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Scottish Parliament

Tuesday 22 May 2018

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. Our first item of business today is time for reflection. Our time for reflection leader is the Rev Neil MacMillan, who is minister of Cornerstone free church in Morningside, Edinburgh.

The Rev Neil MacMillan (Cornerstone Free Church, Morningside, Edinburgh): Presiding Officer and members of the Scottish Parliament, it is great to have the opportunity to speak here this afternoon. I want to say thank you to you and to everybody who works here, because public service is too often undervalued. Public servants know what it is to endure verbal kickings and online bashings, but we all know that a healthy democracy needs people like you, who give their time, their talents and their wisdom to pursue and champion the common good. From myself, my Morningside congregation and the Free Church of Scotland, I say thank you for all that you do, because what you do is of the greatest worth.

The life of a Christian minister and that of a politician actually have many things in common: being available to other people at any time of the day or night; numerous public speaking engagements; helping people to navigate their problems; partnering with others to bring benefit to the community; and a to-do list that you never, ever get to the end of. Such busyness can become a crushing weight. We often feel a great deal of pressure in our working lives, and our personal and family life can be stretched in so many different directions by the demands that are placed on us.

As well as saying thank you for what you do on behalf of others, I urge you to keep moving in the right direction. A verse in the Bible says:

“Do not become weary in doing good”.

One way that the Bible teaches us to keep going is to surround ourselves with good friends. We all need the joy, laughter, realism and affection of friendship. Jesus shows us what the gift of friendship looks like—in him, there is truth and love, toughness and tenderness, joy and tears, conviction and compassion.

Recently, the editor-in-chief of *Cosmopolitan* magazine said that, although she had colleagues and acquaintances, she had not had a proper

friend for about 15 years. The best way to find good friends is by being a good friend. We are called to love others well. A Dutch priest called Henri Nouwen said:

“Telling someone ‘I love you’ in whatever way is always delivering good news. Nobody will respond by saying, ‘Well, I knew that already.’ Words of love and affirmation are like bread. We need them each day, over and over. They keep us alive inside.”

As we build friendships with others and love them well, my privilege as a Christian minister is to say to people, “You are loved, for God is love,” and that, as we receive his love through Jesus, it frees us to love others well. Thank you.

Business Motion

14:04

The Presiding Officer (Ken Macintosh): I draw members' attention to the fact that at 2.30 pm building users will be invited to observe one minute's silence to remember the victims of the Manchester Arena concert attack, which took place one year ago. I will ask people in the chamber to join me in observing the silence when we reach 2.30 pm.

The next item of business is consideration of business motion S5M-12379, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for today and Thursday.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for:

(a) Tuesday 22 May 2018—

after

followed by Topical Questions

insert

followed by Ministerial Statement: Police call handling

(b) Thursday 24 May 2018—

delete

2.30 pm Local Government and Communities Committee Debate: Consultation on the Draft National Outcomes

and insert

2.30 pm Ministerial Statement: Northern Isles Ferry Procurement

followed by Local Government and Communities Committee Debate: Consultation on the Draft National Outcomes—[*Joe FitzPatrick.*]

Motion agreed to.

Topical Question Time

14:05

Drugs Strategy

1. **Liam McArthur (Orkney Islands) (LD):** To ask the Scottish Government whether its new drugs strategy will seek to support, rather than penalise, people in possession and intending to personally use small amounts of drugs. (S5T-01093)

The Minister for Public Health and Sport (Aileen Campbell): The new strategy will prioritise the health needs of people in our society who are harmed by their substance use, while working with Police Scotland and others to use the law against those who seek to profit from that.

A number of outcomes are available to the police, prosecutors and the courts so that, where appropriate, penalisation is avoided. Such outcomes include recorded police warnings, diversion from prosecution and rehabilitative court orders such as drug treatment and testing orders. Prosecution decisions are, of course, for independent prosecutors, and sentencing decisions are a matter for the independent courts. The law in this regard is reserved under the Misuse of Drugs Act 1971, and the available outcomes reflect the fact that it is not always in the public interest to punish.

Let me be clear: the Scottish Government wants to prevent the harm that comes from people using drugs by adopting a public health approach to tackling the challenges that Scotland faces and by being innovative in our solutions, irrespective of whether they are initially controversial or unpopular. That is why I will meet the United Kingdom Government to discuss, primarily, Glasgow's efforts to establish a supervised injecting facility, along with wider issues to do with the Misuse of Drugs Act 1971.

Liam McArthur: Dr Roy Robertson was right to say that it is time to "support rather than penalise" people who misuse drugs. The police agree. It is senseless to send to prison someone who is caught in possession of drugs for their personal use, but figures that I acquired recently after asking a parliamentary question show that that still happens on more than 200 occasions a year, with thousands more people being handed fines.

What is the point of sending someone whose only crime is the misuse of drugs to a place such as HM Prison Addiewell? In a study, half the people who were released from that prison tested positive for illegal drugs. Does the minister agree that there is no point in such an approach? Will the

Scottish Government's strategy implement a shift to treatment and education?

Aileen Campbell: I appreciate the way in which Liam McArthur has articulated the issue. We very much value Roy Robertson's comments and his role on our partnership for action on drugs in Scotland group; he provides us with a lot of advice on the development of drugs policy.

We are refreshing our drugs and alcohol strategy. The new strategy will recognise that, for many people, having an addiction problem does not mean that they should necessarily be punished and penalised through the court process. There is a requirement to recognise people's holistic needs. People might require help and support around the isolation that they feel or the trauma that they have experienced, and a host of other issues might require to be tackled. The more general point that Liam McArthur articulated will absolutely be taken forward in our new strategy's approach.

Liam McArthur: The minister referred to the strategy that was agreed as part of the budget deal with the Conservatives back in 2008. Since then, we have seen drug-related deaths reach a record high. Drug-related hospitalisations have gone up 50 per cent over the past decade.

There are alternatives to imprisoning people, and ministers could have done more before now. The tsunami of drug-related harm in Scotland should be the motivation for backing drug reform. Where the Government has the power and flexibility to do so, will it prevent reform from stalling because of arguments with Westminster about powers? Will the minister seek and publish independent legal advice on how far the Government can go towards the radical reform that we need?

Aileen Campbell: The rise in drug-related deaths is something that we need to tackle head on. That is why in my initial response to Liam McArthur I said that we need to be innovative in our solutions, even if they are initially controversial or unpopular. It is not tolerable to see drug-related deaths rise.

We need to understand the group of people who have been using drugs for a number of years and have complex and chaotic lives. We need to treat and support those people and help them to cope, as best we can. That is why we are refreshing our drugs strategy. It is a trend that has been seen since the 1990s that we have an ageing cohort of people who have been using drugs for a number of years. The programme for government also committed an extra £20 million to ensure that we can be innovative in our approach to tackling drug addiction in Scotland and can embed the public

health approach that we need to see happening across the country.

However, we cannot get away from the fact that powers under the Misuse of Drugs Act 1971 are reserved and we do not have powers to do all the things that we—or the lion's share of parliamentarians here—want to do, an example of which we can see in the proposals for Glasgow. I say that not simply because it would be convenient for us to duck out of tackling the issue head on. We want to do what we can, which is why I seek to engage with the UK Government to find out what flexibility it is willing to offer. If it will not offer any, we will have to ask it to devolve the powers to us in Scotland.

The Presiding Officer (Ken Macintosh): We have had three questions and three quite long answers. We have seven other supplementaries on this subject, all of which I would like to get in if I can. However, I will suspend business at 14:18 in order to move on to the ministerial statement, so members should try to be quite quick with those questions.

Liam Kerr (North East Scotland) (Con): Liam McArthur referred to Dr Robertson's recommendation that people who have been caught with small amounts of illegal substances should no longer be prosecuted. However, illegal drug use is causing real harm to people and is a blight on our communities, so the answer to the problem is not a soft-touch approach. A potential dealer or user must know that they could face a criminal penalty for their actions. Will the minister take this opportunity to say to communities, families and law-abiding citizens that she will rule out that proposal and focus instead on helping drug users to abstain from using in the first place?

Aileen Campbell: I will be quite short in my response. Describing the Government's approach as "soft-touch" totally misses the point, which is that it tries to help vulnerable people to cope better with their addictions. As I said in my initial answer to Liam McArthur, although we will seek to prioritise the health needs of those in our society who have been harmed by their substance use, we will continue to work with Police Scotland to use the law against those who seek to profit from it.

Daniel Johnson (Edinburgh Southern) (Lab): Labour agrees with the Scottish Government's broad intent regarding the change in emphasis on drug issues from criminal justice to health. Nevertheless, I echo Liam McArthur's point. The Government is keen to stress the areas that are outwith its control and powers, but what consideration has it given to the powers that it does have—for example, those on police policy and practice and the role of the Crown Office and Procurator Fiscal Service in changing the

emphasis? Such areas could have a real impact and the Government has control over them.

Aileen Campbell: We have a strong police presence on our PADS group, so we explore how we might use the police and a host of other partners to help us to deal far more effectively with those who experience substance use challenges in their lives.

However, I go back to my point that we cannot ignore the fact that the powers under the Misuse of Drugs Act 1971 are reserved. I do not think that, during the work of the Smith commission, any party here called for those powers to be devolved, although I will be happy to be proved wrong if that should be the case. We need to have the 1971 act's powers here in order to do some of the innovative things that people want us to proceed with. Of course, within the powers that we have, we will explore every option—even if, as I said in my answer to Liam McArthur, they seem to be unpopular or controversial. We face a challenge that needs to be met with public health answers.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I am sure that, like me, the minister would differentiate between legalisation and decriminalisation. On decriminalisation for possession of a small quantity of drugs, I hear what the minister has to say about the Misuse of Drugs Act 1971 but I ask whether the Government will pursue whether that policy could be implemented by the COPFS—for example, in decriminalising the use of cannabis for the alleviation of pain.

Aileen Campbell: I am under time pressure, but I will be happy to get back to Christine Grahame on the issue of pain management that she has raised. The Cabinet Secretary for Health and Sport is in continuing discussions with a number of members with constituency interests on the alleviation of pain that can be had from drugs that, at the moment, may be classed as illegal. However, there are a host of other ways in which we can progress such an approach through existing systems to enable drugs to come online and to allow people to get support for their conditions.

As I said in my answer to Liam McArthur, a number of alternative outcomes are available to prosecutors, because we recognise that it is not always in the public interest to punish people. I reiterate that the broad thrust of our new drug and alcohol strategy is to take a public health approach to tackling the challenges that we face.

Anas Sarwar (Glasgow) (Lab): The minister has talked about the change of emphasis from a criminal justice approach to a health approach, but she will have seen today's news reports that suggest that people who are addicted to drugs are

waiting weeks for appointments—which means that, technically, the target is being met—and are then having to wait for up to six months for treatment. Will the minister commit to looking into those shocking waiting times and ensuring that people who need help—in particular, those who are actively seeking help—do not have to wait months to begin their treatment?

Aileen Campbell: The recently established target has been one of the successes of the current strategy, but we understand that more needs to be done. That is why £20 million has been pledged, through the programme for government, to provide an appropriate and timely medical response to the extremely vulnerable people who cannot wait for their treatment. The new strategy gives us an opportunity to do that. In addition, we have commissioned ISD Scotland to develop an integrated drug and alcohol information system, which will help us to capture the necessary information far more clearly and effectively.

John Finnie (Highlands and Islands) (Green): It is simply not good enough for the Tories to trot out, "Just say no." I note and welcome the minister's planned meeting with the UK Government, but can she please outline what meetings with the UK Government have already taken place and detail what was discussed at them?

Aileen Campbell: I have been attempting to meet the UK Government on the matter for some time, and I will endeavour to keep the member informed as those meetings progress. We hope to have such a meeting in the coming months. We want the UK Government to understand that we are making our proposals not just for constitutional convenience but because of the rising number of drug deaths and the need to meet the challenges that are faced in Glasgow, in particular, through a public health response.

I will be happy to keep Mr Finnie informed as our meetings with the UK Government progress. We want the UK Government to understand that we largely have parliamentary backing for the proposals in Glasgow and our desire to make a significant improvement in tackling the challenges that are faced there.

Neil Findlay (Lothian) (Lab): Everybody knows that the Government's drugs policy is failing. More people are dying and the streets are awash with drugs. Will the minister consider working across the Parliament on this vital issue? Will she consider co-ordinating, with the support of health and social policy specialists, a visit by a cross-party deputation to Portugal to see how that country has reversed its appalling rates of drug deaths, infection and addiction? Will she also

please ignore the irresponsible stupidity of Liam Kerr?

The Presiding Officer: Be careful with personal attacks like that, please.

Aileen Campbell: I broadly agree with what Neil Findlay says, including what he says about the need to learn from other countries and the importance of working across the Parliament. We have a meeting coming up soon at which I can engage with Mr Findlay on an issue about which I know he feels very strongly.

It is irresponsible to use the language that Liam Kerr used in his question, because it is an extremely important issue and the situation is much more nuanced than that. We must approach it in a mature and level-headed way. That is why I have engaged with officials in Australia and why, when I was in Dublin recently, I visited the people who are taking forward supervised injection facilities there. I want to understand the challenges that they face and learn from their innovative solutions. Of course, we will also look at what Portugal is doing.

My commitment is to work across the Parliament to ensure that, where possible, we have cross-party consensus on our new strategy so that we can deliver the best outcomes for the people of Scotland and, in particular, the people whom we are talking about, who are extremely vulnerable.

Police Call Handling

The Presiding Officer (Ken Macintosh): The next item of business is a ministerial statement by Michael Matheson on police call handling. We will have a minute's silence following the minister's statement and then resume this item of business, but I still urge members who wish to ask questions to press their request-to-speak buttons as soon as possible.

14:19

The Cabinet Secretary for Justice (Michael Matheson): I am grateful for the opportunity to update Parliament on progress with the transformation of Police Scotland's approach to call handling. In July 2015, I directed Her Majesty's inspectorate of constabulary in Scotland to undertake an independent assurance review of the operation of and systems in Police Scotland's contact, command and control division. That review resulted in 30 recommendations for improvement, and the inspectorate has worked closely with Police Scotland and the Scottish Police Authority to implement wide-ranging changes in the period since then.

In January 2017, HMICS published an update report that indicated good progress, and I am pleased to confirm that a final report has been published today, which again shows improvement. Indeed, HMICS has confirmed this morning that all 30 of the recommendations relating to its initial assurance review have now been discharged. In doing so, the inspectorate has commended the police service for the considerable priority that it has rightly attached to that work. It is important that we, too, recognise the efforts of all those involved.

As a result of those efforts, Police Scotland has delivered a revised and stabilised staffing model for police call handling, ensuring that the service has the right number of people at the right time to manage the demands that it faces; an improved approach to training, ensuring that those same individuals have the skills that they need to support members of the public who seek assistance, often in the most distressing and high-risk circumstances; and improved stability in key information and communications technology infrastructure and systems, giving call handlers the tools that they need to deliver the best service that they can.

The service has also implemented a number of important controls to ensure that it maintains the necessary high standards that the public expect. Those include the establishment of a new dedicated quality assurance unit for contact, command and control and the implementation of a

notable incidents process, which allows the service to learn from calls that have not been handled as they should have been.

That process, and the calls highlighted through it, have of course been the subject of previous exchanges in the chamber. Although the service would recognise that such incidents are a cause for regret, the process highlights the service's commitment to minimising the likelihood of the same mistakes being made again. That is key to openness, accountability and continuous improvement, which is why it is so important. Of course, as recognised by HMICS in today's report, the reality is that we will never entirely eradicate risk when it comes to police call handling. It is a human endeavour and humans can make mistakes.

In terms of the broader context, over the past weekend, Police Scotland dealt with more than 5,500 999 calls and roughly 16,000 calls to the 101 service. In total, the service dealt with more than 16,000 individual incidents requiring some form of police response, of which 470 related to missing persons and 670 related to domestic incidents. The service also dealt with 43 separate firearm incidents. I say that simply to outline the scale and complexity of policing and police call handling in Scotland today.

HMICS reports that, overall, police call handling continues to perform well. Grade of service—the time taken to answer calls—is strong, with 91 per cent of 999 calls being answered within 10 seconds. The number of discontinued calls is proportionately low and continues to drop. Upwards of 94 per cent of members of the public who contact Police Scotland over the phone are satisfied with the service that they receive. Benchmarking Police Scotland's call handling against that of other forces is not straightforward, so the service has worked to identify alternative ways to assess the quality of the service that it provides. To that end, in February this year, the service secured formal accreditation from the Customer Contact Association.

Those achievements are down to the highly skilled and dedicated call handlers who work on our behalf each and every day. I welcome the steps that the service is taking to give credit to those individuals, who were recognised at Police Scotland's annual C3 awards ceremony last month.

As I have already touched on, the improvements have been delivered throughout a period of significant change, with far-reaching work being undertaken to remodel Police Scotland's approach to call handling. The effective management of that change, which has included the establishment of a single service centre to receive calls from across the country and the redesign of the service's

approach to incident control, has been recognised by HMICS as a model of good practice.

The adoption of robust planning and governance processes has delivered increased confidence, while more effective communication within the C3 division has had a positive impact on the morale of staff and officers, all of whom will have been affected in some shape or form. As a result, Police Scotland now has an approach to call handling that will allow the public to experience the full benefits that come from a single police service. Spikes in call volume can be managed more effectively, resources can be deployed more flexibly and national incidents can be gripped in a way that was not previously possible.

Of course, the hallmark of any effective organisation is its ability to continuously improve, and that is what we expect of Police Scotland going forward. The additional recommendations in the latest HMICS report should guide those efforts, and I am reassured that they align well with the wider programme of transformation that is being taken forward as part of the service's 2026 strategy. Good progress has been made, but more can always be done, and Police Scotland must maintain the momentum that it has now built.

The service's work to implement a new contact assessment model will ensure that future deployment decisions are based on a more robust understanding of risk and vulnerability, while the service's contact strategy will enable the public to engage with the service in a way that best meets their needs. The Scottish Government is supporting that work, including through the provision of £400,000 last year to support investment in new technology for C3. That builds on the £1.4 million that we made available to support initial improvements in call handling back in 2015.

Of course, it is for the Scottish Police Authority to ensure that the necessary progress is being made in these areas. To that end, the authority is currently considering the establishment of a dedicated committee to focus on police reform and transformation, and I welcome that. That scrutiny will continue to be supported by HMICS, which will turn its attention to another critical part of the policing jigsaw in the coming year—the interface between area control rooms and local police divisions.

I put on the record my continuing appreciation for the work of the inspectorate and I offer particular thanks to the recently retired HM chief inspector of constabulary for Scotland, Derek Penman, for the valuable contribution that he has made.

Although we must never be complacent, I am confident that our police call handlers are better placed than ever to support communities in meeting the changing threats that they face. I look forward to seeing how the improvements that I have described today can help to lead to better outcomes for the people of Scotland.

The Presiding Officer: The cabinet secretary will take questions on his statement slightly later. I will suspend the meeting for just over a minute, and then we will mark the minute's silence at half past 2.

14:28

Meeting suspended.

14:29

On resuming—

One Minute's Silence

The Presiding Officer (Ken Macintosh): I ask those in the chamber to join me in observing one minute's silence to remember those who, sadly, lost their lives and those who were affected by the Manchester Arena attack one year ago.

I thank colleagues and those in the public gallery who joined us in observing the minute's silence. I now suspend business for a minute or two before we resume.

14:31

Meeting suspended.

14:32

On resuming—

Police Call Handling

The Presiding Officer (Ken Macintosh): We have heard the ministerial statement on police call handling. We will now take questions on it.

Liam Kerr (North East Scotland) (Con): I am grateful to the cabinet secretary for early sight of his statement.

I welcome today's report, commend Police Scotland on meeting all 30 recommendations, and thank each and every police officer and staff member who works in C3 division. They do a very difficult job in high-pressure circumstances.

In his statement, the cabinet secretary talked about "openness" and "accountability". Will he support calls that data on the number of notable incidents be published regularly, so that we can monitor the level of mistakes and Police Scotland's progress in reducing them? Given that the report notes "uncertainty" around investment, will he commit today to long-term funding being made available to support upgrading of crucial information technology in the C3 systems?

Michael Matheson: I welcome Liam Kerr's recognition of the dedication of the staff in Police Scotland's contact, command and control division, who do an excellent job and work extremely hard on our behalf each and every day to keep our communities safe, and to provide the best response that they can provide to members of the public who contact the police.

A quarterly report on police call handling is provided to the SPA. It provides the information that Liam Kerr referred to. I hope that he recognises—given that his colleagues have previously raised issues about notable incidents—that the notable incident system was put in place because one of the recommendations from HMICS was to ensure that data on calls that were not handled correctly was properly captured so that it could be used as a way of driving improvement in the service. Police Scotland should be commended for having done that.

To reinterpret the information as though it is a negative for the organisation is not constructive. That is not to say that Police Scotland should not be scrutinised and that it should not be held to account for how it addresses issues that come from the notable incidents data. However, the information is provided quarterly to the SPA at its public board meeting in order to demonstrate Police Scotland's call-handling performance.

On investment "uncertainty", a key part of my statement was about the additional investment

that we have provided to Police Scotland to support and speed up its putting in place the ICT infrastructure that it wants. As Liam Kerr will be aware, eight of HMICS's recommendations, which are contained in the final report, refer to wider work that sits within Police Scotland's next three-year improvement programme. A big part of that programme is investment in areas including ICT. The £31 million policing reform budget that we have provided this year will support such work. We are continuing to invest in the Police Service to allow that improvement to take place. I expect that the service will look at what future investment in ICT plans it will require, and at how that can be managed as part of the wider improvement work that it is undertaking through its transformation programme.

Daniel Johnson (Edinburgh Southern) (Lab): I thank the minister for advance sight of his statement. I, too, welcome the report and its useful recommendations. However, when we are talking about the report, we cannot forget about the tragic circumstances that led to its being required—the deaths of John Yuill and Lamara Bell, which pointed to significant shortcomings. Our thoughts should be with their families and friends as we consider the issue.

I highlight the report's recommendation on how change in policing should be managed, including through giving SPA board members a role in governance of change, and through ensuring that scrutiny takes place in public. Does the minister agree that those principles should be applied to the significant change that the British Transport Police integration represents?

I note HMICS's work with local police divisions on area control room integration. Police officers consistently point to the number of available officers being the single biggest barrier to responding to calls. Will the review look beyond interfaces to resourcing levels and how they impact on police responses?

Michael Matheson: I have mentioned that the Scottish Police Authority is looking to set up a committee that is dedicated to transformation and reform, which I welcome. Transparency in the process is an important part of accountability, when reform is being taken forward in the police service.

On Daniel Johnson's second point about HMICS's work on area control rooms and the link with local divisions, he will be aware that the call-handling report has been presented to Parliament as it has because I directed the review to report to the Scottish Government. HMICS reports are not, by and large, directed by ministers; they are part of its own work programme, which it progresses as part of its on-going assurance work.

The work that HMICS undertakes on area control rooms is a matter for HMICS; how it further interrogates any information that it becomes aware of during that inspection is a matter for HMICS. Having said that, I have no doubt that if Daniel Johnston has concerns about how resources are being deployed by area control rooms, HMICS would be more than happy to engage with him about those concerns and the issues that he considers its investigation should look at, to ensure that they are given due consideration. Therefore, I encourage the member to engage directly with HMICS. I have no doubt that it will take those issues into account as it plans its work programme on area control rooms and how they link with local police divisions.

George Adam (Paisley) (SNP): Her Majesty's inspectorate of constabulary in Scotland has recommended that there be a route map for investment, and that C3 ICT systems be developed as soon as possible. Will the cabinet secretary explain further what support the Scottish Government is providing to Police Scotland to allow that work to be carried out?

Michael Matheson: Police Scotland is undertaking a range of work on its existing ICT infrastructure. At the last SPA board meeting, it indicated the level of investment that it considers might be necessary in the coming years. That comes off the back of Audit Scotland's recommendation about Police Scotland's plans to take forward its ICT investment. It is important that the service continues to ensure that it considers how investment should be shaped around information technology, which includes the C3 division.

I made reference to the points around the additional money that we have provided to support early investment in some of the work that the service wants to undertake in ICT in the C3 division, and to some of the benefits that we have seen as a result of that. I expect that the service will continue to refresh its ICT programmes.

ICT is an important element, but so is the work that is being done around the new assessment model that Police Scotland plans to introduce later this year, along with the public engagement model. I suspect that that will also help the service to improve how it engages with members of the public when they contact Police Scotland.

Maurice Corry (West Scotland) (Con): I thank the cabinet secretary for early sight of his statement.

The HMICS report shows that, in 2013-14, Police Scotland's 101 number received 3.3 million calls, but in 2016-17, the latest period from which we have full data, that number had fallen to 2.6 million calls. Does the cabinet secretary agree that

Police Scotland has to reach out and ensure that communities know that the 101 number is available? Does he also agree that directing people away from the 999 number but continuing to listen to their non-emergency issues on the 101 number is vital to public safety?

Michael Matheson: I am sure that Maurice Corry recognises that 2.6 million calls to 101 is a significant number of calls over the course of a year. One of the areas of work that Police Scotland has been taking forward is to ensure that that service is used appropriately and for the right purposes. Police Scotland has been taking forward education work to ensure that the public have greater understanding of when they should use 101 and when they should use 999, and also to ensure that, when people use 101, it is for an issue that requires police assistance, although not emergency assistance. As members will all recognise, there have been a number of occasions when the 101 service has not been used appropriately and has instead been used for a variety of other purposes. Police Scotland has published information demonstrating how the service has not been used appropriately.

The change in demand is not purely down to people using the 101 number appropriately, but I think that it reflects greater recognition on the part of the public about what the number is for. However, having said that, I think that the fact that there have been 2.6 million calls demonstrates the level of demand that the service has to meet.

The public engagement programme that Police Scotland will introduce later this year is about how the public can engage with Police Scotland. The service is considering a number of ways in which that can be done: it does not have to be through the 101 number, but can be done via other means. That will be part of the consultation exercise that will be carried out over the latter part of this year. That will help to improve how contact can be made with the police in a way that best reflects the needs of the public.

I hope that Maurice Corry will be reassured that Police Scotland wants to reach out, and to ensure that people are using the service appropriately, but it also wants to consider the existing model to see whether it can improve it in a way that allows the public to contact the police in a variety of ways other than through the 101 number.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I remind Parliament that I am the parliamentary liaison officer to the Cabinet Secretary for Justice.

As the cabinet secretary mentioned, the HMICS review resulted in 30 recommendations. Can the cabinet secretary tell us what improvements have

been made in call handling as a direct result of those recommendations?

Michael Matheson: In the course of my statement, I referred to a number of areas in which improvements have been made and the work that is being taken forward by Police Scotland within the C3 division.

There has been an independent validation of the modelling programme that is in place for the stability and staffing of the service. There has also been the implementation of a new training strategy, a new dedicated quality assurance unit for police call handling, a new risk and vulnerability training package that is delivered to all service centre staff, and a new and enhanced performance framework that draws on a wider range of measures around call handling.

Further, there has been investment in ICT infrastructure, which will allow a new and enhanced single command and control and customer relations management system. There has also been the adoption of a new notable incidents process that ensures that information relating to calls from which lessons can be learned is captured.

Those are some of the actions that have been taken as a result of the recommendations of HMICS. I expect Police Scotland to build on the momentum that it has achieved over the past couple of years to ensure that it is continuing to refresh and improve the way in which call handling is done in the weeks and months ahead.

Claire Baker (Mid Scotland and Fife) (Lab): In its recommendations, HMICS recognises the need for

“further work to identify and reduce failure demand.”

It recommends a public contact strategy and a risk and vulnerability model. How will the cabinet secretary ensure not so much the appropriate use of the 101 number by the public, which he highlighted in his response to Maurice Corry, but public confidence in the 101 phone number, which my constituents too often feel is not responsive enough—in particular, when they are reporting antisocial behaviour? Such things may not be judged to be high risk, but they are disruptive for people and their communities.

Michael Matheson: As ever, when a member of the public contacts Police Scotland and is not satisfied with its response, there is, if the individual has concerns, a process for the matter to be escalated: the person can lodge a complaint with Police Scotland and the matter will be investigated and reported on. There is a well-established and robust process for considering concerns and issues that members of the public may have. I am sure that, at some point, all MSPs have received

representations from constituents in situations in which we could refer them to that process.

I have referred to the fact that Police Scotland is considering introducing a new contact assessment model. That process will help to evaluate risk and vulnerability much more effectively, so that when the police receive calls, they can use the information that they receive to make a much clearer assessment of the situation. Training for that will start later this year and will roll into 2019, and its benefits are expected to start to come into focus later in 2019 and into 2020.

The public contact strategy that Police Scotland intends to pursue relates to the point that I made to Maurice Corry about how the public can engage with Police Scotland, as it provides wider opportunities for people to engage and report matters. The consultation on that will start later this year and will involve a wide range of stakeholders, including members of the public, who will have an opportunity to shape how engagement should be done in the future.

The Police Service is very much about engaging with the public and hearing their views on how it can improve the service. A combination of the processes and systems that are in place for when people are dissatisfied, alongside the additional work that the service is planning, will help us to address the types of concerns that Claire Baker has highlighted regarding her constituents.

John Finnie (Highlands and Islands) (Green): I thank the cabinet secretary for early sight of his statement. Like other members, I commend much of the positive work that is taking place, including the work that has been highlighted by HMICS, including the

“training ... introduced to service advisors on the assessment of risk and vulnerability.”

However, HMICS goes on to say that it

“is unable to identify any tangible impact on the priority grading and response to incidents which could be attributed to the revised approach.”

That is picked up in recommendation 6, on developing

“a risk and vulnerability model”.

Will the cabinet secretary ensure that that work is prioritised—not least, because of the well-documented concerns about the vulnerable persons database?

Michael Matheson: John Finnie has raised an important point. Some of what I mentioned in response to Claire Baker will help to address some of the issues of concern relating to that recommendation.

As John Finnie will now be aware, as a result of the eight recommendations that have been made

by HMICS in its latest report, much of that work sits within the body of work that Police Scotland is pursuing as part of its wider reform programme and within the three-year implementation plan, which it took to the SPA board fairly recently. The work to which he has referred continues to be a high priority, and the report acknowledges that that is the case for the executive team in Police Scotland. When I instructed the report, it was to ensure that we would drive forward improvement in how police call handling and police contact were being managed. The unannounced inspections and visits to the contact centres that I asked HMICS to undertake were aimed at continuing to provide that wider assurance.

I note the combination of that work and the eight recommendations on which Police Scotland will now produce an action plan for implementation. A number of them are already being addressed, and work is being taken forward.

I believe that Police Scotland recognises that the work is a key priority, that it will continue to drive it forward, and that it will fit in with some of the work on the national database plan, which is already at an advanced stage. Part of that is based in Inverness and part is based in Govan. It will provide support to operational staff who require database inquiries during the course of operations. I expect that that work will probably be completed in the autumn of this year, once the measures have been fully implemented both at the base in Inverness and in Govan.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Will the cabinet secretary provide more information on what will be done to ensure that call handling continues to improve, in order to maintain high levels of public confidence?

Michael Matheson: A key part of the way in which I expect Police Scotland and, I have no doubt, the SPA will want to continue to monitor how Police Scotland carries out call handling and its performance will be through the quarterly update reports that will be provided to the SPA. Alongside that, HMICS will continue to look at how call handling is being managed and how it performs as the service goes forward, which will fit in with the wider reform agenda.

As Rona Mackay will also recognise, it is important that Police Scotland creates a culture in the organisation that drives the quality of the service that it delivers to the public. An issue that has been addressed much more effectively by the changes that have been introduced into the C3 division is the quality assurance system that is now in place—the training packages that it now has and the fact that it now has external audits that are provided as part of its national accreditation, all of which provide checks and balances in how the service operates and the

quality of the service that it provides to the public. In that sense, the public can have greater assurance that we have much greater and more robust oversight of how Police Scotland delivers services through its C3 division, and of how the public responds to those services when they contact Police Scotland.

Liam McArthur (Orkney Islands) (LD): I thank the cabinet secretary for early sight of the statement, and I pay tribute to the work that has been done by Derek Penman. I thank Chief Superintendent Newbigging and colleagues at the C3 division for hosting my visit earlier this year, and for the work whose worth is clearly borne out in this HMICS report.

As part of the process of learning, will the cabinet secretary now acknowledge the part that has been played in the initial creation of problems in call handling by the rushed centralisation of policing by this Government?

Does the cabinet secretary accept that there is growing public disquiet that, three years on from the fatal crash on the M9, we are still no nearer to knowing the time frame for a fatal accident inquiry into that tragic incident?

Michael Matheson: It is clear from having directed the HMICS assurance review of Police Scotland that I recognise the need for Police Scotland to address a number of issues around how it has handled matters through its contact, command and control processes. There is no doubt in my mind that oversight of the transformation of contact, command and control in Police Scotland in 2014 and 2015 should have been more robust and effective. A lesson that can be learned from the process is about making sure that the oversight body—the SPA—has much greater assurance around that area of transformation work. That is why I welcome the new chair of the SPA's consideration of the establishment of a committee that will be dedicated specifically to transformation and reform in Police Scotland, in order to provide much more effective oversight of the transformation and reform that is being taken forward by the service.

With regard to Liam McArthur's latter point, he will be aware that decisions around the M9 incident are a matter for the Lord Advocate, because it is a live investigation. The matter has been reported on by the Police Investigations and Review Commissioner to the Crown Office and Procurator Fiscal Service, and it has sought further reports on the complex matters around Police Scotland's response to the incident.

The Lord Advocate has stated that a fatal accident inquiry will take place, but that inquiry can take place only once the Crown Office has come to a decision on whether there will be any criminal

prosecutions relating to the incident. Both families who were affected by the tragedy are constituents and are known to me, and I am very aware of the distress and difficulties that the tragedy presents to the families of John Yuill and Lamara Bell. I assure Liam McArthur that the Crown Office is seeking to keep the families involved, and informed of progress, and is keeping them up to date as best it can as the investigation progresses. The ultimate decisions on the prosecution or when the fatal accident inquiry will take place are for the Lord Advocate.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): What steps are being taken to increase and improve collaboration between the emergency services and other partners to strengthen the gazetteer global positioning system that is used by police call handlers?

Michael Matheson: The HMICS report considered the work that is being done by Police Scotland on its gazetteer—a matter that Lewis Macdonald has raised with me on a number of occasions—and the possibility of having a shared gazetteer across our three emergency services. We have a Scottish Fire and Rescue Service gazetteer, a Scottish Ambulance Service gazetteer and a Police Scotland gazetteer, all of which operate on slightly different systems.

To progress that matter, we have established the Scottish emergency services national collaboration group. One element of the group's work is to consider a shared gazetteer although, as the report highlights, the Police Scotland gazetteer has been improved and is being appropriately maintained. Full implementation of the collaboration strategy and the group's work on a single gazetteer for our emergency services will be supported and developed through the strategy.

However, I recognise that there are significant technical complications with moving to a single gazetteer and that we would need to do that in a planned fashion, if the collaboration group were to consider that that is the correct direction of travel and the right approach, and that we could ensure confidence in a single gazetteer being operated by all three of our emergency services.

Gordon Lindhurst (Lothian) (Con): As it is a final report, how will the cabinet secretary follow through on the eight new recommendations to ensure that they are delivered expeditiously?

Michael Matheson: Those are matters for the HMICS, which will discharge the recommendations only once they have been completed by Police Scotland. Review will be a matter for HMICS, which will continue to ensure that appropriate work is being done to complete the recommendations.

Ruth Maguire (Cunninghame South) (SNP): Can the cabinet secretary provide detail on the timescales for implementation of the new contact assessment model and the public contact strategy?

Michael Matheson: The public contact strategy consultation exercise will start later this year. The contact assessment model and the training for it will be introduced later this year and into 2019, with the expectation that its full benefits will be realised towards the end of 2019 and into 2020. Work on planning for the contact assessment model and the public contact strategy is already being done by Police Scotland; they will start to be taken forward later this year.

Disability Employment Gap

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-12344, in the name of Jamie Hepburn, on a fairer Scotland for disabled people: tackling the employment gap. Members who wish to speak in the debate should press their request-to-speak buttons.

14:59

The Minister for Employability and Training (Jamie Hepburn): On 30 April, the Government held a congress on disability, employment and the workplace at the Marriott hotel in Glasgow. It was a great day that was attended by over 150 people, including employers from the private, public and third sectors, as well as disabled people, representative bodies and service providers. All the attendees were there because they are passionate about doing more to help disabled people in Scotland fulfil their potential in the labour market, which is a passion shared by the Scottish Government. I was privileged to take part in the day's proceedings, which were a chance to recognise the efforts that are being made and to understand the nature of the challenges that are faced by disabled people who are seeking to get into the labour market.

Those challenges are laid bare by the reality before us. The figures that are out today show that the gap between the employment rates for disabled and non-disabled people stands at 35.8 per cent. That figure is an improvement on the 2016 figure of 37.4 per cent, which is cited in my motion, but make no mistake: that figure is unacceptable. It represents nothing less than a social and economic injustice—an injustice that we must tackle.

Jeremy Balfour (Lothian) (Con): Why has the figure got worse in the past 10 years? Ten years ago, the figure was better than it is today. Is something going on in society or are there other reasons why the figure is getting worse? I accept that the figure is better than it was two years ago, but in historic terms it is getting worse.

Jamie Hepburn: There are a multitude of reasons. Mr Balfour referred to the figure 10 years ago. Of course, 10 years ago we hit a significant economic downturn, which we have come through, but the figures are only beginning to improve, albeit marginally in the past year or so. It is our responsibility to truly understand the multitude of reasons, a lot of which will be attitudinal and institutional. We must tackle those issues to overcome the disability employment gap.

As a Government, we have set a target of reducing the disability employment gap by more

than half. At the congress that I referred to earlier, the First Minister made a number of key announcements such as the launch of a consultation on public sector disability employment targets and funding of up to £1 million to support businesses to recruit and retain disabled people. Later this year, we will also publish a cross-Government disability employment plan that will set out how we will increase disability employment rates.

The congress was not the start of this journey. When we published "A Fairer Scotland for Disabled People—Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities" in December 2016, as well as setting out the ambition to more than halve the disability employment gap, we set out a range of commitments to support disabled people in the labour market. Those commitments are under way. The implementation of fair start Scotland—our devolved employment service that started last month—is aimed at helping large numbers of disabled people into employment. We ran a media campaign last summer that was directed at small and medium sized-businesses and aimed to raise awareness with groups that we know we need to reach to make a difference. Some initiatives, such as the internship programmes that are under way, are aimed at changing the culture of the organisations that are participating, as well as developing the employability skills of those who are involved.

We need to address that culture change as a priority not just across Government but across Scotland. It is not just about employment support services or the Scottish Government's actions; an all-Scotland approach is needed. Nothing short of a fundamental shift in how we as a nation approach the issue will result in the change that we want to achieve. I am clear that the Scottish Government has the leadership role, but there must be a cross-societal effort if we are to succeed.

People do not live their lives in different compartments. Where we are born, the education and parenting that we receive and our experiences as adults all come together to inform how our lives will progress. Therefore, in order to address our long-term ambition to ensure that disabled people have access to the same opportunities as everyone else, we need to address the barriers in all parts of society that we have unwittingly created or which have developed over time.

Change is happening across the Scottish Government. In key areas such as health, all levels of education and transport through to procurement, and in our work towards inclusive economic growth and fair work, we have in place

the foundations to change the lives of disabled people across Scotland.

Taking mental health as a specific example, we have put in place a 10-year strategy to improve access to mental health services, backed by an additional £150 million over five years. Helping workplaces to adapt will be an important part of that work, and this morning, at the diversity conference for Scotland, which was held in Glasgow, I was very pleased to announce the successful bids to the first round of the workplace equality fund. Crucially, across the range of projects, two will focus on improving understanding and support for mental health in the workplace. Developing new approaches for employers to work with their staff and better support them is key to our work, and I hope that the learning from the projects that we are funding can be implemented across employers in all sectors.

More generally, bringing employability services together with health services is a long-held ambition of the Government. We know that fair work can improve health and wellbeing, but we must also enable people who are in work to access the help that they need quickly should they be at risk of losing their jobs. The single health and employment gateway pilot, which we are funding jointly with the Department for Work and Pensions, and which will run in Fife and Dundee from this summer, is an example of the type of joined-up health and employment support service that we believe will help many disabled people to retain employment or to move quickly into work should they lose their job. We are working closely with colleagues in the two local authorities, the third sector and Jobcentre Plus. That is very much the sort of delivery model that I want to see more of and which I believe is essential.

Looking at education, our focus on excellence and equity in education, including through the developing the young workforce strategy, is improving how we prepare young people for learning, life and work. We are working with employers to improve the range and quality of work-related learning opportunities that are available to all young people, including those who have disabilities. The network of 21 employer-led developing the young workforce regional groups has an important role to play in that. We can harness that focus to help more disabled young people to make successful transitions through learning into the world of work.

Of course, the availability of a job might mean nothing if someone cannot get there. Accessible transport is a key enabler in ensuring that disabled people can access and sustain meaningful employment. Without it, many disabled people quite simply cannot get out of their front door. The

Scottish Government's accessible transport framework can help us to work towards that. More needs to be done but, again, we have the strategy in place that can support improvement.

Looking at how we buy goods and products, we know that procurement is one of our most powerful tools in helping us to shape and deliver our ambitions for an inclusive society in which the benefits of economic prosperity are shared. We are making progress, for example with the award of a fair start Scotland contract to a supported business through specifically reserving the west contract package area for supported businesses. However, as with all other areas, we cannot afford to stand still, and we will not.

We must build on our existing work to support employers to achieve our ambitions for inclusive growth and fair work. Evidence shows that diverse workforces are more creative and innovative. In the current climate, with Brexit just around the corner, it is vital that we take the opportunity to tap into a wider range of skills and experience

Employers in all sectors are fundamental to our ambition. Following the First Minister's announcement of up to £1 million towards business support funding, we will work in the coming weeks and months to understand better what support is required to help employers to recruit and retain disabled people and help them to progress their careers. With that, we will be able to build the type of support and advice service that fully meets employers' needs and those of disabled staff.

All businesses are important to us, not least those businesses and social enterprises across Scotland that employ many disabled people. We know that some of Scotland's supported businesses that receive funding from the United Kingdom Government through the protected places funding arrangements are deeply concerned about the shift away from the present funding model to one that is supported through the DWP's access to work scheme. I share those concerns. I have pressed the DWP many times for clarity on the financial impact that that will have on businesses. Paul Wheelhouse, as Minister for Business, Innovation and Energy, has done likewise. Unfortunately, we are still waiting for any clarity from the UK Government.

The British Association for Supported Employment has made representation to the Scottish Government to set up a group to seek a Scottish resolution to the matter. I can announce today that Paul Wheelhouse and I have agreed that a working group will be set up to look at the impact of the UK Government's changes and consider what support might be required for those organisations across Scotland whose ethos is to recruit a high proportion of disabled people in their

workforce. The group, which will be set up imminently, will include representatives from supported businesses, social firms, trade unions and other expert voices.

Across the Scottish Government, there is support for a Scotland where everyone can flourish. To achieve the ambition of more than halving the disability employment gap, all areas of Government must come together to address the challenge, and in the coming months that is what will happen.

As we develop the disability employment action plan that the First Minister announced at last month's congress, we will not just develop a series of actions in different Government portfolios. We will have a truly cross-Government plan that not only sees services coming together to support one another's priorities, but ultimately helps many more disabled people to fulfil their potential.

Elaine Smith (Central Scotland) (Lab): Does the minister agree that we also need to consider that, even for those in work, there can be relatively high levels of poverty? For example, the Joseph Rowntree Foundation found that among households in working poverty, three in 10 contained a family member with a disability. I think that that is an important point that we should consider across portfolios.

Jamie Hepburn: In-work poverty is of specific concern to the Government and we are determined to tackle it through our fair work agenda. I recognise the point that Elaine Smith makes.

As we develop our cross-Government plan, we will also send out a call to action across Scotland. This is a task not just for the Scottish Government, but for us all. We need to work together to achieve no more or less than a transformation in the lives of disabled people across Scotland, where everyone recognises the value, skills and talent that disabled people bring to the workplace—a Scotland where all people can feel valued and supported to fulfil their work, career and life ambitions.

We have set ourselves on course to complete a significant task—to drastically reduce the disability employment gap by more than half. This is a course that I am determined we will run, and this is a race that I am determined we will win.

I move,

That the Parliament believes that the disability employment gap in Scotland of 37.4% is unacceptable; supports the ambition to at least halve that gap; recognises that increasing disability employment rates is a social and economic imperative; welcomes the Scottish Government Congress on Disability, Employment and the Workplace held in Glasgow on 30 April 2018, bringing together government, employers, disabled people and campaigning

organisations; acknowledges that making progress will require a cross-societal effort, and calls on employers to better diversify their workplaces to ensure that more disabled people are in employment.

15:12

Jamie Halcro Johnston (Highlands and Islands) (Con): The employment gap between people with disabilities and those without disabilities remains significant and substantial. Fewer than half of people with disabilities are in employment compared with well over 80 per cent of people without disabilities.

Although change has been coming, it has been slow and the gap remains stubborn. As overall employment has grown, increases in the number of disabled people in work have not been quick enough to close the gap with the wider labour market. Alongside countries such as Germany, Belgium, Ireland and Denmark, the UK still has a disability employment gap that is above the European Union average. In Scotland, the matter is even more pressing.

If that all sounds like a bleak assessment, there are some positives to be found. In the past four years, more than 600,000 people with disabilities across the UK have entered the workforce. I mention that in the context of the UK Government's clear commitment to 1 million more people with disabilities entering employment in the next decade.

The problem undoubtedly remains complex, but there are a number of areas in which Government action will help to make a real difference.

Perhaps most importantly, the views of people with disabilities themselves—as well as those of disability organisations and charities—must be paramount in the debate. We have repeatedly heard that disabled people who are able to work want to work and want to be given support where it is needed in order to be included in the economy.

The impact of long-term unemployment is felt just as keenly among people with disabilities as it is felt among others. We know all too well the associations between long-term unemployment and poor health outcomes, social isolation, increasing barriers to re-entering the workforce and reduced self-confidence. There is a litany of negatives that go beyond the economic factors.

There has been a cross-generational squandering of human potential that we have only recently started to redress. We must ask ourselves seriously how many people have been unable to break through the barriers that exist to joining the workforce. How many people who could have excelled in their chosen field have been held back? That must end.

Gillian Martin (Aberdeenshire East) (SNP): I was interested to hear what the member said about access for people with disabilities who want to work. Does he agree that such work should always be fair work? Will he join us in calling for the adoption of the real living wage for people who are entering work, whether or not they are disabled?

Jamie Halcro Johnston: I have just made that point. In the past four years, the UK Government has made a real contribution by bringing 600,000 people with disabilities into work, and there have been increases in the living wage. A huge amount of progress has been made, and I am sure that that progress will continue.

Fortunately, during our lifetimes, there has been a real shift in attitudes towards disabled people in the workplace. The Disability Discrimination Act 1995 was introduced—by a Conservative Government, I am proud to say—as a landmark change in our law, setting an example that was to be followed internationally.

More recently, issues around disability and employment have crossed the tiers of government in the UK, and, following the Smith commission's report, the Scotland Act 2016 devolved new powers to the Scottish Parliament. Although areas such as the access to work programme and jobcentre support are reserved, it is clear that both sides must interact in order to be successful. We are still in a transitional phase, but I welcome the work that has taken place to build the newly devolved employability programmes, although it will be some time before their effectiveness can be measured.

The fairer Scotland delivery plan on disability, "A Fairer Scotland for Disabled People", recognises some of the work that has taken place so far. Policies such as self-directed support, which gained approval from members on all sides of the chamber, are a step forward in how disabled people access support and public services more widely. I mention that because we, in this chamber, should be especially aware that the devolved aspect goes deeper than some of the powers that have only recently come to this Parliament.

Official statistics on how types of disability interact with employment show that there are some perhaps unexpected conclusions to be drawn. In many cases, physical disability is linked with a higher employment level than other types of disabilities. Depression and anxiety problems have a particularly poor interaction with employment levels. At the very bottom of the conditions that are analysed for employment by the DWP are severe or specific learning difficulties, for which the employment rate is under a quarter. Sitting slightly above that, at just over 25 per cent, is the category

of mental illness, phobia, panics and other nervous disorders. It is good to hear the minister talk about mental health, as it is clear that we have a great deal more to do in tackling mental health issues in the workplace and in improving outcomes for people who are living with learning difficulties.

Mental health has often been mentioned in the chamber, but it is apparent that its interaction with the labour market is still poorly understood and that it remains undersupported. We know that waiting times in the national health service can be intolerably lengthy, but just as significant is the fact that there is limited support in most workplaces for people who face mental health issues until they reach crisis point, after which they too often end up outside the workforce, even if only temporarily.

With regard to people with learning difficulties, we must ask what help is available to support young people who emerge from compulsory education to enter the workplace. To what degree is careers advice tailored to fit their needs? To what extent are additional support needs teachers equipped to support young people into work while addressing the multitude of other demands on their time and skills? How can the situation possibly be squared with the continuing drop in the number of specialist additional support needs teachers in our schools? That process has continued for several years while the number of school pupils who are identified as having additional support needs has grown significantly.

In our schools, there remains a problem with disability of all types. When we debated the subject on 16 May last year, my colleague Adam Tomkins quoted evidence from Bill Scott of Inclusion Scotland to the Social Security Committee. To refresh the Parliament's memory, I remind members that Mr Scott told us:

"There are disabled children with sensory impairments and physical impairments but no intellectual impairment whatsoever who are leaving school with no qualifications. That makes their chances nil in the current job market. Unless we change that, we will not change their future".— [Official Report, Social Security Committee, 20 April 2017; c 25.]

Whatever changes we can make now, it is clear that we have failed a great many pupils as they have made their way through the education system. I have previously called for a lifelong approach to skills, which is vital for people with disabilities, in particular, if we are to right historic wrongs.

In all that we do, there must be an impetus to build personalised public services that can cater to the needs of people with disabilities and allow them to access opportunities and pursue their chosen paths in life. Employers are also key to driving change. The disability confident campaign

now involves 6,000 employers across the United Kingdom who are working to improve their approach to disability. That includes more than 60 organisations in Edinburgh as well as a good number in my own region, across the public and private sectors. When we discuss labour markets, we know that remote communities can have particular problems, not to mention the issues that are faced by the predominantly smaller businesses that populate the Highlands and Islands.

All layers of government and their agencies have a role to play. Therefore, I welcome the recent consultation “Increasing the Employment of Disabled People in the Public Sector”, which is mentioned in my amendment. In his introduction to the document, the minister writes that

“only around one in nine public sector employees are disabled, despite disabled people making up almost one fifth of the working age population”.

That is unacceptable, and we will look closely at the proposals that the Scottish Government brings forward to address the situation.

A debate on this topic often strays beyond employability. It is, at least in part, about the culture of delivering public services, about problems that can arise long before people enter the labour market and about how healthcare and work interact. We must create a society in which the skills and abilities of people with disabilities are realised by our education system, by employers and by the state. We must create a society in which a young disabled person can look forward with confidence to obtaining skills or finding a job and need not fear that their ambitions will be thwarted. If we are to do that, we will need deeper and faster change than we have already seen.

I move amendment S5M-12344.1, to insert at end:

“; acknowledges the particular barriers for people with mental health issues and learning disabilities entering the workplace, and welcomes the Scottish Government’s recent consultation aimed at improving the public sector’s performance on the employment of disabled people.”

15:20

Rhoda Grant (Highlands and Islands) (Lab):

We all want to work. Work is a part of us; it makes us who we are and helps us to define ourselves. We all need a purpose. We need a way to contribute to society and the ability to be independent and self-reliant. That is why work is so important.

There are 1 million people in Scotland with disabilities, but only 42 per cent of them are employed. We can only imagine the frustration of the other 58 per cent.

The Government’s motion is worth while, and there is nothing in it that we cannot support. However, we need to go further. We cannot simply close the employment gap for disabled people through wishful thinking. That will not happen on its own; it will happen only if we make it happen.

We need to take action to make it happen. We need to set targets and monitor the action that we are taking to achieve them. Our amendment therefore calls for targets and progress reports to the Parliament, so that we can ensure that progress is being made and concentrate minds on what needs to happen. I do not want to hear a debate in this Parliament in 10 years’ time in which members make the same points as we are making today.

We also want the UK as a whole to do better by disabled people. It has been picked out for criticism by the United Nations. That is simply not good enough; we need to lead on the issue. In a report, the UN said that the Conservative Government had committed

“grave or systematic violations of the rights of persons with disabilities”.

The situation is partly due to the Conservative Government’s closure of Remploy factories. We need more such placements for disabled people, not fewer.

Disabled people must overcome many hurdles to find work, including discrimination and false perceptions. Sometimes, it seems that it is just too hard for employers to go the extra mile to remove the barriers that society puts in place to make life harder for people with disabilities. Why would an employer pay to fit a ramp when they could just employ someone who did not need one? Why would they take time to make adaptations to a workstation when they could just employ someone who did not need those adaptations? Why would they put in additional support systems when they could just employ someone who did not need them?

Such attitudes mean that we all lose out. We do not expand our knowledge of the challenges that are faced, and we miss out on enriching our own lives with the experience of disabled people. Such attitudes also prevent disabled people from being able to contribute to society and lead fulfilling lives.

I was fortunate enough to be one of the first members of the Scottish Parliament to take part in Inclusion Scotland’s parliamentary internship programme, which pays for interns to be placed with MSPs in order to gain work experience. I had the pleasure of having Ryan McMullan as my intern—some members might have met him; they certainly will not have forgotten him if they did so. Ryan has cerebral palsy, which makes his speech

difficult to understand, but he was undaunted and he was a real asset to our office.

I learned more from the internship than Ryan did. Initially, we had to make adaptations and find technology that would enable him to answer the phone, for example. Then I became aware that people who did not know Ryan were sometimes awkward around him—that was very obvious to him. The experience taught me that we simply need to take time to find out how to work alongside a person with a disability and that, if we do that, we all benefit.

The trouble with fear of the unknown is that it can lead to discrimination, and discrimination leads to further discrimination. The best way to overcome the fear of the unknown is to make it known. The best way to show that disabled people can carry out everyday jobs is to give them the opportunity to do so. Only when we all know disabled people in the workplace and educate ourselves will any fear—and, with it, discrimination—reduce. To achieve that, we will need to exercise positive discrimination. We have the powers and the ability to make change. The public sector is a huge employer; we need to take positive action and employ disabled people in at least the proportion in which they are present in our communities. We could do so by, for example, ensuring that qualified disabled people are guaranteed interviews for jobs and that we set targets for levels of employment.

Such an approach would be even more important for people with learning disabilities. There are many fantastic organisations in our communities that offer work training to support people with learning disabilities to learn to do jobs at their own speed and in their own time, after which they can do them as well as anyone else. There are some such organisations in my region—for example, the Shirlie Project Ltd and Café Artysans in Inverness—but many more, some of which sent us briefings for the debate, take the time to do those things in other communities.

Last week, in the Highlands, I met Apex Scotland, which has traditionally provided services to help offenders back into work. It discovered that most of the people with whom it was dealing had drug and alcohol problems that had got them into trouble in the first place and that such addictions came from their having poor mental health. Apex started working with people with drug and alcohol problems or whose mental health was poor before they offended and, in doing so, has ensured that they have not ended up in the criminal justice system but have found another way to deal with their problems. Apex helps them to get into employment and thereby build satisfying and stable lives.

Such organisations work intensively with people, which takes time and money, but the rewards more than make up for it—not only the personal rewards for individuals and the rewards for businesses in having good staff members, but the economic rewards of allowing more people to contribute their expertise to society as a whole.

In its “End the Gap” report, Disability Agenda Scotland urges the public sector to take the lead through its own employment practices and by using procurement policies to contract only with businesses that have disabled-friendly employment practices. It points out that disabled people are more likely to be lower paid and underemployed as well. When we take into account the fact that it costs a disabled person, on average, an additional £550 a month simply to live, the situation is even worse.

We cannot focus just on getting more disabled people into the workforce; we must also support them when they get there. Disability Agenda Scotland’s report found that a huge 64 per cent of disabled people in work have felt at risk of losing their jobs. We need to make a step change in how we deal with people with disabilities. We must acknowledge that many of the barriers that they face have been put up by a society that does not understand and has largely ignored their needs. We must break down such barriers to allow them to gain employment and to have the same career chances as the rest of us. We all want to live in an equal society, and that is one way in which we can do that.

I move amendment S5M-12344.2, to insert at end:

“; agrees with the view of the UN that the UK Government has systematically violated the rights of disabled people, and supports calls for ambitious, yet realistic, targets in Scotland with specific deadlines for reducing the gap to be set and regularly and transparently reported on.”

15:28

Alison Johnstone (Lothian) (Green): I very much welcome the opportunity to speak in the debate. I welcome, too, the Government’s ambition to halve the disability employment gap.

Across the chamber there is consensus that disabled people in Scotland being only half as likely to be in employment as non-disabled people is not acceptable. Devolution has allowed us to build a much fairer Scotland in many ways, but there is much more to be done to ensure that our economy and society include everyone.

In recent years, disabled people have been on the receiving end of an extraordinary onslaught of welfare reforms that, as Rhoda Grant’s amendment notes, have systematically violated

their rights. In particular, their right to work is being violated by reforms that make it more difficult for them to find and keep employment. As of April 2017, new claimants of the employment support allowance work-related activity component receive £30 less a week than they would have previously, which is around £1,500 a year less. People in that position will get the same as standard jobseekers allowance or the universal credit equivalent.

The rationale for that is that the additional money acted as a disincentive to work, but that argument fails to recognise that a disabled person faces more barriers to work and is likely to be unemployed for longer than someone who is unemployed and who faces no other barriers. Indeed, the cut was based on a 2005 Organisation for Economic Co-operation and Development study that said that benefit cuts create a work incentive, despite the fact that that research was not focused on disabled people.

The “Halving The Gap?” report by former Paralympic athlete Tanni Grey-Thompson, who was commissioned to investigate the impact of the cut on the aim of halving the disability employment gap, found:

“There is no relevant research setting out a convincing case that the £30 a week ESA WRAG payment acts as a financial disincentive to claimants moving towards work ... the proposed reduction in the financial support to this group is likely to move them further away from the labour market rather than closer”.

The reduction in support is not evidence-based policy making.

Disabled people have been hit disproportionately by the cruel system of benefit sanctions. Just today, the results of a five-year study into benefit conditionality have been published. The research, which was conducted by six universities, including the University of Glasgow and Heriot-Watt University, concluded that benefit sanctions

“have no tangible positive effects in moving disabled people closer to paid work”

and that they

“routinely trigger profoundly negative personal, financial and health impacts that are likely to move disabled people further away from the paid labour market.”

I am proud that the Greens led the way in ensuring that sanctions have no place in devolved employment programmes, but there is a long way to go until we have a system of benefits that is based on supporting people into work rather than bullying them.

The Scottish Government has made a promising start on employment programmes to help disabled people into work. To its credit, it has sought to plug the huge gap in funding that was created by the UK Government just before the employment

programmes were devolved. However, I have some queries about the support that will be offered to disabled people as part of the new fair start Scotland scheme, on which the minister might be able to offer assurances when he closes the debate.

According to the Scottish Union of Supported Employment, the fair start provider guidance says that eligibility will depend on whether the individual is ready for work within 12 months, or 18 months in the case of people who require more support. I would be grateful if the minister could outline what support will be on offer for disabled individuals who wish to return to work, but whose journey back into employment might take longer than 12 to 18 months.

It would also be useful if the minister could clarify the role of individual placement and support in fair start Scotland. IPS is a voluntary approach that involves people being put into jobs quickly, with support being provided to the person and the employer. There is a lot of evidence to suggest that it is an extremely effective type of employment support for people who face additional barriers to employment.

Jamie Hepburn: I can provide the member with an absolute reassurance on the latter point—it is a contractual commitment that every provider must provide the IPS model.

With regard to Ms Johnstone’s first point, the supported employment model is embedded in the programme, which has been deliberately designed on the basis that a person will be supported over a period of 12 to 18 months, but there will be other support out there for those whose journey takes longer.

Alison Johnstone: I thank the minister for his response, but he will be aware that the Scottish Association for Mental Health withdrew from the west fair start Scotland contract in March, citing concerns about whether the funding model could ever properly support IPS. The organisation’s chief executive said:

“We cannot see how it is possible for any organisation to deliver IPS properly within the funding structure that exists for Fair Start Scotland.”

Disability Agenda Scotland has expressed concern that there is “little detail” on how IPS will be offered or accredited by fair start providers.

As Jamie Halcro Johnston mentions in his amendment, people with learning difficulties face particular barriers to employment. The UK work choice programme supported far fewer such individuals than previous employment programmes, and I would welcome the minister’s assurance that fair start Scotland will fully support people with learning difficulties.

As much as work can be a positive force in our lives, many Scots work in jobs that do not promote healthy working practices or an appropriate work-life balance, which means that a significantly increasing number of people leave work for health reasons, particularly poor mental health. I question whether the disability plan properly takes into account the broader economic transformation that Scotland needs for all Scots, disabled and non-disabled alike.

Disabled people face a huge number of barriers to work: discrimination; workplaces and work practices that are exclusionary; and a UK benefits system that, while saying all the time that it is trying to help disabled people into work, is in fact making it even harder for them to get into work. I very much welcome the Scottish Government's ambition to halve the disability employment gap, but that ambition must—and, I hope, will—be matched with radical action.

15:35

Alex Cole-Hamilton (Edinburgh Western) (LD): I echo the thanks to the Scottish Government for securing time to debate this important issue. I also thank the Opposition parties for their amendments, which we will support in full.

Given that nearly 60 per cent of working-age Scots who have a disability are out of work, the ambition to close that employment gap is vital. However, we are swimming against the tide and we have our work cut out, given that those who are in work are in professions that are known to be in decline. As a comparator, taken in isolation, we would have the third highest employment gap in European Union member states. That matters for three key reasons: unemployment reduces the orbit of people's social universe and their social connectivity; it reduces their financial independence; and it very much reduces their feelings of self-worth and thereby their physical and mental health can deteriorate.

The Liberal Democrats absolutely support the Government's motion and its efforts in the area, which should be devoid of party politics. There is a social and moral imperative on the Parliament to do better than we have been doing. I absolutely support the ambition to develop an action plan, to set targets, to reduce stigma and to improve accessibility in the workplace environment. We should adopt the idea of employerability that has been fostered by Inclusion Scotland. We all know about employability for people with disabilities, but we need to equip employers to be better able to serve them once they come on to the payroll. That issue is all too often forgotten about, and the £1 million award by the Scottish Government in that regard will go some way towards addressing that.

Let us recognise that disadvantage for people with disabilities starts right out of the traps, in primary school, as a result of the expectations that are fostered in young people with disabilities about their lives and the careers that they can progress into. That impacts on how they are streamed and the groups that they are put in. There is still not 100 per cent accessibility in schools—classrooms still have physical barriers to learning for people with disabilities, and social exclusion comes with that. Children with disabilities are far less likely to have the kind of social networks that their able-bodied counterparts are likely to have and, with those, the lifelong links that can benefit people throughout their careers.

The issue continues at university. Last year, as part of our budget scrutiny, the Equalities and Human Rights Committee, of which I am the deputy convener, was very interested in the efforts of the higher education sector to make learning accessible to students with disability. For example, we were struck by the fact that only one university in the whole of the United Kingdom—Lancaster University—is accredited as providing a British Sign Language-friendly learning experience. We need to ensure that our tertiary education institutions learn the lessons from that university. Obviously, social mobility is very much affected by the learning that people have under their belts before they attempt to enter the workplace.

It is important to set targets, but we need to stand those up with meaningful action if they are missed. I may be one of the only people in the chamber who had the misfortune to read all 32 single outcome agreements when they were first launched in 2009, as that was part of my job at the time. I was struck by the fact that, with regard to measuring progress on people with disability going into employment, one of the largest local authorities in Scotland set the lofty ambition of getting 200 young people between the ages of 16 and 21 with a disability into the workplace by the following year, but the following year came and that authority reported that the 200 target was missed by 189—it got only 11 people into work. However, nothing happened as a result. The authority did not lose any funding or face any sanction and it did not attempt to redress the issue in the following year's single outcome agreement. So, targets matter, but we have to stand them up with accountability and action.

We also talk the language of stigma. We talk about stigma in almost every debate around the equalities agenda in the chamber, and that is absolutely right. However, SAMH, which was referenced in the previous speech, published a report that said that 40 per cent of employers would not employ somebody if they had a mental health issue of any kind. That is the nexus of

where we have got to take this debate. We need to recognise the mountain that we have to climb.

Once people with disabilities are in work, they still face barriers. For example, a disability pay gap exists, which Inclusion Scotland has revealed can be as much as £1.20 an hour. That can be the difference in pay between people with disabilities and their able-bodied counterparts.

Recently, we passed the Gender Representation on Public Boards (Scotland) Bill. I am proud to have been a part of that and I am glad that the bill achieved unanimous support, but we need to make sure that our boards look more like the society in which they operate in relation not just to gender but to equalities issues such as disability. It is only when the strategic management looks like society and is rights literate and accessibility literate that the organisation or company around it will be so as well.

I finish with the words of Helen Keller, who is probably known to everybody in the chamber. She said:

“I am conscious of a soul-sense that lifts me above the narrow, cramping circumstances of my life ... my world lies upward”.

People with disability are capable of ambition like any of us. It is only the physical limitations of the environment around them and the attitudes of those who might otherwise employ them that stand in their way. In this Parliament, we have the ability to change both.

The Deputy Presiding Officer: We move to the open debate. I ask for speeches of five minutes, please.

15:41

Ruth Maguire (Cunninghame South) (SNP): When we talk about the employment gap, we tend to focus on what we perceive to be the employability issues of individuals with disabilities. How should they change? What more do they need to learn? What extra support can be provided? Although employability programmes are crucial for some of our citizens who are furthest away from work, if we are serious about halving the disability employment gap, bringing an additional 120,000 disabled people into the workforce and retaining those who are currently in work, we have to acknowledge that a large part of the problem is societal.

The Poverty Alliance has highlighted the finding from its community engagement that almost all participants reported that the biggest challenge to disabled people's employment was perceptions and myths—the myth that disabled people are generally less productive, the myth that they are

more likely to have time off sick, the myth that they are likely to be a health and safety hazard at work and the myth that they are expected not to stay in a job in the long term.

Of course, some disabled people will not be able to work, to do certain kinds of work or to work for long periods, but many, many more are ready and willing, and for those folk it is not about the individual's lack of skills or education, someone's inability to manage a condition or their lack of confidence or motivation. It is about stigma, poor attitudes and discriminatory cultures, policies and processes.

We need to address those barriers in the path of disabled people. We need to address employers failing to make reasonable adjustments to workplaces because of fear of costs or lack of awareness. We need to address discriminatory policies and practices and assumptions about what a person can and cannot do. Those barriers are a product of other people's attitudes. They are not about disabled people themselves but are a reflection on our society. We have to change the way that our society thinks about disability and employment, both because it is the right thing to do in terms of equality and fairness but also because, if we do not, we will miss out on talent, diversity and richness, and that would be no good for anybody—individuals, organisations or society.

To mark international disabled people's day, Inclusion Scotland launched #myworkstory, which is a social media campaign to encourage disabled people to get talking about being disabled at work, including about what helps them to feel comfortable and confident and what gets in the way. It has started a conversation about everyday experiences in the workplace and what employers can do to make it easy for disabled people to be themselves and ask for and get the adjustments that they need. Jay, who took part, said:

“I have been working for many years now in different industries, and the reactions are always the same. ‘Oh no, you poor dear! What have you done?’, ‘Ouch’, ‘Didn't think you'd be able to do that’ etc ... A lot of well meaning, if a tad ignorant, comments about how they didn't notice that I was disabled straight away, and how brave I am for still working.”

Ethan, too, spoke to the challenges that he faced. He said:

“There was help when I transitioned from walking to using my wheelchair but in terms of being flexible around hours and workplace assessments I didn't access these things and didn't know what I could ask for. There was certainly no one that took on the responsibility of telling me about these things. There isn't a menu stuck up on the wall that tells you what adjustments could be made, so you don't know yourself what you can ask for. Employers don't anticipate. Providing examples of adjustments is so important.”

To close the disability employment gap, we have to start to address the barriers of negative attitudes and exclusive practices. Employers need to change to become more accessible and inclusive. We need a focus on what Inclusion Scotland calls employerability. All employers can take positive steps to employ, retain and promote more disabled people. Inclusion Scotland's report on the disabled people's annual summit contains a very useful table of essential and desirable criteria for employers. I commend that report to members and to all employers, no matter the size of their organisation, and encourage all employers to do all that they can to ensure that they are not missing out on the ideas, talents and expertise of disabled people.

15:45

Jeremy Balfour (Lothian) (Con): We have heard the figures; we have also heard very positive contributions from all the members who have spoken.

There are a number of myths out there among employers and in the disability community—even among those with a disability. One myth is that the private sector is bad and the public sector is good. We have to be careful that we do not buy into that myth. How many disabled people have made it to chief executive or director positions in a local authority or in the NHS, or even to other senior council positions? From my brief look over the past few days, the answer is very few. The myth that the public sector has got it right is simply not correct.

Even when we look around the chamber this afternoon, we see that we are well short of any target that we might set other people. Perhaps the political parties and the Parliament need to get themselves in order before we preach too much to others.

Another myth is that employers do not want to employ disabled people. I do not think that that is true in most cases; I think that employers are sometimes genuinely scared of employing disabled people. They are scared that they will ask the wrong question, that they will not be able to make the reasonable adjustments that are required, and that they will not be able to deal with the individual if things simply do not work out.

I had an interesting discussion with a large employer in Edinburgh. It said that it welcomes the different protected characteristics, but that those also cause it issues. It tries to ensure that the workforce is correct with regard to sexuality, gender balance and age, but it finds it difficult to hold all those things together and to give each one the correct emphasis that it requires. We have to be careful that, in a politically correct society—

which is to be welcomed—we do not go too far. We must prevent employers from being put off simply because they are unwilling to ask the right questions.

Ruth Maguire: Jeremy Balfour mentioned that political parties could probably be a bit more representative. Does he support affirmative action to ensure that our parties are more representative of the people whom we serve?

Jeremy Balfour: I should probably declare an interest at this point. I am sure that, like me, every member believes that they are in the Parliament because they are the right and best person to be elected, whether or not they have a disability, or whether they are male or female or whatever. I am slightly wary of affirmative action because it could end up as tokenism, although it might be welcome that a person who is elected to the Parliament cannot be thrown out if they have a disability.

Ruth Maguire: Will the member give way?

Jeremy Balfour: In a second.

To be serious, although we have to be careful of tokenism, we need to explore why more disabled people are not coming forward.

Last year, I attended a conference in Canada on disability and politics. I was interested to note that the bigger issue seemed to be not the electorate, but how a person gets into a political party and gets known.

Ruth Maguire: I appreciate the member letting me back in; he is very generous. I have put a similar question to one of his colleagues previously, although that was about gender equality. How long is he willing to wait for our chamber to better reflect the people whom we represent?

Jeremy Balfour: I will duck that question by simply saying that I have 45 seconds left and that is a big issue to discuss.

I will make two quick closing points. First, I ask the Scottish Government to work with the Department for Work and Pensions and the UK Government—and the UK Government to work with the Scottish Government—on this issue. Let us say that many employers employ a disabled person once every five years. At the moment, we have the UK Government website, the Scottish Government website and lots of other websites. It would be helpful if we could have one website where all the information, for both north and south of the border, could be found. That would make things easier for employers.

Secondly, as I have said before, there is a myth that disabled people consider that they are being discriminated against. Sometimes, they have been discriminated against, but sometimes that is not

the case. The minister has said—this is where words are important—that each disabled person should be allowed to achieve what they want. We have to be slightly careful about that. I understand what he is saying but if, at the age of 16, I had said to a teacher at school that I wanted to be a juggler, that might have caused issues. For someone with my disability, it might be difficult to be a surgeon—I suspect that not too many members would welcome me being their surgeon at accident and emergency on a Saturday night. There must be realism. Yes, we want to encourage disabled people to be all that they can be—I am privileged because I was encouraged in that way by my parents, my school, my university and my party—but we must be realistic, too, because there are jobs that disabled people cannot do. We have to waken up to and acknowledge that, while allowing people to be all that they can be within their disability.

15:52

George Adam (Paisley) (SNP): I am delighted to speak in this debate today. I feel very strongly about the motion and the Scottish Government's desire to close the employability gap.

Perhaps more than most, I understand the barriers and difficulties that disabled people often face when entering the workforce and the daily challenges that they experience when undertaking employment. That is not just because, as many members will know, my wife Stacey has multiple sclerosis and, every day, I see how she deals with the fight against that horrible disease, but because of where I live, which is technically called a Scottish index of multiple deprivation 20 area. Every one of the tenemental properties in the bottom half of the street is disabled and accessible housing and, given that 60 per cent of people with disabilities are unemployed, it has become an area of deprivation.

The MS Society has provided a fantastic briefing for us. MS affects 11,000 Scots, with people being diagnosed between the ages of 20 and 30. Those are key working years, when everyone should be either at university or in the workplace, earning for the future. That becomes difficult with MS, but is made even more difficult when employers have an attitude with someone who has told them that they have been recently diagnosed with MS. I will cite an example from someone with MS. They said:

“Shortly after diagnosis (18 months), my employer sacked me, citing the MS as the reason. I was told ‘You’ll get a lot worse, and your illness will cost me money’,”

and that

“‘hiring in temporary staff to cover’”

will cost too much. We can talk about working with employers to ensure that they make things better, but they must take responsibility.

Mr Balfour says that we cannot say, “Public sector good, private sector bad.” I am waiting for the private sector to give the support that people need. I am aware that, although they are not perfect, a lot of public sector organisations provide support.

As parliamentarians, we need to continue to speak out and push for the barriers to be knocked down in order to make long-term, permanent and fulfilling employment as accessible as possible for everyone in Scotland.

Employability plays an essential role when it comes to delivering the Scottish Government's aims of tackling poverty, supporting inclusive growth and promoting social justice. It is an integral component in the fairer and more prosperous Scotland that we all want to see. Being a socially just and people-oriented society is at the heart of Scottish Government policy, and a staunch commitment to equality and to support for those who often feel disenfranchised and isolated is an essential part of our country's modern identity.

I am sure that we all agree that disabled people make a significant contribution to Scottish society and bring a wealth of talent, diversity and richness to our communities. However, although they make up 20 per cent of Scotland's population, disabled people account for only 11 per cent of the private sector workforce and 11.7 per cent of public sector staff. In numerical terms, that means that only 284,000 of the more than 1 million disabled people in Scotland are in employment. Those figures are alarming and clearly indicate that an enormous amount of talent and skill is being underused and is just waiting to be harnessed.

Through the creation of a fair, open and transparent social security system and the continued drive to implement policy that, above all, upholds the principles of dignity and respect, it is clear that members on the SNP benches are committed to supporting those who are furthest from the labour market, who are at risk of long-term unemployment.

Most of the barriers that disabled people face are a product of other people's attitudes and are a reflection of the many biases that unfortunately still plague our society. The target of reducing the disability employment gap by half is hugely challenging and will require a transformation in the way that our society thinks about disability and employment. The Scottish Government is committed to changing those attitudes and to leading by example.

Already, the access to elected office fund provides financial support to help disabled people overcome the extra difficulties that they might face in striving to attain and then undertaking an elected position. In the recent local government elections alone, more than 39 candidates were supported through the fund, 15 of whom were elected as councillors. The fund is of personal importance to me as my sister, Councillor Jennifer Adam-McGregor, was one of the candidates who received unrivalled support and is now a proud member of Renfrewshire Council. Jennifer Adam may be many things, but she is not a product of tokenism. Jeremy Balfour should reflect on that.

Oliver Mundell (Dumfriesshire) (Con): I fully support the points that the member makes. Indeed, ultimately, he makes the same point as Jeremy Balfour makes. I think that schemes such as the one that is supported by Inclusion Scotland, which the member mentioned, should be tried first, before we introduce quotas or set targets. Is not the answer to getting more people involved in politics ensuring that people have the right support in the first place?

George Adam: Disabled people have difficulty getting access to employability or anything else in society. In order to make a societal change, we need to have quotas and we need to ensure that the Parliament covers everyone in our society. I do not agree with what Mr Balfour says. For decades, I have heard that talent comes first and everything else comes later. I do not believe that disabled people do not have the talent to be MSPs. The issue is that they do not have the support that is required to enable them to be MSPs. That is the main issue.

With all of that in mind, as always I choose to look to the positives as we go forward. I am proud to be part of a Parliament and a country that stand up for everyone in society and which continually strive to break down barriers and are opposed to putting them up. The current disability employment gap of 37.4 per cent is unacceptable, and the Scottish Government is endeavouring to at least halve that percentage. That will certainly be challenging, but, in placing dignity, fairness and respect at the heart of the agenda, the Scottish Government is showing that it is up to the task.

15:58

Alex Rowley (Mid Scotland and Fife) (Lab): Today's debate on tackling the employment gap for disabled people is important, given that there are more than 1 million disabled people in Scotland. Research shows that disabled people experience lower rates of employment and lower pay than non-disabled people. As Disability Agenda Scotland has said, some disabled people are not able to work but, for other disabled people,

working, where possible, can have economic and social benefits for not only the individual but the people around them and beyond. Many disabled people wish to work, yet there are many barriers to entering the labour market—not only barriers that are physical, developmental or related to their mental health, but barriers that involve societal and employer attitudes.

Forty-two per cent of working-age disabled people are in work, but, for non-disabled people, that figure rises to around 80 per cent. The difference—which is now 35.8 per cent—tells us that something must be done.

The recently published report from Inclusion Scotland, "Situations Vacant: employer-ability and disabled people's right to work", examined many issues. I was struck by the introduction, which stated:

"We believe that there is a vacancy to be filled by employers to improve their employerability as good employers for us. We also believe that our right to work needs to be better recognised and addressed by all concerned."

It goes on to say:

"Of course, some disabled people will not be able to work, to do certain types of work or to work for long periods, and some are now so far removed from the labour market that it will take years of support to get close to it again. However, many more of us are ready and willing to work. We believe that for the actions to have the right impact we—disabled people—need to co-produce the design and delivery of them in partnership with others".

I wish to pick up on that point: we must always recognise that some people are not able to work. People who are not able to work should be able to get the support that they need.

Here in Scotland we must do all in our power to ensure that we never find ourselves in the situation where the United Nations publishes a report stating that the Government—in this case, the UK Conservative Government—has committed

"grave or systematic violations of the rights of persons with disabilities".

That was a damning indictment of the treatment of disabled people by the Conservative Government, and it should shame us as a country. That is why today's debate and the policy approach in Scotland are so important.

Jamie Halcro Johnston: Would the member also recognise that the UN committee said:

"at a national level, it appears that the welfare system together with a social and health care system provide a solid base for the protection of the rights of persons with disabilities"?

Alex Rowley: A further report, which is out today, clearly shows that the welfare reform being carried out by the Conservative Government has

failed not only disabled people but the Government and the economy.

Sally Witcher, chief executive officer of Inclusion Scotland, has said:

“Most people need to work and poverty is not a great way of incentivising people to do so. In fact, it makes it harder.”

For those who cannot work, there must be respect and dignity. For those who are far removed from the labour market, there needs to be greater recognition of their needs, with programmes of support that are designed and delivered with the very people they aim to support.

We should be aware of the economic and social benefit to us all if we can achieve the goal of cutting the employment gap for disabled people. Research from the Social Market Foundation has estimated that halving the disability employment gap in the UK and supporting 1 million more disabled people into work would boost the economy by £13 billion a year.

As the Poverty Alliance has stated, we should do all that we can to debunk the myth that disabled people are less productive, as that is simply not the case. A recent survey showed that 15 per cent of disabled people felt that they had been discriminated against when applying for a job, and one in five felt that that was the case while they were in work. The Government must work with employers to overcome such issues and, where necessary, introduce stronger laws and proper enforcement of the Equality Act 2010. We need to get on with that work now, as it is the right thing to do for Scotland.

16:03

Gillian Martin (Aberdeenshire East) (SNP): If Scotland is to reach its social and economic potential, we must provide everyone with the opportunity to do fair and fulfilling work. The current disability employment gap is simply unacceptable. Combined with the support that is being offered by the new social security system, our hitting the target of halving the gap will make a huge difference to people's lives and to our wider society.

We need to get in early to help people with disabilities or health conditions to stay in or to move into work. In November last year, I asked the Scottish Government what work was being done to ensure that early support was available to people with health and disability issues. I was pleased to hear from the Minister for Employability and Training that the Scottish Government is contributing £630,000 to a pilot for a single health and work gateway, which will run until 2020 and will provide that early support. The pilot will have links to fair start Scotland, so that disabled people

and people with health conditions who face severe barriers to work are referred to the right place to get the most appropriate support.

I also welcome the workplace equality fund, which gives grants to employers to eliminate or reduce barriers to employment. We want to close the gap, but we cannot do it without employers. George Adam was right to say that grants are fine, but it is in attitudes that we need to see the biggest change.

I am particularly concerned that there are not enough opportunities for work for young adults with learning disabilities in my constituency. I know from friends who have sons and daughters with autism and other additional support needs how worried they are about them leaving school and about what lies ahead of them in the future. Therefore, I welcome the Scottish Government's continuing support for Project Search, which is a transition programme for people with learning disabilities and autistic spectrum conditions in the final year of education. The Scottish Government adopted the programme—which originated in Cincinnati in the USA—in 2012. In my area, the University of Aberdeen in collaboration with Inspire (Partnership Through Life) Ltd, North East Scotland College, Skills Development Scotland, Aberdeen City Council and Aberdeenshire Council recruits 12 interns per year. So far, 68 per cent of recruits have gained employment across the Grampian region. Anything that we can do to increase the recruit intake would be greatly welcomed, because although it is a tremendous opportunity for the 12 interns, I am pretty sure that more than 12 people would like to apply.

The continuation of Scotland's employer recruitment incentive is also a positive step and provides £4,000 of funding to a company when it takes on an eligible employee. I worry that removal of the protected places scheme by the UK Government is out of step with that positive programme, which could lead to many hurtful job losses.

I also recognise the work of Inclusion Scotland in providing advice and consultancy from people with disabilities on the barriers that can and should be removed to make the world of work more accessible, and for delivering the disability internship programme, which has 120 employment opportunities in the public and third sectors.

I turn now to the third sector. We must support and recognise its work in setting up social enterprises that give training and employment to many young adults with additional support needs. I pay tribute to organisations in my constituency that provide support and training opportunities for disabled people. Inspire is a charity that, as well as being a collaborator in Project Search in the north-east, provides the Inspire academy. Its 10-

week course gives people with additional support needs the opportunity to develop employability skills and to get hands-on experience in the workplace.

The Fly Cup Catering Ltd, which is based in Inverurie, provides adults with learning disabilities with training. Since 2000, it has helped dozens—probably hundreds—of young adults with learning disabilities into employment in the catering and hospitality sector. Each trainee has a programme that is tailored to their individual needs and can achieve nationally recognised qualifications. The Fly Cup Catering has quite a waiting list, which comes back to my earlier point that demand outstrips supply for good quality training and work opportunities. Benchmark Woodwork Project in Ellon and Wood Recyclability Ltd in Pitmedden work with Aberdeenshire Council and Aberdeen City Council to provide adults with learning disabilities with an opportunity to work, and Can-Do Community Recycling in Ellon is a community recycling organisation that produces bedding plants that do not die when we plant them in the garden. I can vouch for that.

The work that is done by social enterprises such as those is vital to offering adults with learning disabilities a path into the world of work. Their dedication, combined with the strategic plans and funding of the Scottish Government and partner organisations, will make the goal of halving the disability employment gap achievable. I agree with many members that we also need employers to step up.

16:08

Alexander Stewart (Mid Scotland and Fife)
(Con): I am delighted to take part in today's debate. It is vital that we discuss the issue, and I am encouraged by many of the contributions so far.

Prior to becoming an MSP, I spent almost two decades working closely with individuals with disabilities and learning difficulties. It opened my eyes to the constant daily struggle that they endure. That involvement and experience were recognised when I had the opportunity to open the "Making Where We Live Better" conference last year, which was organised by Perth and Kinross Council. I was able to call on my experience and knowledge of private landlords, local authorities and employers in many parts of Scotland whose current operating practices and apparent lack of awareness can affect people with learning difficulties—individuals who want independent lives.

I fully understand the importance of discussing and raising awareness of the many discriminatory issues that people who live with disabilities face.

We must acknowledge the work that is done by charities, businesses and independent groups in my region and other parts of Scotland, because their contributions are vital to ensuring improved justice for those individuals.

My party, the Scottish Conservatives, supports fairness in the workplace. I am sure that we can all agree that we must ensure that there are no barriers to people with disabilities entering the labour market. However, more must be done: we have heard in the debate about difficulties with travel, application forms and interviews. I am delighted that it was the Conservative Party that passed the Disability Discrimination Act 1995, because that put down a marker.

As we are focusing on employment, it is important that I echo the words of my colleague Adam Tomkins, from a debate in December 2016. He talked about

"the great success stories of modern Britain"

where

"we now have more jobs in the British economy than ever before."—[*Official Report*, 8 December 2016; c 46.]

More women are employed and more people with disabilities have opportunities, but we have further to go and we must acknowledge that. In December 2016, there were nearly half a million more since 2013, and 360,000 more than just two years ago.

Scotland still has a long way to go—we are not there yet and we need to catch up. Many employers seem only to pay lip service by employing individuals with disabilities in menial tasks. As I said, I have seen that: I have seen individuals who had the opportunity to go into employment being given tasks that did not stretch them far enough, so they became bored and frustrated. We should be doing more to encourage them to unlock their potential.

That is a terrible injustice, and we have to ensure that the employment gap is halved. It is very good that we have the aim of halving the disability employment gap. Many organisations, including the Law Society of Scotland, have raised issues about it. The Law Society has said that

"The issue of the disability employment gap is a pressing concern in Scotland".

From their speeches in the debate, we can hear that members also believe that it is "a pressing concern" that needs to be addressed.

The Equality and Human Rights Commission reported that, up to 2013, the employment rate for disabled people was nearly 37 per cent lower than the rate for non-disabled people. That is totally unacceptable, so it must be worked on.

Today, we have also discussed internships and apprenticeships. Once again, we do not get enough disabled people into organisations through such processes, because there are still barriers for them. They want those opportunities, but they are not getting them.

The Scottish Government has committed to taking more than 20 actions on the disability employment gap. I whole-heartedly support its doing that. We all want a fairer Scotland for disabled people; however, we want to ensure that individuals have opportunities, but they experience difficulties through unaffordable transport and with job applications. Many barriers are put in front of them that mean that they struggle to enter the employment market.

I concur with many of the comments that have been made this afternoon. Much more needs to be done to ensure that we unlock the potential of individuals who just want to have a normal life—which means a home, a relationship and a job. We should stick together to ensure that their dream becomes a reality.

16:13

Gordon MacDonald (Edinburgh Pentlands) (SNP): The Scotland Act 2016 devolved provision of new employment support services to this Parliament. Following that, in December 2016, the Scottish Government published the report “A Fairer Scotland for Disabled People—Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities”, which had five key ambitions and 93 actions. Ambition 2, which is

“Decent incomes and fairer working lives”,

is aimed at ensuring that disabled people earn adequate income so that they can participate in education, voluntary work or paid employment. There were more than 20 actions to support delivery of that ambition.

The ink was hardly dry on the report when, in April 2017, in the first year of employment support services being devolved, the Tory Government significantly cut the budget for employability services in Scotland by 87 per cent—from the expected £53 million to £7 million. However, the budget was not cut only in Scotland. Royal Blind, which is Scotland’s largest organisation for vision-impaired people, highlighted in its briefing for the debate that the work and health programme—the UK’s successor to the work programme and work choice—identified that funding will now be £130 million, which is down from £541 million. That is a cut of £411 million.

Despite that background of cuts, the Scottish Government has announced funding that will

provide advice and support to employers to recruit disabled people, and will encourage them to offer work experience, paid internships and more access to modern apprenticeships. That funding will promote the benefits of recruiting people with disabilities as part of a thriving and diverse workforce.

That change in attitude and approach is what is so important; it must be adopted more widely, so I am pleased to see that the Scottish Government is homing in on that. Seeing what there is to celebrate, rather than worrying about potential difficulties, will also play a key part in improving the employment gap for people with disabilities.

The chief executive of Inclusion Scotland has explained that, unfortunately,

“For far too long it has been assumed that what stops disabled people from working and progressing in work is some deficit to do with the disabled person themselves. Work programmes that are based on such assumptions have singularly failed to address the disability employment gap down the years. Yet the reasons disabled people are out of work may have nothing at all to do with lack of skills or education, a lack of ability to (self) manage a health condition, or a lack of confidence or motivation.”

In moves to change such assumptions, fair start Scotland, Scotland’s new devolved employability service that began in April, is offering people with disabilities support that identifies and develops their strengths—the things that they can, often uniquely, bring to a job and company.

We already have close to 300,000 individuals with a disability in work in Scotland, with 75 per cent of them being employed by the private sector. However, in order to increase that number, we need small and medium-sized enterprises to see the potential benefits for them of having a diverse workforce, particularly as unemployment for fully abled people is at a near-record low.

Disabled people and disabled people’s organisations must play a central role in developing a partnership to create meaningful and long-lasting employment in SMEs for people with disabilities. In recognising that SMEs suffer from lack of knowledge about employing people with disabilities, it is, in order to create any positive progression in the employment of disabled people, imperative that we do all that we can to fill that gap in understanding, and that we address concerns or barriers from the perspectives of both employers and employees.

The Scottish Government’s congress on disability, employment and the workplace brought together those groups to do exactly that. The new £1 million funding will ensure that employers, particularly those in SMEs, have access to—

Jamie Halcro Johnston: Does Gordon MacDonald agree that the Scottish Government

should look to the example of the UK Government? After four years, 600,000 more disabled people are now in work.

Gordon MacDonald: We have seen what happens when the UK Government is responsible for employment support services in Scotland: only 42 per cent of disabled people are in work, which explains exactly what the UK Government has achieved in Scotland.

People with disabilities—mental or physical—have a right to work, and I believe that the Scottish Government is putting in place valuable support for employers and employees to ensure that more disabled people are in employment. However, until that right is realised, we must all continue to play our part to change and challenge existing notions about employing disabled people.

16:19

Elaine Smith (Central Scotland) (Lab): Today's debate allows us to look at the progress that is being made on the Scottish Government's "A Fairer Scotland for Disabled People" delivery plan, which was launched at the end of 2016. The current consultation on increasing the employment of disabled people in the public sector is welcome in this context, and I encourage communities across Scotland to respond to that consultation.

It is in all our interests to address the unacceptable levels of unemployment and poverty among disabled people. A truly inclusive society must surely be able to provide good-quality employment, education and training opportunities for all. Improving experience and opportunities for disabled people in the workplace should be a priority.

I welcome the minister's commitment to continuing to engage with organisations that represent disabled people, including the Scottish Trades Union Congress and its disabled workers committee.

Last week's time for reflection was given by Deaf Christian Bible teacher, Mr Kenneth Nuttall, whom I had nominated. He clearly conveyed the importance of understanding Deaf people's different ways of communicating and the importance of that in many different settings. Good communication affects access to services, our workplaces and our lives. Kenneth Nuttall also commended the recognition that has been given to British Sign Language and I know that our Parliament takes it seriously. My colleague, Mark Griffin, introduced the British Sign Language (Scotland) Bill, which was the first of its kind in the UK; I commend Mark Griffin for that. Without good communication, it is not possible for everyone to participate fully in the labour market, and last

week's time for reflection helped to make that important point.

To ensure that we are making progress, it is important that we improve monitoring by employers. However, that requires disabled workers to disclose their disability, and workers are often afraid to do so for fear of discrimination or for other reasons. That concern was highlighted by the previous STUC disabled workers conference. An employee who has a recognised disability can receive support through reasonable adjustments in the workplace, and they are entitled to disability leave, if it is needed, under the provisions of the Equality Act 2010.

However, good disability leave policies are few and far between, although an employer should be fully aware of the difference between an employee's absence from work because of their disability and a general sickness absence policy. I trust therefore that the Scottish Government will encourage employers to understand their obligations under the Equality Act 2010 with regard to respecting and providing disability leave, perhaps as part of employerability, which was mentioned by Alex Cole-Hamilton and Alex Rowley earlier in the debate. Funding through public procurement should also reflect the need for adequate staffing levels to support the specific individual needs of disabled workers.

As the STUC has identified through helpful training resources for trade union representatives, some conditions are often not recorded with the employer—diabetes is one example—when it would be better for everyone if the best possible support was put in place. Not all disabilities are visible, and not all of them are lifelong conditions. In that regard, Disability Agenda Scotland identifies the importance of personalised support and meeting individual needs; I highlight that point again. Trade union equality reps can also play an important role and, although I welcome the commitments that have been given by the Scottish Government in the past to encouraging facility time for equality reps, I urge support for moving that to a statutory footing in the public sector.

Although the focus of today's debate is on the labour market and employment, we cannot forget that economic inactivity as a measure completely ignores the role of unpaid carers, many of whom are also living with a disability. Barriers to employment are complex; the minister talked about that in his opening remarks. If someone cannot access suitable public transport or find a suitable home within reasonable travelling distance of their workplace or a nursery place nearby for their children, sustaining employment becomes much more difficult. One example of which I am aware is the delays in adaptations to social housing. Given that proportionally more

disabled people live in the social rented sector, that is affecting disabled workers right now.

The Government's commitment to expansion of the childcare sector has been welcomed, but with regard to the topic under discussion today, I am keen to learn what proportion of the new jobs that will be required as the workforce expands will be for disabled people. Has sufficient funding been allocated to ensure that the necessary support is in place? Are the facilities in the public, private and third sectors all accessible and compliant with disability legislation?

If disabled people are to be able to take up and remain in employment, we need to put more resources and planning into our social infrastructure so that equal access and equal opportunity become a reality.

In conclusion, I remind members that it was actually Alf Morris, Labour and Co-operative Party member of Parliament, who was responsible for the first-ever disability legislation in 1970. I will end with a quote from the speech that Alf Morris gave on the 25th anniversary of his act. He said:

"Unfair discrimination leaves disabled people doubly disabled. That is morally wrong and what is morally wrong ought surely no longer to be legally permissible in Britain."

That must also apply to workplaces.

16:25

Oliver Mundell (Dumfriesshire) (Con): I begin by echoing the sentiment that is expressed in the motion and has been picked up on by a number of members across the chamber: there can be absolutely no doubt that the stubbornly high disability employment gap here in Scotland is unacceptable. Not only is it a tragedy on an individual level, but in a small country we simply cannot afford to miss out on the talent and skills of those individuals and the wider social benefits of ensuring the full and genuine inclusion of all our citizens.

This is a particularly pressing point in rural communities such as the Dumfriesshire constituency that I am proud to represent. I raised this point with Professor Russel Griggs, the head of the south of Scotland enterprise partnership, which is laying the groundwork for the new south of Scotland enterprise agency. In a region where there is a net outflow of young people, it seems particularly crazy that a number of local young people are being written off by society and by employers.

Although attitudes are clearly changing and there are signs of progress, we must all accept the reality that we are a long way off the end goal. Not only is that deeply demoralising and unfair to the individuals concerned, but society as a whole,

including communities such as Dumfriesshire, is paying a high price for that on-going stigma and discrimination. That is why I hope that addressing that issue will be a key priority for the new enterprise agency, as its focus will go beyond just commercial activity to include looking at some social issues.

As it happens—I will leave it to members to decide whether it was a coincidence—I met Professor Griggs at the Usual Place in Dumfries, which is a social enterprise and cafe that offers employment, training opportunities and qualifications to young people with disabilities or additional support needs. The project is an outstanding example of what can be done with the right support when our services are led and driven by the individuals who benefit from them.

Like Gillian Martin, I recognise the importance of the third sector. In many cases, it offers additional flexibility. Also, in my experience, the individuals who are involved with charities and organisations such as the Usual Place have a real passion, drive and determination that add something over and above that—something that is inspirational to the individuals whom they help.

The Usual Place has already proven itself to be successful in helping a number of young people into meaningful employment and encouraging them to look at setting up their own businesses. More than that, it has challenged wider social attitudes and inspired others in the community to look again at the steps that they could take within their own businesses and workplaces to break down barriers. Through my experience of the Usual Place and other similar organisations locally, I have seen that—as other members have commented—many of the issues around the employment gap go much wider than just employment itself. There are issues around transport, housing and the support that people receive through social security. That point cannot be emphasised enough.

From my perspective, education and training lie right at the heart of ensuring that those with disabilities, mental ill health and additional support needs are as fully equipped for the workplace as possible. Too often, we see them being denied opportunities before they even get to a job interview. That is not good enough and when capable young people are leaving school without qualifications, we cannot then turn around and pretend to be surprised that they struggle to gain employment.

We also need to do more, as other members have said, to demonstrate to employers the benefits of recruiting a more diverse workforce. I recognise some of the issues that smaller organisations without dedicated human resources teams and without the flexibility of a larger

workforce often complain about or say that they have concerns about. However, there is a range of initiatives out there to make it easier to deliver special adjustments and other measures that can be a barrier to hiring the best person for the job.

Like Rhoda Grant, I am pleased to have been able to take part in Inclusion Scotland's we can work internship scheme. I have learned a great deal—probably even more than my intern Fiona has learned. During her time in my office, she did a great job not only in challenging perceptions, including mine, but in using her role and her own voice to speak out and campaign on disability issues. This week, she said that she is determined to push forward work on British Sign Language, because she is sure that the next First Minister of Scotland or the person who will find a cure for cancer may be sitting in a school in Dumfriesshire without the support and help that they need to make all that they can of their life. That is the point: there is a huge untapped pool of talent out there on which we are all missing out. If we can get our approach right, it will make a big difference.

16:31

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): My key skill is an ability to conceal gaps in my personal knowledge and skills. For example, I play no musical instrument, I would judge it a great success if I drove a golf ball more than 100m, and my swimming abilities are close to nil. I highlight those examples of my shortcomings to illustrate the fact that many disabled people can exceed my skills in any one of those areas. The same will apply to all of us in the chamber. In other words, someone may be disabled in one part of their life, but that does not mean that they do not have abilities in another area. That is a key point that we should all remember.

It is surprising that we have not talked much about how we need to get inside the minds of many disabled people, who are talked down to, perhaps from quite early on in their lives, and made to think less of themselves than they should do. We need to look for some role models who illustrate the fact that having a disability is not an impediment to a successful life. It is only two months since Stephen Hawking died at the age of 76. His intellect far surpasses—I think that I will not be challenged if I put it this way—the collective intellect of all of us in the chamber. I can read his book, "A Brief History of Time", and I seem to understand each sentence as I meet it, but when I get to the end of the book I find that very little has penetrated the cerebral cavity on a permanent basis.

Alex Rowley talked about people who are disabled and unable to work, and what he said is

certainly true. However, I would like to put a different gloss on it, if I may. People who cannot work are nonetheless able to contribute to society and to give us something that is of value, simply by existing. They may contribute to a small circle of family and friends, and very often to a much wider circle. We should not forget that.

I will highlight some further models of achievement in disabled people. Dennis Robertson, a former member of the Scottish Parliament, is blind, as members know. I will give another example. In 1969, when I joined the Bank of Scotland to work with computers, I was stuck in a room to read some manuals to learn about what computers were and what one did with them. One of my colleagues, Brian, used to come in and walk across the room, get some blank punch cards, put them in the punch machine, punch things out and take them away, and off he went about his way. In the second week, I moved the heater in the room, because it was approaching winter and very cold, and Brian walked straight into it. I got a full mouthful of abuse from him, because he was blind. I had not known that he was blind for the first 10 days that I had known him. He had learned, more or less off by heart, all the technical manuals relating to the IBM computers that we used. We used to go to Brian with all our really difficult questions, and he always had the answer. That is another example of someone turning a disability into an advantage and a success.

Another issue, to which members have made reference, is invisible disability, such as mental ill health or incapacity, or indeed deafness—it is not obvious that someone is deaf. We have to think hard about how we help people with invisible disabilities to see a way forward in their lives and about how we help employers to understand that such people are of value to their companies.

Members have talked about the economic contribution that will come from increasing the number of people who are employed. I have no time—not a single second—for that argument. We are not here to serve an abstract idea of the economy; the economy is here to serve us, and not to enslave us. We should remember that whenever we consider this subject and a wider range of matters.

There are now some wonderful disabled role models. For example, there are quite a lot of disabled comedians—ain't that great? That engages us and draws us in.

I remind everyone that this debate is on a fairer Scotland for disabled people. We should forget "disabled": we are all people.

16:36

Mark Griffin (Central Scotland) (Lab): I am pleased that we have had an opportunity to debate how we deliver the right to work for Scotland's disabled people. I thank Inclusion Scotland, the Multiple Sclerosis Society Scotland and others for their briefings, and I thank Disability Agenda Scotland for its "End The Gap" report, which it published last autumn.

As the report, the briefings and I think almost all members who spoke in the debate underlined, the 43 per cent disability employment gap is unacceptable. Last year, I had the pleasure of hosting DAS's annual reception in the Parliament, at which the six charities that make up DAS called for a target to be set, to help more disabled people to enter into or return to employment.

The right to work should be universal—it is my party's purpose, of course. Whether or not someone is disabled, work should give them independence, freedom from poverty and support in building relationships.

That is why our amendment borrows directly from the DAS report. In Scotland, we must get on with setting a target to close the employment gap. Just two in five disabled people are in work, so we must use our powers to make a commitment that anyone can enjoy their right to work. Inclusion Scotland said in its briefing, rightly, that we should all work together to close the gap. I hope that members agree that we must set progress targets for that journey.

Given that the proportion of disabled workers in the Scottish Government, at 12 per cent, is barely above the proportion in the private sector, the public sector needs to offer much more leadership on building a more inclusive workforce. Jeremy Balfour made that point strongly.

Some members might have noticed that I have been wearing a hearing aid since the Easter recess—it is a very minor adjustment, for a minor disability. We know that the Parliament is lacking in terms of the visible representation of disabled people. Phyl Meyer, from Inclusion Scotland, has pointed out, in the context of the one in five campaign, that the Parliament should have about 23 disabled MSPs. It is in our gift to change the numbers. We can set new rules that encourage more people to enter politics. Last year, the access to elected office fund pilot showed how we can do that well. More disabled people now have the opportunity to represent their communities and the privilege of doing so.

It is our job to ensure that we put support in place to secure the right of disabled people to work in normal workplaces, too. When I look at the "End the Gap" report, I am struck by recommendation 8, which says that the system is

unnecessarily complex. Fair start Scotland, access to work, the employer recruitment incentive and the single health and work gateway are just a few of the schemes that we have. How they all slot together and who has responsibility for them is unclear. One of those schemes—access to work—is described as one of the DWP's best-kept secrets. It helps with additional transport costs and, for the deaf community, it could pay for communication support and equipment. The report highlights that it provides a 48 per cent return on investment but that employers know very little about it. Crucially, it focuses on adapting the workplace and not just moulding a disabled person for the workplace.

Co-ordinating support is understandably complex. Not only does it require responsible, inclusive employers to make necessary adjustments and a Government that puts the conditions in place to link disabled people with such employers, but disabled people who want to work need to be in the right position to seek it and take up work. With gig employment, zero-hours contracts and the growing level of insecure work, workers without disabilities are struggling in the workplace.

A number of speakers have pointed out that the debate is being held against a backdrop of potential cuts to the protected places scheme, which puts 600 jobs at risk. That is just the latest act of a UK Government that the UN has said is systematically violating the rights of disabled people to lead the lives that they want. Ending Remploy, removing disability premiums, making cuts to ESA, proposing the bedroom tax and portraying disabled people as scroungers and fraudsters have given the UK that shameful title.

However, with the new, fairer Scottish social security system coming and fair start Scotland schemes rolling out, the opportunities that disabled people in Scotland will have will change. Although Scottish social security will not include income replacement benefits, it will help to meet the costs of having a disability that arise from day-to-day tasks and the mobility support that people need in order to get to work—or to keep them in work if they should acquire an impairment.

When I challenged the Social Security Committee to set a disability poverty reduction target in the Social Security (Scotland) Bill, members pointed out, fairly, that the levers over income replacement benefits remain the responsibility of the Westminster Government. However, disability employment is also a big part of tackling disability poverty, because almost half of people in poverty live with a disabled family member. Setting a disability employment target with specific timescales would be an incremental

step towards proving both our commitment to and our responsibility for tackling disability poverty.

It is fair to say that all parties across the chamber want to close the gap. We all want to halve it and to go further, but the question is, by when? When the Trades Union Congress warned in 2016 that the UK Government was “years behind schedule” in delivering its manifesto commitment to halve the gap by 2020, the Tories’ response was to water it down to having one million of the three million disabled people in work by 2030, thereby abdicating its responsibility. Perhaps today we can start to build a path towards halving that gap.

I urge members to support the Labour amendment.

16:43

Michelle Ballantyne (South Scotland) (Con): I refer members to my entry in the register of members’ interests in that I am a business owner and an employer.

As we have heard from across the chamber this afternoon, we are all committed to building a fairer Scotland for disabled people. A million people in Scotland live with a disability or long-term limiting health condition and we need to harness their wealth of talent, experience and diversity. Gaining new skills, earning a wage and developing a career are not—and should not be—the prerogative of the physically and mentally fit and healthy. Barriers to employment, both perceived and real, need to be addressed so that Scotland’s disabled population can participate in both the economy and their communities. I share the minister’s position that that will take an all-Scotland approach, and I welcome the creation of his new working group.

Disability comes in many forms and is not always visible. However, we know that the ability to participate plays a major role in improving mental health, building social skills and helping disabled people to stay active and well.

The challenges are not new, or indeed unnoticed, but we all have a lot to learn. Like Rhoda Grant, as an employer, I know at first hand what benefits working with and employing disabled people can bring. Therefore, I welcome initiatives such as the recent deaf awareness week, a fantastic multigroup campaign that highlights the challenges that deaf people face.

I also welcome the intent displayed by the Scottish Government in its fairer Scotland action plan and, more recently, at the congress on disability, employment and the workplace. Alex Cole-Hamilton and Ruth Maguire mentioned the new word “employability” and the Government’s

£1 million grant. Those are promising steps in the right direction, and I look forward to reviewing the detailed action plan that is due for publication in the autumn, as well as examining the results of the consultation on disabled employment in the public sector, but I echo the sentiments of Alex Rowley and the other members who said that disabled people are strong partners in identifying the barriers and solutions, so the plan must be a co-production.

However, although the target of reducing the disability employment gap by half is admirable, we have yet to find out what the timeframe for that ambition will be. Rhoda Grant rightly said that she did not want the Parliament to be having the same debate in 10 years’ time. Therefore, I urge the Scottish Government to follow the advice of Disability Agenda Scotland and aim for a “realistic but ambitious” target for closing the employment gap.

I can see that the minister is dying to intervene.

The Deputy Presiding Officer (Christine Grahame): We could both see that you were poised, minister.

Jamie Hepburn: I was waiting for the correct juncture, Presiding Officer.

I take on board the point, and I make it clear that we will support the Labour amendment. I absolutely recognise the need for us to set realistic and meaningful targets. In that regard—without wanting to strike a note of discord—I ask the member whether she shares my regret that the UK Government has moved away from the explicit target of halving the disability employment gap to getting 1 million more disabled people into employment. Those two aims are not the same.

Michelle Ballantyne: That is a decision for the UK Government. Given that it has got 600,000 disabled people into work in the past five years, it has made huge progress. With regard to Scotland, you have said that you want the disability employment gap to be halved. What is your timeframe for that? You have made a statement to that effect; we are asking for a timeframe.

It is the year of young people. Disability Agenda Scotland, which is an alliance of the leading disability charities in Scotland, has highlighted young people as the group that is most affected by the disability employment gap. Research that the group has highlighted identified that although half of disabled young people were in further education nine months after leaving school, by the time they reach 26 they are four times more likely to be unemployed than their non-disabled peers. It is unacceptable that they face a potential lifetime of unemployment.

Skills Development Scotland advises that the percentage of disabled young people who participate in education has fallen, with the result that the education participation gap between young people with disabilities and those without them has been pushed up to 7 per cent. Jamie Halcro Johnston talked about the challenges of providing careers advice and support, particularly for those young people with learning difficulties. He asked what we can do better to prepare those young people for employment.

Even if a disabled young person obtains a degree, Papworth Trust figures reveal that unemployment is 15.5 per cent higher for disabled graduates than it is for non-disabled graduates. The commission for developing Scotland's young workforce has made some good inroads in that area, but more work must be done to make sure that all our young people can get into employment, not just those without disabilities. I have no doubt that we will all look to see whether the Scottish Government's youth employment strategy is successful in achieving its 10th key performance indicator, which is to increase the employment rate for young disabled people to the population average by 2021. A timeframe is in place when it comes to young disabled people.

As Gillian Martin highlighted, early intervention is key to ensuring that disabled people can successfully enter the workforce but, of course, unemployment is not an issue that affects only young people; it is prevalent across all age groups. Oliver Mundell highlighted the fact that, in a small rural population, a very high price is being paid for on-going stigma, while Jeremy Balfour raised the important issue of ensuring that employers feel confident about employing disabled people. He recognised, too, that, although we must support and encourage disabled young people, we also need to be realistic when we give them their options.

Oliver Mundell, Elaine Smith and others talked about the important role that the third sector plays in supporting disabled people and providing employment. We need to take some of the weight off that sector's shoulders. I agree with members who talked about the need to look at how we support the public and private sectors to create more employment and to support people once they are employed.

George Adam and others talked about the need to ensure that employment of disabled people is not tokenistic. The issue of quotas came up. I have no doubt that the measure will remain a point of debate, but the key thing is that it is not tokenistic.

In conclusion, Scotland still has some way to go in reducing the disability employment gap. Scottish Government figures show that just over 3.5 per

cent fewer disabled people are in work now than when the current Government came to power. Additionally, the unemployment rate for disabled people in Scotland is 3 per cent higher than that in the rest of the UK. We have spoken several times about the fact that, since 2013, 600,000 disabled people across the UK have moved into employment, so something must be working. With the devolution of new welfare powers to the Parliament, including the ability to top up benefits, it will be absolutely clear that Scotland and Scotland alone is responsible for its track record on cutting the disability employment gap. My recent visits to the Royal Blind school—

The Deputy Presiding Officer: We have not got time for that, I am afraid. That was an awful long conclusion—you must conclude, please.

Michelle Ballantyne: Sorry.

Many disabled people are highly skilled, intelligent and charismatic. By not utilising their skills, we are making a mistake, and a foolish one at that.

The Deputy Presiding Officer: I remind members to speak through the chair and not to use the “you” word. One day, you are all going to remember that, and I will celebrate.

I call Jamie Hepburn to close for the Government.

16:51

Jamie Hepburn: Thank you, Presiding Officer—I will not use that word in relation to anyone else. I also thank members who have contributed to the debate. It is clear that there is broad consensus across the chamber. Clearly, there are some differences, but we are united in our desire to move forward with a sense of urgency in relation to the agenda that we have set ourselves.

I will pick up on some of the issues that have been raised in the debate. I actually agreed with Jeremy Balfour when he talked about the mythology that somehow the private sector is bad and the public sector is good in relation to the employment of disabled people. The figures show clearly that that is not the case. The employment rate is higher in the public sector, but, when we consider that 11.7 per cent of those in the overall public sector workforce are disabled, in comparison to a figure of 11 per cent in the private sector, we see that that is not exactly something to write home about. Neither sector is performing. That underlines the scale of the challenge before us.

In relation to Mr Halcro Johnston's intervention on Gordon MacDonald and the point that Michelle Ballantyne made about 600,000 more disabled people being in work across the UK over the past

four years, Mr Halcro Johnston was looking for some reassurance about the position in Scotland. I can say that, over the past four years, there have been 55,000 more disabled people in employment in Scotland. If that offers him any reassurance, I suppose that it must say that we are moving broadly in the same direction here in Scotland. However, I urge caution in relation to those numbers—this relates to the fundamental point that I made in my intervention on Michelle Ballantyne—because a lot of that has been driven by demographic change. People who are already in the workplace are falling into the category of being disabled and, in effect, those who are already far removed from the labour market remain outwith employment. Our fundamental task has to be to reach out to those who are not in work and get them into employment.

In that regard, I agree with Jamie Halcro Johnston that the many people who have missed opportunities represent lost potential. That goes back to the point that I made at the outset of the debate that the situation represents a social injustice. Everyone should have that opportunity. I agree with Mark Griffin's perspective that the right to work should be universal. I agree with—*[Interruption.]*

The Deputy Presiding Officer: Just a minute, Mr Hepburn. Mr Cole-Hamilton, it is not acceptable for you to have your back to the chair and to be having a conversation. Away back to your seat.

Jamie Hepburn: How unfortunate that I was just about to say that I agree with Alex Cole-Hamilton when he said that being in work offers social connectivity. He was obviously engaging in a little too much social connectivity a moment ago, but when it is done correctly in the workplace it is apt. In addition, as Rhoda Grant was quite right to say, our work can define us, so we must ensure that everyone has that opportunity.

As I said earlier, the disability employment gap represents an economic injustice, and the flip side is that there is an economic imperative to get more disabled people into employment. Our labour market statistics show that we have high levels of employment, but despite that, when I am out speaking to employers, they tell me that they still have vacancies and skills gaps. We cannot afford to have a situation where we overlook the talents of disabled people in Scotland. Oliver Mundell was correct to make that point, and Alex Rowley was correct to highlight the boost to the economy that getting more disabled people into employment would represent. The Scottish Government's chief economic adviser recognises that halving the disability employment gap would lead to a 3.5 per cent increase in gross domestic product.

Efforts must therefore be made to get more disabled people into employment. Some are under

way. Rhoda Grant and Oliver Mundell mentioned the Inclusion Scotland internship programme, which I have been happy to take part in, and the Scottish Government supports an internship programme within its workforce. We also support the access to elected office fund that Mark Griffin and George Adam mentioned. Gillian Martin spoke about some of the work that is being undertaken by Project Search and the work that third-sector organisations in her area are doing to support those with learning disabilities to get into employment.

I offer Alison Johnstone an absolute assurance that fair start Scotland will fully support those with a learning disability. That is particularly important, because we know that the employment rate for those people is worse still than the overall employment rate for those with a disability. It is therefore important that we make every effort to support that group of people.

On the overall issue of the disability employment gap, a number of members made the point—quite correctly—that the problem is not with disabled people but is societal. That point was made by Jeremy Balfour, Ruth Maguire and Gordon MacDonald in particular, and they spoke about the mythology that exists and the misunderstanding of the abilities of disabled people. I thought that Stewart Stevenson's illustration of people's innate abilities was a very good way to look at these things.

Ruth Maguire spoke about the necessity for reasonable adjustments to be made in the workplace. That is already a statutory requirement, and our starting position must be to expect, as a minimum, employers to do what they are legally obliged to do. In that regard, I assure Elaine Smith that the Scottish Government will strongly encourage employers to be aware of their legal responsibilities as a minimum.

Daniel Johnson (Edinburgh Southern) (Lab): I very much agree with the minister's point that we need to do more to ensure that employers make reasonable adjustments for those with disabilities. However, disability is not just about those with a physical disability; it is also about those with intellectual and neurological disabilities, and neurodevelopmental disorders such as dyslexia and dyspraxia. Does he agree that more needs to be done to raise awareness of that and make sure that employers make reasonable adjustments for such people? I note that I have attention deficit hyperactivity disorder.

Jamie Hepburn: Indeed I do. If Mr Johnson does not mind me saying so, his willingness to come to the chamber and talk about his personal experience is important, because it shows people out there who are watching this debate, or any debate when he makes the point, that we as a

Parliament are willing to engage in talking about these issues.

I agree with Rhoda Grant's point that wishful thinking alone will not achieve the objectives that we have set ourselves. I agree that we need to set meaningful but realistic targets and a meaningful but realistic timescale, and that we need to be transparent about how we are going to halve the disability employment gap. That is why we will have no hesitation in supporting the Labour amendment at decision time, and we will also support the Tory amendment.

I assure Rhoda Grant that, although we agree with that point, we will also be getting on with the task that we have set ourselves to get ready to halve the disability employment gap. Our first priorities will be to take forward the announcements that the First Minister made at the congress in April, with a consultation on whether the public sector should have targets for disability employment rates and publication later this year of a disability employment action plan. We will get on with those things immediately.

This is, of course, a significant effort and one that we must undertake. I am very clear that, as I set out at the beginning of the debate, the work is not the Government's alone and it cannot be achieved by the Government alone, but the Government will be a leader on these matters. Today, I call on everyone across Scotland to come with us on this journey, which will take us closer to a more diverse workforce in which everyone has the chance to flourish and disabled people are able to fulfil their potential.

Presiding Officer's Ruling

17:00

The Presiding Officer (Ken Macintosh): Members will recall that, last Thursday, Daniel Johnson raised a point of order regarding the Education and Skills Committee. The issue related to the conduct of the Cabinet Secretary for Education and Skills and the officials who work for him.

I was grateful that Daniel Johnson gave me advance notice of his point of order, but, because decision time was brought forward last Thursday, I received very short notice of a few minutes of it, and it highlighted several rather detailed points. It was for those reasons that I undertook to look into the matter and return to members with my response.

I should say first and foremost that, as members will be aware, complaints against ministers are for the ministerial code and complaints against civil servants are for the civil service code. In relation to the specific matter, I understand that further clarification from the Government has been requested by some members of the Education and Skills Committee, and the cabinet secretary and his officials will no doubt respond as soon as practicable. I think that that process needs to be allowed to take place.

On the wider point about the relationship between committees and the Scottish Government, the protocol on that is long-standing and is between the Scottish Government and the Conveners Group. It is important to ensure that that protocol works for both the Scottish Parliament and the Scottish Government and recognises the respective roles of both.

I hope that that addresses the point of order.

Decision Time

17:01

The Presiding Officer (Ken Macintosh): There are three questions to be put as a result of today's business. The first question is, that amendment S5M-12344.1, in the name of Jamie Halcro Johnston, which seeks to amend motion S5M-12344, in the name of Jamie Hepburn, on a fairer Scotland for disabled people: tackling the employment gap, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-12344.2, in the name of Rhoda Grant, which seeks to amend motion S5M-12344, in the name of Jamie Hepburn, on a fairer Scotland for disabled people: tackling the employment gap, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)

Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Mason, Tom (North East Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)

Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 81, Against 28, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The final question is, that motion S5M-12344, in the name of Jamie Hepburn, on a fairer Scotland for disabled people: tackling the employment gap, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
Adamson, Clare (Motherwell and Wishaw) (SNP)
Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
Arthur, Tom (Renfrewshire South) (SNP)
Baker, Claire (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Bibby, Neil (West Scotland) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Cole-Hamilton, Alex (Edinburgh Western) (LD)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
Denham, Ash (Edinburgh Eastern) (SNP)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Ewing, Annabelle (Cowdenbeath) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Green)
FitzPatrick, Joe (Dundee City West) (SNP)
Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gougeon, Mairi (Angus North and Mearns) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Greer, Ross (West Scotland) (Green)
Griffin, Mark (Central Scotland) (Lab)
Harper, Emma (South Scotland) (SNP)
Harvie, Patrick (Glasgow) (Green)
Haughey, Clare (Rutherglen) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Johnson, Daniel (Edinburgh Southern) (Lab)
Johnstone, Alison (Lothian) (Green)
Kelly, James (Glasgow) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow) (Lab)
Lyle, Richard (Uddingston and Bellshill) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
MacGregor, Fulton (Coatbridge and Chryston) (SNP)
Mackay, Derek (Renfrewshire North and West) (SNP)
Mackay, Rona (Strathkelvin and Bearsden) (SNP)

Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
Maguire, Ruth (Cunninghame South) (SNP)
Martin, Gillian (Aberdeenshire East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
Matheson, Michael (Falkirk West) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McKee, Ivan (Glasgow Provan) (SNP)
McMillan, Stuart (Greenock and Inverclyde) (SNP)
Neil, Alex (Airdrie and Shotts) (SNP)
Rennie, Willie (North East Fife) (LD)
Robison, Shona (Dundee City East) (SNP)
Ross, Gail (Caithness, Sutherland and Ross) (SNP)
Rowley, Alex (Mid Scotland and Fife) (Lab)
Ruskell, Mark (Mid Scotland and Fife) (Green)
Sarwar, Anas (Glasgow) (Lab)
Scott, Tavish (Shetland Islands) (LD)
Smith, Elaine (Central Scotland) (Lab)
Smyth, Colin (South Scotland) (Lab)
Somerville, Shirley-Anne (Dunfermline) (SNP)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stewart, Kevin (Aberdeen Central) (SNP)
Swinney, John (Perthshire North) (SNP)
Todd, Maree (Highlands and Islands) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wightman, Andy (Lothian) (Green)
Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)
Bowman, Bill (North East Scotland) (Con)
Burnett, Alexander (Aberdeenshire West) (Con)
Cameron, Donald (Highlands and Islands) (Con)
Carlaw, Jackson (Eastwood) (Con)
Carson, Finlay (Galloway and West Dumfries) (Con)
Chapman, Peter (North East Scotland) (Con)
Corry, Maurice (West Scotland) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Golden, Maurice (West Scotland) (Con)
Greene, Jamie (West Scotland) (Con)
Halcro Johnston, Jamie (Highlands and Islands) (Con)
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
Harris, Alison (Central Scotland) (Con)
Kerr, Liam (North East Scotland) (Con)
Lindhurst, Gordon (Lothian) (Con)
Lockhart, Dean (Mid Scotland and Fife) (Con)
Mason, Tom (North East Scotland) (Con)
Mountain, Edward (Highlands and Islands) (Con)
Mundell, Oliver (Dumfriesshire) (Con)
Scott, John (Ayr) (Con)
Simpson, Graham (Central Scotland) (Con)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, Alexander (Mid Scotland and Fife) (Con)
Tomkins, Adam (Glasgow) (Con)
Wells, Annie (Glasgow) (Con)
Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 81, Against 28, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament believes that the disability employment gap in Scotland of 37.4% is unacceptable; supports the ambition to at least halve that gap; recognises that increasing disability employment rates is a social and

economic imperative; welcomes the Scottish Government's Congress on Disability, Employment and the Workplace held in Glasgow on 30 April 2018, bringing together government, employers, disabled people and campaigning organisations; acknowledges that making progress will require a cross-societal effort; calls on employers to better diversify their workplaces to ensure that more disabled people are in employment; acknowledges the particular barriers for people with mental health issues and learning disabilities entering the workplace; welcomes the Scottish Government's recent consultation aimed at improving the public sector's performance on the employment of disabled people; agrees with the view of the UN that the UK Government has systematically violated the rights of disabled people, and supports calls for ambitious, yet realistic, targets in Scotland with specific deadlines for reducing the gap to be set and regularly and transparently reported on.

Restorative Justice

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on S5M-11174, in the name of Liam Kerr, on increasing awareness of restorative justice within the criminal justice system. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises what it considers the importance of restorative justice in complementing the traditional criminal justice system in Scotland; understands that the process of restorative justice aims to bring those harmed by crime, including in the North East Scotland region, together with those responsible for the harm to participate actively in addressing or repairing the harm that was caused, with the help of trained facilitators; notes that this can involve direct and indirect initiatives, such as face-to-face meetings, shuttle dialogue or police restorative warnings; understands that this enables everyone affected by a particular incident to find a positive and tailored way forward, often including a chance for an apology to be offered in response to a crime committed; recognises what it sees as the benefits of restorative justice, such as empowering the victim by supporting them through their recovery and, it understands, a proven reduction in reoffending rates; commends the Restorative Justice Forum (Scotland) for the work that it has done to develop and raise awareness of restorative practices in Scotland notes that restorative justice is not an alternative to a criminal trial but an approach that operates alongside the traditional justice system; understands that, during three pilot schemes in England, 83% of victims offered restorative justice wanted to take part; is aware of concerns that Scotland has been relatively slow to embrace a similar approach, and notes the calls for the Scottish Government to further champion the process of restorative justice, with the hope that Scotland can embrace a similar system of criminal justice.

17:06

Liam Kerr (North East Scotland) (Con): I am very pleased to bring forward this members' business debate today, and to thank all those from across the chamber who added their support to the motion, either by directly supporting it or by allowing this important matter to be debated.

I titled the motion "Increasing Awareness of Restorative Justice within the Criminal Justice System" and, if nothing else, the debate will achieve that increase in awareness.

What is restorative justice? At times, it can feel as though we are trying to empower those who break the law more than we try to empower victims. One former police officer's comments are worth citing in that regard:

"Common feedback from victims and witnesses was the feeling that they were 'on the outside looking in' and once they had given their statement, they often heard nothing further until receiving a citation to attend court. In many cases this came as a surprise. They had expected to be contacted when the alleged offender had been traced and

spoken to in order that they be involved in the decision making process, given that they are the ones who have been most affected by the incident.”

The concept of restorative justice seeks to address that feedback.

The Scottish universities insight institute defines restorative justice as:

“a process that brings together those harmed by crime and those responsible for the harm to safely discuss the harm and how it might be set right.”

In essence, it is voluntary communication—on both sides—between the offender and the victim, which takes place in a safe manner and environment and in which the offender must be prepared to admit responsibility but, crucially, there is no need for victims to forgive.

Joanna Shapland, chair of the Scottish restorative justice forum, says that the process allows victims and their families to ask questions that will be familiar to all of us who have been a victim of crime, such as, “Why me?”, “Are you sorry for what you did?”, and “What are you doing to change your behaviour?”, and to look the offender in the eye and receive an apology.

Restorative justice includes victims in the process that follows the aftermath of a crime and allows them to confront offenders with the human impact of their wrongdoing. We must be clear that, crucially, none of that replaces a formal trial to establish the guilt of the offender.

Restorative justice works. An academic evaluation of three schemes in England found that up to 83 per cent of victims to whom restorative justice was offered wanted to take part. Those who took part appreciated the offender meeting them and answering questions, and the opportunity to receive a direct apology, which is not normally possible in criminal justice processes. An outcome agreement—that is, an agreement between the parties for appropriate restoration—was reached in 98 per cent of cases.

International research consistently shows very high rates of participant satisfaction, with typically more than 80 per cent of respondents saying that they found the process helpful, are pleased that they did it and would recommend it to others. It is better for the victims, and it is better for society.

There is something else here. Scotland’s reconviction rate has barely changed in 17 years. According to University of Sheffield research, restorative justice processes significantly reduce the frequency of reoffending. Figures from New Zealand over a five-year period show that the rate of reoffending was 15 per cent lower among offenders who took part in restorative justice and that they committed 26 per cent fewer offences

overall than an appropriately constituted control group.

The principles appear to be sound, but we are not doing restorative justice to any great degree. Last year, the Scottish Government published its “Guidance for the Delivery of Restorative Justice in Scotland”. It is good guidance and I welcome it, but guidance does not work unless it is used. When asked what restorative justice is, nearly half of local authorities either did not know or supplied an answer that substantially contradicts the Scottish Government’s definition. Only five of our 32 local councils offer any sort of restorative justice service for adults.

The cabinet secretary’s predecessor, Kenny MacAskill, said of restorative justice that there has been a “failure to take action” as

“a natural consequence of it not being made a Ministerial priority”.

I might be wrong, but I think that that is political speak for “I ignored this when I was a minister”.

Steve Kirkwood and Mary Munro, academics at the University of Edinburgh and the University of Strathclyde respectively, are clear that

“the relative neglect in Scotland is rather odd given developments of restorative justice in other parts of the UK, across Europe and in jurisdictions across the world.”

We need to get these services up and running. That is the first step towards creating a justice system that puts victims at its heart. That means having trained professionals available to facilitate the communication, and informing victims that the service is available and that they can access it.

However, we also need to be clear what restorative justice is not there for. Of the five councils in Scotland that offer restorative justice, three do it as a diversion from prosecution. I find that disappointing. Joanna Shapland is clear that restorative justice cannot replace a formal trial. In my view, she is right. Involving victims in the justice process is not a substitute for punishing offenders adequately for the wrongs that they have committed.

However, victims can be included as part of and alongside the existing justice process. One sheriff has very fairly asked why victims are not part of community payback review hearings. Everyone is represented around that table except the person who has suffered the most from the crime. Would the public not have more confidence in community sentences if victims were able to input into the punishment? What if the unpaid work that is carried out by offenders on CPOs had more of a connection with the original offence, so that lawbreakers properly understood the impact of their crimes? Further, what if social workers writing reports for courts and hearings had a better idea

of the victim's experience and whether they wanted to meet the offender and pose their own questions in the hope of achieving some kind of closure?

That is why I wanted a debate on restorative justice. We can send a message out from the chamber that when a crime is committed, we will not forget the victim—the individual whose life is changed, often irreparably, through no fault of their own. If we care about victims, we will make them an essential part of putting things right, and we do that by increasing awareness of restorative justice within the criminal justice system.

17:13

Fulton MacGregor (Coatbridge and Chryston) (SNP): I thank Liam Kerr for bringing this important subject to the chamber. I have two declarations to make: I am the Parliamentary liaison officer for the justice portfolio; and I am a registered social worker with the Scottish Social Services Council and was a worker in the justice system in the last four years of my practice before becoming an MSP.

I will start by picking up on some of the points that Liam Kerr made. While I was working in the justice system, I was able to see the value of restorative justice. I would say that it worked very well, particularly with young people, on whom there was a particular focus. I witnessed at first hand young people having a change in attitude to their offending and to the restorative justice process, even though they might have been a bit sceptical initially. I know that this is not the usual outcome, but there was even one occasion on which I witnessed two young people becoming fast friends through the process.

We know that restorative justice works and that it can be effective. I agree with the points that Liam Kerr made in that regard, but I would like to pick up on his view that there is no awareness of it. When I worked as a social worker, I was extremely aware of it, as were all my colleagues and, I imagine, everyone who worked in the justice system. There is a wee bit of flexibility in the community payback order to do some work in relation to restorative justice, but an assessment has to be made of whether it is appropriate, because that is not always the case—it certainly would not be appropriate always to have victims in community payback order meetings.

However, I accept the general point that there is perhaps more that could be done at an earlier stage. When I was doing criminal justice social work reports, my colleagues and I would take into account aspects of the attitude towards the offence and perhaps also the victim's view. More

could perhaps be done along those lines, although there is a degree of flexibility.

I will talk a wee bit about local good practice. In 2013, North Lanarkshire Council's restorative justice team, with funding from Airdrie and Coatbridge round table, facilitated the renovation of a school that had been vandalised. That work was done with offenders who had been through the community justice system, so it was a really good example. Maureen Hughes, the restorative justice service manager at the time, said that

"three out of five people on schemes like these don't reoffend".

That is a pretty powerful quote, and it made for quite a lot of good local news.

I do not think that the point about the value of restorative justice is lost on the Scottish Government. The minister will speak later about the publication, in October last year, of "Guidance for the Delivery of Restorative Justice in Scotland", which outlined the key principles of restorative justice and guidelines for utilising it. I am pleased that there is a clear commitment to supporting its delivery.

I accept that only a small number of local authorities are using restorative justice, having identified it as such. However, I would say that most local authorities are doing it. The local authority that I worked for probably features among the statistics that have been mentioned, yet we were clearly doing restorative justice. There is perhaps a wee bit of work to be done to tighten up the statistics and so on.

I am running out of time. This is an area in which I have a lot of interest. I will keep a close eye on how things are going, and I am pleased with the steps that have been taken on the matter nationally.

17:17

Daniel Johnson (Edinburgh Southern) (Lab): I, too, thank Liam Kerr for securing the debate. It is extremely useful, particularly in the context of the current wider justice debate. Although I do not have any particular interests to declare, I should probably mention that I studied philosophy as an undergraduate, so if I waffle on a bit about the concept of justice, members can blame my choice of studies at university. That is important, however, because we are absolutely right to explore the justice system, to examine whether what we are doing actually works and to consider what we can do to make it better.

We are making progress. There is a presumption against short sentences and a much greater focus on the underlying causes of crime, rather than a concentration on identifying criminals and

criminality. We are also adopting a focus on what works—we are looking for practices that reduce levels of offending in the first place, and of reoffending. That is absolutely right, because the traditional model of justice, which focuses on punishment, is defective. The old model, which involved retribution, correction and punishment as deterrents, is fundamentally flawed. It does not work: first, because it assumes that the person who is committing a crime is acting rationally and, secondly, because those people are very often victims in the first place. They are people who have suffered adverse childhood experiences or other tragedies in their lives. The idea that punishment is the way to deal with that is fundamentally flawed.

Justice is about balance. Liam Kerr made the very good point that the victim can sometimes get lost, so we need to be careful not to treat justice as being just about correcting behaviour, because it is about achieving balance. After all, Lady Justice carries not only a sword; she also carries scales. Restoring balance is fundamentally important, and it is fundamentally what restorative justice is about. It is about the victim, but it is also about the perpetrator confronting their behaviour, and understanding its causes and effects. That is just as important an element of restorative justice as the victim's perspective.

There can be no better example of that than the case of Jay Beatty, which came to light at the end of last year. An 11 year old with Down's syndrome, Jay was part of Celtic's celebrations back in 2014. However, he then suffered appalling abuse online, on social media. As part of the steps that were subsequently taken, Jay met the person who was behind the attacks. According to his father, there was a "powerful" and "emotional" exchange, and the perpetrator fundamentally realised what he had done when he came face to face with his victim. That was a powerful demonstration that such steps are beneficial not just for the victim, but can show the perpetrator the real consequences. That two-way element of restorative justice is very important.

We must look at how we can move forward and confront some home truths. We would like to be progressive in advancing criminal justice policy, but in this country we still put an awful lot of people away in prison. According to the Council of Europe, Scotland has 584 entries to prison per 100,000 of the population, which far outstrips the European average of 167. Even England and Wales is down at around 197. We need to confront that. Why do we in Scotland put so many people in prison, despite all our efforts and despite everything that we have done? Restorative justice is one element, but we must look more broadly at how we can tackle the issue and alter a flawed model of criminal justice.

The Deputy Presiding Officer: I do not think that you waffled at all, Mr Johnson.

17:21

John Finnie (Highlands and Islands) (Green): I, too, congratulate Liam Kerr on bringing the matter to the chamber. There are many differences of opinion between me and the Conservative Party, but when he asked me to sign the motion, I thought that this is a subject that is worthy of debate. I have enjoyed his and other speeches, so far.

I will talk to some of the wording of the motion. It is important that the motion speaks of

"the importance of restorative justice in complementing"

the justice system. The motion is also right to point out that there is not one model; each individual case should be dealt with on its merits in terms of the wellbeing of the victim and the wellbeing of the accused.

The motion also talks about the

"aims to bring those harmed by crime ... together with those responsible"

for crime. Of course, it is very important that the engagement is appropriate and does not compound difficulties for either party—especially the victim. For that reason—again, sticking with the motion—we talk about the use of "trained facilitators" and their role in

"direct and indirect initiatives, such as face-to-face meetings, shuttle dialogue",

and one about which I should particularly declare an interest, given my past career, which is "police restorative warnings". The most powerful tool of a police officer in Scotland is not their CS incapacitant spray, rigid handcuffs or, as some have, a firearm. It is the power of discretion and the power to exercise that discretion wisely and proportionately. When the motion talks about

"a positive and tailored way forward",

that is the direction in which we should go. Daniel Johnson and others have talked about the direction of travel and the presumption against short sentences. Important words, again from the motion, are the

"chance for an apology to be offered in response to ... crime".

It is not only the victim who wants that chance. Most of our crime is committed by young men and most of those young men are under the influence of drink or drugs at the time. Given that, they are only too ready to apologise the next day, when it becomes apparent what they have done.

I will go on to another phrase in the motion: "empowering the victim". That is very important,

because the victim must be in charge of the option. I will not repeat the statistics, but I will repeat the phrase that Liam Kerr used:

“it is better for the victims”.

It is evidenced, and that is very important. I am a member of the Justice Committee, which struggles with varying statistics and competing opinions on what is and is not good. Hard empirical evidence is important.

Restorative justice is not available everywhere, which is an issue, but we know that not everything is available to everyone who hands down sentences. In Moray, in my region, the youth justice team works with young offenders aged 18 and is aware of the Scottish youth justice plan, as I saw on their website this afternoon. Their key objectives are

“to reduce youth offending and the impact of this behaviour on communities throughout Moray.”

Of course, victims are all members of the community in Moray. The service provides a lengthy list of programmes, including acceptable behaviour contracts, an anger management programme, a safer lives programme and an independent living programme. It also has an intensive support and monitoring service for young people who have the potential to find themselves in secure accommodation.

This is an opportunity that dovetails with others. Where I disagree with my colleague Liam Kerr is that I see restorative justice as a diversion from and an alternative to prosecution. It is a positive option. However, like anything else, it has to be used proportionately. The wellbeing of the accused has to be a factor—not least because many perpetrators are under the influence of drink and/or drugs at the time of the offence—and the welfare of the victim should be at the forefront. It is very clear that restorative justice is not for every victim.

17:25

Liam McArthur (Orkney Islands) (LD): I join members in congratulating Liam Kerr on making the debate possible. He was right to emphasise the importance of raising awareness.

I also congratulate the other speakers in the debate. Having taken on the role of justice spokesperson for my party, I have long since realised that one of the key planks of the role is paying regular tribute to my predecessor, Alison McInnes. In this instance, that is very much merited because she was the MSP who lodged the amendment to what is now the Victims and Witnesses (Scotland) Act 2014 that gave rise to the guidance that was published at the end of 2017. I also pay tribute to John Finnie, whose little

local difficulty with his previous party’s members perhaps released him to vote in favour of that amendment at stage 2, and to the Government, which had a majority at that time but did not, to its credit, seek to reverse the amendment at stage 3. That has been reflected in today’s debate, which—if it does nothing else—amplifies and underscores the extent to which we have moved on over the period. There is better understanding of restorative justice—what it is and is not, and how it fits in the wider context of what we want to achieve through our criminal justice system, as Daniel Johnson said.

Restorative justice is not, as had previously been assumed, some sort of soft option. It is an option—in some cases, it is a hard and challenging option. As Alison McInnes pointed out when she moved the amendment that I mentioned,

“Restorative justice services can assist victims to overcome their experiences and provide a form of accountability and a forum in which to receive an apology”

and, at the same time, it

“can enable those who have committed crimes to reflect on their actions, take personal responsibility, appreciate the harm that they have caused and start to make amends. That can prove key to the rehabilitation of both parties.”—*[Official Report, Justice Committee, 12 November 2013; c 3608.]*

I know that restorative justice is felt to be particularly effective in youth justice cases, but not exclusively in such cases.

It is also worth recalling that Alison McInnes’s amendment reflected article 12 of the European Union victims directive, which stipulates that

“Member States shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral.”

The directive maintains that victims who choose to participate should have access to safe and competent restorative justice services, but that is not yet happening enough. Although progress has been made and there is better understanding, the benefits are not being properly realised through slow and patchy progress.

If Alison McInnes were in the chamber now, as well as my not sparing her blushes, she might also regret the time that it has taken for the guidance to be produced—although as Liam Kerr rightly pointed out, the guidance is a positive move. I welcome its contents.

Back in 2013, Kenny MacAskill declined the opportunities that could have been set up by short-life working groups, thinking that they might hold things back. Instead, he wanted to meet Alison McInnes and other stakeholders in his office, confident that swifter progress could be made that

way. Therefore, it is a bit disappointing that it has taken three years for the guidance to be produced. However, there is now an opportunity to press on.

Steve Kirkwood and Mary Munro from the University of Edinburgh were quoted earlier. I note that they recently observed in *Scottish Justice Matters* that, despite political support, which has been very evident again this evening,

“there are still too few services offering restorative justice to victims and offenders. Those that exist tend to be for younger people who have committed ‘lower tariff’ offences: and some activity that is labelled ‘restorative justice’, is not.”

We can take some reassurance from the tone of tonight’s debate. As Liam Kerr said at the outset, the debate will help to raise awareness, but we have some way to go in realising restorative justice’s full potential—as we would all wish to do—for victims and for those who offend or are likely to reoffend. I, again, thank Liam Kerr for allowing us this opportunity.

17:30

Oliver Mundell (Dumfriesshire) (Con): I say to Liam McArthur that I am very confident that, one day, someone else will stand up in the chamber and compliment his efforts in the justice brief.

As other members have done, I thank Liam Kerr for bringing the motion to the chamber and affording myself and other members the opportunity to talk about this important issue. I have already enjoyed having the opportunity to listen to others, which is more important than me talking about it. We have heard a number of considered contributions from across the chamber. Although there will be no philosophy here, I have enjoyed listening to the different takes. It is important to remember that, whatever political differences exist between the parties on justice issues, there is a lot of common ground, and this is a good example of where we can build consensus and improve everyone’s experience of the criminal justice system.

Restorative justice provides the opportunity for a victim of crime—I was interested in John Finnie’s point about the opportunities that it offers for offenders, too—to experience justice in a comprehensive and different way, rather than through the prosecution and sentencing process alone. It allows the offender to face up fully to the consequences of their actions and better understand the process that led them there in the first place. The evidence from elsewhere around the world shows that restorative justice is so successful, because, rather than simply focusing on punishment, it allows for reflection. Unlike mediation, restorative justice does not offer a moral level playing field, but recognises that a wrong has been done. For that reason, it is a

victim-led process but one that the offender needs to be part of and drive, too.

We have heard examples of restorative justice being used effectively. International research has shown that more than 80 per cent of participants in restorative justice initiatives found the process helpful. I do not think that there would be the same figure in relation to other criminal justice proceedings. Therefore, it is a little bit disappointing—I am not seeking to make a big point of it—that Scotland seems to be lagging behind, certainly in some areas. I note Fulton MacGregor’s point about his constituency and past experiences but, as a member representing a more rural community, I know that there is patchy provision across many aspects of criminal justice. That is, in part, inevitable, but the lack of provision is unhelpful and, with more support and focus, it could be addressed.

Another point that I want to draw on relates to the Crown Office and Procurator Fiscal Service inquiry. When I was a member of the Justice Committee, we heard a lot of evidence about the breakdown in communication. If restorative justice has any benefit, the key benefit that I would single out is the ability to start a dialogue and address misinformation.

Obviously, restorative justice will not be for everyone, but it is a forum that sits alongside the formal trial process. It is not right for it to be used in every case and it is not intended to necessarily always replace prosecution and sentencing. However, we should recognise that prosecution and sentencing are only one dimension in achieving justice for victims and rehabilitation for offenders.

17:34

Lewis Macdonald (North East Scotland) (Lab): I congratulate Liam Kerr on bringing the debate, and I commend the principles of restorative justice that he described. As we have heard, it can be tempting to think of restorative justice as an alternative to action under the existing justice system, but I agree with Liam Kerr that we should resist that temptation. The experience of existing alternatives to prosecution suggests that restorative justice cannot be based on good will alone; restitution needs to be enforceable and that principle must also apply in future.

Requiring offenders to meet their victims and to apologise for their crimes can encourage them to face up to the consequences of their actions, perhaps make them think twice about committing another crime, and help to reduce reoffending overall. However, restorative justice is equally important for victims. Their recovery can be helped

by the knowledge that offenders have paid a price for their crimes and paid their debt to society, whether that be through a community sentence or financial compensation to the victims.

By contrast, when victims do not see justice being done, measures that are intended to deliver restorative justice can undermine their faith in the justice system. For example, my constituent Michelle Gavin has had that experience. Two years ago, she was the victim of damage to her property when a man entered her garden. The bill ran into hundreds of pounds. The Crown Office made the apparently reasonable decision to offer the offender the option of paying compensation direct to his victim so that the offender need not be taken to court and the victim would benefit from a form of restorative justice.

Two years later, with not a penny paid, Michelle Gavin has had cause to regret accepting that fiscal compensation offer. The offender has not paid. The Crown is effectively unable to do anything about it. The offender has been arrested on warrant, detained in custody and taken to court for non-payment not once, but three times. On each occasion, the justice of the peace has set new payment terms and told the offender that he should pay the compensation, but to no avail.

If a fine had been imposed by the courts, fines enforcement officers employed by the Scottish Courts and Tribunals Service would be able to take action but, because it was a fiscal compensation offer, fines enforcement officers have no effective sanction. Critically, offenders who have received a fiscal compensation offer are under no obligation to complete a declaration of income form. Without that, fines enforcement officers cannot know whether offenders are in work or on benefits, they cannot identify bank accounts, or arrest wages, benefits or savings. If a fines enforcement officer encourages an offender to provide such information on a voluntary basis, and the offender's defence agent does not, the outcome, sadly, is all too predictable.

Not only that, but when it comes to fines and compensation offers that have been issued by fiscals, courts cannot impose an alternative sentence as they would for fines that have been imposed by a court, such as a community payback order, so there is no incentive for the offender to pay up.

In a case such as Michelle Gavin's, an effort to achieve restorative justice without the full powers of enforcement that are available under the traditional justice system has done the opposite of what was intended. In such a case, the victim loses faith in the justice system, the offender does not require to change their behaviour, and justice is not seen to be done. As we go further down the road of restorative justice, as I strongly believe

that we should, we need to learn those lessons in order to achieve the desired results.

17:38

The Minister for Community Safety and Legal Affairs (Annabelle Ewing): I, too, congratulate Liam Kerr on securing this debate on restorative justice, and I thank all members for their interesting contributions.

During the past decade, Scotland has become a safer place, with less crime and better support for victims. Restorative justice offers us an opportunity to build on that progress. Restorative justice can provide victims with the chance to have their voices heard and their questions answered. It can also help to tackle the likelihood of someone being drawn into further offending. It is a particularly powerful tool when it is used to address the behaviour of young people, who can learn so much from a dialogue with those who have been harmed by their actions. That can lead them to a route out of crime and away from the revolving door of the justice system. However, we are keen that the main benefit is felt by the victims of crime, giving them an opportunity to communicate the impact on their lives and to regain some control.

Our vision is to have high-quality restorative justice services available across Scotland; for the needs and interests of the victims to be at the very heart of the restorative justice process, to ensure that further harm is avoided; and to build public awareness and understanding of what restorative justice is and the benefits that it can deliver, as has been referred to.

As a step towards achieving that vision, we published "Guidance for the Delivery of Restorative Justice in Scotland" in October last year. The guidance was developed in partnership with a range of stakeholders, most notably the members of the restorative justice forum. Members include Police Scotland, Sacro and Victim Support Scotland. I thank forum members for their contribution and for their role in championing restorative justice over the years.

The guidance is aimed at practitioners and facilitators; it sets out the principles that need to be followed in a restorative justice process. A key principle is that participation in the process must be voluntary for both the victim and the person who has caused the harm. That is an important point, which is worth stressing. We want to raise awareness of restorative justice, but we need to do so in a manner that recognises that there is no obligation on either party to participate.

Now that the guidance has been published, we plan to consult by the end of this year on an order under section 5 of the Victims and Witnesses

(Scotland) Act 2014, to prescribe which bodies must have regard to it. In addition to publishing the new guidance document, we want to get a better understanding of the current provision of restorative justice in local areas throughout Scotland. We have therefore surveyed local authority community and youth justice teams to investigate how restorative justice is being delivered and to help to identify any barriers that may be hindering its use. We aim to publish our survey findings before the summer recess and we hope that they will address some of the points that have been made tonight on that very subject.

There is evidence that good work is already under way in a number of areas. For example, stakeholders in Aberdeen are working with Community Justice Scotland and Sacro to increase and improve diversion from prosecution. That includes the provision of access to restorative justice services.

Lewis Macdonald: The constituent to whom I referred earlier was indeed in Aberdeen. Does the minister accept the point that, in taking that exploration forward, regard has to be had to the need to enforce a diversion for justice if that diversion for justice is not honoured by the offender?

Annabelle Ewing: I heard the point that the member made about his constituent. I am not entirely sure whether that has been the subject of correspondence with the Scottish Government—the member is nodding his head, so it has been. Any decision that is made by the local procurator fiscal on how to proceed in any given case is not a matter for ministers but I note the wider point that the member raises about enforcement in circumstances in which fiscal compensation orders are imposed. I will ensure that that is drawn to the attention of officials and we will have a look at that.

In Shetland, the space2face project enables young offenders to work with trained artists to make a gift of artwork for the person whom they have harmed. Offences that the project has covered have included assault, cyberbullying, theft, breach of the peace, fraud and vandalism.

In Edinburgh, restorative justice processes are being developed for those serving community payback orders related to hate crime. To support that work, an information-sharing protocol has been developed and staff have been trained in the delivery of restorative justice.

Those examples demonstrate how restorative justice processes can be tailored to local need. They also highlight some of the challenges associated with the expansion of restorative justice provision across the country—challenges such as how and when to contact victims. Each victim's journey is unique, as is the point at which

they may feel willing and able to participate in a restorative justice process. In some cases, that may be months or even years after the crime was committed.

Contact protocols that recognise those challenges and which are compliant with data protection legislation are therefore required. We also need to ensure that high-quality training is available for restorative justice facilitators, as that is essential to ensure that services are of a consistent standard and are carried out safely and effectively.

A third challenge, which the debate helps to address, and which several members have highlighted, is the need for us to build public awareness and understanding of restorative justice and the benefits that it can deliver. We need to promote it as an option that runs in tandem with and complements the mainstream criminal justice system. It is not a replacement for the mainstream system, nor—as Liam McArthur pointed out—is it a soft option for those who do harm. I believe that the cross-party support for the motion and the welcoming tone of the debate illustrate that we have achieved a good degree of consensus on those points.

Finally, there is a need for clarity around the roles and responsibilities of all those who are involved in encouraging, managing and delivering restorative justice. That will require commitment and support from local authorities, public sector bodies and third sector partners and volunteers. The challenges are clear, and we are committed to providing strategic leadership to address them. We will build on the momentum of our work to date and consider how best to encourage the development and delivery of restorative justice in Scotland. One potential option could be the development of a national strategic framework to inform work at a local level, to ensure access to existing restorative justice services and to develop further provision to meet the needs of victims. We are working with Community Justice Scotland to scope out our next steps. Consultation and engagement with stakeholders, including local authorities and the Scottish restorative justice forum, will follow.

We want restorative justice to be a key component of our justice system, empowering victims and enabling offenders to take responsibility and to make amends. We will continue to work with our partners to turn that vision into a reality.

Meeting closed at 17:46.

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