vulnerable young people.

Just like the proposals to introduce a whim tax on local sports clubs, attempts to remove charitable relief would harm valued health and social services around Scotland. The Scottish National Party should comprehensively and conclusively rule that out.

**Derek Mackay:** Will the member take an intervention?

**The Deputy Presiding Officer:** He has just concluded.

18:11

**Neil Findlay (Lothian) (Lab):** If a swim tax is the best that the Tories can come up with, they are getting a bit desperate.

The Barclay review proposals would have very serious consequences for our communities, particularly in Edinburgh and West Lothian in my region. I have never been a fan of the ALEO model, but we are where we are and what has been proposed would be disastrous.

Year on year, local government has been a target for cuts from this Government. There have been 10 years of cuts and there will be further cuts of £327 million this year. In an attempt to shore up statutory services and to adhere to the demands of Government policy on ring fencing, non-statutory services are taking a disproportionately big hit. Sport and leisure are in the front line for the cuts, yet major reductions of 7.5 per cent in services have already been made in the past three years—that is £42 million. If unchanged, the Barclay review proposals would make the situation much worse, as there is the potential for another £46 million of cuts at stake. Such cuts would be a disaster for sports centres, museums, swimming pools, community halls and the rest. According to the briefings that we received, 92 per cent of trusts said that they would be forced to close facilities, and some said that they are questioning whether they would be able to exist any longer.

As I said, I have never been a fan of the ALEO model, but I understand why ALEOs were set up, which was largely to try to protect services that are provided in our communities. However, like all other financial sleights of hand such as the private finance initiative, the non-profit-distributing model and tax increment financing, ALEOs are just another bit of financial trickery. Ultimately, there is

only one pot of cash, and it is through taxation that we get that cash so, no matter how the cash is manipulated, it comes back to one pot. I am sure that we will see the repercussions of NPD and TIF in the future, too, and will be back here debating them.

As convener of the Health and Sport Committee, I am concerned about anything that is a barrier to people participating in sport and physical activity, and reduced hours, closed facilities, staff redundancies, increased charges and the removal of subsidies would all reduce participation. As is always the case, it would be the poorest, the low paid, the disabled and the most needy who would suffer the greatest disadvantage as facilities close and charges rise. That is all directly contrary to the stated policy position and the rhetoric of the Government.

These cuts plus the 10 years of council cuts remind me of a scene from "The Life of Brian", with the cabinet secretary, despite chopping off every limb of local government, saying, "Don't worry, it's just a scratch or, at worst, a flesh wound". Local government is barely twitching; it has been systematically destroyed year on year by the Government, so this approach would be a near-fatal blow to some of the services that people in our communities rely on.

**The Deputy Presiding Officer:** I apologise for the clock not being switched on, Mr Findlay, but you got your four minutes, in case somebody wondered whether members were getting excessive time. I call Bruce Crawford, to be followed by Brian Whittle.

18:14

**Bruce Crawford (Stirling) (SNP):** Thank you for calling me to speak, Presiding Officer. Although I did not press my request-to-speak button at the beginning of the debate, after listening to some of the speeches, I felt that I had to make some comments, which will be short.

I am a former chairman of an ALEO—Perth and Kinross Recreational Facilities, which has now morphed into Live Active. I am also acutely aware of the services that the constituents whom I now represent in Stirling receive and the particular issues that will affect the organisations on my patch.

I am delighted that Gordon Lindhurst has raised the matter, because it gives us a chance to explore some of the issues. I do not underestimate the seriousness of the issues that are being raised but, frankly, some of them are being raised with a level of invective that undermines the case that is being made. I have never seen Murdo Fraser as the champion of the Speedos, and I hope that I never live to see him in a pair but, when members

start categorising the measure as some sort of swim tax, that devalues the argument. Members such as Andy Wightman put forward a reasoned and thought-through argument with a sound basis, rather than just producing the sort of invective that really does not help the case if we are trying to win the argument and get whatever result we might want.

**Dean Lockhart:** In the spirit of consensus, will the member join me in meeting Andrew Bain, the chief executive of Active Stirling, whom I spoke to today and who expressed his concern about the consequences of the change if it goes ahead? I would be delighted if Mr Crawford would join me.

**Bruce Crawford:** If I had not already spoken to Andy Bain about the issue some time ago, I would have been happy to join Dean Lockhart. I have been on the case for a little while as far as that organisation in Stirling is concerned, but if Dean Lockhart wants to set up a meeting and he wants me to come along, I will participate in it, because that is the sort of guy I am.

There is a bit of an anomaly in that many public services, such as hospitals, day centres, care homes and, in some cases, sports centres that are not run by ALEOs, currently pay business rates. Therefore, there is a fair degree of hypocrisy in some elements of the argument. I am not arguing for bringing in business rates for those organisations, but we need to examine the issue rationally. Andy Wightman laid out his argument in a rational way, but some of the other stuff has been pretty irrational.

18:17

**Brian Whittle (South Scotland) (Con):** I am grateful to be able to make a small contribution to the debate. I thank my colleague Gordon Lindhurst for bringing the topic to the chamber.

My concern about the Barclay review lies in the potential unintended consequences of retracting the business rate exemptions for council ALEOs and especially for voluntary sports clubs. The issue is particularly relevant in the context of the recently launched diet and obesity consultation as well as the mental health strategy. I recognise the Government's need to consider tax raising and spending across all portfolios, but I question whether removing business rate exemptions for those kinds of organisations would in fact raise any extra revenue. The reality is that the measure has the potential to force organisations and councils to rationalise services that they offer and/or to raise the cost of participation.

We are trying to increase participation and reach out to those who are in more challenging circumstances, but removing the exemption may move initiatives further away from those who need

them the most. The Scottish Association for Mental Health states that the key to good mental health is inclusivity and activity. If we are to tackle obesity, type 2 diabetes, musculoskeletal conditions, cardiovascular disease and many more conditions, we have to recognise that they are positively impacted by taking part in any kind of activity. Any reduction in services will inevitably pass on the cost to our health service, which is already under significant strain.

I ask the Scottish Government, in considering the budget, to reflect on the potential unintended consequences of withdrawing business rate exemptions from ALEOs and voluntary sports clubs. Consideration of those consequences is missing from the Barclay review, but it should certainly not be absent from any responsible Government's considerations.

18:19

**The Cabinet Secretary for Finance and the Constitution (Derek Mackay):** I have found the debate very helpful and informative. I am still engaging in the subject, and this parliamentary debate is now part of that engagement, which I welcome. For the most part, the debate has been constructive and good natured, despite Murdo Fraser's desire to get a headline for the second time on a "swim tax" and Neil Findlay's mixing his "Monty Python" references.

It is important that we do exactly as Brian Whittle has suggested and consider the issue in the round, in terms of our health, wellbeing, sport objectives and culture, as well as considering it in the context of budgetary decisions and the reality that we have to balance the books. Some members have deliberately conflated the Barclay recommendations with Government opinion. I present Government opinion; the panel has published the Barclay report, which was largely well received. Nonetheless, I immediately rejected some recommendations—for example, the recommendation to build the tax infrastructure around agricultural land but not have a tax.

**Andy Wightman:** It was notable that the Government rejected just two recommendations: one was to get everything on to the roll, so that at least we would know the value and the potential cost of exemptions; the other was to introduce non-domestic rates for industrial and food-processing premises that happen to be on agricultural land although food-processing and manufacturing facilities that are on industrial estates will pay. Does the cabinet secretary accept that it would be better to look at raising additional revenue in that area than to exempt ALEOs from charitable status?

**Derek Mackay:** That recommendation would be incredibly difficult, bureaucratic and hard to define. In essence, it would create a new bureaucracy with no intention to tax, and it would not raise the values that would be required to contribute to other areas, so it was not worth progressing.

At the time, I said that some elements of Barclay, such as those that we have debated this evening, require deeper and further thought and consideration, so that I could engage with those who would be affected. That is what I and my officials have been doing. If there was a concern about a lack of awareness beforehand, those who could be affected are certainly aware now because of that engagement. The process—the submissions, the letters and the meetings that I have undertaken—will ultimately inform the Government's decision.

I was criticised for not having nailed my colours to the mast; yet, equally, I was asked to engage, consult and consider. In engaging, consulting and considering, we are doing the right thing. I propose to say more in my budget speech on 14 December—as I said I would—and to have an implementation plan by the end of the calendar year. Members will see the proximity. There will be certainty, but it is correct that we are taking time to get the recommendation right, having taken actions around the poundage, the small business bonus and caps for hospitality as well as in other areas that were affected by the revaluation, which was determined by the assessors.

Daniel Johnson spoke about an alternative to the current system, and Dean Lockhart also mentioned that. I have not been presented with a better alternative system for non-domestic rates than the one that we have now. The Barclay recommendations were fairly well received with regard to the refinements that can be made, but a major challenge in those is how the assessors would conduct their assessments using the methodology. That matter will be part of the implementation plan. Frankly, I have never known the assessors be so engaged with ministers, but that is partly because I have had a shot across the bow in terms of their future operation in some of the recommendations in the Barclay report.

**Liam Kerr:** Given that the cabinet secretary appears to have rejected a couple of the Barclay review recommendations, will he give us an idea of the criteria or other considerations that caused him to reject them in order that we can bring forward suggestions why he should reject, for example, the measures that has just talked about?

**Derek Mackay:** I thought that I had partly addressed that matter when I responded to Andy Wightman. The recommendation is bureaucratic, and we would end up putting properties on the register that we would ultimately not tax because

there would be no call to tax agricultural properties other than commercial operations on agricultural land. It was not in the interests of that sector or in our financial interest to progress that recommendation. We must understand the consequences of the recommendations, and the Government is engaged in doing that.

Some members have complained about the revenue neutral nature of the Barclay review's remit. However, it is a fact of life for me, as the finance secretary, and those in Government that we must balance the books. We may well be hamstrung by that requirement to balance the books, but it is essential that we do so. Of course, there are choices to be made in doing that.

Tavish Scott made some very important points on the islands perspective. As the Minister for Local Government and Planning and then the Minister for Transport and Islands, I took forward the agenda to empower our island communities, so I am familiar with those issues and take them seriously. Any local authority can create any relief scheme that it considers to be appropriate in order to address local circumstances, but we want to capture the issues right across Scotland.

On the issue of tax avoidance, I will mention the briefings that council leaders—I used to be one—and finance committee conveners get about in-house council operations moving to trusts and ALEOs. Those briefings are largely along the lines of saying that paying non-domestic rates can be avoided by agreeing to that action. That is not necessarily a bad thing, because the savings can be reinvested in front-line services. Nevertheless, the briefing is around tax avoidance, and that is a determining factor in creating the structures that Neil Findlay and others have said they would not seek to create in structuring public services. The situation might be quite different for an individual who hides their income to avoid paying tax. There is a difference between tax avoidance and tax evasion.

The debate is helpful in informing Government thinking as we fully consider the issues before us on non-domestic rates and the reliefs and support that we give to a valued part of public sector infrastructure. I therefore welcome members' contributions, which I will bear in mind as I present the budget. However, members should appreciate that we must balance the books and take the right decisions to ensure that there is fairness and consistency in the rates regime. Equally, we must draw a line somewhere with the appropriate reliefs. I appreciate the engagement that I have had from across the chamber on this very important subject.

*Meeting closed at 18:28.*



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